

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 11, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL MEETING TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **PRESENTATION:**
- ❑ **HONORS AND AWARDS:**
- ❑ **CONSENT AGENDA:** Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.
 - a. Approval of Minutes CITY CLERK
 - b. Utility Franchise Ordinance. CITY CLERK
 - c. Purchase of 2101 Park Street – Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT
 - d. Purchase Agreement, Westshore Pavilion. PLANNING & ECONOMIC DEVELOPMENT
 - e. Grant Applications (Laketon Ave. between Wood and Peck & Black Creek Rd. between Sherman and Latimer) ENGINEERING
 - f. Concurrence with Housing Board Appeals Findings and Orders for the following:
 - 1) 1212 Jefferson
 - 2) 1094 Williams
 - 3) 696 W. Southern
 - 4) 179 Delaware

- 5) 274 E. Larch
- 6) 1192 Maple
- 7) 328 Myrtle
- 8) 340 Walton
- 9) 1060 Williams

❑ **PUBLIC HEARINGS:**

- a. Taxi Cab Rate Increase Request. CITY CLERK
- b. Approval of Brownfield Plan Amendment. PLANNING & ECONOMIC DEVELOPMENT

❑ **COMMUNICATIONS:**

- ❑ **CITY MANAGER'S REPORT:** Introduction of new employee(s).

❑ **UNFINISHED BUSINESS:**

- a. Construction of 4 houses in Lakeside. PLANNING & ECONOMIC DEVELOPMENT (From June 27th meeting)

❑ **NEW BUSINESS:**

- a. Designation of Voting Delegates for MML Conference. CITY CLERK
- b. Budgeted Replacement of Wheel Loader. DPW
- c. Zoning Ordinance Amendment to allow Front Yard Parking under certain conditions. PLANNING & ECONOMIC DEVELOPMENT

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION: To discuss pending litigation.**

❑ **ADJOURNMENT:**

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

Commission Meeting Date: July 11, 2000

Date: June 29, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Purchase of 2101 Park St. - Seaway Industrial Park

SUMMARY OF REQUEST:

To purchase property located at 2101 Park Street pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Ronald and Mary Moseley, 2101 Park Street, Muskegon, Michigan on June 29, 2000. The purchase price is \$43,000.

FINANCIAL IMPACT:

State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To grant approval of the attached resolution consenting to the purchase of 2101 Park Street for the development of the Seaway Industrial Park.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2000-67(c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING ACQUISITION OF PROPERTY AT 2101 PARK STREET FOR
\$43,000

WHEREAS, the City of Muskegon and Ronald & Mary Moseley have entered into a purchase agreement for property located at 2101 Park Street, Muskegon, MI; and

WHEREAS, the purchase of property located at 2101 Park Street, Muskegon, Michigan, is consistent with the City's goal to create the Seaway Industrial Park; and

WHEREAS, the City of Muskegon intends to utilize State of Michigan Urban Land Assembly funds for the purchase of the subject property.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize purchase of property located at 2101 Park Street, Muskegon, Michigan for the amount of \$43,000.

Adopted this 11th day of July 2000.

AYES: Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro

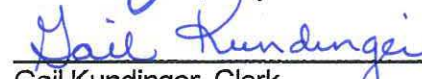
NAYS: None

ABSENT: Benedict

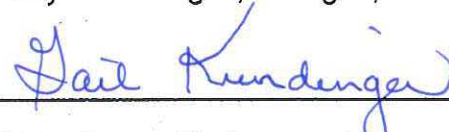
BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunding, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on July 11, 2000.


Gail Kunding, Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made JUNE 29, 2000, by and between RONALD L Moseley and MARY AMOSELEY, husband and wife, of 2101 PARK ST. MUSKEGON, MI 49444, Muskegon, Michigan 49444 ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("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 ("Premises"), in the City of Muskegon, Muskegon County, Michigan, specifically described as:

The West 1/2 of Lots 1 & 2, and the East 84 feet of Lots 3 & 4 of Young and Williams Addition.

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 Forty-Three Thousand (\$43,000) Dollars, payable in cash or city check to Buyer at Closing.

3. Taxes and Assessments. All taxes and assessments which are due and payable at the time of Closing shall be paid by the Seller prior to or at Closing. All taxes and special assessments which 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, the 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 the 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 the Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which the Seller wishes to remove shall be removed on or before Closing. The parties are aware that the Buyer intends to demolish the house. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

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 agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. Environmental Matters. Seller represents and warrants to Buyer as follows:

To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranties set forth in this paragraph. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. 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, HOWEVER, TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT; ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON.

9. Real Estate Commission. Seller shall be solely responsible for any real estate commission or expenses of a broker or real estate consultant retained, employed, or utilized by Seller. Seller agrees to indemnify and hold the Buyer harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

10. Closing. The closing date of this sale shall be on or before July 14, 2000 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing.

11. Delivery of Deed. Seller shall execute and deliver a warranty deed to Buyer at Closing for the Premises.

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

13. Date of Possession. Possession of Premises is to be delivered to Buyer by Seller no later than OCTOBER 14, 2000.

14. Costs. Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing.

15. General Provisions.

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

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

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

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

e. 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.

f. 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 and continue until all liabilities of Buyer have been fully satisfied.

g. 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:

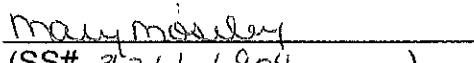
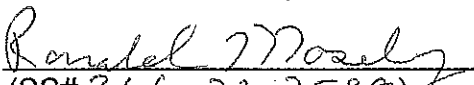
BUYER: CITY OF MUSKEGON

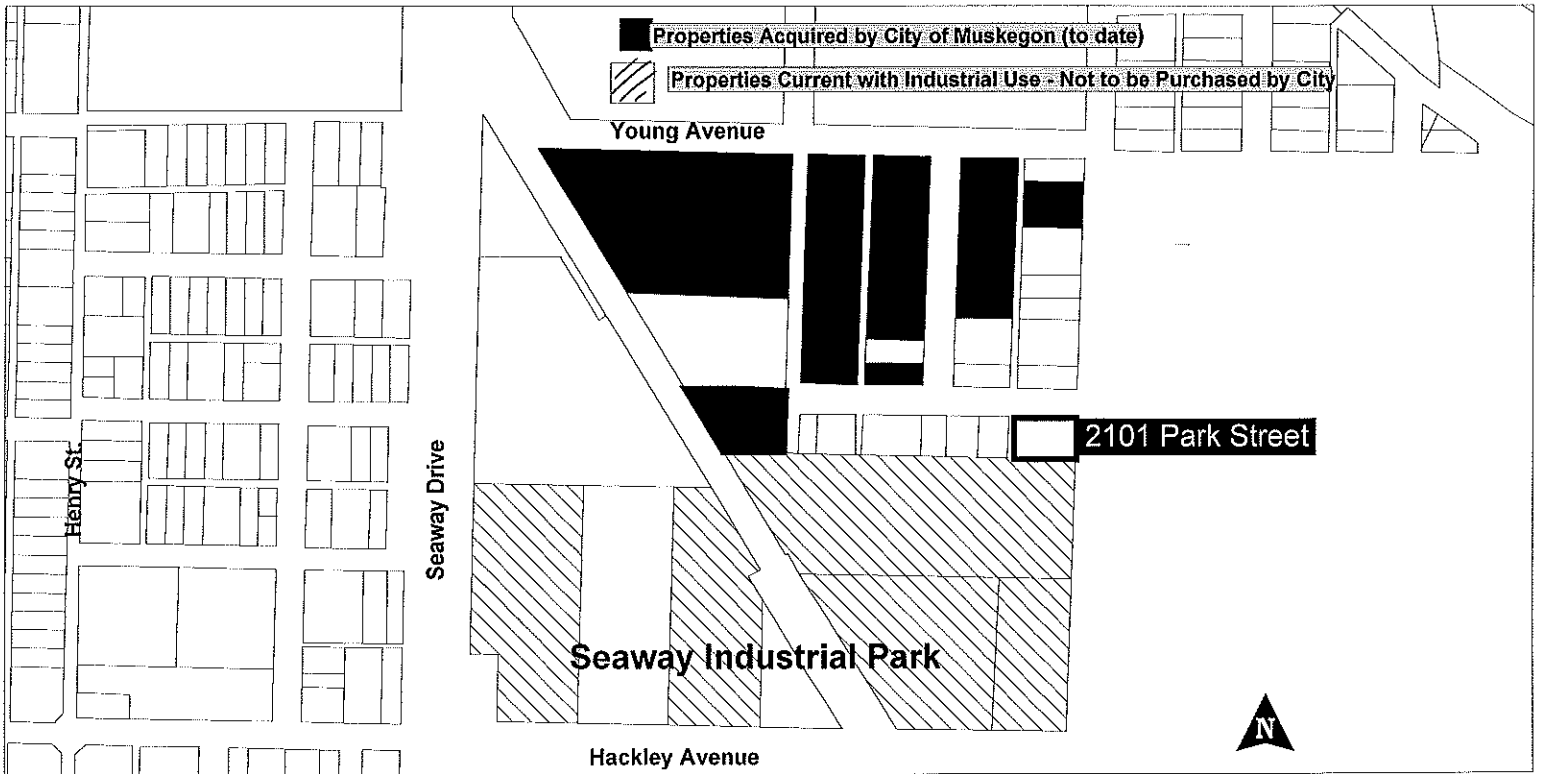
By _____
Fred J. Nielsen, Mayor

By _____
Gail A. Kundering, Clerk

SELLER:





(SS# 367-66-6904)

(SS# 366-72-3588)



Date: July 11, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Grant Applications

SUMMARY OF REQUEST: Your permission to submit two TEDF Category F grant applications to improve the following projects:

1. Laketon Ave. between Wood & Peck (milling & resurfacing)
2. Black Creek Rd., Sherman to Latimer (milling & resurfacing)

The amounts requested in the applications are \$150,000 for each of the above mentioned projects.

FINANCIAL IMPACT: The total estimated cost for Laketon is \$370,000 of which about \$220,000 would be the local match, and the total estimated cost for Black Creek Rd. is \$400,000 of which \$250,000 would be the local match.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize the submittal of the grant applications.

Date: July 11, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk *gk*
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 27, 2000.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 11, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, July 11, 2000.

Mayor Nielsen opened the meeting by introducing Reverend Bass, Pastor of First Baptist Church on Woodland Park, Biteley, Michigan. Reverend Bass offered the opening prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Fred J. Nielsen; Vice Mayor Scott Sieradzki; Commissioners John Aslakson, Clara Shepherd, Lawrence Spataro

Excused: Commissioner Jone Wortelboer Benedict

Tardy: Commissioner Robert Schweifler (arrived at 5:40 p.m.)

HONORS AND AWARDS:

Mayor Nielsen announced that Gail A. Kunding, City Clerk for the City of Muskegon has been accepted as the 421st member into the Second Level Membership of the International Institute of Municipal Clerks Master Municipal Clerk Academy.

2000-067 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

c. Purchase of 2101 Park Street – Seaway Industrial Park.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To purchase property located at 2101 Park Street pursuant to the City of Muskegon's goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Ronald and Mary Moseley, 2101 Park Street, Muskegon, Michigan on June 29, 2000. The purchase price is \$43,000.

FINANCIAL IMPACT: State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To grant approval of the attached resolution consenting to the purchase of 2101 Park Street for the development of the Seaway Industrial Park.

e. Grant Applications (Laketon Avenue between Wood and Peck & Black Creek Road between Sherman and Latimer)

ENGINEERING

SUMMARY OF REQUEST: Your permission to submit two TEDF Category F grant applications to improve the following projects:

1. Laketon Avenue between Wood & Peck (milling & resurfacing)
2. Black Creek Road, Sherman to Latimer (milling & resurfacing)

The amounts requested in the applications are \$150,000 for each of the above mentioned projects.

FINANCIAL IMPACT: The total estimated cost for Laketon is \$370,000 of which about \$220,000 would be the local match, and the total estimated cost for Black Creek Road is \$400,000 of which \$250,000 would be the local match.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize the submittal of the grant applications.

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve items (c) and (e) of the Consent Agenda.

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

Nays: None

Excused: Benedict

ADOPTED

2000-068 ITEMS REMOVED FROM CONSENT

a. Approval of Minutes

CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission meeting that was held on Tuesday, June 27, 2000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to approve the minutes of the Regular Commission meeting with the change of Commissioner Shepherd being excused rather than absent.

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

Nays: None

Excused: Benedict

ADOPTED

b. Utility Franchise Ordinance.

CITY CLERK

SUMMARY OF REQUEST: Adoption of an ordinance for Quest Energy utility franchise within the City of Muskegon.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

Motion by Vice Mayor Sieradzki, second by Commissioner Shepherd to approve the adoption of an ordinance for Quest Energy utility franchise within the City of Muskegon.

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

Nays: None

Excused: Benedict

REQUIRES SECOND READING

d. Purchase Agreement, Westshore Pavilion.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Ferguson Enterprises, Inc., Newport News, Virginia, has submitted a purchase agreement to buy approximately 5.5 acres of the former Westshore Pavilion site located at the corner of Getty and Nims Streets. The proposed use is retailing and wholesaling of home improvement products, notably plumbing, heating and cooling supplies. The purchase price is \$55,000, which is consistent with an appraisal conducted in 1999. In March 2000, the Planning Commission

approved a Planned Unit Development concept for the subject site. The preliminary site plan submitted by Ferguson Enterprises is generally consistent with the P.U.D. concept. However, if the purchase is approved by City Commission, Ferguson Enterprises must obtain Planning Commission and City Commission approval of site plans before beginning construction. It is estimated that this development would be approximately 20,000 square feet and would result in private investment of \$1,340,447 as well as the creation of 17 new permanent full-time jobs.

FINANCIAL IMPACT: Certain additional real and personal property taxes as well as additional income taxes will be collected by the City of Muskegon.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution selling 5.5 acres of the former Westshore Pavilion to Ferguson Enterprises, Inc.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to approve the purchase agreement with Ferguson Enterprises, Inc. to buy approximately 5.5 acres of the former Westshore Pavilion site located at the corner of Getty and Nims Streets.

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

ADOPTED

f. Concurrence with Housing Board Appeals Findings and Orders for the following:

- 1) 1212 Jefferson
- 2) 1094 Williams
- 3) 696 W. Southern
- 4) 179 Delaware
- 5) 274 E. Larch
- 6) 1192 Maple
- 7) 328 Myrtle
- 8) 340 Walton
- 9) 1060 Williams

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

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

FINANCIAL IMPACT: (179 Delaware) The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (179 Delaware) None

STAFF RECOMMENDATION: (179 Delaware) First contact with the owner was when a Notice and Order was sent out and posted on March 28, 2000. No repairs were made and the housing board of appeals heard the case on May 4, 2000. The owner was not present and the board declared the structure as dangerous. See notice and order dated March 28, 2000, finding of facts dated May 9, 2000, and a copy of the boards May 4, 2000 meeting minutes.

According to the title search, 1999 County taxes are due in the amount of \$420.59 plus penalties and interest.

The estimated cost to repair the structure is: \$8,000.00.

FINANCIAL IMPACT: (274 E. Larch) The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: (274 E. Larch) None

STAFF RECOMMENDATION: (274 E. Larch) A notice and order was sent out on March 17, 2000. On April 6, 2000, the Inspections Department received a phone call from Mrs. Susan Willea, the owner, who stated that the courts took the property when they filed bankruptcy a long time ago. She was asked the name of the attorney who pleaded the case. Ms. Willea stated that it was Ms. Janet Johnson. Jerry McIntyre called Ms. Johnson regarding this case. Ms. Johnson stated that it was a very old case and the courts did not take the property. The property was still owned by Susan and Christopher Willea. Jerry called Mrs. Willea back and told her what Ms. Johnson said. Mrs. Willea stated that Christopher and herself had no interest in the property and that the city could have it. Jerry informed her that we would still send her letters because she is the last known owner. The case was discussed at the Housing Board of Appeals on May 4, 2000 where the board declared the structure(s) dangerous. See the Finding an Facts and Order dated May 9, 2000 and a copy of the meeting minutes pertaining to this case. It is the staff's recommendation to grant permission to demolish the structure(s) located at 274 E. Larch.

Estimated cost to repair: \$12,000.00.

FINANCIAL IMPACT: (340 Walton Ave.) The cost of demolition will be paid with budgeted CDBG funds.

BUDGET ACTION REQUIRED: (340 Walton Ave.) None

STAFF RECOMMENDATION: (340 Walton Ave.) On June 24, 1999 a dangerous building inspection was conducted. A notice and order was sent out on June 28, 1999. On October 7, 1999 Bob Parker sent a repair list for the violations all repairs were to be ready for inspection on October 18, 1999. On November 4, 1999, the Muskegon Housing Board of Appeals discussed the case and forwarded it to the City Commission for concurrence in demolition. On November 8, 1999 Bob Parker applied for a permit. On May 11, 2000 Henry Faltinowski did an interior inspection that revealed much disrepair.

The estimated cost of repairs: \$18,000.00.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to concur with the Housing Board of Appeals to demolish 179 Delaware, 274 E. Larch and 340 Walton within 30 days.

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

ADOPTED

FINANCIAL IMPACT: (1212 Jefferson) The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (1212 Jefferson) None

STAFF RECOMMENDATION: (1212 Jefferson) This property had a fire in the basement on October 16, 1998. A police report was issued to the Inspections Department on February 13, 1999 and a Board up Letter was sent on February 13, 1999. A Notice and Order was sent out on June 18, 1999. The case was discussed at the Housing Board of Appeals on August 5, 1999. An audiotape of the meeting can be obtained in the Inspections Department.

According to the title search done in June of 99, County taxes are due for 1995, 1996, 1997, 1998 and 1999. Special assessment due to the City of Muskegon as well. Please see Title Search page for taxes and special assessments.

The estimated cost to repair the structure is \$11,000.00

Commissioner Aslakson left the room at 7:25 p.m.

Motion by Commissioner Spataro, second by Commissioner Shepherd to refer this item back to staff for 30 days or until the Regular Commission meeting on August 8, 2000.

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

ADOPTED

FINANCIAL IMPACT: (1094 Williams) The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: (1094 Williams) None

STAFF RECOMMENDATION: (1094 Williams) A dangerous building inspection was conducted April 26, 1999. The owner of this property is Larry Robinson. A Notice and Order was mailed out April 27, 1999. At the July 1, 1999 meeting of the Housing Board of Appeals the structure was found to be unsafe, substandard, a public nuisance and that the case be sent to the City Commission for concurrence.

The estimated cost of bringing the property into compliance with City codes is \$12,000.00.

Attached are copies of the dangerous building inspection, notice and order and the finding of facts and order of the July 1, 1999 meeting of the Housing Board of Appeals.

Motion by Commissioner Spataro, second by Commissioner Schweifler to concur with the Housing Board of Appeals to demolish the structure at 1094 Williams within 30 days.

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

ADOPTED

FINANCIAL IMPACT: (696 W. Southern) The cost of demolition will be paid with Budgeted CDBG funds.

BUDGET ACTION REQUIRED: (696 W. Southern) None

STAFF RECOMMENDATION: (696 W. Southern) This property is owned by Ed Houghtaling. An original inspection was done August 1998. This property has had 8 default judgments. The property was occupied while posted. Last posted July 30, 1999. No progress had been made on correcting the violations and a Dangerous Building inspection was conducted on March 27, 2000. A Notice and Order was sent on March 28, 2000. There has been no contact with the owner and no progress made. The case was brought to the Housing Board of Appeals on May 4, 2000. A finding of facts went out on May 9, 2000. Copy of Meeting Minutes is attached. Staff recommends demolishing the structure(s) at 696 W. Southern Ave.

Estimated cost for repairs: \$10,000.00

Motion by Commissioner Aslakson, second by Commissioner Spataro to concur with the findings of the Housing Board of Appeals and demolish the structure at 696 W. Southern Ave.

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

ADOPTED

FINANCIAL IMPACT: (1192 Maple) The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED: (1192 Maple) None

STAFF RECOMMENDATION: (1192 Maple) A Final Notice to Repair was sent on February 29, 2000. A memo was received from Quincy R. Tyler, Operations Manager of Service USA, Inc. in Sterling, VA. Mr. Tyler requested an extension of 7-10 days to remove the tenants and/or squatters. The property was in foreclosure and it would be final on March 3, 2000 when Huntington Bank would have the title and be able to correct the violations. A Dangerous Building Inspection was conducted on March 6, 2000 which revealed the items listed on the report. A Notice and Order was sent to Huntington Bank on May 10, 2000 to Repair or Demolish the structure in 30 days. On

May 11, 2000 the Finding of Facts and Order was faxed to Tony Huffman at Remax after receiving a call from him stating that he was the representative for the property. Mr. Huffman was given until June 9 to repair or remove the structure or the case would be brought to the City Commission. To this date no progress has been made. It is the Staff's recommendation to demolish the structure.

The estimated cost to repair: \$5,000.00.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to concur with the Housing Board of Appeals but to deny action for 30 days to give Huntington Bank time to file a timetable.

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

Nays: Shepherd, Spataro

Excused: Benedict

ADOPTED

FINANCIAL IMPACT: (328 Myrtle) The cost of demolition will be paid with Budgeted CDBG funds.

BUDGET ACTION REQUIRED: (328 Myrtle) None

STAFF RECOMMENDATION: (328 Myrtle) A dangerous building inspection was conducted on February 2, 1999. The owner is Marva Knight. A notice and order was sent on February 12, 1999. On February 16, 1999 a work schedule was submitted and on April 16, 1999 a building permit was issued. Since then there has been no contact with the owner. Upon reviewing the file, a letter was sent to the owner on March 2, 2000 advising the owner to contact Jerry McIntyre. Ms. Knight appeared in the Inspection Dept on March 27, 2000 and was referred to Ardyce Haken for help through the CDBG programs. Ardyce could not help Ms. Knight due to the fact that there are overdue taxes on the property. The Housing Board heard the case on May 4, 2000. The Board forwarded the case to the City Commission but instructed Ms. Knight that if she showed proof of her loan for repairs and had the repairs complete by June 2000 the case would not need to go to the Commission. No progress has been made.

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

Motion by Commissioner Spataro, second by Commissioner Aslakson to concur with the Housing Board of Appeals to demolish the structure at 328 Myrtle within 30 days.

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

Nays: Shepherd, Sieradzki

Excused: Benedict

ADOPTED

FINANCIAL IMPACT: (1060 Williams) The cost of demolition will be paid with budgeted CDBG funds.

BUDGET ACTION REQUIRED: (1060 Williams) None

STAFF RECOMMENDATION: (1060 Williams) A Dangerous Building Inspection was conducted on May 13, 1999. A Notice and Order was first sent in June 1999. Upon

receipt of this order, Mr. Miles, the owner, wrote a note on the Dangerous Building Inspection Report. According to the note, he agreed to do all repairs starting in July of 1999. All work was to be done by October of 1999. A Building Permit was pulled on August 16, 1999. On December 10, 1999 Mr. Miles called the Inspections Department and stated that he had a contract with Fredricks to start repairs after the New Year. Mr. Miles was given until January 31, 2000 to complete repairs. There had been no contact with the owner since then and there had been no progress made on repairs. A Notice of Hearing was sent on March 23, 2000 and the case went before the Housing Board of Appeals on April 6, 2000. Mr. Miles was not at the meeting. The Board declared it a dangerous building and forwarded to the City Commission for concurrence. Mr. Miles stopped in the Inspections office on April 24, 2000. He insisted that he had attended the meeting and wanted to appeal their decision. Bob Grabinski told Mr. Miles that he could make his appeal at the City Commission meeting on June 13, 000. He informed Mr. Miles that he had until then to complete repairs but that the case would be discussed at the City Commission Meeting.

The estimated cost of repairs: \$10,000.00.

Motion by Commissioner Spataro, second by Commissioner Aslakson to concur with the Housing Board of Appeals and demolish the structure at 1060 Williams within 30 days.

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

ADOPTED

2000-069 PUBLIC HEARINGS:

a. Taxi Cab Rate Increase Request.
CITY CLERK

SUMMARY OF REQUEST: We have received a request from Port City Cab and Yellow Cab for an increase in Taxicab fares. The last time there was a change in rates was November 10, 1998. The requested changes are as follows:

Current Rates:	Flag Drop	\$1.65	Proposed:	\$1.90
	Each 1/10	.15		.175
	Full Mile	1.50		1.75
	Wait Time	12.00		12.00

Attached are copies of the rates in Grand Rapids and Kalamazoo.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To deny the request for an increase in taxicab rates. Gas prices have already dropped over \$.25 per gallon since the request was submitted, and other communities we have checked for rate structure have not increased their rates.

The Public Hearing opened at 7:16 p.m. to hear and consider any comments from the public. Gail Kunding, City Clerk gave an overview of the item. Craig Hall, Manager of Port City and Yellow Cab Companies is in favor of the increase. Lora Coffell, 914 E. Dale is in favor of the increase.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to close the Public Hearing at 7:35 p.m. and to concur with staff to deny the request for an increase in taxicab rates.

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

ADOPTED

b. Approval of Brownfield Plan Amendment.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution for the approval of the amendment to the Brownfield Plan. The amendment will add Beacon Recycling, Inc./Beacon Leasing ("Beacon") development to the existing Brownfield Plan, which was approved by the City Commission on April 14, 1998.

FINANCIAL IMPACT: There is no direct financial impact to the amendment, although the relocation and expansion of Beacon will add to the tax base of the City of Muskegon.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk to sign the resolution. The Brownfield Redevelopment Authority recommended approval of the Plan to the City Commission, at their meeting on June 13, 2000.

The Public Hearing opened at 7:37 p.m. to hear and consider any comments from the public. No comments were heard.

Vice Mayor Sieradzki left the room at 7:38 p.m.

Motion by Commissioner Aslakson, second by Commissioner Spataro to close the Public Hearing at 7:39 p.m. and to approve the resolution of the amendment to the Brownfield Plan.

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

ADOPTED

CITY MANAGER'S REPORT:

Marcia Aslakson, President of the Civil Service Commission, introduced Herman Harris the new Civil Service Director.

Mayor Nielsen thanked Lee Slaughter, Assistant City Manager, for filling in until Mr. Harris was hired.

2000-070 UNFINISHED BUSINESS:

a. Construction of 4 houses in Lakeside.

PLANNING & ECONOMIC DEVELOPMENT (From June 27th meeting)

SUMMARY OF REQUEST: To approve the construction of two additional houses on the parcel designated as map #24-30-34-429-006. Last month, the Commission approved the sale of the land to Bill Ingalls, II for two houses that will front Miner. After careful consideration Mr. Ingalls decided to build two additional homes which will front Harrison. All four lots will have dimensions of 72 feet x 102 feet.

FINANCIAL IMPACT: Construction of the additional two homes fronting Harrison will generate additional tax revenue for the City.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Sieradzki to approve the construction of two additional houses on the parcel.

Amendment by Commissioner Aslakson, second by Commissioner Spataro to instruct staff to clarify the environmental status to the satisfaction of the City Attorney.

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

FAILS

b. Sale of Four (4) Non-Buildable Lots to Habitat for Humanity.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of four non-buildable lots for the construction of two (2) single family homes. The lots will be sold to Habitat for Humanity for \$6,000. Each of the proposed homes will have 66 feet of frontage and will include the following amenities: brick; gabled roofs; front porches; shutters; and decorative windows. As the lots are adjacent, noticeable differences in exterior design are a condition of sale. Information regarding the impending sale of these lots has been forwarded to the Jackson Hill Neighborhood Association. Financial information to support the purchase was unavailable at the time agenda items were due, which explains why this item was recently added to the agenda.

FINANCIAL IMPACT: Approval of the sale allows the property to be placed 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. Recommended by the LRC at their June 20th meeting.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to approve the sale of four non-buildable lots for the construction of two single family homes to Habitat for Humanity.

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

ADOPTED

2000-071 NEW BUSINESS:

a. Designation of Voting Delegates for MML Conference.

CITY CLERK

SUMMARY OF REQUEST: To designate voting delegates for the MML Annual Business Meeting, September 28-30, 2000.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: To designate the Mayor as voting delegate and the Vice Mayor as alternate voting delegate, as done in the past. It is my understanding that both the Mayor and Vice Mayor will be attending the MML Convention.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to designate the Mayor as voting delegate and the Vice Mayor as alternate voting delegate at the MML Convention.

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

ADOPTED

b. Budgeted Replacement of Wheel Loader.

DPW

SUMMARY OF REQUEST: Approval to purchase one Cat 938G wheel loader from Michigan Cat for \$62,900.00.

FINANCIAL IMPACT: \$62,900 from Equipment Fund.

BUDGET ACTION REQUIRED: None, \$90,000.00 is budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Cat 938G wheel loader from Michigan Cat.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to approve the purchase of one Cat 938G wheel loader from Michigan Cat for \$62,900.00.

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

ADOPTED

c. Zoning Ordinance Amendment to allow Front Yard Parking under certain conditions.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2316 (Storage of Vehicles) of Article XXIII (General Provisions) of the Zoning Ordinance to add language to permit parking of vehicles in the front yard, only under certain conditions.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include the proposed language in the districts described above. The Planning Commission recommended approval of the request at their May 24, 2000 special meeting. The vote was unanimous.

Motion by Commissioner Aslakson, second by Vice Mayor Sieradzki to refer this item back to staff.

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

ADOPTED

PUBLIC PARTICIPATION:

Steve Franklin, 2688 VanderBerg Rd., spoke regarding the fireworks.

Commissioner Sieradzki left the room at 9:10 p.m.

CLOSED SESSION:

Motion by Commissioner Aslakson, second by Commissioner Spataro to adjourn to Closed Session at 9:12 p.m.

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

ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Shepherd to return to the Regular Commission Meeting at 9:51 p.m.

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

Nays: None

Excused: Benedict

Absent: Sieradzki

ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Shepherd to concur with the City Attorneys recommendation on the three pending litigation matters discussed in Closed Session.

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

Nays: None

Excused: Benedict

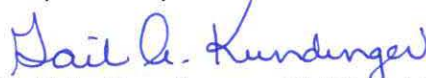
Absent: Sieradzki

ADOPTED

ADJOURNMENT:

The Regular Commission Meeting was adjourned at 9:59 p.m.

Respectfully submitted,



Gail A. Kunding, CMC/AAE
City Clerk

Date: July 5, 2000
To: Honorable Mayor and City Commission
From: Gail A. Kunding, City Clerk *gk*
RE: Utility Franchise Ordinance – Quest Energy

*Needs
2nd Reading*

SUMMARY OF REQUEST: Adoption of an ordinance for Quest Energy utility franchise within the City of Muskegon.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: No recommendation.

Commission Meeting Date: July 11, 2000

Date: June 29, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBK*
RE: Purchase Agreement - Westshore Pavilion

SUMMARY OF REQUEST:

Ferguson Enterprises, Inc., Newport News, Virginia, has submitted a purchase agreement to buy approximately 5.5 acres of the former Westshore Pavilion site located at the corner of Getty and Nims Streets (see attached sketch). The proposed use is retailing and wholesaling of home improvement products, notably plumbing, heating and cooling supplies. The purchase price is \$55,000, which is consistent with an appraisal conducted in 1999. In March 2000, the Planning Commission approved a Planned Unit Development concept (see attachment) for the subject site. The preliminary site plan submitted by Ferguson Enterprises is generally consistent with the P.U.D. concept. However, if the purchase is approved by City Commission, Ferguson Enterprises must obtain Planning Commission and City Commission approval of site plans before beginning construction. It is estimated that this development would be approximately 20,000 square feet and would result in private investment of \$1,340,447 as well as the creation of 17 new permanent full-time jobs.

FINANCIAL IMPACT:

Certain additional real and personal property taxes as well as additional income taxes will be collected by the City of Muskegon.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution selling 5.5 acres of the former Westshore Pavilion to Ferguson Enterprises, Inc.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2000-68(d)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING SALE OF A PORTION OF FORMER
WESTSHORE PAVILION, 716 NIMS STREET, TO FERGUSON
ENTERPRISES, INC.**

WHEREAS, the City of Muskegon has ownership to the property known as the former Westshore Pavilion, 716 Nims Street, Muskegon, Michigan; and

WHEREAS, Ferguson Enterprises, Newport News, Virginia has made a legitimate offer to purchase the subject property; and

WHEREAS, both the Seller (City of Muskegon) and Buyer (Ferguson Enterprises, Inc.) agree to the terms of the purchase as outlined in the attached purchase agreement; and

WHEREAS, the purchase price of \$55,000 is deemed to represent the market value of the property based on an appraisal conducted by Stephen Nedeau, a licensed real estate appraiser, and the current condition of the property (noting all environmental contamination); and

WHEREAS, the redevelopment of the subject property is consistent with the advancement of the public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED, that the Muskegon City Commission approves the sale of 5.5 acres of the property known as the former Westshore Pavilion, 716 Nims Street to Ferguson Enterprises, Inc., for the sum of \$55,000.

BE IT FURTHER RESOLVED, that the Muskegon City Commission approves the proposed purchase agreement for the transfer of 5.5 acres of the former Westshore Pavilion and empowers the City Administration and City Attorney to carry out the transaction.

Adopted this 11th day of July 2000.

AYES: Shepherd, Sieradzki, Spataro, Aslakson, Nielsen, Schweifler

NAYS: None

ABSENT: Benedict

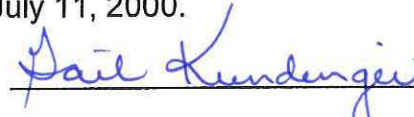
BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunding, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on July 11, 2000.


Gail Kunding, Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made June 21, 2000, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **FERGUSON ENTERPRISES, INC.**, a Virginia corporation, with its principal place of business located at 12500 Jefferson Avenue, Newport News, Virginia 23602 [Attention, General Counsel] ("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, free and clear of all liens and encumbrances, with all beneficial easements, and subject to any restrictive covenants, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

See annexed Exhibit A.

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 Fifty-five Thousand Dollars (\$55,000), payable in cash or certified funds, to Seller at Closing.

3. **Taxes and Assessments.** All taxes and assessments which are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments which 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 owners title policy shall be paid by Seller.

5. **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 agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

6. **Limited Entry Prior to Closing.** At all reasonable times prior to Closing, Buyer, its agents, employees, designees, representatives and contractors (collectively "Buyer Parties"), at Buyer's sole cost and expense, shall have the right to enter upon the Property to perform such tests, inspections and examinations of the Property as Buyer deems advisable, including soil and environmental tests, and to make investigations with regard to utilities availability, zoning, and other applicable investigations with regard to the Property and the use thereof. Buyer shall indemnify, defend and hold Seller harmless from and against all cost, loss, damage and expense, including reasonable attorneys' fees, arising out of the activities of Buyer and the Buyer Parties upon the Property pursuant to this paragraph. The preceding indemnity obligation shall survive termination of this Agreement. Seller agrees to cooperate with Buyer in Buyer's activities hereunder so long as Seller does not incur any out-of-pocket expense. In this regard, Seller agrees to furnish Buyer with copies of all surveys, title policies, environmental reports, etc., relating to the Property in Seller's possession or control. If Buyer determines that its inspections, investigations and the like are unacceptable or unsatisfactory for any reason whatsoever, Buyer may terminate this Agreement by giving Seller written notice thereof on or before the date of Closing. If Buyer terminates this Agreement, neither party shall have any further liability to the other under this Agreement, except as otherwise expressly provided in this Agreement.

7. **Environmental Matters.** The property has been the subject of an environmental investigation and regulatory action as required by or performed by the State of Michigan. In part, or in whole, the property has been determined to be a "facility," within the meaning of applicable statutes and regulations of the State of Michigan. Seller shall not be responsible to Buyer for any claims, damages, expenses or liabilities arising out of the environmental condition of the property. The obligations and benefits of this section shall survive the closing.

8. **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." BUYER HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND UNDERSTANDS 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.

9. **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.

10. **Closing.** The closing date of this sale shall be on or before September 1, 2000, ("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.

Buyer may elect to postpone Closing in order to complete its Baseline Environmental Assessment and Due Care Obligation Plan under Michigan's "brownfields" environmental statutes as required to obtain a covenant not to sue from the State prior to Closing. If Seller does not obtain "brownfields" assurances available to this property under Michigan Law and in accordance with the status of the property under the City's Brownfield Authority and proceed to Closing on or before December 31, 2000, either party may terminate this Contract by written notice to the other; provided, however, that buyer may waive such "brownfields" assurances and immediately proceed to Closing upon receipt of Seller's notice.

11. **Delivery of Deed.** Seller shall execute and deliver a covenant deed to Buyer at Closing for the Premises.

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

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

14. **Costs.** Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the deed to be delivered at Closing.

15. **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 and continue until all liabilities of Buyer have been fully satisfied.

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:

St R. [Signature]

SELLER: CITY OF MUSKEGON

By _____

Fred J. Nielsen, Mayor

By _____

Gail A. Kunding, Clerk

BUYER: FERGUSON ENTERPRISES, INC.

By Charles A. Banks

Its Charles A. Banks, President

By N/A

Its _____

T.I.D. No. 54-1211771



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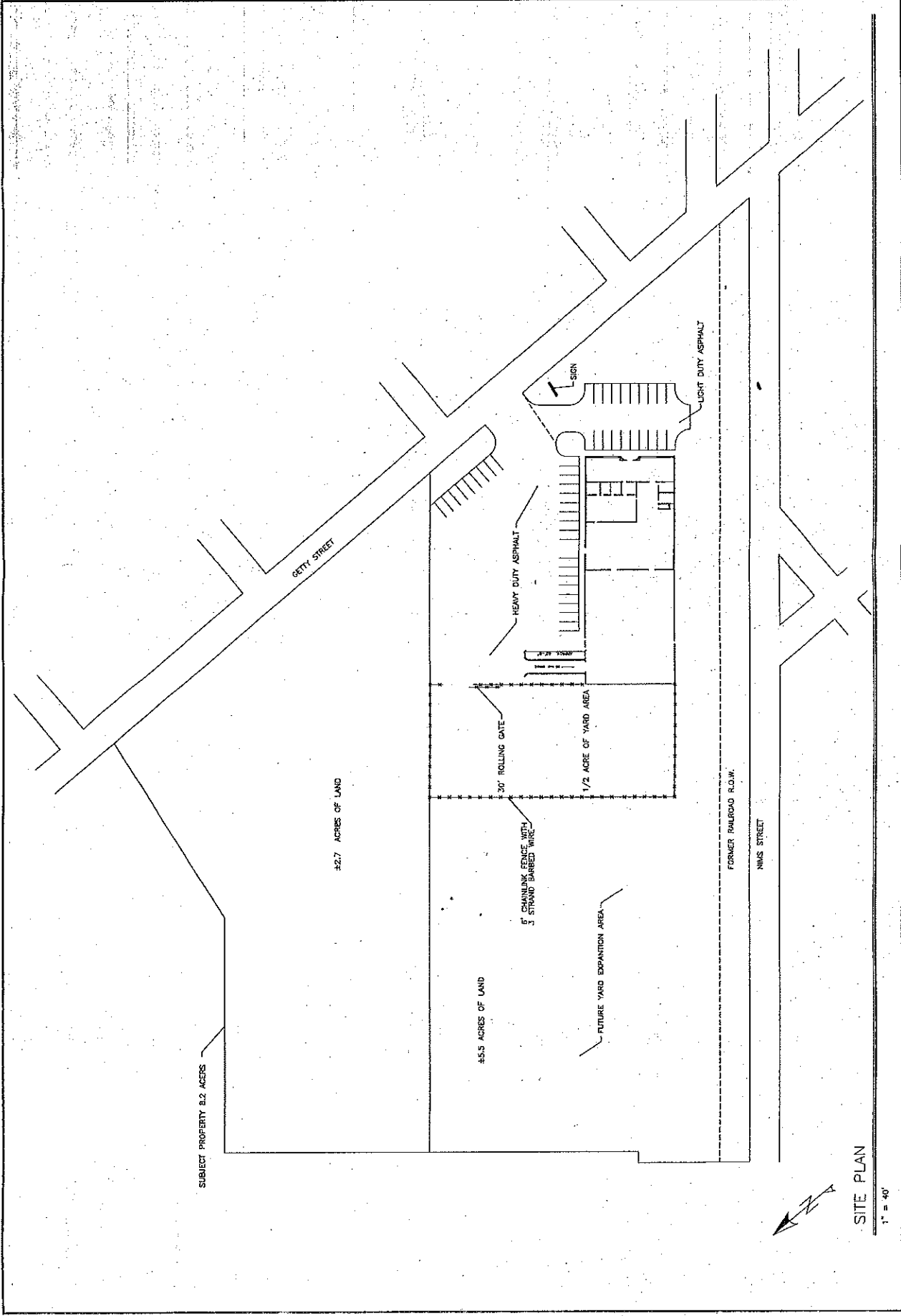
SITE PLAN FEI - MUSKEGON, MICHIGAN



PRECISION
ENGINEERING, INC.

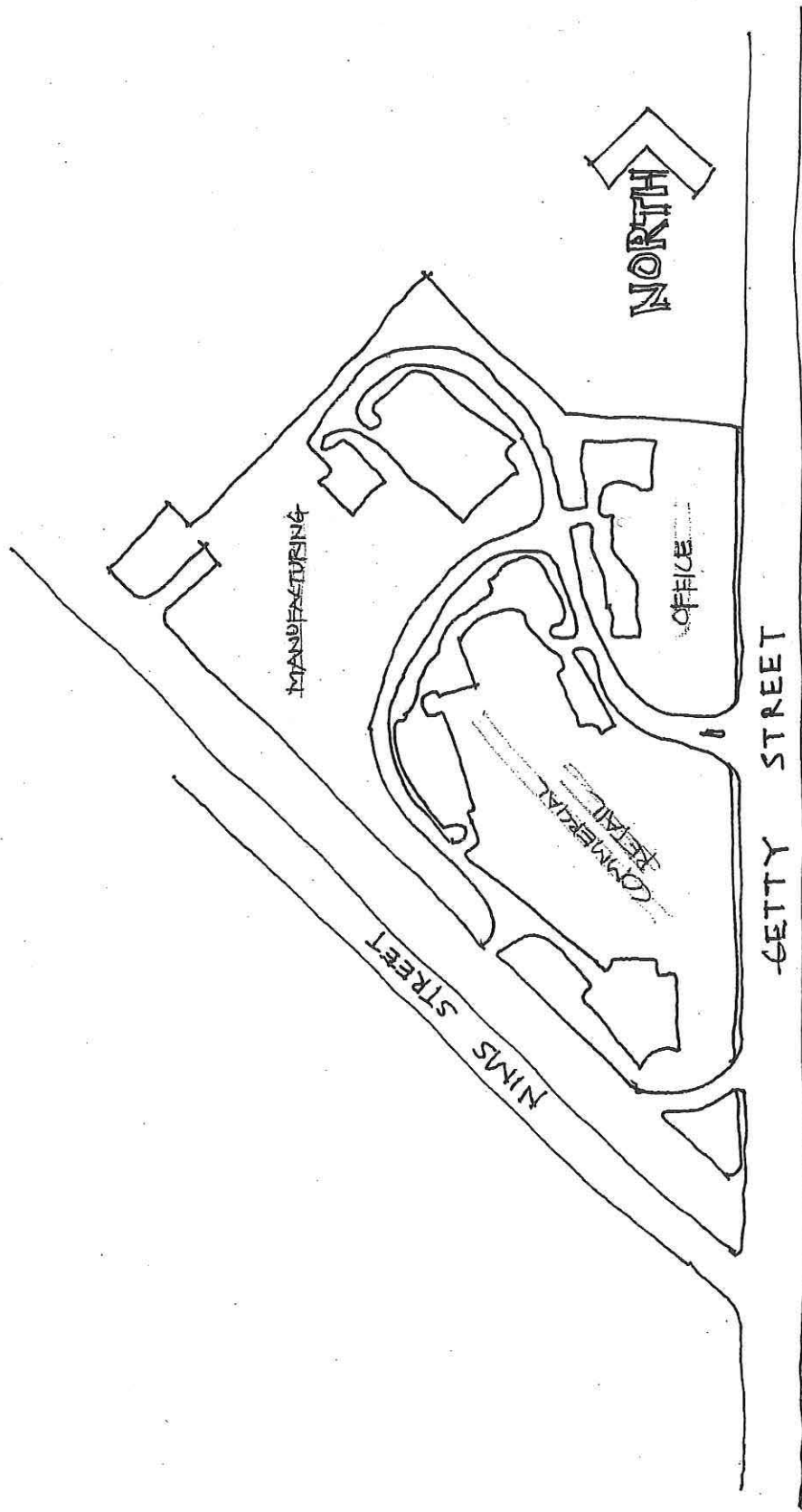
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1 OF 14
85-387

EXHIBIT "A"



SITE PLAN

1" = 40'

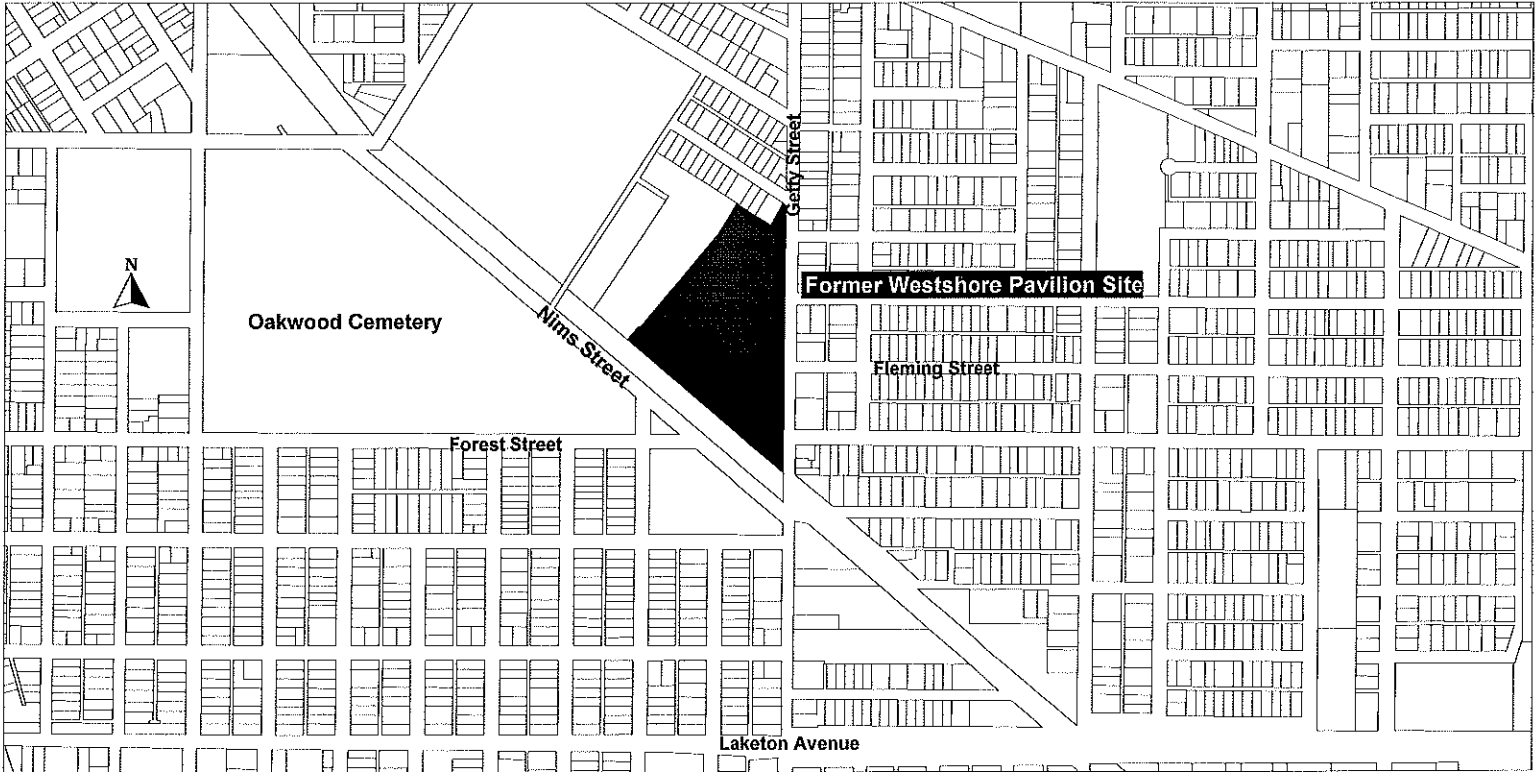


SCALE 1/2" = 100'

CITY OF MUSKEGON
PLANNED UNIT DEVELOPMENT CONCEPT
MARCH 2000

**EXCERPT FROM MARCH 2000, PLANNING
COMMISSION MINUTES**

Case No. 2000-6 - Initial Planned Unit Development design for City-owned property on Getty St. east of Restlawn Cemetery (former Westshore Pavilion site) - Staff report was given by B. Moore. This is the result of the Planning Commission's request to establish some design criteria for this piece of property. Staff has outlined access points, landscaping, and buffering. If the Planning Commission adopts this, future developers of the site need to follow this base design. Staff recommends preliminary approval of the PUD layout. Final plans will have to come to both the Planning Commission and City Commission. The Planning Commission may also permit some commercial uses as part of the development. There was some thought that a portion of the site (near the Getty frontage) could be used for commercial. A motion to close the public hearing was made by B. Smith, supported by P. Veltkamp, and unanimously approved. A motion to approve the conceptual PUD design for the former Westshore Pavilion site on Getty St., east of the Restlawn Cemetery, as described in the public hearing, pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, based on the condition that some limited business (B-1 and B-2 in nature) be permitted on the Getty frontage but the bulk of the site shall be devoted to I-1 uses, was made by P. Veltkamp, supported by B. Smith, and unanimously approved.



To: Scott Sieradzki, City Commissioner
From: Bryon L. Mazade, City Manager *BAM*
cc: Mayor Nielsen & City Commissioners
Cathy Brubaker-Clarke, Dir. of Community & Economic Development
Mohammed Al-shatel, Acting City Engineer
Greg Flisram, Economic Development Coordinator
Date: January 22, 1999
Re: East Forest Extension

Recently you requested that staff consider the possibility of extending E. Forest from Getty to the west side of the Westshore Pavilion property. The extension can be accomplished; however, staff does not recommend doing so for the following reasons:

To: Bryon L Mazade
From: Scott Sieradzki
Date: April 1, 1999
Re: East Forest Extension/Connection

Regarding the concept of the East Forest Extension, I wish to share my perspective as the Ward I Commissioner representing the citizens east of Getty. Basically, I was not in agreement with the arguments staff presented against this project, and therefore, in reference to your previous Memo, I would like to respond to each accordingly:

Date: 05/07/99
Re: East Forest Extension

This is in response to your memorandum of April 1, 1999, regarding this matter. You raise several additional points to support your desire to see East Forest extended from Getty to the West Side of the Westshore Pavilion property. First, let me say that I agree with you that the proposed extension could be beneficial in several ways. However, there are some potential detriments associated with the extension that I previously pointed out and that come to mind as a result of your recent communication.

The following will attempt to address your points in the order you presented them:

- B.M.
- 1) The extension would cut the Westshore Pavilion property into two pieces; one piece (near Nims Street) would be too small for development purposes.

45.

1) I would disagree with this statement, citing the split would still leave the smaller parcel with more than enough room to develop as an office, fast food restaurant, or a park. I also believe that this new roadway and cleaned up intersection would in fact make it more marketable to a potential manufacturer, as they would now have extremely better access to and from their property.

- B.M.
- 1) I agree that splitting the parcel might provide an opportunity for a smaller development, but I suspect that any buildable amount would be reduced significantly with required setbacks and parking. If the property is used as you suggested, the City would have to create a small commercial zoned in between two industrial zones. Most importantly though, I believe that splitting the parking reduces the value of the piece left for industrial development.

- B.M.
- 2) Adding another intersection to Getty in such a close proximity to an existing intersection (Nims) would hinder the traffic flow and movement on Getty.

45.

2) My proposal calls for the elimination of Nims Street access from Getty St. So in fact, the complete opposite would be true. This extension would actually solve the problem, rectify the maze of dangerous approaches onto Getty Street.

- B.M.
- 2) I did not originally understand that your proposal included the vacation Nims Street from Getty to Forest. This might create an access problem for Inner Space because they currently have access on Nims just west of Getty Street. They would have to move their drive farther west near the new intersection of Nims and E. Forest or gain a new curb cut onto Getty. The curb cut onto Getty might be problematic because of the site work (several trees are between the building and Getty) that would have to be done on their property to gain access to Getty. It would also place another curb cut on this busy street.

- B.M.
- 3) We would have to acquire or cross the old railroad right-of-way, which is owned by the MDNR. We would not have eminent domain powers relative to this property if they refused access.

45.

3) This contention can be most easily overcome by addressing the key word "if". If the MDNR did not refuse access this would be a moot point. This could also lead to the acquisition of the entire railroad right-of-way which would add additional property to the larger parcel.

- B.M.
- 3) I agree with your statement regarding the MDNR property.

- B.M.
- 4) The extension would add traffic congestion in the residential area west of the Westshore Pavilion property.

S.S.

4) Again, I would disagree with this statement. The only effect it would have on the residents going to and from their homes would be that of added convenience and safety. Any increase in traffic would be funnelled onto Nims Street toward the downtown business district.

- B.M.
- 4) I do not have anything to add to my previous statement regarding the impact on the residential area.

- B.M.
- 5) There are other street priorities for the use of limited street funds.

S.S.

5) There will always be other street priorities for consideration. This suggestion only provides an opportunity to address a unique situation, to think "out of the box" as we take a proactive approach.

- B.M.
- 5) My previous statement was intended to simply interject the practicality of the matter.

Some other additional benefits for the consideration of further study include:

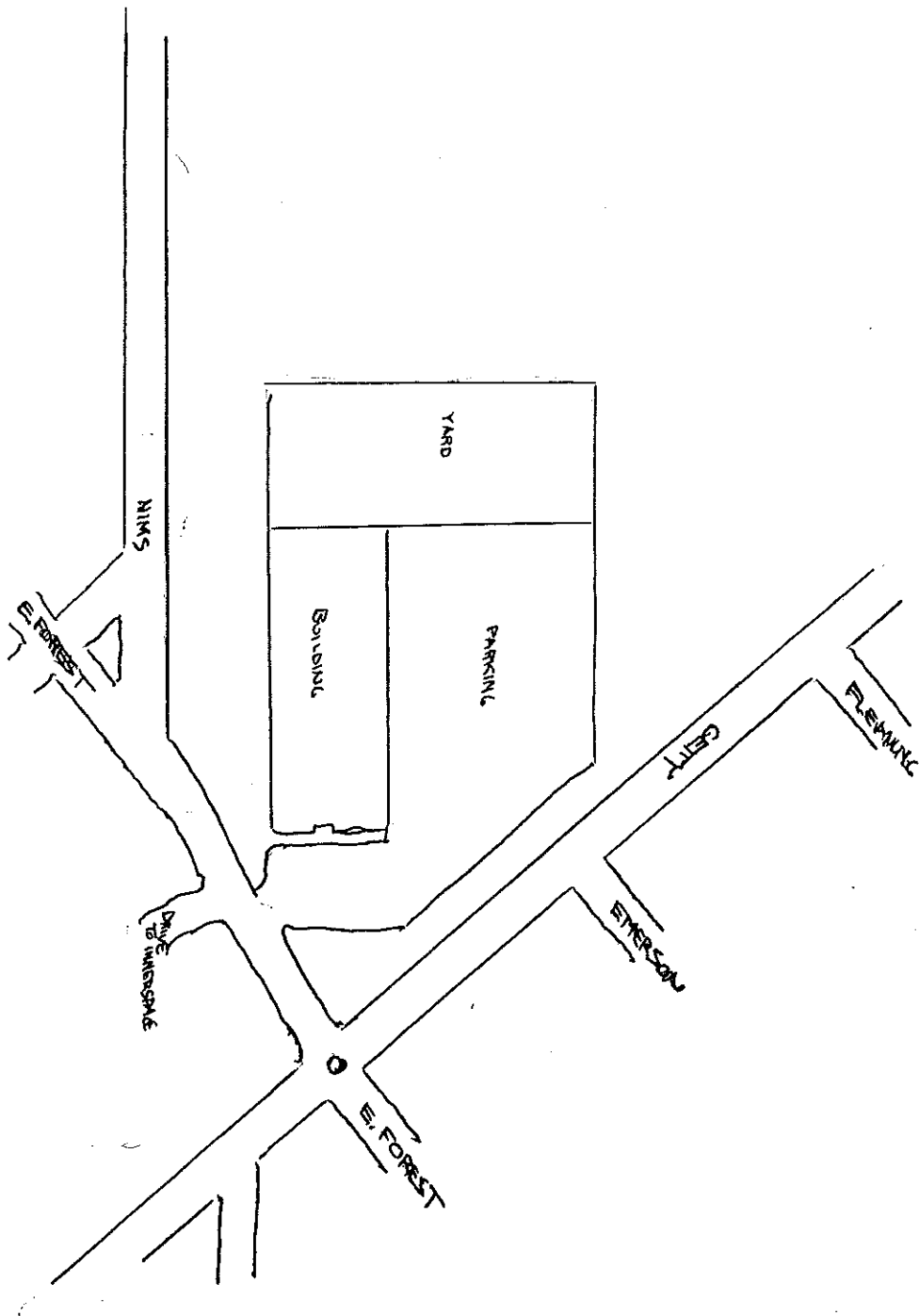
- S.S.
- the extension will provide much easier access for Muskegon's Eastside residents to and from the City's downtown shopping and entertainment district.
 - it will provide easier access to and from Muskegon High School for students and buses crossing Getty St.
 - provides easier access to Hackley Hospital and quicker response time for police and fire departments, translating into increased safety for Eastside residents.
 - Eliminates an extremely dangerous, inconvenient, and congested intersection on one of the City's main corridors.

Thank you for your time in reconsidering this matter. Please respond accordingly.

B.M.

The only other thing I would add is that I do believe that staff does come up creative ways to solve issues. This is a case where several staff members have reviewed the situation and do not believe the City should make the proposed changes. There are pros and cons to what you have suggested. It clearly could be done, but it comes down to determining where the City should place its efforts.

I hope I have adequately addressed this issue. Please contact me if you have questions or would like to discuss it further.



Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 00-25, aka, 179
Delaware

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 179 Delaware 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 CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

First contact with the owner was when a Notice and Order was sent out and posted on 3/28/00. No repairs were made and the housing board of appeals heard the case on May 4, 2000. The owner was not present

and the board declared the structure as dangerous. See attached notice and order dated 3/28/00, finding of facts dated 5/9/00, and a copy of the boards May 4, 00 meeting minutes.

According to the title search, 1999 County taxes are due in the amount of \$420.59 plus penalties and interest.

The estimated cost to repair the structure is: \$8,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

→

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 00-25, aka, 179
Delaware

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **179 Delaware** 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 CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

First contact with the owner was when a Notice and Order was sent out and posted on 3/28/00. No repairs were made and the housing board of appeals heard the case on May 4, 2000. The owner was not present

and the board declared the structure as dangerous. See attached notice and order dated 3/28/00, finding of facts dated 5/9/00, and a copy of the boards May 4, 00 meeting minutes.

According to the title search, 1999 County taxes are due in the amount of \$420.59 Plus penalties and interest.

The estimated cost to repair the structure is: \$8,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on June 13, 2000.

Affirmative Action

616/724-6703
FAX/724-6790

Assessor

616/724-6708
FAX/724-6768

Cemetery

616/724-6783
FAX/722-4188

Civil Service

616/724-6716
FAX/724-6790

Clerk

616/724-6705
FAX/724-6768

Comm. & Neigh.
Services

616/724-6717
FAX/724-6790

Engineering

616/724-6707
FAX/724-6790

Finance

616/724-6713
FAX/724-6768

Fire Dept.

616/724-6792
FAX/724-6985

Income Tax

616/724-6770
FAX/724-6768

Info. Systems

616/724-6975
FAX/724-6768

Leisure Service

616/724-6704
FAX/724-6790

Manager's Office

616/724-6724
FAX/724-6790

Mayor's Office

616/724-6701
FAX/724-6790

Neigh. & Const.
Services

616/724-6715
FAX/724-6790

Planning/Zoning

616/724-6702
FAX/724-6790

Police Dept.

616/724-6750
FAX/722-5140

Public Works

616/724-4100
FAX/722-4188

Treasurer

616/724-6720
FAX/724-6768

Water Dept.

616/724-6718
FAX/724-6768

Water Filtration

616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

March 28, 2000

Sterling Bank
One Towne Square, 17th Floor
Southfield MI 48076

A&E Investments, LLC
1050 Western
Muskegon MI 49440

Dear Property Owner:

Subject: 179 Delaware Ave.
WLY ½ LOT 12 BLK 237

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

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

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

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

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

Leisure Service
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Manager's Office
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FAX/724-6790

Mayor's Office
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Neigh. & Const.
Services
616/724-6715
FAX/724-6790

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

Water Filtration
616/724-4106
FAX 755-5290

MUSKEGON



West Michigan's Shoreline City

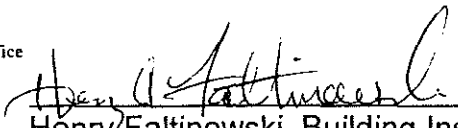
DANGEROUS BUILDING INSPECTION REPORT

179 DELAWARE
3/28/00

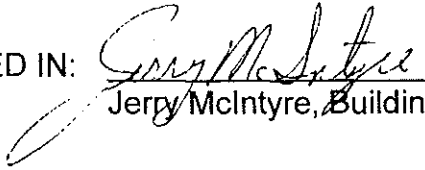
Inspection Noted:

1. Foundation wall on home in need of repair. Cracking block, separating block.
2. Rotting roof fascia board.
3. Rotting siding on home.
4. Peeling paint on home.
5. Interior ceiling and wall repair needed.
6. Flooring in need of repair
7. Electrical repairs needed to code.

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


Henry Faltinowski, Building Inspector

3/29/2000
Date

CONCURRED IN: 
Jerry McIntyre, Building Official

3-29-00
Date

FINAL NOTICE

No Cat Violation

=====

1

NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.

2

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

3 B BATH

Sink and/or cabinet are not properly secured.

4 A BATH

Sink is broken.

5 B BATH - TUB

Has low hot water pressure.

6 B EXTERIOR

Foundation walls have missing mortar or open cracks.

7 E EXTERIOR - FRONT

door doorstop is broken or missing.

8 E EXTERIOR - FRONT DOOR

Trim is rotted.

9 A EXTERIOR - FRONT DOOR FRAME

is rotted.

10 A EXTERIOR - UPPER REAR

Window has broken or cracked glass.

11 A EXTERIOR - W. FRONT

Window has broken or cracked glass.

OK 12 A FRONT PORCH

Dwelling or unit is infested with animal feces.

13 A FRONT PORCH

Outlet cover is missing or broken.

14 A FRONT PORCH - EXIT

Door does not fit tight - door will not seal.

15 A FRONT PORCH - NORTH

Window is broken, loose or not working.

16 A FRONT PORCH

Dwelling or unit is infested with cockroaches.

17 A FRONT PORCH - EXIT

Door glass cracked or broken.

18 A FRONT PORCH NOTE:

Door built key is hard to operate.

19 B REAR BEDROOM - EAST

Outlet is broken, loose or not working.

END OF LIST

MUSKEGON HOUSING BOARD OF APPEALS
APRIL 6, 2000 MEETING MINUTES

Case # 00-25 – 179 DELAWARE – STERLING BANK, SOUTHFIELD MI.
A&E INVESTMENTS, MUSKEGON MI.

The owner of the property or a representative of the owner was not in attendance. Bob Grabinski informed the board that a Notice and Order was sent out on 3/28/00 and there has been no contact with the owner since that date. The staff recommended to declare this building substandard, unsafe, a public nuisance and forward to the City Commission for concurrence. John Warner, supported by Rev. Anderson made a motion to accept the staff's recommendation and forward the case to the City Commission for concurrence. A roll call vote was taken.

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

Case #00-26 – 274 E LARCH – Suzanne & Chris Willea, 1850 SEMINOLE, MUSKEGON MI

Suzanne and/or Chris Willea or a representative was not in attendance at the meeting. Bob Grabinski informed the board that a Notice and Order was sent on 3/20/00 to repair or demolish the structure (s) within 30 days. Ms. Willea called the Inspections Department on 4/6/00 to let the staff know that she is not the owner. She said the courts took it over in a bankruptcy case a few years ago. She said the lawyer for the case was Janet Thomas. Jerry McIntyre called Ms. Thomas who said that the case in question was a very old case and that the Court did not take the property. Mr. McIntyre called Ms. Willea back to let her know that because of Ms. Thomas's statement that the Court did not take the property, that she and Mr. Willea were still the owners and we are required to and will still send them notification of the Dangerous Building Proceedings. Ms. Willea said that was fine but she and Mr. Willea had no interest in the property at 274 E Larch and that the City of Muskegon could have it. Since this conversation there has been no contact with the owner and no repairs or demolition of the structure(s) located at 274 E Larch have been made. Grabinski then stated that the staff recommended to declare the structure(s) substandard, unsafe, a public nuisance and to forward to the city commission for concurrence to demolish it. Mayor Nielson made a motion, supported by Rev. Anderson to accept the staff's recommendation. A roll call vote was taken.

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

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

Assessor
231-724-6708
FAX:726-5181

Cemetery
231/724-6783
FAX:726-5617

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

Clerk
231/724-6705
FAX:724-4178

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

Engineering
231/724-6707
FAX:727-6904

Finance
231/724-6713
FAX:724-6768

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

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

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

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

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

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

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

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

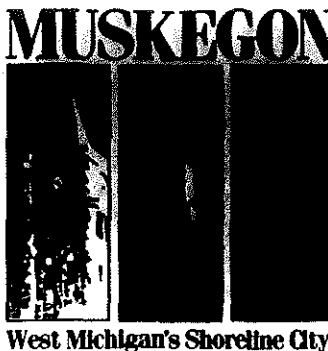
Police Dept.
231/724-6750
FAX:722-5140

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

Treasurer
231/724-6720
FAX:724-6768

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

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



MUSKEGON HOUSING BOARD OF APPEALS

DATE: May 9, 2000
CASE: #00-25 – 179 Delaware

A&E Investments
1050 W Western
Muskegon MI 49440

Sterling Bank & Trust
One Towne Square, 17th FL.
Southfield, MI 48076

FINDING OF FACTS AND ORDER

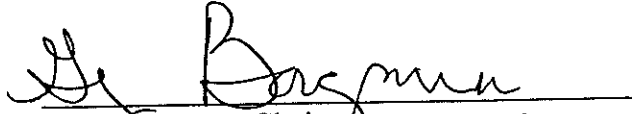
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon MI on May 4, 2000. The Inspection Services Department of the City of Muskegon, having inspected the building structure located upon the property, described as **S 50 FT of LOT 8, BLK 255, also known as, 1349 Arthur** 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 within 30 days of the receipt of this order, the Building Official shall take bids and remove said structure.

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

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

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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



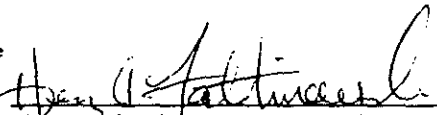
DANGEROUS BUILDING INSPECTION REPORT

179 DELAWARE
3/28/00

Inspection Noted:

1. Foundation wall on home in need of repair. Cracking block, separating block.
2. Rotting roof fascia board.
3. Rotting siding on home.
4. Peeling paint on home.
5. Interior ceiling and wall repair needed.
6. Flooring in need of repair
7. Electrical repairs needed to code.

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


Henry Faltinowski, Building Inspector

3/29/2000
Date

CONCURRED IN: 
Jerry McIntyre, Building Official

3-29-00
Date

For The Inspection Dept.
City of Muskegon

410419

FROM CITY ASSESSOR'S RECORDS

OWNER A & E Investments, L.L.C.
PROPERTY 179 Deleware Ave.
PLATE # 03622
DESCRIPTION Westerly 1/2 of Lot 12, Block 237

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 2093

PAGE: 60

DATE OF DEED: February 11, 1997

GRANTOR: Mortgage Corporation of America, a Michigan Corporation

GRANTEE: Sterling Bank and Trust, as Trustee

LIENS OR MORTGAGES: Land Contract Liber 2023, Page 267

DATE: March 17, 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.

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

The Westerly 1/2 of Lot 12, Block 237, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-237-0012-00

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 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 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 1999 City taxes.

STATE AND COUNTY TAXES

1999 County taxes are due in the amount of \$420.59, plus penalties and interest.

SPECIAL ASSESSMENTS

City of Muskegon invoice due. Call City for amount.

City of Muskegon infraction unavailable.

Water usage due in the amount of \$15.00, plus penalties and interest.

Delinquent water usage due in the amount of \$94.04.

TAX SALES

State Equalized Value \$7,400.00.
Taxable Value \$7,315.00.

NOTE: No Homestead filed.

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 00-26, aka, 274 W & Larch.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 274 W Larch 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 general funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A notice and order was sent out on 3/17/00. On 4/6/00, the Inspections Dept received a phone call from Ms. Susan Willea, the owner, who stated that the courts took the property when they filed bankruptcy a

long time ago. She was asked the name of the attorney who pleaded the case. Ms. Willea stated that it was Ms. Janet Johnson. Jerry McIntyre called Ms. Johnson regarding this case. Ms. Johnson stated that it was a very old case and the courts did not take the property. The property was still owned by Ms. Susan and Christopher Willea. Jerry called Mrs. Willea back and told her what Ms. Johnson said. Mrs. Willea stated that Christopher and herself had no interest in the property and that the city could have it. Jerry informed her that we would still send her letters because she is the last known owner. The case was discussed at the Housing Board of Appeals on May 4, 2000 where the board declared the structure(s) dangerous. See attached Finding of Facts and Order dated 5/9/00 and a copy of the meeting minutes pertaining to this case. It is the staff's recommendation to grant permission to demolish the structure(s) located at 274 E Larch.

Estimated Cost to Repair: \$12,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

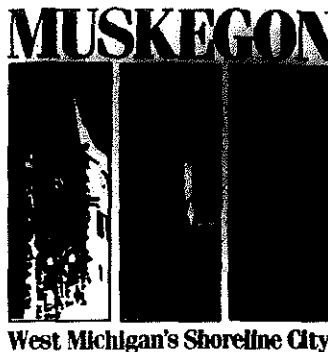
Police Dept.
616/724-6750
FAX/722-5140

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

Treasurer
616/724-6720
FAX/724-6768

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

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



NOTICE OF ORDER

March 17, 2000

Lack's Grocery
1850 Seminole Dr.
Muskegon MI 49441

Lack's Grocery
274 Larch
Muskegon MI 49442

Dear Property Owner:

Subject: 274 Larch
S 13 FT of E 45 FT of LOT 13 & 45 FT of LOT 14,
BLK 298

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

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

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

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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



West Michigan's Shoreline City

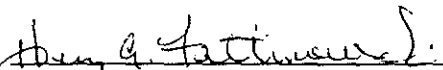
DANGEROUS BUILDING INSPECTION REPORT

274 LARCH

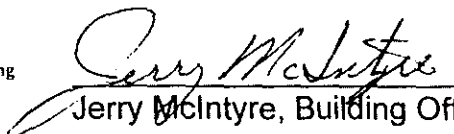
March 15, 2000

1. Structural damage on West exterior wall and parapet – cracked and bowing.
2. Front exterior stress cracks.
3. Damaged roofing at and near fire area.
4. Siding has been left burnt for a couple months. Siding repair needed.
5. Roof parapet cap severely cracked.

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


Henry Faltinowski, Building Inspector

3/16/2000
Date


Jerry McIntyre, Building Official

3-16-00
Date

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

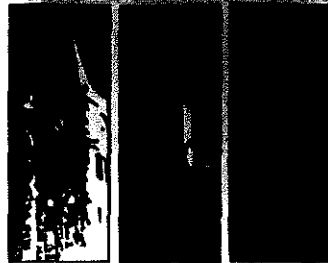
Public Works
231/724-4100
FAX/722-4188

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

MUSKEGON HOUSING BOARD OF APPEALS

DATE: May 9, 2000
CASE: #00-26 – 274 E Larch

Susan & Christopher Willea
1850 Seminole Dr.
Muskegon MI 49441

FINDING OF FACTS AND ORDER

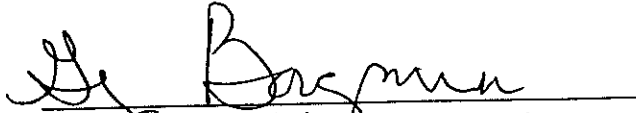
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon MI on May 4, 2000. The Inspection Services Department of the City of Muskegon, having inspected the building structure located upon the property, described as **S 13 FT of E 45 FT of LOT 13 & 45 FT of LOT 14, BLK 298, Also known as, 274 E. Larch**, 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 within 30 days of the receipt of this order, the Building Official shall take bids and remove said structure.

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

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

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

Affirmative Action

616/724-6703
FAX/724-6790

Assessor

616/724-6708
FAX/724-6768

Cemetery

616/724-6783
FAX/722-4188

Civil Service

616/724-6716
FAX/724-6790

Clerk

616/724-6705
FAX/724-6768

Comm. & Neigh.

Services
616/724-6717
FAX/724-6790

Engineering

616/724-6707
FAX/724-6790

Finance

616/724-6713
FAX/724-6768

Fire Dept.

616/724-6792
FAX/724-6985

Income Tax

616/724-6770
FAX/724-6768

Info. Systems

616/724-6975
FAX/724-6768

Leisure Service

616/724-6704
FAX/724-6790

Manager's Office

616/724-6724
FAX/724-6790

Mayor's Office

616/724-6701
FAX/724-6790

Neigh. & Const.

Services
616/724-6715
FAX/724-6790

Planning/Zoning

616/724-6702
FAX/724-6790

Police Dept.

616/724-6750
FAX/722-5140

Public Works

616/724-4100
FAX/722-4188

Treasurer

616/724-6720
FAX/724-6768

Water Dept.

616/724-6718
FAX/724-6768

Water Filtration

616-724-4106
FAX 755-5290



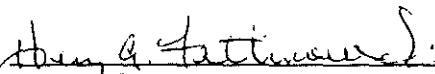
DANGEROUS BUILDING INSPECTION REPORT

274 LARCH

March 15, 2000

1. Structural damage on West exterior wall and parapet – cracked and bowing.
2. Front exterior stress cracks.
3. Damaged roofing at and near fire area.
4. Siding has been left burnt for a couple months. Siding repair needed.
5. Roof parapet cap severely cracked.

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


Henry Faltinowski, Building Inspector

3/16/2000
Date


Jerry McIntyre, Building Official

3-16-00
Date

MUSKEGON HOUSING BOARD OF APPEALS

APRIL 6, 2000 MEETING MINUTES

May 4, 2000

**Case # 00-25 - 179 DELAWARE - STERLING BANK, SOUTHFIELD MI
A&E INVESTMENTS, MUSKEGON MI.**

The owner of the property or a representative of the owner was not in attendance. Bob Grabinski informed the board that a Notice and Order was sent out on 3/28/00 and there has been no contact with the owner since that date. The staff recommended to declare this building substandard, unsafe, a public nuisance and forward to the City Commission for concurrence. John Warner, supported by Rev. Anderson made a motion to accept the staff's recommendation and forward the case to the City Commission for concurrence. A roll call vote was taken.

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

Case #00-26 - 274 E LARCH - Suzanne & Chris Willea, 1850 SEMINOLE, MUSKEGON MI

Suzanne and/or Chris Willea or a representative was not in attendance at the meeting. Bob Grabinski informed the board that a Notice and Order was sent on 3/20/00 to repair or demolish the structure (s) within 30 days. Ms. Willea called the Inspections Department on 4/6/00 to let the staff know that she not the owner. She said the courts took it over in a bankruptcy case a few years ago. She said the lawyer for the case was Janet Thomas. Jerry McIntyre called Ms. Thomas who said that the case in question was a very old case and that the Court did not take the property. Mr. McIntyre called Ms. Willea back to let her know that because of Ms. Thomas's statement that the Court did not take the property, that she and Mr. Willea were still the owners and we are required to and will still send them notification of the Dangerous Building Proceedings. Ms. Willea said that was fine but she and Mr. Willea had no interest in the property at 274 E Larch and that the City of Muskegon could have it. Since this conversation there has been no contact with the owner and no repairs or demolition of the structure(s) located at 274 E Larch have been made. Grabinski then stated that the staff recommended to declare the structure(s) substandard, unsafe, a public nuisance and to forward to the city commission for concurrence to demolish it. Mayor Nielson made a motion, supported by Rev. Anderson to accept the staff's recommendation. A roll call vote was taken.

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

→
Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 99-35, aka, 340
Walton Ave.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 340 Walton Ave 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:

On June 24, 1999 a dangerous building inspection was conducted. A notice and order was sent out on June 28, 1999. On 10/7/99 Bob Parker sent a repair list for the violations (see attached) all repairs were

to be ready for inspection on 10/18/99. On 11/4/99, the Muskegon Housing Board of Appeals discussed the case and forwarded it to the City commission for concurrence in demolition (see attached finding of facts and order). On 11/8/99 Bob Parker applied for a permit. On 5/11/2000 Henry Faltinowski did an interior inspection that revealed much disrepair.

The estimated cost of repairs: \$18,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

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 AND ORDER

June 28, 1999

Scott Morgan
1167 Peck Street
Muskegon, Mi. 49442

Sterling Bank and Trust
One Towne Square, 17th Floor
Southfield, Mi. 48076

Dear Property Owner:

Subject: 340 Walton
W 44.5 Ft., Lot 8, Block 194

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,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

DANGEROUS BUILDING INSPECTION

340 WALTON

6/24/99

1. Front porch collapsing (stairs, handrail, and guardrail).
2. Foundation wall deteriorating.
3. Broken out windows.
4. Side porch collapsing.
5. Siding exposed to weather elements and needs protection.
6. Entry door and jamb in need of repair.
7. Missing siding.
8. Window frames in need of repair.

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, Jemc
HENRY FALTINOWSKI, BUILDING INSPECTOR

6-28-99
DATE

CONCURRED IN:

Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

DANGEROUS BUILDING INSPECTION

340 WALTON

6/24/99

1. Front porch collapsing (stairs, handrail, and guardrail).
2. Foundation wall deteriorating.
3. Broken out windows.
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Henry Faltinowski *Jeme*
HENRY FALTINOWSKI, BUILDING INSPECTOR

6-28-99

DATE

CONCURRED IN:

Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

- [illegible]

Work on non-completed portion will be ready for inspection on 10/18/99.

Robert Parker 10/7/99

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

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

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

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
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FAX/724-6768

Fire Dept.
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FAX/724-6985

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Info. Systems
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Neigh. & Const.
Services
616/724-6715
FAX/726-2501

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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



MUSKEGON HOUSING BOARD OF APPEALS

DATE: November 10, 1999

CASE: #99-35 - 340 Walton

Sterling Bank and Trust
One Towne Square 17th Fl.
Southfield, MI 48076

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 West 44.5 feet Lot 8 Blk 194 also known as 340 Walton 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.



Permits Data

Street Address

Parcel Number

Requestor

Owners Name

Address

☒ Contractor

☐ Owner

Permit Number

Permit Date

Issued Date:

Expiration Date:

Finalized Date:

Record Status:

Permit Type:

Category:

VALUE:

Census Type:

Buildings:

Square Feet

Units:

Length:

Width:

Type of Building

☒ Residential ☐ Comercial ☐ Industrial

OTHER:

USE:

CHGEUSE:

Description

6

11/8/99

\$700.00

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
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

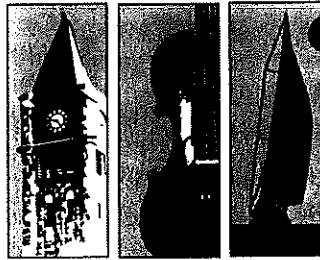
Public Works
231/724-4100
FAX/722-4188

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

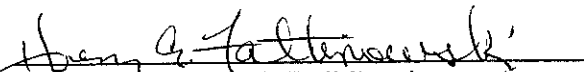
340 WALTON

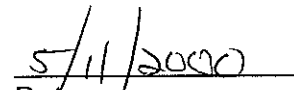
5/11/00

Apartments on DB List-- Interior Inspection noted:

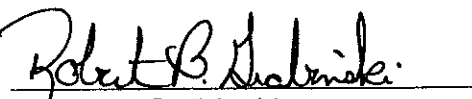
1. Basement walls show deterioration, bad mortar joints, moisture leaking into basement.
2. Rotted flooring, water damaged flooring throughout first floor, carpet damaged throughout.
3. Ceiling repair needed throughout both apartments.
4. Broken Windows.
5. Missing plumbing fixtures.
6. Large amounts of debris left in home and dumped down hillside by Ryerson Creek.
7. Furnace system needs certified safe.
8. Interior stairways need repair to code.

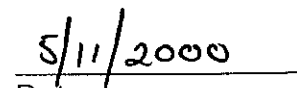
BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Faltinowski, Building Inspector


Date 5/11/2000

CONCURRED IN:


Robert B Grabski
Fire Marshal/Inspection Services


Date 5/11/2000

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 99-24, aka, 1212
Jefferson

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1212 Jefferson 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 CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

This property had a fire in the basement on 10/16/98, see attached report for damages and pictures. A police report was issued to the Inspections Dept on 2/13/99 and a Board up Letter was sent on 2/13/99.

A Notice and Order was sent out on 6/18/99. The case was discussed at the Housing Board of appeals on 8/5/99. An Audiotape of the meeting can be obtained in the Inspections Department.

According to the title search done in June of 99, County taxes are due for 1995, 1996, 1997, 1998, and 1999. Special assessment due to the City of Muskegon as well. Please see attached Title Search page for taxes and special assessments.

The estimated cost to repair the structure is: \$11,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

→

Date: June 29, 2000
To: Honorable Mayor and City Commissioners
**From: Neighborhood and Construction Services
Department**
**RE: Concurrence with Housing Board of Appeals
Finding and Order for 1094 Williams**

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1094 Williams 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 CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A dangerous building inspection was conducted April 26, 1999. The owner of this property is Larry Robinson. A Notice and Order was mailed out 4/27/99. At the July 1, 1999 meeting of the Housing Board of

Appeals the structure was found to be unsafe, substandard, a public nuisance and that the case be sent to the City Commission for concurrence.

The estimated cost of bringing the property into compliance with City codes is \$

Attached are copies of the dangerous building inspection, notice and order and the finding of facts and order of the July 1, 1999 meeting of the Housing Board of Appeals.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on July 11, 2000.

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716



NOTICE AND ORDER

Clerk
616/724-6705

April 27, 1999

C. N. Services
616/724-6717

Engineering
616/724-6707

Larry Robinson
2045 Getty
Muskegon, Mi. 49444

Finance
616/724-6713

Dear Property Owner:

Fire Dept.
616/724-6792

Subject: 1094 Williams
S 66 Ft, Lot 7, Block 69

Income Tax
616/724-6770

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.

Inspections
616/724-6715

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

Leisure Service
616/724-6704

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.

Manager's Office
616/724-6724

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

Mayor's Office
616/724-6701

Sincerely yours,

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: June 16, 1999
TO: Larry Robinson
SUBJECT: Dangerous Building Case #99-22 – 1094 Williams

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on July 1, 1999 at 5:30 p.m. at the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Neighborhood and Construction Services
City of Muskegon

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

Clerk
616/724-6705

DATE: July 6 1999

C. N. Services
616/724-6717

CASE: #99-22 – 1094 Williams

Engineering
616/724-6707

Larry Robinson
2045 Getty
Muskegon, Mi. 49444

Finance
616/724-6713

FINDING OF FACTS AND ORDER

Fire Dept.
616/724-6792

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 1st of July 1999.

Income Tax
616/724-6770

The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as S 66 feet, Lot 7, Block 69 also known as 1094 Williams 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.

Inspections
616/724-6715

Leisure Service
616/724-6704

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

Manager's Office
616/724-6724

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

Mayor's Office
616/724-6701

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.

Planning/Zoning
616/724-6702

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.

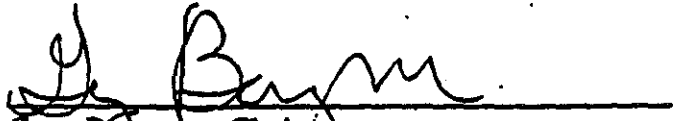
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

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 Bongman', is written over a horizontal line.

Greg Bongman, Chairman

HOUSING ADVISORY BOARD OF APPEALS

DANGEROUS BUILDING INSPECTION

4/26/99

1094 WILLIAMS

RESIDENTIAL DWELLING

1. Chimney cap is broken, chimney needs tuck pointing and flashing.
2. Rotting and missing siding on home.
3. Back porch is missing steps, rim joist, and threshold is rotting.
4. Front porch ceiling and decking is in need of repair.
5. Broken out windows on home.
6. Back door is missing proper threshold and foundation support.
7. Holes in foundation walls need to be repaired.
8. Debris left around exterior of home.

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

Henry A. Faltinowski 4/27/99
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRED IN: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

FINAL NOTE

No Cat

Violation

| No | Cat | Violation |
|----|-----|---|
| 1 | | NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full. |
| 2 | | NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner. |
| 3 | A | BASEMENT
Sewer has backed up and the sewage spill was not cleaned up-scrub area with bleach water and rinse. |
| 4 | A | BASEMENT
Sewer is backed up and needs to be cleaned out. |
| 5 | B | BASEMENT
Furnace hot/cold air ducts are not connected properly. |
| 6 | B | BASEMENT
Doesn't have a smoke detector as required by code. |
| 7 | | BASEMENT |
| 8 | A | BASEMENT
Fuse panel cover is not installed. |
| 9 | B | BASEMENT
Water supply is leaking. |
| 10 | A | BASEMENT
Waste is leaking. |
| 11 | A | BASEMENT
No hot water heater. |
| 12 | B | BASEMENT - CENTER CEILING
Junction box does not have a cover. |
| 13 | A | BASEMENT - EAST CEILING
Has several open splices and open ended wires, missing box covers, etc. The entire basement is a health and safety disaster. |
| 14 | B | BASEMENT - N.W.
Light fixture is broken or loose. |
| 15 | B | BASEMENT - S.E.
Light fixture is broken or loose. |
| 16 | B | BASEMENT - S.E. CEILING
Light fixture is broken or loose. |
| 17 | A | BASEMENT - S.W. CEILING
Has open ended wire. |
| 18 | A | BASEMENT - STAIRWELL
Switch cover is missing or broken. |
| 19 | B | BASEMENT - STAIRWELL EXIT
Door is not installed in proper manner. |
| 20 | B | BASEMENT - STAIRWELL EXIT
Door hardware is broken, missing or incomplete. |
| 21 | B | BASEMENT - W. CEILING
Has an open splice - must be in covered junction box. |
| 22 | A | BASEMENT - W. CEILING
Has open ended wire. |

| No | Cat | Violation |
|----|-----|---|
| 23 | B | BASEMENT - W. CEILING
Has wires that are not stapled up. |
| 24 | | BATH |
| 25 | B | BATH
Door hardware is broken, missing or incomplete. |
| 26 | B | BATH
Floor covering has holes, rips or is missing or is not sealed on edges. |
| 27 | B | BATH
Toilet tank cover is broken or missing. |
| 28 | A | BATH
Toilet is broken or cracked. |
| 29 | A | BATH
Outlet cover is missing or broken. |
| 30 | B | BATH
Does not have a light as required by the code. |
| 31 | B | BATH
Room is not supplied with 2 sources of power. Must have 2 duplex wall outlets or outlet and one overhead light. |
| 32 | B | BATH
Wall or walls has a hole or holes or large cracks in it. |
| 33 | B | BATH
Ceiling has a hole or holes or large cracks in it. |
| 34 | A | BATH
Standing sewage in bathtub. |
| 35 | B | DINING ROOM
Ceiling materials are coming down. |
| 36 | A | DINING ROOM
Window has broken or cracked glass. |
| 37 | B | DINING ROOM
Window lock(s) is/are missing or inoperative. |
| 38 | B | DINING ROOM
Floor covering has holes, rips or is missing or is not sealed on edges. |
| 39 | A | DINING ROOM - CEILING
Has open ended wire. |
| 40 | | EXTERIOR
NOTE: The condition of surfaces such as foundation, porches, steps, roof, etc. could not be determined due to snow cover. |
| 41 | B | EXTERIOR
Foundation walls have missing mortar or open cracks. |
| 42 | B | EXTERIOR
Foundation walls have peeling paint. |
| 43 | B | EXTERIOR
Chimney has loose or missing brick or mortar. |
| 44 | B | EXTERIOR
Chimney masonry cap is broken. |
| 45 | B | EXTERIOR - @ FRONT DOOR
Siding has holes in it or is rotted or missing. |
| 46 | B | EXTERIOR - @ REAR DOOR |

| No | Cat | Violation |
|----|-----|--|
| 47 | B | EXTERIOR - FRONT
Siding has holes in it or is rotted or missing.
Guardrail is not in good repair. |
| 48 | B | EXTERIOR - FRONT
Guardrail is not 30" high, When rebuilding, it must be 36" high with balusters no further apart than 4". |
| 49 | B | EXTERIOR - FRONT PORCH
Trim is broken, missing or incomplete. |
| 50 | B | EXTERIOR - NORTH REAR
Light fixture is broken or loose. |
| 51 | A | EXTERIOR - REAR
Window has broken or cracked glass. |
| 52 | B | EXTERIOR - SOME SIDING AND TRIM
Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish. |
| 53 | A | EXTERIOR - SOUTH REAR
Steps are deteriorated or missing-when installing new, steps must have 36" landing at the top if entering door. |
| 54 | B | EXTERIOR - SOUTH REAR
Door threshold is broken, rotted or missing. |
| 55 | B | FRONT FOYER
Wall or walls has a hole or holes or large cracks in it. |
| 56 | B | FRONT FOYER
Ceiling has a hole or holes or large cracks in it. |
| 57 | B | FRONT FOYER - EXIT
Door trim is broken or incomplete. |
| 58 | A | GENERAL
The outside water faucet is broken and has been running full blast for a few weeks. |
| 59 | A | GENERAL
No smoke detectors. |
| 60 | A | GENERAL
Several broken windows. |
| 61 | A | GENERAL
The furnace arrangement is criminal. |
| 62 | A | GENERAL
No hot water heater. |
| 63 | B | KITCHEN
Has an open splice - must be in covered junction box. |
| 64 | A | KITCHEN
Has open ended wire. |
| 65 | B | KITCHEN
Ceiling materials are coming down. |
| 66 | B | KITCHEN
Wall or walls has a hole or holes or large cracks in it. |
| 67 | B | KITCHEN
Ceiling has a hole or holes or large cracks in it. |
| 68 | B | KITCHEN
Light fixture is broken or loose. |
| 69 | B | KITCHEN
Light fixture globe is broken or missing. |

No Cat

Violation

- =====
- 70 B KITCHEN
Floor covering has holes, rips or is missing or is not sealed on edges.
- 71 B KITCHEN
Cabinets are not in good repair.
- 72 B KITCHEN - TO PORCH
Door trim is broken or incomplete.
- 73 B KITCHEN - TO PORCH
Door hardware is broken, missing or incomplete.
- 74 B LIVING ROOM
Wall or walls has a hole or holes or large cracks in it.
- 75 B LIVING ROOM
Ceiling has a hole or holes or large cracks in it.
- 76 B LIVING ROOM
Ceiling tile are missing or falling down.
- 77 B LIVING ROOM
switch is broken, loose or not working.
- 78 A LIVING ROOM
Switch cover is missing or broken.
- 79 B REAR PORCH
Ceiling is water damaged.
- 80 UPSTAIRS AND BEDROOMS NOTE:
Not inspected.
- END OF LIST

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 00-29, aka, 696 W
Southern Ave.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 696 W Southern Ave. 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:

This property is owned by Ed Houghtaling. An original inspection was done 8/98. This property has had 8 default judgments. The property was occupied while posted. Last posted 7/30/99. No progress had

been made on correcting the violations and a Dangerous building inspection was conducted on 3/27/00. A Notice and Order was sent on 3/28/00. There has been no contact with the owner and no progress made. The case was brought to the Housing Board of Appeals on May 4, 2000. A finding of facts went out on 5/9/00. Copy of Meeting Minutes is attached. Staff recommends to demolish the structure(s) at 696 W Southern Ave.

Estimated cost for repairs: \$10,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

\$30/100

CITY OF MUSKEGON INSPECTION REPORT

July 1, 1999

AT 8:46 a.m.

FOR W. SOUTHERN 696

PAGE 1

FINAL NOTICE

| No | Cat | Violation |
|----|-----|---|
| 1 | | NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full. |
| 2 | | NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner. |
| 3 | | NOTE: Non owner-occupants must use licensed contractors for most electrical, plumbing or mechanical repair work. Call 724-6758 for more information. |
| 4 | | NOTE: Unit cannot be occupied until a certificate of compliance is issued. |
| 5 | | AS OF 4-30-99
NOTE: Property is illegally occupied because it does not have a valid certificate of compliance. |
| 6 | A | CELLAR
Furnace needs an inspection by a mechanical contractor and must be certified safe. |
| 7 | B | DINING ROOM
Floor covering has holes, rips or is missing or is not sealed on edges. |
| 8 | B | EXTERIOR
Siding has holes in it or is rotted or missing. |
| 9 | B | EXTERIOR
Window screen is torn or damaged. |
| 10 | B | EXTERIOR - E. SIDE
Foundation walls have missing brick or block. |
| 11 | B | EXTERIOR - REAR ENTRANCE
Entrance does not have a light. |
| 12 | B | EXTERIOR - REAR SLIDING
Door is broken or missing. |
| 13 | B | EXTERIOR - SEVERAL
Window has glazing that is missing or deteriorated. |
| 14 | B | EXTERIOR - SEVERAL
Has eave boards that are rotted or missing. |
| 15 | B | FRONT BEDROOM
Floor covering has holes, rips or is missing or is not sealed on edges. |
| 16 | | MIDDLE BEDROOM
Light above ceiling panel isn't properly installed. |
| 17 | | MIDDLE BEDROOM - CEILING
Plastic panel broken. |
| 18 | | NOTE:
As of 4-30-99 dwelling is illegally occupied. |
| 19 | B | REAR BEDROOM
Floor covering has holes, rips or is missing or is not sealed on edges. |
| 20 | B | REAR BEDROOM |

CITY OF MUSKEGON INSPECTION REPORT

July 1, 1999

AT 8:46 a.m.

FOR W. SOUTHERN 696

PAGE

No Cat

Violation

- =====
- Has styrofoam that is exposed and must be removed or covered with a minimum 1/2" drywall and finished.
- 21 B REAR BEDROOM
switch is broken, loose or not working.
- 22 B REAR PORCH
Ceiling tile are missing or falling down.
- 23 B REAR PORCH - SEVERAL AREAS
Has wires that are not protected. Must be in conduit or stapled to a board.

END OF LIST

60TH DISTRICT COURT

990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

DEFENDANT: **HOUGHTALING, EDWARD/B**
Civil Infraction

| | |
|--------------------|------------|
| Case Number | 98DT48386A |
| Infraction Date | 7709798 |
| Civil Infraction | HOUSING |
| Driver License No. | |
| Vehicle Plate No. | |

| | | | |
|-----------------|---------|-------------------------|---------|
| Appearance Date | 8717798 | Defendant Judgment Date | 8726798 |
|-----------------|---------|-------------------------|---------|

| AMOUNT OF JUDGMENT | |
|--------------------|-----------|
| Fine | \$ 91.00 |
| Costs | \$ 15.00 |
| State Costs | \$ 9.00 |
| | \$ |
| Total | \$ 115.00 |
| Bond Forfeited | \$ |
| Balance Due | \$ |

TO

HOUGHTALING/EDWARD/B
2373 MACARTHUR
MUSKEGON

MI 49442

60TH DISTRICT COURT990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

| | |
|-----------------------|------------|
| Case Number | 98D152879A |
| Infraction Date | 9/17/98 |
| Civil Infraction | HOUSING |
| Driver License No. | |
| Vehicle Plate No. | |
| Appearance Date | 11/01/98 |
| Default/Judgment Date | 11/12/98 |
| AMOUNT OF JUDGMENT | |
| Fine | \$ 51.00 |
| Costs | \$ 14.00 |
| State Costs | \$ 9.00 |
| | \$ |
| Total | \$ 74.00 |
| Bond Forfeited | \$ |
| Balance Due | \$ 74.00 |

I HEREBY CERTIFY that this copy is a true and correct copy of the original on file with the office of the 60th District Court Clerk.

60th District Court Clerk

By B. Munk

Deputy Clerk

TO

HOUGHTALING/EDWARD/G
2473 MACARTHUR
MUSKEGON

MI 49442

60TH DISTRICT COURT990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

| | |
|-----------------------|--------------|
| DEPARTMENT | |
| Infraction | |
| Case Number | 98D152879B |
| Infraction Date | 9/17/98 |
| Civil Infraction | HSG CERTIFIC |
| Driver License No. | |
| Vehicle Plate No. | |
| Appearance Date | 11/01/98 |
| Default/Judgment Date | 11/12/98 |
| AMOUNT OF JUDGMENT | |
| Fine | \$ 241.00 |
| Costs | \$ 15.00 |
| State Costs | \$ 9.00 |
| | \$ |
| Total | \$ 265.00 |
| Bond Forfeited | \$ |
| Balance Due | \$ 265.00 |

I HEREBY CERTIFY that this copy is a true and correct copy of the original on file with the office of the 60th District Court Clerk.

60th District Court Clerk

By B. Munk

Deputy Clerk

TO

HOUGHTALING/EDWARD/G
2473 MACARTHUR
MUSKEGON

MI 49442

G.L.
296 W. West
Southe

60TH DISTRICT COURT990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

| | | |
|---------------------------|------------------------------|--------------|
| Case Number | | 98D148386C |
| Infraction Date | | 7/09/98 |
| Civil Infraction | | HOUSING ELEC |
| Driver License No. | | |
| Vehicle Plate No. | | |
| Appearance Date | Default/Judgment Date | |
| 8/17/98 | 8/26/98 | |
| AMOUNT OF JUDGMENT | | |
| Fine | \$ | 91.00 |
| Costs | \$ | 15.00 |
| State Costs | \$ | 9.00 |
| | \$ | |
| Total | \$ | 115.00 |
| Bond Forfeited | \$ | |
| Balance Due | \$ | |

TO

HOUGHTALING/EDWARD/G
2473 MACARTHUR
MUSKEGON

MI 49442

REORDER FORM NO. CIA-07-OSM (6-98)
FORMS TRAC ENTERPRISES, INC. (249) 333-0887**60TH DISTRICT COURT**990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

| | | |
|---------------------------|------------------------------|--------|
| DEFAULT JUDGMENT | | |
| Civil Infraction | | |
| Case Number | 98D148386B | |
| Infraction Date | 7/09/98 | |
| Civil Infraction | HSG CERTIFIC | |
| Driver License No. | | |
| Vehicle Plate No. | | |
| Appearance Date | Default/Judgment Date | |
| 8/17/98 | 8/26/98 | |
| AMOUNT OF JUDGMENT | | |
| Fine | \$ | 91.00 |
| Costs | \$ | 15.00 |
| State Costs | \$ | 9.00 |
| | \$ | |
| Total | \$ | 115.00 |
| Bond Forfeited | \$ | |
| Balance Due | \$ | 115.00 |

TO

HOUGHTALING/EDWARD/G
2473 MACARTHUR
MUSKEGON

MI 49442

REORDER FORM NO. CIA-07-OSM (6-98)
FORMS TRAC ENTERPRISES, INC. (249) 333-0887

696 W.

696 W. Souther

60TH DISTRICT COURT

990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

4.99

| DEFAULT JUDGMENT
Civil Infraction | |
|--------------------------------------|--------------|
| Case Number | 99D153072A |
| Infraction Date | 4/30/99 |
| Civil Infraction | HSG CERTIFIC |
| Driver License No. | |
| Vehicle Plate No. | |
| Appearance Date | 6/11/99 |
| Default/Judgment Date* | 6/21/99 |

| AMOUNT OF JUDGMENT | |
|--------------------|-----------|
| Fine | \$ 491.00 |
| Costs | \$ 15.00 |
| State Costs | \$ 9.00 |
| | \$ |
| Total | \$ 515.00 |
| Bond Forfeited | \$ |
| Balance Due | \$ 515.00 |

I HEREBY CERTIFY that this copy is a true and correct copy of the original on file with the office of the 60th District Court Clerk.

60th District Court Clerk

By Jean Busenberry
Deputy Clerk

TO

HOUGHTALING/EDWARD/
2473 MACARTHUR
MUSKEGON

MI 49442

Default Judgment

60TH DISTRICT COURT

990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

| CASE INFORMATION | |
|-----------------------|--------------|
| Case Number | 99D153066 |
| Infraction Date | 1/29/99 |
| Civil Infraction | BLDG FOUNDAT |
| Driver License No. | |
| Vehicle Plate No. | |
| Appearance Date | 3/09/99 |
| Default/Judgment Date | 3/17/99 |
| AMOUNT OF JUDGMENT | |
| Fine | \$ 491.00 |
| Costs | \$ 15.00 |
| State Costs | \$ 9.00 |
| | \$ |
| Total | \$ 515.00 |
| Bond Forfeited | \$ |
| Balance Due | \$ 515.00 |

I HEREBY CERTIFY that this copy is a true and correct copy of the original on file with the office of the 60th District Court Clerk.

60th District Court Clerk

By Jean Dusenberry
Deputy Clerk

TO

HOUGHTLAING/EDWARD/G
2473 MACARTHUR
MUSKEGON

MI 49442

REORDER FORM NO. CJA-07-OSM (6-98)
FORMS TRAC ENTERPRISES, INC. (248) 324-0066/MICHIGAN & NATIONWIDE (800) 323-0687

M

4-99

60TH DISTRICT COURT

990 TERRACE STREET
MUSKEGON, MICHIGAN 49442-3377

| DEFAULT JUDGMENT
Civil Infraction | |
|--------------------------------------|--------------|
| Case Number | 99D153072B |
| Infraction Date | 4/30/99 |
| Civil Infraction | BLDG FOUNDAT |
| Driver License No. | |
| Vehicle Plate No. | |
| Appearance Date | 6/11/99 |
| Default/Judgment Date* | 6/21/99 |
| AMOUNT OF JUDGMENT | |
| Fine | \$ 491.00 |
| Costs | \$ 15.00 |
| State Costs | \$ 9.00 |
| | \$ |
| Total | \$ 515.00 |
| Bond Forfeited | \$ |
| Balance Due | \$ 515.00 |

I HEREBY CERTIFY that this copy is a true and correct copy of the original on file with the office of the 60th District Court Clerk.

60th District Court Clerk

By Jean Dusenberry
Deputy Clerk

TO

HOUGHTALING/EDWARD/
2473 MACARTHUR
MUSKEGON

MI 49442

REORDER FORM NO. CJA 07-JIS (6-98)
FORMS TRAC ENTERPRISES, INC. (248) 324-0066/MICHIGAN & NATIONWIDE (800) 323-0687

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

Water Filtration
616/724-4106
FAX/722-5290



West Michigan's Shoreline City

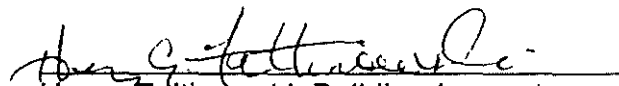
DAINGEROUS BUILDING INSPECTIONS REPORT

696 W. Southern
3/27/00

Inspection noted:

1. Foundation wall in need of repair.
2. Roof covering and flashing improperly installed.
3. Rotting, missing siding.
4. Cracked Rotted Fascia Board.
5. Home is open for access missing door on slides.
6. Deteriorating window frames.

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


Henry Faltinowski, Building Inspector

3/28/2000
Date

CONCURRED IN: 
Jerry McIntyre, Building Official

3-28-2000
Date

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

March 28, 2000

Mr. Edward Houghtaling
2345 Dowd
Muskegon MI 49441

Mr. Edward Houghtaling
PO Box 4034
Muskegon MI 49444

Dear Property Owner:

Subject: 696 W. Southern Ave
LOT 14 BLK 414

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

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

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

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

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
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

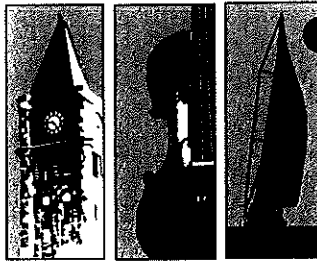
Public Works
231/724-4100
FAX/722-4188

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

MUSKEGON HOUSING BOARD OF APPEALS

DATE: May 9, 2000

CASE: #00-29 – 696 W Southern Ave., Muskegon MI

Mr. Ed Houghtaling
2345 Dowd
Muskegon MI 49441

Provident Consumer Financial Services
1 E Fourth Street mail 198 D
Cincinnati OH 45202

FINDING OF FACTS AND ORDER

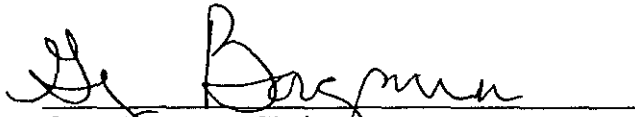
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the March 2, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **Lot 14 BLK 414**, also know as, **696 W Southern**, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

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

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

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

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

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

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

MUSKEGON HOUSING BOARD OF APPEALS

APRIL 6, 2000 MEETING MINUTES

MAY 4, 2000

Case # 00-027 - 1192 Maple - Huntington National Bank, Columbus OH.

Bob Grabinski informed the board that Tony Huffman was informed at the last minute that he needed to represent the home at the meeting but could not make it. He told Bob that they needed 30 days to repair the roof. Bob stated that the home was in good condition on the inside and the only problem was that the roof was in need of desperate repair; therefore, the staff's recommends to grant an extension of 30 days to make repairs and have an inspection. Mayor Neilson, supported by John Warner, made a motion to accept the staff's recommendation and grant an extension of 30 days. A roll call vote was taken.

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

Case #00-29 - 696 W. Southern - Ed Houghtaling, 2345 Dowd, Muskegon MI

Randy Mackie asked Bob Grabinski for some history on this home. Bob stated that it is poor condition and no work has been done on this home. The Inspections Department has had many complaints from neighbors regarding this home. They are concerned it is a safety hazard and would like it torn down. There has been no contact with the owner since the Notice and Order was sent out on 3/28/00. The Staff recommends to declare the structure(s) substandard, unsafe, a public nuisance and to forward to the City Commission for concurrence. John Warner, supported by Mayor Nielson, made a motion to accept the Staff's recommendations and forward the case to City Commission for Concurrence. A roll call vote was taken.

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

The meeting adjourned at 7:30 PM.

Respectfully submitted by:



Robert B. Grabinski
Fire Marshal/Inspections Dept.

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 00-27, aka, 1192
Maple

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1192 Maple 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 general funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A Final Notice to Repair was sent on 2/29/00. A memo was received from Quincy R Tyler, Operations Manager of Service Usa, Inc. in Sterling, VA. Mr. Tyler requested an extension of 7-10 days to remove

the tenants and/or squatters. The property was in foreclosure and it would be final on 3/3/00 when Huntington Bank would have the title and be able to correct the violations. A Dangerous Building Inspection was conducted on 3/6/00 which revealed the items listed on the report. A Notice and Order was sent to Huntington Bank on 3/10/00 to Repair or Demolish the structure in 30 days. On 5/11/00 The Finding of Facts and Order was faxed to Tony Huffman at Remax after receiving a call from him stating that he was the representative for the property. Mr. Huffman was given until June 9 to repair or remove the structure or the case would be brought to the City Commission. To this date no progress has been made. It is the Staff's recommendation to demolish the structure.

The estimated cost to repair: \$5,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

CITY OF MUSKEGON INSPECTION REPORT

February 29, 2000 AT 1:52 a.m. FOR MAPLE 1192

PAGE 1

FINAL NOTICE

| No | Cat | Violation |
|-------------|-----|---|
| 1 | | NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner. |
| 2 | | NOTE: Unit cannot be occupied until a certificate of compliance is issued. |
| 3 | A | EXTERIOR - FRONT PORCH
Storm damaged roof. |
| 4 | B | EXTERIOR - REAR WINDOW
Improperly boarded. |
| 5 | B | EXTERIOR - TRIM & WINDOWS
Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish. |
| END OF LIST | | |



SERVICE USA, INC. 21325 RIDGETOP CIRCLE SUITE 180 STERLING, VA 20166 PHONE 800 500-1872 FAX 703 406-4021

MEMORANDUM

March 2, 2000

To: City of Muskegon
Attn. Department of Building and Code Enforcement

From: Quincy R. Tyler ✓
Operations Manager

Re: Property Address: 1192 Maple
Parcel # 611129235010

I am in receipt of a code violation on the above property. I am requesting that the City of Muskegon grant a time extension of 7-10 days for the following reason/s:

- * Our contractor drove by the property and found it occupied. At this time we are unable to determine if the occupants are tenants or squatters. The foreclosure sale is scheduled for March 3, 2000. After that time Huntington will have title and we will be able to correct the violation.

Please contact me as soon as possible to further discuss this matter. You may reach me directly at 800/500-1872.

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

Water Filtration
616/724-4106
FAX 755-5290

MUSKEGON

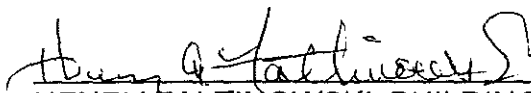


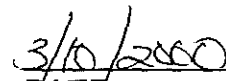
West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION 1192 MAPLE 3/6/00

1. Structural roof damage on SW section of home.
2. Fascia repair needed on other areas of roof system
3. Numerous vehicles being worked on in yard.
4. Window frames and sills deteriorating.

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


DATE

CONCURRENCE: 
Jerry McIntyre, Building Official

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
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FAX/724-6790

Engineering
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FAX/724-6790

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Fire Dept.
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Info. Systems
616/724-6975
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FAX/724-6790

Mayor's Office
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FAX/724-6790

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

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

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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



March 10, 2000

Huntington National Bank
7575 Huntington Park
Columbus, OH 43235

Dear Property Owner:

Subject: 1192 Maple
Lot 8 Blk 82

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

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

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

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
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

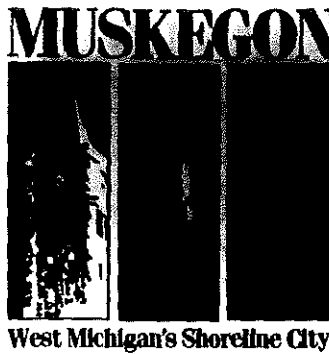
Police Dept.
231/724-6750
FAX/722-5140

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



CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: May 1, 2000

TO: ~~David Spochman~~ *Huntington National Bank*
5095 Bliss Lane *7575 Huntington Park*
~~Newaygo MI 49337~~ *Columbus OH 43235*

SUBJECT: Dangerous Building Case #00-27 - 1192 Maple

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

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

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

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

Inspection Services
City of Muskegon

MUSKEGON HOUSING BOARD OF APPEALS

~~APRIL 6, 2000~~ MEETING MINUTES

~~MAY 4, 2000~~

Case # 00-027 – 1192 Maple – Huntington National Bank, Columbus OH.

Bob Grabinski informed the board that Tony Huffman was informed at the last minute that he needed to represent the home at the meeting but could not make it. He told Bob that they needed 30 days to repair the roof. Bob stated that the home was in good condition on the inside and the only problem was that the roof was in need of desperate repair; therefore, the staff's recommends to grant an extension of 30 days to make repairs and have an inspection. Mayor Neilson, supported by John Warner, made a motion to accept the staff's recommendation and grant an extension of 30 days. A roll call vote was taken.

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

~~Case #00-29 – 696 W. Southern – Ed Houghtaling, 2345 Dowd, Muskegon MI~~

~~Randy Mackie asked Bob Grabinski for some history on this home. Bob stated that it is poor condition and no work has been done on this home. The Inspections Department has had many complaints from neighbors regarding this home. They are concerned it is a safety hazard and would like it torn down. There has been no contact with the owner since the Notice and Order was sent out on 3/28/00. The Staff recommends to declare the structure(s) substandard, unsafe, a public nuisance and to forward to the City Commission for concurrence. John Warner, supported by Mayor Nielson, made a motion to accept the Staff's recommendations and forward the case to City Commission for Concurrence. A roll call vote was taken.~~

AYES:

William Anderson
Randy Mackie
John Warner
Fred Neilson

NAYES:

EXCUSED:

Greg Borgman
Clinton Todd

ABSENT:

The Motion Carried.

The meeting adjourned at 7:30 PM.

Respectfully submitted by:



Robert B. Grabinski
Fire Marshal/Inspections Dept.

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

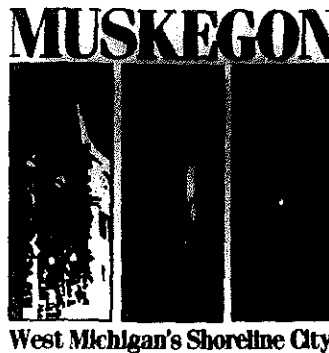
Police Dept.
231/724-6750
FAX/722-5140

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 HOUSING BOARD OF APPEALS

May 9, 2000

David Spoelman
5095 Bliss Lane
Newaygo MI 49337

*Huntington National Bank
75-75 HUNTINGTON PARK
Columbus OH 43235*

Subject: Dangerous Building Case # 00-27 - 1192 Maple

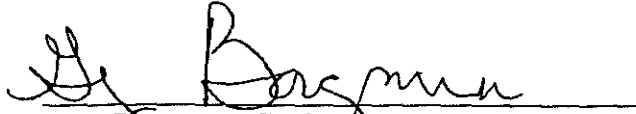
FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon MI on May 4, 2000. The inspection Services Department of the City of Muskegon, having inspected the building structure located upon the property, described as **LOT 8 BLK 82, also known as, 1192 Maple**, 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 has 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. However, you have been granted an extension of 30 days to remove said structure.

It is therefore ordered that if the owners or other interested parties do not take such action to Repair or Remove said structure by June 5, 2000, This case will be heard by the Muskegon City Commission Committee for concurrence and the Building Official shall take bids and remove said structure.

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

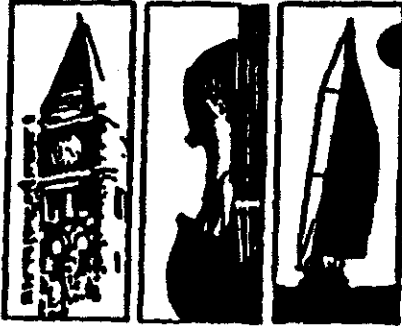
A handwritten signature in black ink, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman

MUSKEGON HOUSING BOARD OF APPEALS

733-0941

MUSKEGON



West Michigan's Shoreline City

FAX COVER SHEET

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

Phone: (616) 724-6715

Fax: (616) 726-2501

To:

REmax
MR. TONY HUFFMAN

From:

Cathy Everett for Bob Shabinski

Date:

5/11/00

Total number of pages sent, including cover sheet:

4

Please phone to verify receiving document:

Please review and phone/fax comments, etc.:

For your information only:

INSTRUCTIONS:

RE: 1192 MAPLE

Muskegon MI

Have a nice day :)
(C/E)

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
**RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 00-22, aka, 328
Myrtle.**

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 328 Myrtle 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:

A dangerous building inspection was conducted on 2/2/99. The owner is Marva Knight. A notice and order was sent on 2/12/00. On 2/16/99 a work schedule was submitted and on 4/16/99 a building permit was

→

issued. Since then there has been no contact with the owner. Upon reviewing the file, a letter was sent to the owner on 3/22/00 advising the owner to contact Jerry McIntyre. Ms. Knight appeared in the Inspection Dept on 3/27/00 and was referred to Ardyce Haken for help through the CDBG programs. Ardyce could not help Ms. Knight due to the fact that there are overdue taxes on the property. The Housing Board heard the case on May 4, 2000. The Board forwarded the case to the City commission but instructed Ms. Knight that if she showed proof of her loan for repairs and had the repairs complete by June 3, 2000 the case would not need to go to the commission. No progress has been made.

The estimated cost of repairs: \$25,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716



NOTICE AND ORDER

Clerk
616/724-6705

February 12, 1999

C. N. Services
616/724-6717

Engineering
616/724-6707

Marva Knight
328 Myrtle
Muskegon, Mi. 49442

Finance
616/724-6713

Dear Property Owner:

Fire Dept.
616/724-6792

Subject: 328 Myrtle
S ½ Lot 12 EX E 30 Ft, Block 199

Income Tax
616/724-6770

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.

Inspections
616/724-6715

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

Leisure Service
616/724-6704

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.

Manager's Office
616-724-6724

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

Mayor's Office
616/724-6701

Sincerely yours,

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

DANGEROUS BUILDING REPORT

328 MYRTLE

2/2/99

1. Roof system of whole home is failing – in need of structural repair, sheeting, and roof covering.
2. Chimney stack failing – missing brick.
3. Front porch roof missing, exposed siding is rotting, section of vertical porch supports are ready for collapse.
4. Tuck-pointing is needed in foundation wall block.
5. Broken out windows.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE **DOES** MEET 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


JERRY MCINTYRE, BUILDING OFFICIAL

2-11-99
DATE

BUILDING PERMIT APPLICATION

CITY OF MUSKEGON

No. 99-25

JOB ADDRESS 328 Myrtle LOT _____ BLK _____ TRACT _____
OWNER Marva Knight MAIL ADDRESS 328 Myrtle PHONE no phone
CON. NAME owner MAIL ADDRESS _____ PHONE _____
ARCHITECT OR DESIGNER _____ ADDRESS _____ PH _____ LIC # _____ EXP _____
LICENSE NUMBER _____ EXPIRATION DATE _____

FEDERAL EMPLOYER ID# OR REASON FOR EXEMPTION _____

WORKERS COMP. INSURANCE CARRIER OR REASON FOR EXEMPTION _____

MESC EMPLOYER # OR REASON FOR EXEMPTION _____

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

SPECIAL CONDITIONS _____

DESCRIBE WORK make home repairs per submitted work
schedule

USE OF BUILDING _____

CHANGE USE TO _____

STARTING DATE _____ DATE READY _____

| INSPECTION REPORTS | | |
|--------------------|---------|-------|
| DATE | REMARKS | INSP. |
| | | |
| | | |
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| | | |
|---|-------------|----------------------|
| APP. APPROVED BY
 | PLANS CK BY | APPROVED FOR ISS. BY |
|---|-------------|----------------------|

NOTICE

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

VALUATION OF WORK 1500

PERMIT FEE 49.75

CALL ADMINISTRATIVE AUTHORITY A MINIMUM OF 24 HOURS PRIOR TO INSPECTION

SPECIAL CONDITION: POUR NO CONCRETE UNTIL FORMS ARE APPROVED

Type of Const. _____ Occupancy Group _____ Division _____
No. of Dwelling Units _____ Parking spaces _____ Bsmt _____
Front Yard _____ Side Yard _____ Rear Yard _____
Use Zone _____ Fire Sprinkler Required _____
Special Zoning _____
Footing Type _____ Size _____ Depth Below Grade _____
Foundation Wall _____ 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 Miss. Marva Knight DATE April 16-99

WHITE - INSPECTOR

YELLOW - APPLICANT

PINK - ASSESSOR

GOLD - AUDIT

Dear MR. Terry McIntyre:

I am submitting a proposal as to repair specifications. Persons along with myself who will be doing the construction work at my property at 328 Myrtle Ave. (Person listed within this proposal.)

I am Mawa Knight. I live at 328 Myrtle Ave. I am a homeowner in the Muskegon area all my life. I have resided in my home City of Muskegon for over 30 years.

I have always taken great pride in my property as having a beautiful edifice in the community & Resident Area in the City of Muskegon.

As a homeowner there is often things to be done for upkeep. I want to do my best to obtain upkeep continuously on my property. Work to be started on approximately later Feb.-99 to Nov. 99. Work to cease in winter months because of bad weather. Possible some things for repair may have to be carried over into year 2000.

I hope to get started on repair & have it back to tip top shape like it was when I first moved there at my property; my home.

Respectfully Submitted
Mrs. Mawa Knight.

1. B. EXTERIOR

Chimney has loose or missing brick or mortar

A. Ed Cady MASONRY - ESTIMATE given on
FEB. 15. 99

B. Schmidt Roofing & Construction - MAR. 2-99 will
come out and give me a estimate

2. B. EXTERIOR

HAS peeling paint and is not protected by properly
applied water-repellent paint or waterproof finish.

A. owner will finish painting the property

B. owner will start on painting when temperature
reaches at least 60° degrees (Mar-Apr. 99)

3. EXTERIOR

HOUSE NUMBER is same color as the house and are
not legible.

A. Owner has taken care of this. Numbers
on home are legible now.

4. C EXTERIOR

Roof is totally deteriorated - must be replaced.

A. Huey Jackson - April 99 will come out & do
replacement of work in sections at a time. Start
on upper front Plywood replacement, Shingles,

5. C EXTERIOR

Side of the roof has rotted or missing roof boards.

A. Huey Jackson will come out & perform the work here - start date - April - 99

6. C EXTERIOR - FRONT PORCH

Side of the roof has rotted or missing roof boards

7. C EXTERIOR - FRONT PORCH

Roof is totally deteriorated - must be replaced

1. owner has taken down existing porch. (No new porch has been constructed.)

2. James Modisette will look at & possible construct (Point no. 6 and 7)

3. James Modisette start date latter Feb - 99 - March 9

8. C EXTERIOR - FRONT PORCH

1. In reference to no. 7 owner has removed & taken down existing front porch & support beams that were rotted or sagging.

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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



March 22, 2000

Ms. Marva Knight
328 Myrtle
Muskegon MI 49442

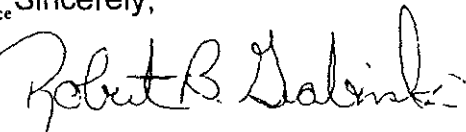
Subject: 328 Myrtle, Muskegon MI

Dear Ms. Knight:

On April 16, 1999, Building Permit # 99-252 was issued to you. We have not heard from you since then and have seen no progress made toward the letter we received from you regarding a work schedule back in February of 1999.

Please contact Jerry McIntyre, Building Official at (231) 724-6715 as soon as you receive this letter regarding the above Permit and work schedule. Failure to contact the office will result in the subject property being reviewed by the Housing Board of Appeals for Demolition.

Sincerely,


Robert B. Grabinski
Fire Marshal/Inspections Services

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 99-38, aka, 1060
Williams.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1060 Williams 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:

A Dangerous Building Inspection was conducted on 5/13/99. A Notice and Order was first sent in June 1999. Upon receipt of this order, Mr. Miles, the owner, wrote a note on the Dangerous Building Inspection

Report. According to the note, he agreed to do all repairs starting in July of 1999. All work was to be done by October of 1999. A Building Permit was pulled on 8/16/99. On 12/10/99 Mr. Miles called the Inspections Dept. and stated that he had a contract with Fredricks to start repairs after the New Year. Mr. Miles was given until 1/31/00 to complete repairs. There had been no contact with the owner since then and there had been no progress made on repairs. A Notice of Hearing was sent on 3/23/00 and the case went before the Housing Board of Appeals on 4/6/00. Mr. Miles was not at the meeting. The Board declared it a dangerous building and forwarded to the City Commission for Concurrence. Mr. Miles stopped in the Inspections office on 4/24/00. He insisted that he had attended the meeting and wanted to appeal their decision. Bob Grabinski told Mr. Miles that he could make his appeal at the City Commission meeting on June 13, 2000. He informed Mr. Miles that he had until then to complete repairs but that the case would be discussed at the City Commission Meeting.

The estimated cost of repairs: \$10,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716



NOTICE AND ORDER

Clerk
616/724-6705

June 2, 1999

C. N. Services
616/724-6717

Eugene Miles
2428 Seventh Street
Muskegon Heights, Mi. 49444

Engineering
616/724-6707

Dear Property Owner:

Finance
616/724-6713

Subject: 1060 Williams
W ½ Lot 6, Block 69

Fire Dept.
616/724-6792

Income Tax
616/724-6770

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.

Inspections
616/724-6715

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

Leisure Service
616/724-6704

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.

Manager's Office
616/724-6724

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

Mayor's Office
616/724-6701

Sincerely yours,

Planning/Zoning
616/724-6702

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Police Dept.
616/724-6750

C: Clementine Miles
IMC Mortgage Co., 3450 Cuschwood Park Dr. Ste 250, Tampa Fl.

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

DANGEROUS BUILDING INSPECTION

5/13/99

1060 WILLIAMS

RESIDENTIAL DWELLING

1. Foundation wall block is in need of repair.
2. Siding missing from home.
3. Broken out windows.
4. Screens falling out of window frames.
5. Roof damage at ridge - soffit.

*Work will start
July 20, 1999*

*All work will be
Done Oct. 1, 1999*

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

Henry A. Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

6/2/99 DATE

*ok
6/7/99*

CONCURRED IN: *Jerry McIntyre*
JERRY MCINTYRE, BUILDING OFFICIAL

*I Eugene Miller
have agreed to do all
repairs on this house at
1060 Williams starting on July 2
99*

6/30/99

Eugene Miller

CITY OF MUSKEGON INSPECTION REPORT

TV/2NR-NE

May 20, 1999

AT 10:28 a.m.

FOR WILLIAMS 1060

PAGE 1

FINAL NOTICE

| to | Cat | Violation |
|-------|-------|---|
| ===== | ===== | ===== |
| 1 | | NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full. |
| 2 | | NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner. |
| 3 | B | EXTERIOR
Siding has holes in it or is rotted or missing. |
| 4 | B | EXTERIOR
Foundation walls have missing mortar or open cracks. |
| 5 | B | EXTERIOR
Window has glazing that is missing or deteriorated. |
| 6 | B | EXTERIOR
Siding corners are missing. |
| 7 | B | EXTERIOR - EVES AND SOME TRIM
Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish. |
| 8 | B | EXTERIOR - NORTH
Light fixture globe is broken or missing. |
| 9 | B | EXTERIOR - NORTH
Light fixture is broken or loose. |
| 10 | A | EXTERIOR - NORTH PICTURE
Window has broken or cracked glass. |
| 11 | A | EXTERIOR - NORTH UPPER
Window has broken or cracked glass. |
| 12 | B | EXTERIOR - S.E.
Window is closed off and the material used does not blend with the siding. |
| 13 | A | EXTERIOR - SOUTH ENTRANCE
Door glass cracked or broken. |
| 14 | B | EXTERIOR - WEST
Has eave boards that are rotted or missing. |
| 15 | B | EXTERIOR - WEST
Side of the roof has rotted or missing roof boards. |
| 16 | B | EXTERIOR - WEST
Roof has some shingles or parts of shingles missing. |
| 17 | | LOWER APT.
NOTE: Portions of the structure could not be inspected completely because of the presence of personal belongings. |
| 18 | B | UPPER APARTMENT
Has a handrail but doesn't go to the top of the steps. |
| 19 | A | UPPER APARTMENT
Dwelling or unit is infested with cockroaches. |
| 20 | B | UPPER BATH
Light(s) has/have a switch that touches the body of the fixture - must be wall switched or protected by GFI. |
| 21 | B | UPPER BATH
Outlet is part of a light and is not protected by ground fault interrupter circuit. |

CITY OF MUSKEGON INSPECTION REPORT

May 20, 1999

AT 10:28 a.m.

FOR WILLIAMS 1060

PAGE 2

| No | Cat | Violation |
|----|-----|---|
| 22 | B | UPPER BATH
Light fixture globe is broken or missing. |
| 23 | B | UPPER BATH - G.F.I
Outlet is broken, loose or not working. |
| 24 | B | UPPER BATH - UPPER
Cabinets are not in good repair. |
| 25 | A | UPPER BEDROOMS
Smoke detector is missing or inoperative near the bedrooms. |
| 26 | B | UPPER BEDROOMS
Door hardware is broken, missing or incomplete. |
| 27 | B | UPPER KITCHEN
Countertop is chipped, broken or damaged causing the
countertop to be unsanitary. |
| 28 | A | UPPER LIVING ROOM - EAST
Outlet cover is missing or broken. |

END OF LIST

Affirmative Action

616/724-6703

FAX/724-6790

Assessor

616/724-6708

FAX/724-6768

Cemetery

616/724-6783

FAX/722-4188

Civil Service

616/724-6716

FAX/724-6790

Clerk

616/724-6705

FAX/724-6768

Comm. & Neigh.

Services

616/724-6717

FAX/724-6790

Engineering

616/724-6707

FAX/724-6790

Finance

616/724-6713

FAX/724-6768

Fire Dept.

616/724-6792

FAX/724-6985

Income Tax

616/724-6770

FAX/724-6768

Info. Systems

616/724-6975

FAX/724-6768

Leisure Service

616/724-6704

FAX/724-6790

Manager's Office

616/724-6724

FAX/724-6790

Mayor's Office

616/724-6701

FAX/724-6790

Neigh. & Const.

Services

616/724-6715

FAX/724-6790

Planning/Zoning

616/724-6702

FAX/724-6790

Police Dept.

616/724-6750

FAX/722-5140

Public Works

616/724-4100

FAX/722-4188

Treasurer

616/724-6720

FAX/724-6768

Water Dept.

616/724-6718

FAX/724-6768

Water Filtration

616/724-4106

FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: March 23, 2000

TO: Eugene Miles

SUBJECT: Dangerous Building Case #99-38 – 1060 Williams

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

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

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

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

Inspection Services
City of Muskegon

NOTICE AND AGENDA

DATE OF MEETING: THURSDAY, APRIL 6, 2000

TIME OF MEETING: 5:30 P.M.

**PLACE OF MEETING: CITY HALL FIRST FLOOR
COMMISSION CHAMBERS**

AGENDA

Roll Call

Approval of minutes from the March meeting. — *Accepted.*

DANGEROUS BUILDING CASES:

REVIEW CASES:

#99-38 - 1060 WILLIAMS - EUGENE MILES, 2428 SEVENTH STREET, MUSKEGON, MI

A Notice and Order was sent out 6/2/99 to repair or demolish the structures within thirty (30) days. A Building permit was obtained 8/16/99. Repairs to be complete by 01/31/00. To this date, there has been no contact with owner. No progress has been made.

#99-27 - 381 OAK - FIRST NATIONAL ACCEPTANCE, PO BOX 4010, E. LANSING, MI.
ANTHONY HUFFMAN, 928 W. NORTON, MUSKEGON, MI.

~~A Notice and Order was sent out 6/2/99 to repair or demolish the structures within thirty (30) days. There was no contact with the owner and this property was discussed at the August 5, 1999 HBA Meeting. The owner was present and was given until 1/30/00 to complete repairs. To this date, there has been no contact with the owner. Progress has been made but no inspections completed.~~

~~#00-14 - 310 W LARCH - JOSEPH SLOWIK, 310 W LARCH, MUSKEGON, MI.~~

At the HBA meeting held on February 3, 2000, said property was tabled by HBA until 4/6/00. To this date, there has been no contact with the owner. 1 sep

Repairs Stopped - Why - Paid Contractor didn't show up.

Prob - ~~finding siding match~~ - NOT Really ~~was so~~

4" x 6" only Siding missing

Rolling trim - Lashed place over - East wall B&B slaps

10. name of Rmt Rebuild Software

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services

616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: April 10, 2000
CASE: 99-38 – 1060 Williams

Mr. Eugene Miles
2428 Seventh Street
Muskegon MI 49444

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 MI on April 6, 2000. The Inspection Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **North ½ Lot 6, Block 69, also known as, 1060 Williams**, 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.

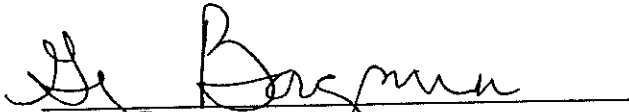
The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

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

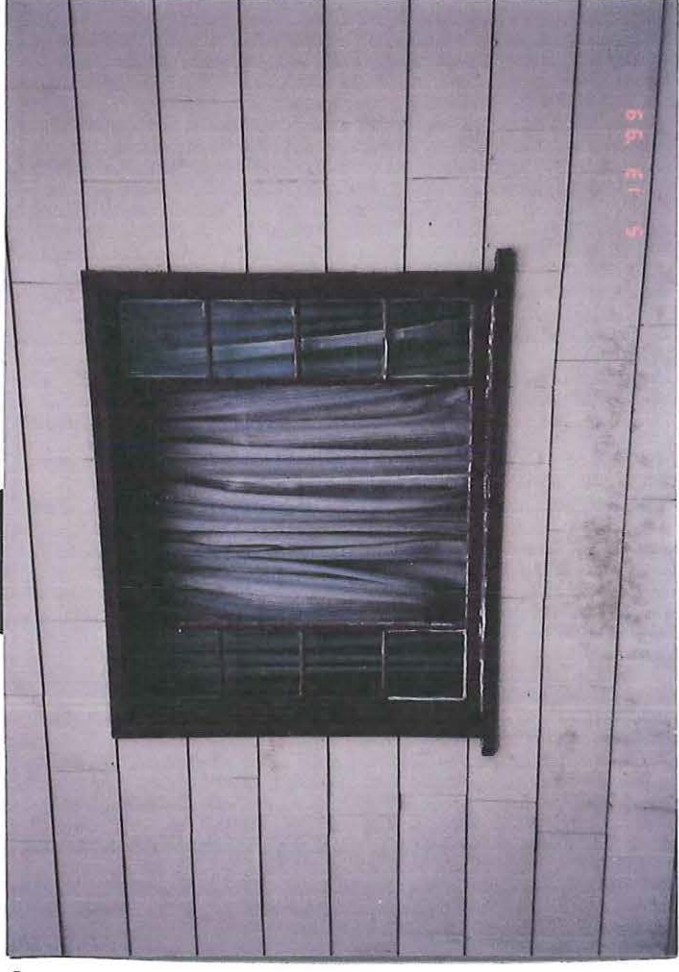
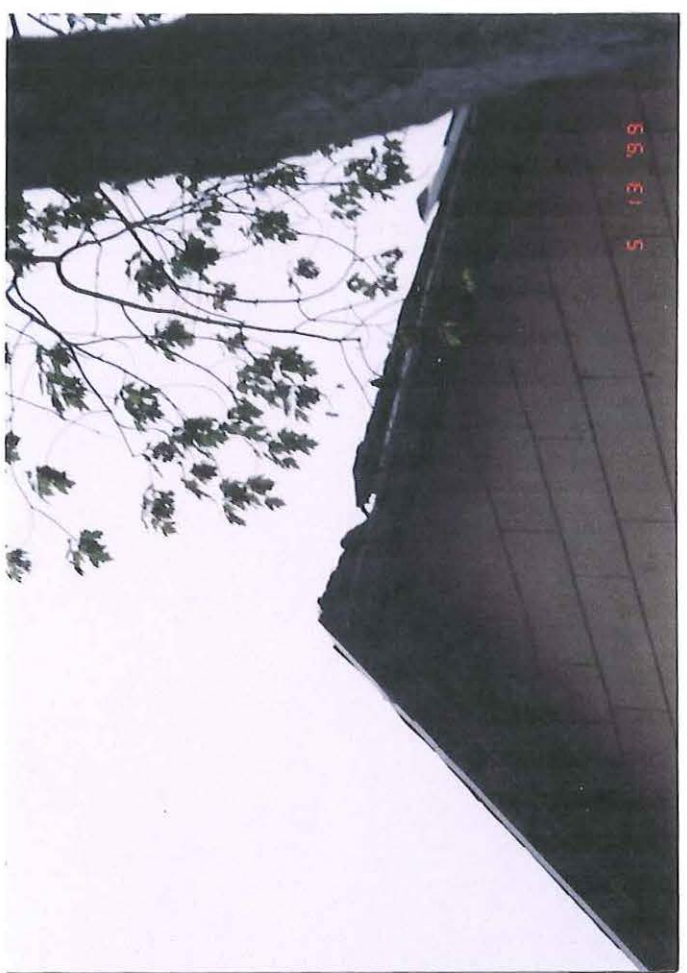
If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.

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

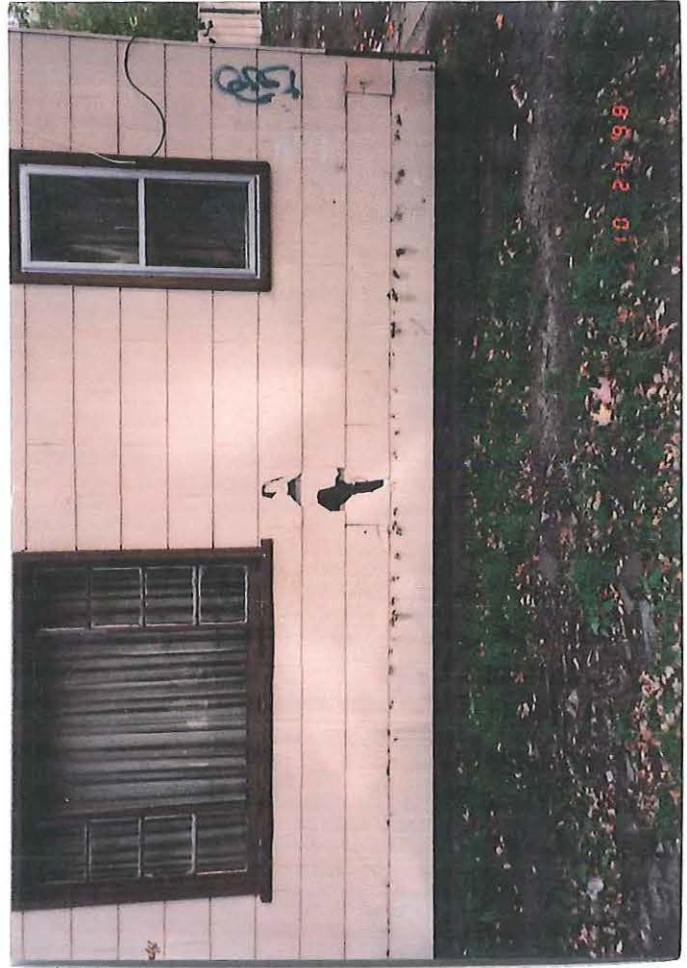
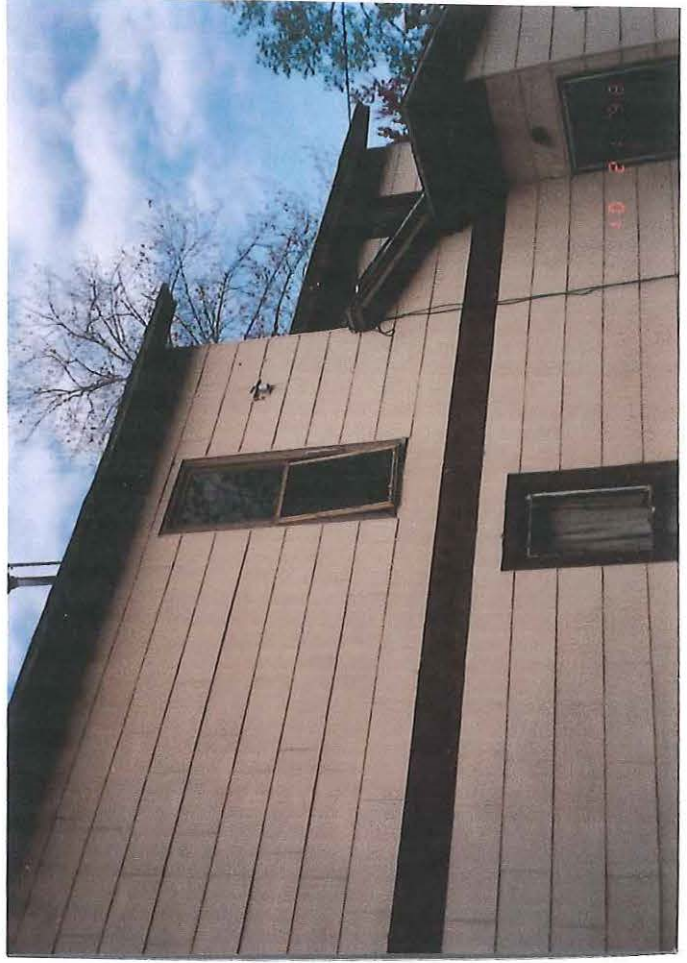
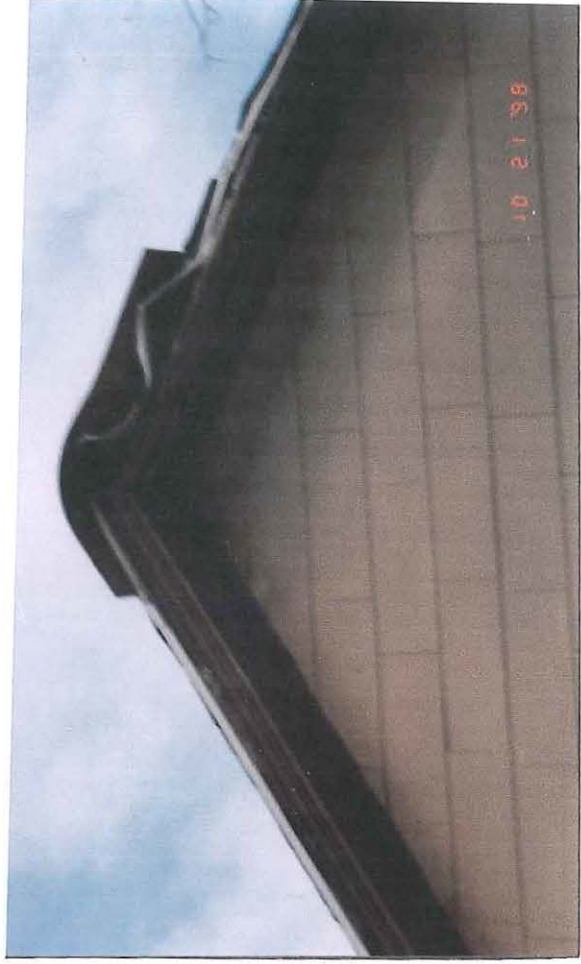
Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS



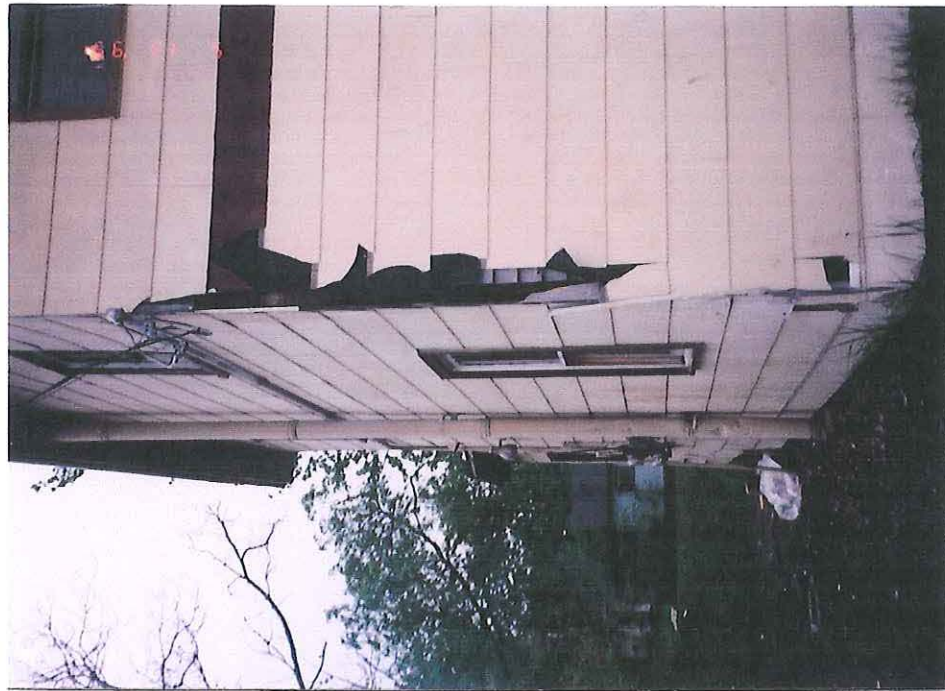
1060 Williams



1060 Williams



1060 Williams



1060 Williams

Date: July 11, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk 
RE: Taxicab Rates

SUMMARY OF REQUEST: We have received a request from Port City Cab and Yellow Cab for an increase in Taxicab fares. The last time there was a change in rates was November 10, 1998. The requested changes are as follows:

| | | | | |
|-----------------------|-----------|--------|------------------|--------|
| Current rates: | Flag Drop | \$1.65 | Proposed: | \$1.90 |
| | Each 1/10 | .15 | | .175 |
| | Full Mile | 1.50 | | 1.75 |
| | Wait Time | 12.00 | | 12.00 |

Attached are copies of the rates in Grand Rapids and Kalamazoo.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request for a increase in taxi cab rates. Gas prices have already dropped over \$.25 per gallon since the request was submitted, and other communities we have checked for rate structure have not increased their rates.

RECEIVED
JUN 12 2000
City Clerks Office

June 12, 2000

To: City Commission,

Due to the overwhelming increase in gas prices, we at Port City Cab and Yellow Cab would like to propose a temporary increase in meter rates.

The present rate is \$1.65 meter drop and \$1.50 a mile (the first mile is \$3.15 and \$1.50 a mile afterwards).

What we propose is \$1.90 meter drop and \$1.75 a mile afterwards, which would be a raise of 25 cents on the meter drop and 25 cents a mile raise.

If any questions or comments arise, please call me at 722-2150.

Sincerely,

Thomas Wakefield

Tom Wakefield, Owner
Port City Cab/Yellow Cab

Port City Cab
739-7161

CITY OF GRAND RAPIDS, MICHIGAN

AUTHORIZED MAXIMUM TAXICAB RATES

First 2/9 mile or fraction thereof \$1.65

Each additional 1/9 mile or fraction thereof 17 cents

Each 90 seconds waiting time or fraction thereof 28 cents

NO CHARGE FOR EXTRA PASSENGERS

**Above rates authorized by the Grand Rapids City Commission
Effective January 1, 1998**

This card must be displayed in a conspicuous place inside of taxicab

1.53 (per mile)
11.20 (per hour waiting time)

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. 98-55A RESOLUTION ESTABLISHING RATES OF FARE
FOR VEHICLES FOR HIRE

Minutes of a regular meeting of the City Commission of the City held on
June 1, 1998, at 7:00 o'clock p.m., local time, at City Hall.

PRESENT, Commissioners: Cooney, Gordon, Hahn, Heilman, Teeter,
Vice Mayor McKinney, Mayor Jones

ABSENT, Commissioners: None

The following preamble and resolution was offered by Commissioner Gordon
and supported by Commissioner Hahn.

WHEREAS, Section 37-4 of the City of Kalamazoo Code of Ordinances empowers the City Commission to establish maximum rates of fare which may be charged by licensed vehicles for hire;

WHEREAS, a request has been made asking that the existing rates of fare, most recently established in 1991, be increased; and

WHEREAS, the City Commission determines that some of the requested rate increases are appropriate.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 37-4 of the City of Kalamazoo Code of Ordinances the following maximum rates may be charged by licensed vehicles for hire:

| | |
|--|---------------|
| To enter vehicle / base charge | \$ 1.65 |
| Each addition 1/10 or a mile | \$ 0.15 |
| Additional passengers | \$ 1.00 |
| (There shall be no charge for additional passengers who are under 12 years of age and accompanied by an adult) | |
| Waiting time | |
| First 3 minutes (while loading) | - no charge - |
| Each additional minute | \$ 0.30 |
| Per hour | \$18.00 |

| | |
|------------------|-------------|
| Minimum Fares | |
| Daytime | \$ 3.00 |
| Nighttime | \$ 4.00 |
| Luggage Handling | - no charge |

The above resolution was offered by Commissioner Gordon and supported by Commissioner Hahn.

AYES, Commissioners: Cooney, Gordon, Hahn, Heilman, Teeter,
Vice Mayor McKinney, Mayor Jones

NAYS, Commissioners: None

ABSTAIN, Commissioners: None

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on June 1, 1998. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.


Nancy A. Collins, City Clerk

f:\rcs\taxi.rat
5/1/98

CITY OF MUSKEGON
PUBLIC NOTICE

The City of Muskegon hereby gives Notice to the Public that a hearing will be held in the City Commission Chambers, first floor, Muskegon City Hall, 933 Terrace Street, Muskegon, at 5:30 p.m., Tuesday, July 11, 2000, on the proposed increase of taxicab rates.

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services to individuals with disabilities who want to attend the meeting, upon twenty-four (24) hour notice to the City of Muskegon. Please contact Gail Kunderinger, City Clerk, 933 Terrace Street, Muskegon, MI 49440 or by calling (231) 724-6705 or TDD (231) 724-6773.

GAIL KUNDINGER
Muskegon City Clerk

Please Publish July 3, 2000
Acct. #101-20215-5354

RESOLUTION

ESTABLISHING FARES AND CHARGES FOR TAXICABS

WHEREAS, Port City Cab and Yellow Cab has requested that the City Commission consider an increase in taxicab rates; and

WHEREAS, the present rates have been in effect since November 10, 1998, and business costs have been rising; and

WHEREAS, the City Commission held a hearing on July 11, 2000, pursuant to Section 23-20 of the Muskegon Code of Ordinances;

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Muskegon that taxicab rates for Taxicab Companies operating within the City of Muskegon shall be as follows:

| | |
|----------------|-----------------------------|
| Flag drop | \$1.90 |
| Each 1/10 mile | .175 (\$1.75 per full mile) |
| Wait time | 12.00 per hour |

Adopted this 11th day of July, 2000.

Ayes:

Nays:

Absent:

Fred J. Nielsen, Mayor

Gail A. Kunding, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on July 11, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

Gail A. Kunding, City Clerk

THE FARES AND CHARGES FOR TAXICABS IN THE CITY OF MUSKEGON WERE ESTABLISHED BY THE MUSKEGON CITY COMMISSION ON NOVEMBER 10, 1998.

TAXICAB RATES SHALL BE AS FOLLOWS:

| | |
|----------------|-------------------------------|
| FLAG DROP | \$1.65 (FIRST 1/10 MILE) |
| EACH 1/10 MILE | \$.15 (\$1.50 PER FULL MILE) |
| WAIT TIME | \$12.00 PER HOUR |

AGENDA ITEM

**CITY COMMISSION MEETING
October 13, 1998**

TO: Honorable Mayor and City Commissioners
FROM: Gail A. Kunderling, City Clerk
DATE: October 8, 1998
SUBJECT: TaxiCab Rates

SUMMARY OF REQUEST: We have received a request from Port City Cab and Yellow Cab for an increase in Taxicab fares. The last time there was a change in rates was December, 1993. The requested changes are as follows:

| | | | | |
|-----------------------|-----------|---------|------------------|---------|
| Current rates: | Flag Drop | \$1.45 | Proposed: | \$1.65 |
| | Each 1/10 | .10 | | .15 |
| | Full mile | \$1.30 | | |
| | Wait time | \$10.00 | | \$12.00 |

Attached are copies of the rates in Grand Rapids and Kalamazoo. The request is in line with what other communities have in place.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the request for change in taxi cab rates and adoption of the resolution.

COMMITTEE RECOMMENDATION: The Committee of the Whole will review this request at the meeting held on Monday, October 12, 1998.

RESOLUTION

ESTABLISHING FARES AND CHARGES FOR TAXICABS

WHEREAS, Port City Cab and Yellow Cab has requested that the City Commission consider an increase in taxicab rates; and

WHEREAS, the present rates have been in effect since 1993 and business costs have been rising; and

WHEREAS, the City Commission held a hearing on November 10, 1998 pursuant to Section 23-20 of the Muskegon Code of Ordinances;

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Muskegon that taxicab rates for Taxicab Companies operating within the City of Muskegon shall be as follows:

| | |
|----------------|--------------------------------|
| Flag drop | \$1.65 (FIRST 1/10 mile) |
| Each 1/10 mile | \$. 15 (\$1.50 per full mile) |
| Wait time | \$12.00 per hour |

Adopted this 10th day of November, 1998.

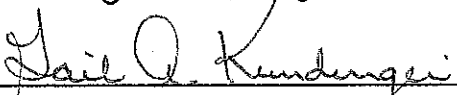
Ayes: Michalski, Nielsen, Pleimling, Shepherd, Sieradzki, Aslakson, Benedict

Nays: None

Excused:

Absent:

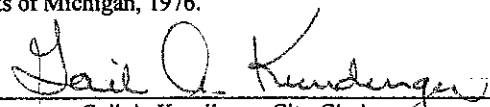

Fred J. Nielsen, Mayor


Gail A. Kunding, City Clerk

CERTIFICATE

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 10th day of November, 1998, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.


Gail A. Kunding, City Clerk

July 11
June 27

CITY OF MUSKEGON
PUBLIC NOTICE

The City of Muskegon hereby gives Notice to the Public that a hearing will be held in the City Commission Chambers, first floor, Muskegon City Hall, 933 Terrace Street, Muskegon, at 5:30 p.m. Tuesday, November 10, 1998, on the proposed increase of taxicab rates.

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services to individuals with disabilities who want to attend the meeting, upon twenty-four (24) hour notice to the City of Muskegon. Please contact Gail Kunding, City Clerk, 933 Terrace Street, Muskegon, MI 49440 or by calling (616) 724-6705 or TDD (616) 724-6773.

GAIL KUNDINGER

Muskegon City Clerk

PUBLISH: November 6, 1998

STATE OF MICHIGAN
County of Muskegon

ss.

Gary Ostrom being duly sworn deposes and says that he is the Publisher of the MUSKEGON CHRONICLE, a newspaper printed and circulated within said County of Muskegon; that the annexed notice was duly printed and published in said MUSKEGON CHRONICLE for one (1) day(s); that is to say, on the 6th day(s) of November 1998, and the _____ day(s) of _____ 19____, and that said publication was continued during said time without any intermission or omission, and that he has a personal knowledge of the facts above set forth.



Subscribed and sworn to before me this 6th day
of November A.D. 1998


Notary Public, Muskegon County, Mich.

Printer's fees: _____ inches _____ times, \$ _____

JULIE BAKER
Notary Public, Muskegon County, MI
My Commission Expires 01-29-2001

AUGUST 1, 1998

PORT CITY CAB & YELLOW CAB

MUSKEGON CITY COMMISSION

MUSKEGON, MI.

TO THE COMMISSION BOARD:

We would like to put in a request for an increase in Cab Fares.
We are requesting this increase because we have not had one in five years.

We are asking an increase of:

\$1.65 for Flag Drop

\$1.50 per Mi.

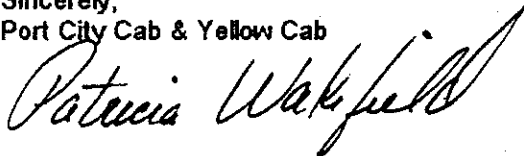
\$12.00 for an hour of Waiting Time.

We hope you find this a fair increase and grant it to us.

Thank You for your time.

Sincerely,

Port City Cab & Yellow Cab

A handwritten signature in cursive script, appearing to read "Patricia Wakefield".

TOM WAKEFIELD, OWNER

*1.00 copy
1.50 mile*

CITY OF GRAND RAPIDS, MICHIGAN AUTHORIZED MAXIMUM TAXICAB RATES

First 2/9 mile or fraction thereof\$1.65

Each additional 1/9 mile or fraction thereof17 cents *1.53*

Each 90 seconds waiting time or fraction thereof . .28 cents *12.32 m*

NO CHARGE FOR EXTRA PASSENGERS

**Above rates authorized by the Grand Rapids City Commission
Effective January 1, 1998**

This card must be displayed in a conspicuous place inside of taxicab

**City of Kalamazoo
Taxi Cab Driver
Rate Increased
September 1, 1998**

| | | |
|---|-------|------|
| To Enter Cab | 1.65 | |
| Each Additional 1/10 of a mile | 0.15 | 1.50 |
| Additional passengers (over 12 years old)
(Picking up at same location and transporting to same destination)
(Under 12 years old ride free must be accompanied by an adult) | 1.00 | |
| Waiting Time | Free | |
| First 3 minutes (while loading) | 0.30 | |
| Each additional minute | 18.00 | |
| Per Hour | | |
| Minimum Fares | | |
| Inside City Limits - Daytime | 3.00 | |
| Inside City Limits - Nighttime | 4.00 | |
| Kalamazoo/Battle Creek Airport | 7.00 | |
| Trips beyond 10 miles from Kalamazoo City Limits, Meter and One Half | | |

Chapter 23

VEHICLES FOR HIRE*

- Art. I.** In General, §§ 23-1—23-15
Art. II. Taxicabs, §§ 23-16—23-67
Div. 1. Generally, §§ 23-16—23-37
Div. 2. License, §§ 23-38—23-54
Div. 3. Driver's Permit (Taxicab), §§ 23-55—23-67
Art. III. Horse-Drawn Vehicles For Hire, §§ 23-68—23-75

ARTICLE I. IN GENERAL

Sec. 23-1. Penalty for violation of chapter.

Any person who violates or fails to comply with any provisions of this chapter shall be responsible for a civil infraction.

(Ord. No. 1092, § 42, 8-22-95)

Editor's note—Ord. No. 1092, § 42, adopted Aug. 22, 1995, amended § 23-31 to provide for violation of any provision of this chapter. It should be noted that § 23-31 resides in Art. II, Taxicabs, and formerly consisted of penalty provisions specific to that article. In order to provide better classification, and to facilitate indexing, reference, and use, the editor, at his discretion, has redesignated the provisions enacted by § 42 of Ord. No. 1092 as a new § 23-1.

Secs. 23-2—23-15. Reserved.

ARTICLE II. TAXICABS†

DIVISION 1. GENERALLY

Sec. 23-16. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Driver means any person who drives a taxicab.

*Cross reference—Traffic, Ch. 20.

†Cross references—Animals and fowl, Ch. 3; changes in Uniform Traffic Code, § 20-6.

Driver's permit means a permit issued by the city clerk permitting the holder thereof to drive a taxicab.

For hire means for remuneration or reward of any kind, paid or promised, either directly or indirectly.

License means a license issued by the city commission authorizing the operation of taxicabs.

Owner means any person to whom a taxicab license has been issued.

Rate card means the card issued by the city to a licensee for display within each taxicab, stating the schedule for fares charged.

Taxicab means any motor vehicle designed to carry six (6) passengers, or less, excluding the driver, operating on the public streets, alleys and quasi-public places of the city, and excepting passengers for transportation for hire on call or demand, between such points as may be directed by the passenger or as may be determined by the operator. The term "taxicab" shall include nonmotor vehicles operated under the said conditions, including those propelled by horses or other animals.

(Code 1958, § 6-501; Ord. No. 1003, § 1, 6-12-90; Ord. No. 1054, § 1, 7-27-93; Ord. No. 1136, 10-14-97)

Sec. 23-17. Numbering.

Each taxicab shall be numbered and the number shall be of such size as to be readily seen, and shall be inscribed on both the inside and outside of the cab.

(Code 1958, § 6-527)

Sec. 23-18. Inspection and maintenance by owner.

The owner of each taxicab shall examine and inspect such taxicab as to its mechanical condition, the brakes, power and lights, in such manner and with such frequency as to insure safety and dependability to patrons and the public, and each taxicab shall be maintained at all times in a dependable, workable and safe condition. Records of such inspections, the defects

found and repairs made shall be kept on file by the owner for each taxicab and such records shall, during ordinary business hours, be open for inspection by any member of the police department. (Code 1958, § 6-527)

Sec. 23-19. Periodic inspection by police.

Any police officer designated by the chief of police may, at any time, inspect any taxicab licensed under this article, and its equipment, and report the result of such inspection to the chief of police. If such a taxicab is found to be lacking in any of the requirements set out in sections 23-18 and 23-40, the chief of police may recommend to the city commission, through the city manager, that the license for such taxicab be suspended or revoked.

(Code 1958, § 6-504)

Sec. 23-20. Determination of rates of fare.

All fares and charges for the use of taxicabs shall be determined by resolution of the city commission following a hearing held by the commission at a regular meeting. All taxicab licensees shall be notified of any such hearing by mail.

(Code 1958, § 6-523)

Sec. 23-21. Taximeters.

Every taxicab operated under the provisions of this article shall have affixed thereto a taximeter of a size and design approved by the city commission. No licensee or driver shall operate any such taxicab for hire unless the taximeter affixed thereto shall be in workable condition, placed in operation while engaged for hire, and be no more than five (5) per cent incorrect to the prejudice of any passenger.

(Code 1958, § 6-524)

Sec. 23-22. Rate card.

The city clerk shall, at the time of issuing each taxicab license, deliver to the licensee a rate card stating the rates of fare

prescribed under section 23-20. Such rate card shall at all times be plainly displayed in view of any passenger seated within the taxicab so licensed.

(Code 1958, § 6-525)

Sec. 23-23. Charging excess fare.

(a) The charges determined pursuant to section 23-20 shall be the maximum charges for taxicab service and no taxicab owner or driver shall charge, demand or receive any charges in excess thereof.

(b) Both the owner and the driver shall be liable to the passenger for any excess in any fare demanded and received over the rates established, provided a written demand for refund is mailed or delivered to the owner within seven (7) days after the claimed overcharge, which demand shall specify the point of pickup, the point of delivery, date, approximate hour, amount of fare demanded and paid, and identity of the driver by his badge number or the vehicle by its taxicab license number.

(Code 1958, § 6-526)

Sec. 23-24. General operating standards.

Each taxicab shall be operated in accordance with the laws of the state and the ordinances of the city, with due regard for the safety, comfort and convenience of passengers and for the safety of the general public. No taxicab shall be operated at a rate of speed greater than that established by state law or by the ordinances of the city.

(Code 1958, § 6-528)

Cross reference—Traffic, Ch. 20.

Sec. 23-25. Regulations pertaining to passengers.

No driver or licensee of a taxicab shall refuse or neglect to convey any orderly person upon request by signal or telephone call, unless the taxicab is previously engaged. When a taxicab has been engaged by a passenger, no additional passenger shall be conveyed except with the express consent of the first passenger.

No driver shall convey any person except farepaying passengers. No passenger shall occupy the front seat when space remains available in the rear of the taxicab.
(Code 1958, § 6-531)

Sec. 23-26. Articles left in vehicle by passengers.

Every driver of a taxicab shall search the interior of his taxicab at the termination of each trip for any article of value which may be left in his taxicab by a passenger. Any article found therein shall be immediately returned to the passenger owning it, if he is known; otherwise it shall be deposited with the licensee of the taxicab not later than at the conclusion of the driver's tour of duty that day. A report of the finding and deposit of such article shall be made by the licensee within twenty-four (24) hours thereafter to the police department.
(Code 1958, § 6-530)

Sec. 23-27. Driver's dress and cap.

Drivers of taxicabs shall be clean in dress and in person, and shall wear a distinctive cap at all times while operating a taxicab.
(Code 1958, § 6-529)

Sec. 23-28. Driver's conduct generally.

No taxicab driver, while waiting for or trying to obtain employment, shall sound any horn or similar device, or call loudly for passengers or patrons, or in any wise deceive any customer or person seeking information; nor shall he convey any person or the baggage of any person, except on request of that person; nor shall he commit any disorderly, boisterous, improper or uncivil act; nor shall he use any indecent, immoral or insulting language to or in the presence of any person.
(Code 1958, § 6-534)

Sec. 23-29. Use of alcohol or drugs by drivers.

No taxicab driver shall drink beer, wine, spirits or other alcoholic beverages or liquors while on duty, nor shall he operate any taxicab while under the influence of narcotics or alcoholic liquors.
(Code 1958, § 6-532)

Cross reference—Driving while under influence of or while ability impaired by alcohol or drugs, §§ 20-64, 20-65.

- (3) Whether there are any unpaid judgments of record against the applicant, and if so, the title of all actions, the amount of all judgments unpaid and the court in which the same were rendered.
- (4) The experience of the applicant, both in the city and elsewhere, in the operation of taxicabs or other common carriers.
- (5) Whether or not the applicant for such license, or if a partnership or corporation, any of the partners, officers or directors thereof, has ever been charged with, convicted of or pleaded guilty to any felony or misdemeanor, and if so, the date, nature of the offense and the court in which such charge was made, conviction was obtained or a plea of guilty was entered.
- (6) The place within the city, or elsewhere, where the person applying for such license proposes to establish his office and from which he proposes to operate such taxicabs.

Sec. 23-30. Use of vehicle for immoral or illegal purposes.

No owner or driver of a taxicab shall use, or permit the use of, any taxicab for immoral or illegal purposes.
(Code 1958, § 6-533)

Sec. 23-31. Reserved.

Secs. 23-32—23-34. Reserved.

Editor's note—Ord. No. 1136, adopted Oct. 14, 1997, repealed former §§ 23-32—23-34, which pertained to horse-drawn taxicabs, and derived from Ord. No. 1003, adopted June 12, 1990.

Secs. 23-35—23-37. Reserved.

DIVISION 2. LICENSE

Sec. 23-38. Required.

No person shall operate, or cause to be operated, any taxicab in the city without having first obtained a license to operate such taxicab.

(Code 1958, § 6-502)

Cross reference—Licenses generally, § 5-21 et seq.

Sec. 23-39. Application generally.

Any person desiring a license to operate a taxicab on the streets of the city shall file with the city clerk a sworn application, on forms to be furnished by the city, which application shall contain the following:

- (1) The name, age, residence and present occupation of the person applying for such license. If the applicant is a partnership, the names, addresses and occupations of all partners shall be stated; and if the applicant is a corporation, the names, addresses and occupations of all the officers and directors thereof shall be stated.
- (2) The make, body style, year, serial and engine numbers, state license plate number, seating capacity and weight of the taxicab for which such license is sought.

- (7) The number of taxicabs operated or intended to be operated by the applicant pursuant to the provisions of this article.
- (8) Whether the applicant is the owner of the taxicab proposed to be operated under the license, and if not, the name of the owner thereof.
- (9) Whether there are any liens, mortgages or other encumbrances, including conditional sales contracts, on such taxicabs, and if so, the amount and character thereof and the name of the holder thereof.
- (10) Such other information as the city commission may, in its discretion, require.
- (11) The applicant's annual financial and profit and loss statements covering his operations during the last preceding fiscal year shall be attached to and made a part of such application. (Code 1958, § 6-503)

Sec. 23-40. Investigation of applicant and inspection of vehicle; recommendations of chief of police.

The city clerk shall transmit each application for a license under this division to the chief of police, who shall cause an investigation to be made of the character, fitness and qualifications of the applicant and the fitness of the proposed taxicab for use as such. No taxicab shall be licensed until it has been inspected by a police officer designated by the chief of police for that purpose and found to be in safe condition for the transportation of passengers, clean, of good appearance and well painted or lacquered and until the taximeter attached to such vehicle has been tested and found to be accurate. The chief of police may recommend to the city commission that it refuse a license for any vehicle which does not conform with these requirements. The chief of police shall thereupon transmit such application, together with his recommendation thereon, to the city commission through the city manager. (Code 1958, § 6-504)

Sec. 23-41. Commission action on application.

If the city commission determines that the applicant for a license under this division is a suitable person, and that the taxicab proposed to be licensed is a suitable vehicle for such purpose, it may authorize the issuance of the license. The city commission may refuse to grant such authorization when, in its judgment, the owners already licensed are adequately serving the needs of the public, or when, in its judgment, there are existing transportation facilities reasonably sufficient to serve the public demand, or when, in its judgment, the use of the streets of the city by additional taxicabs would interfere with the public use of such streets or congest traffic, or when, in its judgment, no sufficient showing is made of public convenience and necessity. (Code 1958, § 6-504)

Sec. 23-42. Applicant's insurance.

(a) No license shall be issued under this division until the applicant obtains and files with the city clerk a policy of liability insurance, issued by an insurance company authorized to do business in the state, for each taxicab to be licensed.

(b) Such policy of insurance shall insure the applicant against liability for personal injury to any passenger or to any member of the general public, or any damage to property, resulting from an accident in which such taxicab may be involved through the recklessness or negligence of its driver, operator or owner.

(c) Such policy shall provide minimum insurance protection for each taxicab in the amount of twenty-five thousand dollars (\$25,000.00) for injury to, or death of, one person, and fifty thousand dollars (\$50,000.00) for injury to, or death of, more than one person resulting from a single accident, and ten thousand dollars (\$10,000.00) damage to property, including personal belongings or baggage of passengers, as a result of one accident.

(d) Such policy of insurance shall provide for continuing liability thereunder to the full amount thereof, notwith-

standing any recovery thereon, and that the insolvency or bankruptcy of the insured shall not release the insurance company.

(e) Such policy shall further provide that it shall not be cancelled, surrendered or revoked by either party except after ten (10) days written notice to the city furnished by the insurance company issuing such policy. The cancellation, surrender or other termination of any insurance policy issued and filed in compliance with this section shall automatically terminate the license of any licensee covered by such insurance policy, unless another policy complying with this section shall be in effect and deposited with the city at the time of such cancellation or termination.

(f) No license shall be issued, until the policy of insurance has been found, by the city attorney, to comply with the terms of this section and has been approved by the city commission. (Code 1958, §§ 6-505, 6-513)

Sec. 23-43. Issuance.

If the city commission authorizes the issuance of a license under this division, the city clerk shall issue the license, upon the filing of the policy of insurance required by section 23-42 and the payment of the fee prescribed in section 5-84 of this Code. (Code 1958, §§ 6-504, 6-505)

Sec. 23-44. Procedure for operation of more taxicabs than specified in license.

If the holder of a license issued under this division desires to operate taxicabs in addition to the number specified in the license, he shall make application on forms obtained from the city, which forms shall contain the information required under subsections (2), (8), (9) and (10) of section 23-39, file the insurance policy required by section 23-42 and pay the fee prescribed by section 5-84 of this Code. (Code 1958, § 6-508)

Sec. 23-45. Transfer from person to person prohibited; change of ownership of licensed taxicab.

(a) Licenses issued under this division shall not be transferable from person to person. A transfer or attempted

transfer thereof to any other person shall automatically revoke the license.

(b) Loss or surrender of the absolute right to possession of any taxicab shall automatically revoke any license previously granted for the operation of such taxicab, and the purchaser thereof shall not operate such taxicab until he has applied for and been granted a license under the terms of this division and he has complied with all the terms of this article. (Code 1958, §§ 6-509, 6-511)

Sec. 23-46. Transfer to another taxicab.

The owner of any licensed taxicab may have the license transferred to another vehicle by filing with the city clerk a request therefor, stating the make, year, body style, engine number, serial number, state license plate number, seating capacity and weight of the vehicle to which he proposes to have such license transferred. No transfer of a license shall be made until the chief of police has notified the city clerk that the new vehicle is a proper vehicle for taxicab purposes, and no transfer of a license shall be made unless the original taxicab upon which such license was issued shall be retired from taxicab service. (Code 1958, § 6-510)

Sec. 23-47. Expiration.

All licenses issued under this article shall expire on May first following the issuance thereof. (Code 1958, § 6-506)

Charter reference—Mandatory expiration of licenses, Ch. XVII, § 1.

Sec. 23-48. Suspension or revocation.

Licenses issued under this division may be suspended or revoked by the city commission at any time if:

- (1) The commission finds that the information contained in the application for such taxicab license was false or misleading;
- (2) The commission finds that the owner or any driver in his employ repeatedly has failed to operate the taxicab so licensed in accordance with the provisions of this article;

- (3) The owner shall cease to operate any taxicab for a period of thirty (30) consecutive days without obtaining permission for cessation of such operation from the city manager;
- (4) The commission finds that the licensed taxicab is or has been operated at a rate of fare higher than that established and stated on the rate card issued under this article;
- (5) The commission finds that the licensee or any driver in his employ has repeatedly violated any of the provisions of the traffic ordinances of the city, laws of the state, or regulations of any commission or bureau of competent jurisdiction, while operating a taxicab licensed under this article.

(Code 1958, § 6-512)

Secs. 23-49—23-54. Reserved.

DIVISION 3. DRIVER'S PERMIT (TAXICAB)*

Sec. 23-55. Required.

No person shall drive a taxicab on the streets of the city without first having obtained a driver's permit from the city clerk. (Ord. No. 946, 4-28-87; Ord. No. 1003, § 5, 6-12-90; Ord. No. 1136, 10-14-97)

Sec. 23-56. Application.

Any person desiring to drive a taxicab shall file with the city clerk, on forms to be furnished by the city, a sworn application for a permit, stating the following:

- (1) The name, age, date of birth, residence and present occupation of the applicant, and his places of residence for five (5) years immediately preceding the date of application.

***Editor's note**—Ord. No. 946, adopted Apr. 28, 1987, repealed Div. 3, §§ 23-55—23-65, pertaining to a taxicab driver's permit, which was derived from Code 1958, §§ 6-516—6-520; Ord. No. 926, adopted Apr. 22, 1986; and Ord. No. 927, adopted Apr. 22, 1986; and added a new Div. 3, §§ 23-55—23-66, as herein set out.

- (2) The applicant's social security number and the number appearing on his or her chauffeur's license.
 - (3) The experience the applicant has had in operating automobiles, taxicabs or other vehicles used in carrying passengers for hire.
 - (4) Whether or not such applicant has ever been convicted of any felony or misdemeanor; and, if so, the date, nature of the offense, the court location, municipality and state or county in which such conviction occurred.
 - (5) A statement by the applicant informing the city whether he or she has ever been convicted of a drinking and driving related offense.
 - (6) Whether any chauffeur's or operator's license issued to the applicant has ever been suspended or revoked, and if so, for what cause.
 - (7) A photograph measuring at least two (2) inches by three (3) inches, showing a full face and shoulder likeness of the applicant, together with written evidence proving that the photograph was taken during the period of three (3) years or less prior to the date of application. Said photograph must be suitable for mounting on the license to be issued to the taxicab driver and displayed in the taxicab at all times.
 - (8) Such other information as the city commission may, in its discretion, require by resolution.
- (Ord. No. 946, 4-28-87; Ord. No. 1003, § 6, 6-12-90; Ord. No. 1054, § 2, 7-27-93; Ord. No. 1136, 10-14-97)

Sec. 23-57. Investigation of applicant and action by the chief of police.

The city clerk shall forward a filed application to the chief of police, who shall cause an investigation to be made of the character and fitness of the applicant using the application and such information as is available to the chief of police, relevant to the standards for issuance of permits under this division. After review of the application and the information resulting from the investigation, the chief of police shall determine in accordance

with the standards of this division whether or not a driver's permit shall be approved. If approved, the permit shall be issued upon the payment of the fee thereof.
(Ord. No. 946, 4-28-87)

Sec. 23-58. Disapproval by chief of police, review hearing; appeal.

If the chief of police disapproves the issuance of a permit, he shall issue in written form his disapproval together with a statement of the reasons therefor, informing the applicant the basis of said disapproval. The applicant may within ten (10) days of the mailing or personal delivery of the notice of disapproval, request in writing a review hearing to be held. Said hearing shall be held before a hearing officer, appointed by the city manager, who shall consider all information and evidence reasonably made available by the chief of police and by the applicant, and reviewing same based upon the standards set forth in this division shall make a determination whether to issue or deny the permit. The chief's written reasons for denial shall be considered as well as any other evidence brought before the hearing officer by either side. The applicant shall be given notice by mail to the address on the application, of the time and place of the hearing, said notice to be mailed at least ten (10) days before the hearing. The applicant may have counsel appear with him or her.
(Ord. No. 946, 4-28-87)

Sec. 23-59. Denial by hearing officer; court action.

If after holding the hearing, the hearing officer determines to deny the issuance of a permit, an aggrieved applicant shall have the right to file a complaint in circuit court to review the denial of the permit.
(Ord. No. 946, 4-28-87)

Sec. 23-60. Fee.

The fee for each original taxicab driver's permit shall be ten dollars (\$10.00).
(Ord. No. 946, 4-28-87)

Sec. 23-61. Issuance; size; contents.

Upon approval of a taxicab driver's permit, the application shall be returned to the city clerk with the approval marked thereon by the appropriate officer, and the city clerk shall issue a driver's permit to the applicant. Such permit shall be on a card not more than 4 × 6 inches in size and shall have thereon a frontview photograph of the applicant, approximately 2¼ × 2¼ inches in size, to be furnished by the applicant, his signature, and name printed thereon, with the number and date of issuance of his or her permit together with the city seal and signature of the city clerk.

(Ord. No. 946, 4-28-87)

Sec. 23-62. Display.

A permit issued under this division shall at all times be plainly displayed in view of any passenger in the taxicab when the driver is driving such cab.

(Ord. No. 946, 4-28-87)

Sec. 23-63. Expiration.

All taxicab driver's permits issued under this division shall expire on May first following the issuance thereof.

(Ord. No. 946, 4-28-87)

Sec. 23-64. Renewal.

Taxicab driver's permits may be renewed from year to year. A driver must apply for a renewal of his or her permit using a form furnished by the city and filing the same with the clerk. The clerk shall transmit the form to the chief of police who shall make an investigation and review the permit applying the standards of this division. If the chief of police thereby determines that renewal is appropriate, he shall endorse his approval upon the renewal form and return it to the clerk, who shall issue the renewal upon payment of a fee of five dollars (\$5.00). In the event the chief determines to refuse renewal, a written refusal stating the reasons therefor shall be mailed or delivered to the driver and

he or she shall have the same rights of review, using the same procedure and time limit as set forth in this division concerning issuance of driver's permits.

(Ord. No. 946, 4-28-87)

Sec. 23-65. Revocation.

A taxicab driver's permit may be revoked for any of the following causes:

- (1) If it is determined at any time that the application or information supplied with a renewal form contains false, fraudulent or misleading information, or it is reasonably demonstrated that information was intentionally omitted from the application or renewal form;
- (2) If the holder of the permit shall be convicted of a felony, a high court misdemeanor, or a misdemeanor involving moral turpitude or assaultive conduct, or shall be convicted of any moving violation under the traffic ordinance of the city or any section of the Motor Vehicle Code of the State of Michigan;
- (3) If the permit holder shall be involved in any accident causing injury to or death of any person, or injury to or destruction of any property, provided that this provision may be waived in the event the holder was in a vehicle legally parked at the time of the accident;
- (4) If the holder engages in any conduct or performs any act which would reasonably demonstrate that he or she does not meet the standards for issuance of a permit set forth in this division;
- (5) If the holder engages in conduct or performs any act which endangers the public health, safety and welfare of the inhabitants of the city, or engages in immoral and disreputable conduct which would tend to endanger, embarrass or humiliate any person riding in a taxicab;
- (6) If the holder engages in any public fight or breach of the peace, or is found in an intoxicated condition or under the influence of any narcotic while operating or attempting to operate a taxicab;

- (7) If the driver attempts to transfer the driver permit. It shall be unlawful for any person holding a permit to transfer or attempt to transfer such permit or any card issued under this division to any person; and it shall be unlawful for any person holding such a permit to knowingly permit any other person to have the same in his or her possession. It shall be unlawful for any person to exhibit, wear or have in his or her possession while operating a taxicab a permit or card issued to any other person.

(Ord. No. 946, 4-28-87)

Sec. 23-66. Standards.

The following standards shall apply in determining whether to issue, renew or revoke a taxicab driver's permit. The standards shall be in addition to all other standards defined or implied in this division:

- (1) No taxicab driver's permit shall be issued to any person who has not attained the age of eighteen (18) years;
- (2) No permit shall be issued to a person who does not hold a valid chauffeur's license from the State of Michigan;
- (3) No person shall hold a permit who has been convicted of a felony, unless said person has demonstrated, for a period of five (5) years after the release from parole or commitment from the applicable corrections department, no convictions of any felony or misdemeanor;
- (4) No person shall hold a permit who has been convicted of a drinking or narcotics and driving related traffic offense within a period of five (5) years before the issuance of the permit;
- (5) In the event of revocation of a permit or refusal to renew same based on standards set forth in this division, the said person shall not be issued a permit for a period of five (5) years from the date of said revocation or nonrenewal;
- (6) No permit shall be issued to any person who has habitually, or at any time during the five (5) years prior to application, engaged in conduct which would be cause for revocation of a permit under this division;

- (7) The requirement of a valid chauffeur's license shall not apply to a horse-drawn taxicab driver's permit.
(Ord. No. 946, 4-28-87; Ord. No. 1003, § 7, 6-12-90)

Sec. 23-67. Reserved.

Editor's note—Ord. No. 1136, adopted Oct. 14, 1997, repealed former § 23-67; which pertained to the applicability of this chapter to horse-drawn taxicabs, and derived from Ord. No. 1003, adopted June 12, 1990.

ARTICLE III. HORSE-DRAWN VEHICLES FOR HIRE

Sec. 23-68. Definitions.

The following definitions shall apply to this article concerning horse-drawn vehicles for hire:

- (1) *Horse-drawn vehicle* shall mean a vehicle drawn by horses which carries any persons for hire in the City of Muskegon.
- (2) *Owner* shall mean a person having the ownership or control (except for driving) of any horse-drawn vehicle, equipment, or horse utilized with the horse-drawn vehicle.
- (3) *Operator* shall mean the driver in control of and the actual operation of a horse-drawn vehicle, including any assistant to the driver. The words "driver" and "assistant" shall mean "operator", and shall be used interchangeably in this article.
- (4) *Person* shall mean an individual, partnership, corporation, limited liability company or any other entity functioning as the owner or operator of a horse-drawn vehicle.
- (5) *Holder* shall mean the licensee or holder of a license hereunder, and any agent or employee thereof.

(Ord. No. 1136, 10-14-97)

Sec. 23-69. Licenses for horse-drawn vehicles.

No owner shall permit or cause a horse-drawn vehicle to be driven on any street, alley, highway, road or public place within

the City of Muskegon without a license having been obtained for the horse-drawn vehicle. Licenses shall be issued for horse-drawn vehicles upon the completion of an inspection, and shall expire annually on May first following the issuance thereof. Fees for the horse-drawn vehicle license shall be determined by the city commission in its fee resolution. The city commission shall provide fees for part-year licenses.

(Ord. No. 1136, 10-14-97)

Sec. 23-70. Drivers of horse-drawn vehicle; vehicle driver's license required.

No person shall operate or drive a horse-drawn vehicle without a currently valid vehicle chauffeur's license issued by the State of Michigan or by another state or territory of the United States, a foreign country, or the District of Columbia.

(Ord. No. 1136, 10-14-97)

Sec. 23-71. Maintenance of equipment.

(1) *Equipment required.* Each horse-drawn vehicle shall include all lighting required by the Uniform Traffic Code or the State Motor Vehicle Code and in addition shall include turn signals visible from the front and rear of the vehicle, brake lights, hydraulic brakes, a device to prevent movement of the vehicles without the presence or control of the driver, brake lock, running lights, a slow moving vehicle sign, and a device determined by the city to be adequate to catch all droppings.

(2) *Equipment-safety inspections.* Before the initial licensing all equipment, including the horse-drawn vehicle and equipment involved with the horses and the vehicle shall be inspected by the city. No license shall be issued unless the inspection determines that the horse-drawn vehicle has all the equipment required by this ordinance, is in good repair, and is of such a design as to provide the maximum safety to passengers and the public. The city shall further determine if the equipment meets the standards of horse-drawn vehicles which are acceptable in the industry, and shall further determine whether the equipment results in the effective and humane treatment of the horses to be utilized. Any horse-drawn vehicle or equipment which does not comply with

the standards herein shall be immediately withdrawn from service and not again used for carrying passengers for hire until it has been repaired and inspected and approved by the city.
(Ord. No. 1136, 10-14-97)

Sec. 23-72. Insurance.

No horse-drawn vehicle may be operated in the city unless it has issued, applicable to it, a liability insurance policy, issued by an insurance company approved by the city, naming the city as an additional insured. In the event of cancellation of said policy or reduction in coverage, the owners license shall be automatically canceled. The insurance shall carry liability limits of at least one million dollars (\$1,000,000.00) for bodily injury or death of any person in any one accident, and one million dollars (\$1,000,000.00) for injury of destruction of property of others in any one accident. Such policy of insurance may be in the form of a separate policy for each horse-drawn vehicle or in the form of a fleet policy covering all horse-drawn vehicles owned or controlled by the same owner, provided that the said limits shall apply separately to each horse-drawn vehicle. No policy may be canceled or coverage or liability limits reduced or altered until the expiration of thirty (30) days after notice of intent to cancel has been served in writing to the city clerk by mail or by personal delivery, from the insurer.

(Ord. No. 1136, 10-14-97)

Sec. 23-73. Horse-drawn vehicle license; issuance and revocation.

(1) *Standards for issuance of license.* The following standards shall apply in determining whether to issue or renew a horse-drawn vehicle license. All other standards defined or implied in this article for revocation are included:

- (a) No license shall be issued to any person who has not attained the age of eighteen (18) years, or to any entity which is not controlled by a person who is eighteen (18).
- (b) No license shall be issued or renewed to a person, or an entity controlled by such person, who has been convicted of a felony, unless said person has demonstrated, for a

period of five (5) years after the release from parole or commitment from the applicable corrections department, no convictions of any felony or misdemeanor.

- (c) No license shall be issued to or renewed by a person, or entity controlled by said person, who has been convicted of a drinking or narcotics and driving related traffic offense within a period of five (5) years before the issuance of the license.
- (d) In the event of revocation of a license or refusal to renew same based on standards set forth in this division, the said person or entity shall not be issued a license for a period of five (5) years from the date of said revocation or nonrenewal.
- (e) No license shall be issued to any person or entity controlled by such person, who has habitually, or at any time during the five (5) years prior to application, engaged in conduct which would be cause for revocation of a license under this article.

(2) *Standards for denial or revocation of license.* A license may be refused or revoked for any of the following causes:

- (a) If it is determined at any time that the application or information supplied with a renewal form contains false, fraudulent or misleading information, or it is reasonably demonstrated that information was intentionally omitted from the application or renewal form.
- (b) If the holder of the license, during the license term, is convicted of a felony, a high court misdemeanor, or a misdemeanor involving moral turpitude or assaultive conduct.
- (c) If the holder shall cause any accident causing injury to or death of any person, or injury to or destruction of any property, provided that this provision may be waived in the event the vehicle involved was legally parked at the time of the accident. This section shall apply whether or not the vehicle involved in the accident is the horse-drawn vehicle licensed hereunder.

- (d) If the holder engages in any conduct or performs any act which would reasonably demonstrate that he, she or it does not meet the standards for issuance of a license set forth in this article, or if the holder violates any restriction or requirement of this article or any rule determined by the city commission hereunder.
 - (e) If the holder engages in conduct or performs any act which endangers the public health, safety and welfare of the inhabitants of the city, or engages in immoral and disreputable conduct which would tend to endanger, embarrass or humiliate any person riding in a horse-vehicle.
 - (f) If the holder engages in any public fight or breach of the peace, or is found in an intoxicated condition or under the influence of any narcotic while operating or attempting to operate a horse-drawn vehicle.
 - (g) If the holder attempts to transfer the license. It shall be unlawful for any person holding a license to transfer or attempt to transfer such license or any card issued under this article to any person; and it shall be unlawful for any person holding such a license to knowingly permit any other person to have the same in his or her possession. It shall be unlawful for any person to exhibit, wear or have in his or her possession while operating a horse-drawn vehicle a license or card issued to any other person.
- (Ord. No. 1136, 10-14-97)

Sec. 23-74. Revocation; effective date.

In the event a license for a horse-drawn vehicle or a drivers license has been revoked, the revocation shall be effective immediately upon expiration of the time for appeal if none is filed, and otherwise at the time of the final decision by the city manager if the revocation is upheld after hearing. Any owner or operator who is aggrieved by said revocation may, within ten (10) of the revocation file a written appeal to the city manager, who shall review the revocation utilizing the standards set forth in this article. In the event the city manager concurs in the revocation, the owner or operator may appeal to the circuit court, said appeal to be taken within twenty-one (21) days from the date of the written decision of the city manager.

In determining the appeal the city manager shall afford the owner or operator a full hearing with right to counsel, presentation and cross-examination of witnesses and the submitting of any exhibits for the record. The city manager's decision shall be made upon the record which shall be preserved. City manager may utilize a referee to hold a hearing.
(Ord. No. 1136, 10-14-97)

Sec. 23-75. Operation of horse-drawn vehicles for hire.

(1) *Standards.* The following standards apply to the operation of horse-drawn vehicles:

- (a) The operator of each horse-drawn vehicle shall be responsible for the care of the horses. No operator shall mistreat a horse or use horses which are in ill health.
- (b) Droppings or excretions from horses must be immediately cleaned, swept and removed.
- (c) When persons are in the vicinity of or occupy a horse-drawn vehicle, it shall be attended at all times by the operator or an assistant who shall control the horses and attend to the safety of all such persons.
- (d) All traffic laws shall be obeyed.

(2) *Operating on designated streets.* Horse-drawn vehicles shall not be operated on limited access streets, limited access highways, restricted access streets or highways, or any street where a horse-drawn vehicle is likely to cause traffic congestion. The city commission may prescribe by resolution that a horse-drawn vehicle shall be operated only in certain streets, alleys or other public places, or may prohibit operation in such locations. In making such determination the city commission shall use information from the city police, the city engineer or such other source as it may deem appropriate.

(3) *Hours of operation.* Horse-drawn vehicles shall be allowed to operate on the street, alleys, highways, roads and public places of the City of Muskegon, except where limited or prohibited by the city commission, during daylight hours and no later than two-thirty (2:30) a.m.
(Ord. No. 1136, 10-14-97)

Repeal

Ordinances or parts of ordinances inconsistent with this article III are repealed. These include, without limitation, the definition of "Horse-Drawn Taxicab" in Code section 23-16, all of the code sections 23-32, 23-33, 23-34, that portion of sections 23-55 and 23-56(3) applicable to drivers of horse-drawn taxicabs, and 23-67.

AGENDA ITEM

**CITY COMMISSION MEETING
October 13, 1998**

TO: Honorable Mayor and City Commissioners
FROM: Gail A. Kunding, City Clerk
DATE: October 8, 1998
SUBJECT: TaxiCab Rates

SUMMARY OF REQUEST: We have received a request from Port City Cab and Yellow Cab for an increase in Taxicab fares. The last time there was a change in rates was December, 1993. The requested changes are as follows:

| | | | | |
|-----------------------|-----------|---------|------------------|---------|
| Current rates: | Flag Drop | \$1.45 | Proposed: | \$1.65 |
| | Each 1/10 | .10 | | .15 |
| | Full mile | \$1.30 | | |
| | Wait time | \$10.00 | | \$12.00 |

Attached are copies of the rates in Grand Rapids and Kalamazoo. The request is in line with what other communities have in place.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the request for change in taxi cab rates and adoption of the resolution.

COMMITTEE RECOMMENDATION: The Committee of the Whole will review this request at the meeting held on Monday, October 12, 1998.

Date: June 29, 2000

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department CBE

RE: Approval of Brownfield Plan Amendment

SUMMARY OF REQUEST: To approve the attached resolution for the approval of the amendment to the Brownfield Plan. The amendment will add Beacon Recycling, Inc./Beacon Leasing ("Beacon") development to the existing Brownfield Plan, which was approved by the City Commission on April 14, 1998.

FINANCIAL IMPACT: There is no direct financial impact to the amendment, although the relocation and expansion of Beacon will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority recommended approval of the Plan to the City Commission, at their meeting on June 13, 2000.

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN

Approved by the Board of the City of Muskegon Brownfield Redevelopment Authority on February 23, 1998. Approved by the City Commission of the City of Muskegon on April 14, 1998

Amended by the Board of the Muskegon Brownfield Redevelopment Authority on August 10, 1998. Amendment approved by the City Commission of the City of Muskegon on September 8, 1998.

Amended by the Board of the Muskegon Brownfield Redevelopment Authority on June 13, 2000. Amendment approved by the City Commission of the City of Muskegon on July 11, 2000.

**MUSKEGON BROWNFIELD PLAN
SITE-SPECIFIC PROVISIONS
(SITE ADDITION)**

Beacon Recycling, Inc. (Section 13(1)(g))

Beacon Recycling, Inc./Beacon Leasing ("Beacon") intends to expand its recycling operations by relocating to a portion of the former Amstore property located on Keating Avenue. Beacon intends to collect, sort, and prepare materials (primarily metals) for transport to recycling processing centers. A legal description and site map of the property purchased by Beacon is included as Attachment #3, and is herein referred to as the "Property".

Beacon's initial investment in land and buildings is \$690,000. Over the next five years, projected investments in building and Property improvement totals over \$219,000. Estimated capital expenditures within the next five years exceed \$760,000. Beacon projects that its expansion at the Property will create 10-12 new jobs within the next 3 years.

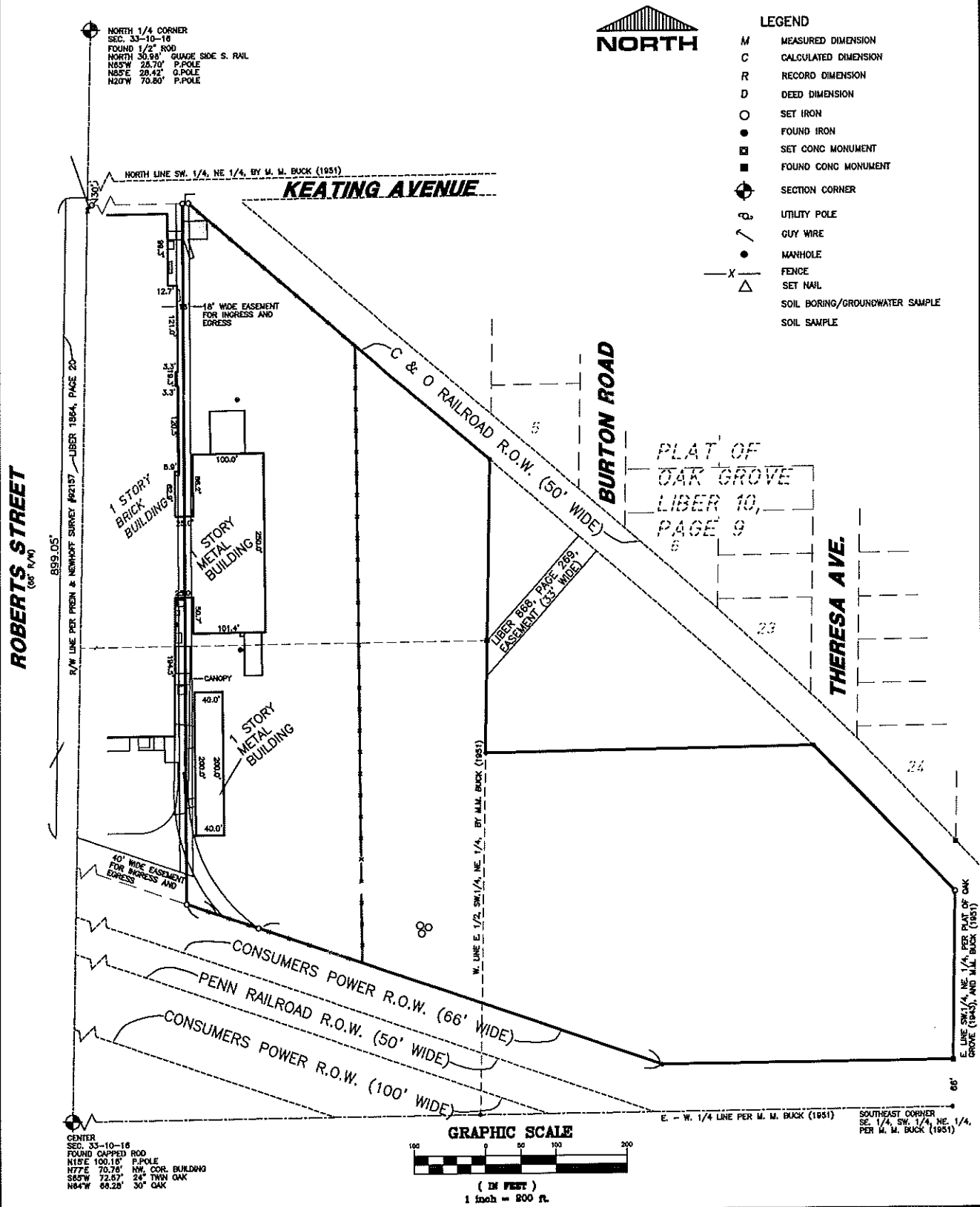
Eligibility

The Property being acquired by Beacon is considered to be "eligible property" as defined by Act 381 because it has been determined to be a "facility" pursuant to Part 201 of the Natural Resources and Environmental Protection Act. The Property has been the subject of Phase I and Phase II Environmental Site Assessments (ESAs) recently conducted by Westshore Consulting on behalf of Beacon. The Phase I ESA documented the past industrial use of the western portion of the Property as a store fixture manufacturing site (shelving and display units) from approximately 1963 to 1999. From the 1920's to 1960's, the site was used for the assembly of busses and farm equipment. The Phase II ESA revealed concentrations of heavy metals in soils that exceed applicable Part 201 Residential criteria. As a result of the Property being determined to be a facility, Westshore has prepared a Baseline Environmental Assessment (BEA) for the Property on behalf of Beacon. Westshore will be preparing a Due Care plan, to identify Beacon's responsibility for undertaking any necessary Due Care response activities pursuant to Part 201.

Costs of Plan (Section 13(1)(a,b,c,f))

There are no costs to the City of Muskegon or its local taxing jurisdictions as a result of the Property being included in this Brownfield Plan. There will be no tax increment financing for "eligible activities"; Beacon has paid for the cost of undertaking the Phase I and II ESAs, the BEA, and the Due Care Plan. Beacon will also pay for any necessary Due Care Response activities.

The costs to the State are as yet undetermined, although inclusion of the Property in this Plan may allow Beacon to be eligible for up to \$1 million in credits toward its Single Business Tax liability. The Property is included in this Brownfield Plan to enable a "qualified taxpayer" to avail itself of eligibility for credits against its Single Business Tax liability for "eligible investment" (demolition, construction, restoration, purchase of machinery, equipment, and fixtures) incurred after the adoption of this amendment to the Brownfield Plan. These Single Business Tax Credits are provided for by amendments to Act No. 228 of 1975.



Engineers ■ Scientists ■ Surveyors ■ Planners

2534 Black Creek Road
Muskegon, MI 49444
Ph: (231) 777-3447
Fax: (231) 773-3453
E-mail: westshore@aol.com

375 River Street, Suite 201
Manistee, MI 49660
Ph: (231) 723-2202
Fax: (231) 723-2291
E-mail: westshore@voyager.net

BEACON LEASING, L.L.C.
Muskegon, Michigan

SITE PLAN

| | |
|-----------|----------|
| Checked: | JRG |
| Date: | 04/28/00 |
| Drawn by: | BJ |
| Date: | 04/28/00 |
| File No.: | 308-3 |
| Figure: | |

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 33;

THENCE SOUTH 01 DEGREE 00 MINUTES 40 SECONDS WEST ALONG THE NORTH/SOUTH 1/4 LINE, A DISTANCE OF 1370.04 FEET;

THENCE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST, A DISTANCE OF 225.04 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF KEATING AVENUE, AS ESTABLISHED PER SURVEY BY M.M. BUCK, MARCH 1951, A DISTANCE OF 7.84 FEET;

THENCE SOUTH 49 DEGREES 37 MINUTES 16 SECONDS EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF C & O RAILROAD, A DISTANCE OF 558.46 FEET;

THENCE SOUTH 00 DEGREES 54 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, AS FOUND MONUMENTED BY M.M. BUCK, MARCH 1951, A DISTANCE OF 410.93 FEET (DEED 411.00 FEET);

THENCE NORTH 89 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 462.31 FEET (DEED 462.20 FEET);

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF C & O RAIL ROAD ON THE ARC OF CURVE TO THE RIGHT, A DISTANCE OF 289.44 FEET (CURVE DATA: R=5610.72', DELTA=02%%D57'20", L.C.=289.40', L.C.B.=S43%%D47'21"E);

THENCE SOUTH 00 DEGREES 48 MINUTES 58 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, AS FOUND MONUMENTED BY THE PLAT OF OAK GROVE (1943) AND M. M. BUCK MARCH 1951, A DISTANCE OF 235.16 FEET TO A POINT THAT IS NORTH 00 DEGREES 48 MINUTES 58 SECONDS EAST, A DISTANCE OF 66.00 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4;

THENCE SOUTH 89 DEGREES 27 MINUTES 42 SECONDS WEST PARALLEL WITH THE EAST AND WEST 1/4 LINE, AS FOUND MONUMENTED BY M.M. BUCK, MARCH 1951, A DISTANCE OF 410.31 FEET (DEED 410.4 FEET)

THENCE NORTH 71 DEGREES 06 MINUTES 20 SECONDS WEST ALONG THE NORTHERLY LINE OF CONSUMER POWER COMPANY RIGHT OF WAY, A DISTANCE OF 709.75 FEET;

THENCE NORTH 00 DEGREES 14 MINUTES 23 SECONDS WEST, A DISTANCE OF 983.62 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 14.64 ACRES MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR APPARENT THEREOF.

SUBJECT TO A 20 FOOT WIDE RAILROAD SPUR PER LIBER 868, PAGE 263.

TOGETHER WITH AND SUBJECT TO AN 18-FOOT WIDE EASEMENT FOR INGRESS, EGRESS; SAID EASEMENT BEING 9 FEET EACH SIDE, WHEN MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 33, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN;

THENCE SOUTH 01 DEGREE 00 MINUTES 40 SECONDS WEST ALONG NORTH/SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 1370.04 FEET;

THENCE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF KEATING AVENUE, A DISTANCE OF 225.04 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE 18-FOOT EASEMENT;

THENCE SOUTH 00 DEGREES 14 MINUTES 23 SECONDS EAST, A DISTANCE OF 941.29 FEET, MORE OR LESS, TO A POINT 40.00 FEET NORTH OF, AT RIGHT ANGLES TO THE NORTH LINE OF CONSUMERS POWER COMPANY'S RIGHT-OF-WAY (66.00 WIDE) AND THE POINT OF ENDING OF SAID CENTERLINE.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS TO BE 40.00 FEET IN WIDTH, LYING 20.00 FEET LEFT AND 20.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 33, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN;

THENCE SOUTH 01 DEGREE 00 MINUTES 40 SECONDS WEST ALONG THE NORTH/SOUTH QUARTER LINE, A DISTANCE OF 1370.04 FEET;

THENCE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF KEATING AVENUE, A DISTANCE OF 225.04 FEET;

THENCE SOUTH 00 DEGREES 14 MINUTES 23 SECONDS EAST, A DISTANCE OF 962.46, MORE OR LESS, TO A POINT 20.00 FEET NORTH OF, AT RIGHT ANGLES TO THE NORTH LINE OF THE CONSUMERS POWER COMPANY'S RIGHT-OF-WAY (66.00 FEET WIDE) FOR THE POINT OF BEGINNING OF SAID CENTERLINE.

THENCE NORTH 71 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 253.52 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF ROBERTS STREET AND THE POINT OF ENDING OF SAID CENTERLINE.

RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT

City of Muskegon

County of Muskegon, Michigan

2000-69(b)

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 11th day of July, 2000, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members

Spataro, Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki

ABSENT: Members

Benedict

The following preamble and resolution were offered by Member

Aslakson and supported by Member Spataro:

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment; and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendment to the City Commission requesting its approval of the Brownfield Plan Amendment; and

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan, as required by Act 381; and

WHEREAS, not less than 10 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on July 11, 2000.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Definitions. Where used in this Resolution the terms set forth below shall have the following meaning unless the context clearly requires otherwise:

"Eligible Property" means the property designated in the Brownfield Plan as the Eligible Property, as described in Act 381.

"Brownfield Plan" means the Brownfield Plan prepared by the Authority, as transmitted to the City Clerk by the Authority for approval, copies of which Brownfield Plan are on file in the office of the City Clerk.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on the Eligible Property.

2. Public Purpose. The City Commission hereby determines that the Brownfield Plan Amendment constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to promote the revitalization of

environmentally distressed areas in the City to proceed with the Brownfield Plan Amendment.

4. Review Considerations. As required by Act 381, the City Commission has, in reviewing the Brownfield Plan Amendment, taken into consideration whether the Brownfield Plan Amendment meets the requirements set forth in Section 13 of Act 381.
5. Approval and Adoption of Brownfield Plan Amendment. The Brownfield Plan Amendment as submitted by the Authority is hereby approved and adopted. A copy of the Brownfield Plan and all amendments thereto shall be maintained on file in the City Clerk's office.
6. No Capture of Tax Increment Revenues by Authority. The Authority shall not capture Tax Increment Revenues on the Eligible Property, as described in the Brownfield Plan Amendment.
7. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendment, the City assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield Plan Amendment. The City makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan.

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

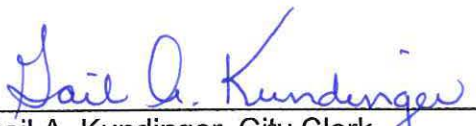
AYES: Members

Spataro, Aslakson, Nielsen, Schweifler, Shepherd

NAYS:

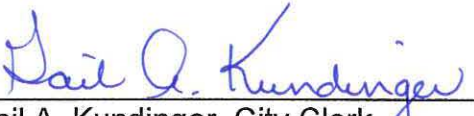
Members None

RESOLUTION DECLARED ADOPTED.



Gail A. Kunderinger, 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 11, 2000, 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, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Gail A. Kunderger, City Clerk

Commission Meeting Date: June 27, 2000

Date: June 15, 2000
To: Honorable Mayor & City Commissioners
From: Planning & Economic Development
RE: Construction of 4 houses in Lakeside

SUMMARY OF REQUEST:

To approve the construction of two additional houses on the parcel designated as map # 24-30-34-429-006. Last month, the Commission approved the sale of the land to Bill Ingalls II for two houses that will front Miner. After careful consideration Mr. Ingalls decided to build two additional homes which will front Harrison. All four lots will have dimensions of 72 feet X 102 feet.

FINANCIAL IMPACT:

Construction of the additional two homes fronting Harrison will generate additional tax revenue for the City.

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:

None.

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING THE CONSTRUCTION OF TWO HOMES FRONTING
HARRISON STREET IN LAKESIDE.**

WHEREAS, City Commission has already approved the sale of the map # 24-30-34-429-006 to Bill Ingalls II;

WHEREAS, the subject parcel is large enough to construct the two houses fronting Harrison

WHEREAS, the construction of the two homes fronting Harrison will generate additional tax revenue;

WHEREAS, construction of the homes is consistent with existing homes within Lakeside;

NOW THEREFORE BE IT RESOLVED, that Bill Ingalls be allowed to construct two homes fronting Harrison on lots, each having dimensions of 72 ft x 102 ft.

(E 150 ft. of North 205 ft Lot 2 Blk 676)

Adopted this _____ day of June, 2000

Ayes:

Nays:

Absent

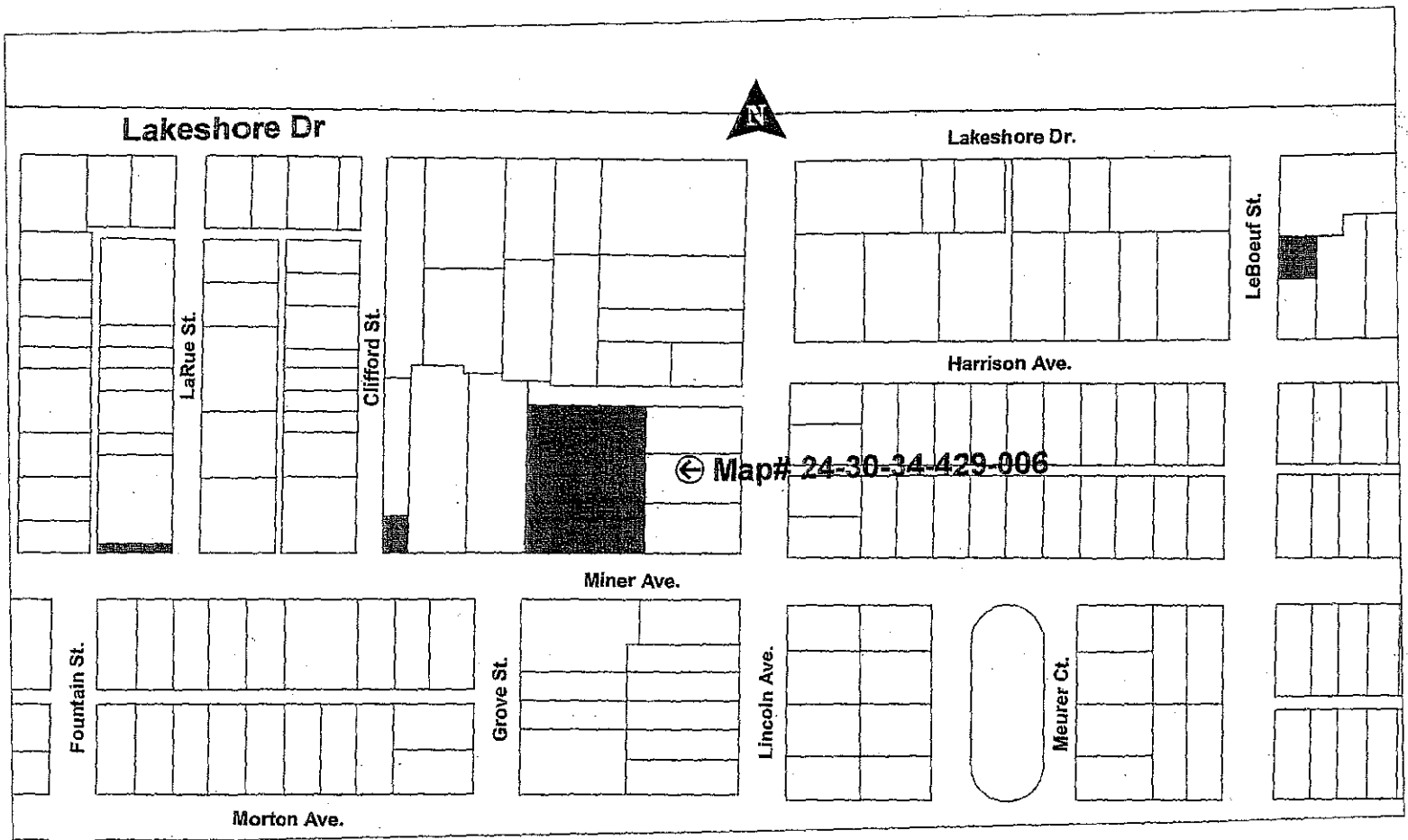
By: _____
Fred J. Nielsen, Mayor

Attest: _____
Gail Kunding, 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 June 27, 2000.

By: _____
Gail Kunding, Clerk



ROLL CALL/ACTION SHEETS

| Present | Name | Action | Ayes | Nays | Comments |
|---------|-------------------------|--------|------|------|------------------------|
| | Vice Mayor Sieradzki | | ✓ | | |
| | Commissioner Spataro | | ✓ | | on the platform |
| | Commissioner Aslakson | 34 | ✓ | | to meet in the morning |
| | Commissioner Benedict | | ✓ | | get down to business |
| | Mayor Nielsen | | ✓ | | |
| | Commissioner Schweifler | 5 | ✓ | | |
| | Commissioner Shepherd | | | | |

(from minutes in minutes)

Commission Meeting Date: July 11, 2000

Date: June 20, 2000
To: Honorable Mayor & City Commissioners
From: Planning & Economic Development
RE: Sale of Four (4) Non-Buildable Lots to Habitat for Humanity

SUMMARY OF REQUEST:

To approve the sale of four non-buildable lots designated as map numbers 24-31-20-180-015; 016; 017; and 018, for the construction of two (2) single family homes. The lots will be sold to Habitat for Humanity for \$6,000. Each of the proposed homes will have 66 feet of frontage and will include the following amenities: brick; gabled roofs; front porches; shutters; and decorative windows. As the lots are adjacent, noticeable differences in exterior design are a condition of sale. Information regarding the impending sale of these lots has been forwarded to the Jackson Hill Neighborhood Association. Financial information to support the purchase was unavailable at the time agenda items were due, which explains why this item was recently added to the agenda.

FINANCIAL IMPACT:

Approval of the sale allows the property to be placed 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:

Recommended by the LRC at their June 20 meeting.

Resolution No. 2000-70(b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF FOUR (4) NON-BUILDABLE LOTS TO HABITAT FOR HUMANITY FOR \$6,000.

WHEREAS the sale of the non-buildable lots will result in the construction of two single family homes;

WHEREAS the design of the two homes are not identical and adhere to the architectural concepts of the Jackson Hill Marketing plan;

WHEREAS, the sale of the lots has been recommend by the LRC and notification of the proposed homes has been sent to the Jackson Hill Neighborhood Association;

NOW THEREFORE BE IT RESOLVED, that non-buildable lots designated as map numbers 24-31-20-180-015; 016; 017 and 018 be sold to Habitat for Humanity for \$6,000, for the construction of two single family homes.

(All of Lots 9 & 10 Blk 148)

Adopted this 11th day of July, 2000

Ayes: Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nays: Nielsen

Absent Benedict

By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
Gail Kunding, 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 11, 2000.

By: Gail Kunding
Gail Kunding, Clerk

**SALE OF VACANT LAND ON ERICKSON TO
HABITAT FOR HUMANITY**

Total cost of lots **\$6,000**

**Less Jackson Hill
Marketing Incentives:**

| | | |
|--------------------|-------------|------------------------|
| Brick | 2 @ \$1,000 | \$ 2,000 |
| Front Porch | 2 @ \$300 | 600 |
| Gabled roof | 2 @ \$300 | 600 |
| Shutters | 2 @ \$100 | 200 |
| Decorative Windows | 2 @ \$200 | <u>400</u> |
| | | <u><u>\$ 3,800</u></u> |

Discounted land cost **\$2,200**



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made July 11 , 2000, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **Habitat for Humanity**, of 1330 Fifth Street Muskegon, Michigan 49440 ("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, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

All of Lots 9 & 10 Blk 148

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 **Six thousand dollars (\$6,000)**, payable in cash or certified funds, to Seller at Closing.

3. **Taxes and Assessments.** All taxes and assessments which are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments which 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 owners 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. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, in the sole judgement 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. **Incentive Credits.** Seller agrees to pay to the Buyer funds in the following amounts, pursuant to an incentive plan agreed to by the parties, upon completion of the house and issuance of a certificate of completion or occupancy permit. The incentive payments shall be paid upon written acceptance and approval by Seller that the following improvements have been included and completed to the sole satisfaction of Seller:

Incentives apply to two (2) Houses

| | | |
|--------------|---|------------------|
| 6.1 | Construction of a gabled roof. | \$600.00 |
| 6.2 | Construction of a brick front (At least 4 feet above grade the entire width of the house - front (street) elevation). | \$2000.00 |
| 6.3 | Construction of a decorative window on the front (street) elevation of the house. | \$400.00 |
| 6.4 | Construction of a front porch - front (street) elevation of the house. | \$600.00 |
| 6.5 | Construction of shutter – front (street) elevation of the house. | \$200.00 |
| Total | | \$3800.00 |

The amount of the credits will be held by Seller in escrow, without interest, to be refunded to the Buyers upon acceptance by the Seller. The said credits are agreed to be modifications of the purchase price for the premises and are for good consideration. The said credits shall not be available, and the Seller shall retain the said funds without further obligation, if the said incentive improvements are not completed and accepted within the eighteen (18) month period set forth in this agreement for completion to code of the house on the premises.

7. **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 agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

8. **Environmental Matters.** Seller represents to Buyer that to the best of Seller's knowledge, the Premises have been used and operated in compliance with applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment. This representation is made subject to any environmental studies or evidence which may be available, including, without limitation, filings with the City, any other governmental unit, or the State of Michigan or the United States, or evidence in the control of any person or party having knowledge of or interest (at any time) in the premises. Seller does not warrant that such laws or regulations have not been violated, or that releases have not occurred.

9. **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." BUYER HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND UNDERSTANDS 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.

10. **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

11. **Closing.** The closing date of this sale shall be on or before August 31, 2000 ("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.

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

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

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

15. **Costs.** Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the deed to be delivered at Closing.

16. **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 and continue until all liabilities of Buyer have been fully satisfied.

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:

Linda Potter

SELLER: CITY OF

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kunding
Gail A. Kunding,

BUYER: HABITAT FOR HUMANITY

By Barbara Zalunski

It's Executive Director

Drafted by:
PARMENTER O'TOOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786

QUIT-CLAIM DEED

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

QUIT CLAIMS to Habitat for Humanity of 1330 Fifth Street, Muskegon, MI 49441

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

All of lots 9 & 10 Blk 148

for the sum of Six Thousand ~~(\$6,000.00)~~ Dollars.

PROVIDED, HOWEVER, Grantee, or her assigns, shall commence construction of a home on the premises herein conveyed within eighteen (18) months after date hereof. In default of such construction, title to the premises herein conveyed shall revert tot the City of Muskegon free and clear of any claim of Grantee or her assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or her assigns. "Commence construction" means 1) the 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, twenty-five (25%) percent completion of the dwelling described in the said building permit.

In the event of reversion of title of the above described premise, improvements made thereon shall become the property of the Grantor.

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 18th day of July 2000

Signed in the presence of:

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

and Gail A. Kunding
Gail A. Kunding, Its Clerk

Angie Berdinka
Angie Berdinka

Linda Potter
Linda Potter

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of July 2000, by FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
G. Thomas Johnson
Parmenter O'Toole

P.O. Box 786
Muskegon, MI 49443-0786
Telephone: (231) 722-1621

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

When Recorded Return to: Grantee
Send Subsequent Tax Bills to: Grantee



Transnation

TRANSNATION LAND TITLE INSURANCE COMPANY

570 SEMINOLE ROAD
SUITE 102
MUSKEGON, MI 49444

0163419

FILE NO.

411461

ESCROW ACCOUNT

KD2

DATE

07/21/00

No 163419

PAY

FIVE THOUSAND SIX HUNDRED AND 00/100 DOLLARS

\$

5600.00



TO THE
ORDER
OF

The City of Muskegon

VOID AFTER 90 DAYS
COMERICA BANK
MUSKEGON, MI 49441
720-11758

BY

AUTHORIZED SIGNATURE

BY

AUTHORIZED SIGNATURE

20443/20453 163419 072000096 1840353146

| DATE | DESCRIPTION | AMOUNT |
|---|---------------------------|-----------|
| Bank 5344 | Check 163419 | |
| Order No 411461 | Closed by KD2 | |
| 411461 | Property V/L Erickson St. | |
| Buyer Muskegon County Habitat for Human Seller City of Muskegon | | |
| 07/21/00 | Net proceeds to seller(s) | 5600.00 |
| | | \$5600.00 |

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

} SS

Title Commitment # 411461

That The City of Muskegon, a Michigan Municipal Corporation being first duly sworn on oath says that they are the true and lawful owner(s) of the premises located at:

V/L Erickson St.
Muskegon, Michigan 49442

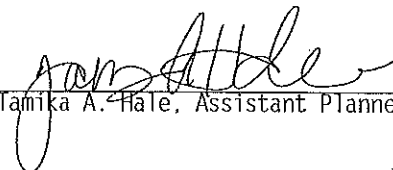
AND

1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land contract, option, etc. other than the contract with the grantees in a certain deed of even date hereof.
3. That the parties in possession other than the affiant(s) are bonafide tenants only and have no other interest in the premises whatsoever.
4. That there are no judgments or liens against affiant(s), including income tax liens, adversely affecting the title to said property.
5. That there are no unpaid taxes, special assessments or water bills outstanding other than those shown on the closing statement.
6. That any overlooked, unknown, or misquoted taxes, special assessments, water bills etc. shall be immediately paid by affiant(s) as soon as informed of such.

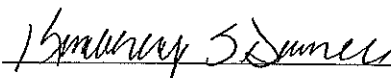
Seller(s):

The City of Muskegon

BY


Tamika A. Hale, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 21st day of July, 2000



Notary Public _____ County

My Commission Expires: _____

KIMBERLY S. DURNELL
Notary Public, Muskegon County, MI
My Commission Expires 6-8-2004

TRANSNATION TITLE INSURANCE CO
570 SEMINOLE ROAD, SUITE 102
MUSKEGON MI 49444

Date: July 21, 2000
Escrow Number: 411461

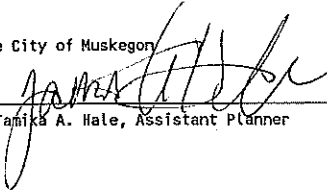
Property Address: V/L Erickson St.
Muskegon, Michigan 49442

| | SELLER'S STATEMENT | |
|--------------------------|--------------------|-------------|
| | DEBIT | CREDIT |
| Purchase Price | \$ | \$ 6,000.00 |
| EXISTING LOAN | | |
| Deposit of earnest money | | |
| CLOSING FEES | 250.00 | |
| OWNERS PREMIUM | 150.00 | |
| Real Estate Commission | | |
| Sub Total | \$ 400.00 | \$ 6,000.00 |
| Amount due Seller | \$ 5,600.00 | |
| TOTALS | \$ 6,000.00 | \$ 6,000.00 |

The undersigned Sellers acknowledge Receipt of a copy of this statement and agree to the correctness thereof, and ratifies the disbursement of the funds as stated therein.

Seller(s) Signature(s):

The City of Muskegon

BY 
Tamika A. Hale, Assistant Planner

FILE # 411461

DATE: July 21st 2000

PROPERTY ADDRESS: V/L Erickson St.

The undersigned hereby acknowledge receipt of a Request to Rescind/Withdraw Homestead Exemption form (Michigan Department of Treasury Form No. 2602) as same is required by Public Act 237 of 1994.

Please check one of the following:

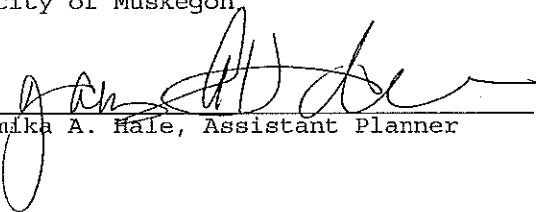
☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

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

SELLER(S) :

The City of Muskegon

BY


Tamika A. Hale, Assistant Planner

ACKNOWLEDGEMENT OF HOMESTEAD EXEMPTION AFFIDAVIT
AND REQUEST TO RESCIND/WITHDRAW HOMESTEAD EXEMPTION
AND PROPERTY TRANSFER AFFIDAVIT

FILE # 411461

DATE: July 21st 2000

The undersigned acknowledges receipt of the Property Transfer Affidavit form (Michigan Department of Treasury form No. L-4260) as same is required by Public Act 415 of 1994 which imposes obligations on purchasers/transferees to file said form within 45 days of the date of transfer. The undersigned further acknowledges that Transnation Title Insurance Company is under no obligation to provide said form but does so as an accommodation to the undersigned. The undersigned assume(s) all liability relative to compliance with the Act and, accordingly, holds the Company harmless from and against any liability relative thereto.

Please check one of the following:

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

☐ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

The undersigned acknowledges receipt of the Homestead Exemption Affidavit form (Michigan Department of Treasury Form No. 2368) as same is required by Public Act 415 of 1994 which imposes obligations on purchasers/transferees to file said form within 45 days of the date of transfer. The undersigned further acknowledges that Transnation Title Insurance Company is under no obligation to provide said form but does so as an accommodation to the undersigned. The undersigned assume(s) all liability relative to compliance with the Act and, accordingly, holds the Company harmless from and against any liability relative thereto.

Please check one of the following:

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

☐ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

PURCHASER(S):

Muskegon County Habitat for Humanity

BY Barbara Zielinski
Barbara Zielinski, Executive Director

PROPERTY TRANSFER AFFIDAVIT

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct taxable value. It must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is NOT CONFIDENTIAL.

| | | |
|---|---|--|
| 1. Street Address of Property
V/L Erickson St.
Muskegon, Michigan 49442 | 2. County
Muskegon | 4. Date of Transfer (or land contract was signed)
07/21/00 |
| 3. City/Township/Village of Real Estate
Muskegon | ☒ City
☐ Township
☐ Village | 5. Purchase Price of Real Estate
\$6000.00 |
| 6. Property Identification Number (PIN) If you don't have a PIN, attach legal description.
61-24-205-148-0009-00 | | PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice. |
| 7. Seller's (Transferor) Name
The City of Muskegon | 8. Buyer's (Transferee) Name and Mailing Address
Muskegon County Habitat for Humanity

1330 Fifth Street
Muskegon, MI 49440 | |

Items 9 - 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See the back for a complete list.

| |
|---|
| 9. Type of Transfer |
| ☐ Land Contract ☐ Lease |
| ☒ Deed ☐ Other (specify) _____ |

| | | |
|--|--|--------------------------------|
| 10. Is the transfer between related persons? | ☐ Yes
☒ No | 11. Amount of Down Payment |
| 12. If you financed the purchase, did you pay market rate of interest? | ☐ Yes
☐ No | 13. Amount Financed (Borrowed) |

Exemptions

The Michigan Constitution limits how much a property's taxable value can increase while it is owned by the same person. Once the property is transferred, the taxable value must be adjusted by the assessor in the following year to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers: full descriptions are in MCL Section 211.27a(7)(a-m). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ transfer from one spouse to the other spouse
- ☐ change in ownership solely to exclude or include a spouse
- ☐ transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- ☐ transfer to effect the foreclosure or forfeiture of real property
- ☐ transfer by redemption from a tax sale
- ☐ transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ transfer resulting from a court order unless the order specifies a monetary payment
- ☐ transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- ☐ transfer to establish or release a security interest (collateral)
- ☐ transfer of real estate through normal public trading of stocks
- ☐ transfer between entities under common control or among members of an affiliated group
- ☐ transfer resulting from transactions that qualify as a tax-free reorganization
- ☐ other, specify: _____

Certification

I certify that the information above is true and complete to the best of my knowledge.

| | | |
|---|-----------------|--|
| Owner's Signature
<i>Barbara Zielinski</i> | Date
7-21-00 | If signer is other than the owner, print name and title. |
|---|-----------------|--|

AGENDA ITEM

**CITY COMMISSION MEETING
July 11, 2000**

TO: Honorable Mayor and City Commissioners

FROM: Gail Kunding, City Clerk 

DATE: July 5, 2000

SUBJECT: MML Voting Delegates

SUMMARY OF REQUEST: To designate voting delegates for the MML Annual Business Meeting, September 28-30, 2000.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: To designate the Mayor as voting delegate and the Vice Mayor as alternate voting delegate, as done in the past. It is my understanding that both the Mayor and Vice Mayor will be attending the MML Convention.

COMMITTEE RECOMMENDATION: None.

Date: 7/3/00
To: Honorable Mayor and City Commission
From: Randy Smith, Equipment Supervisor DPW
RE: Budgeted Replacement of Wheel Loader

SUMMARY OF REQUEST: Approval to purchase one Cat 938G wheel loader from Michigan Cat for \$62,900.00.

FINANCIAL IMPACT: \$62,900.00 from Equipment Fund.

BUDGET ACTION REQUIRED: None, \$90,000.00 is budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Cat 938G wheel loader from Michigan Cat.

| Loader | | |
|-------------------------------------|----------------|-------------------------|
| | <u>Bid</u> | <u>Model</u> |
| Rush Equipment | \$ 102,900.00 | John Deere 544H |
| | \$ (37,000.00) | Trade in (50161) |
| | \$ 65,900.00 | |
| | | |
| | \$ 117,900.00 | John Deere 624H |
| | \$ (37,000.00) | Trade in (50161) |
| | \$ 80,900.00 | |
| | | |
| ALS Construction Equip. | \$ 99,980.00 | Komatsu WA250-3 |
| | \$ (32,300.00) | Trade in (50161) |
| | \$ 67,680.00 | |
| | | |
| Michigan Cat | \$ 96,900.00 | Cat 938G |
| | \$ (34,000.00) | trade in (50161) |
| | \$ 62,900.00 | |
| | | |
| Wolverine Tractor and Equip. | \$ 103,605.00 | Case 580 SL 4wd ext hoe |
| | \$ (43,500.00) | Trade in (50161) |
| | \$ 60,105.00 | |
| | | |
| Contractors Machinery | \$ 110,000.00 | Volvo L90D |
| | \$ (31,500.00) | Trade in (50161) |
| | \$ 78,500.00 | |
| | | |
| Budgeted Amount | \$ 90,000.00 | |
| | | |
| | | |

This purchase is a budgeted replacement of an existing unit. We currently have four Case wheel loaders in our fleet, but decided it was time to check out the other brands to see if we were still getting the best machine for our money. After testing all of the above units we found them all to be fairly equal, with most of the operators preferring the Cat. Therefore it's my recommendation that we purchase the Cat wheel loader from Michigan Cat. It's the second to lowest bid, but has a much higher resale value than the other machines, \$12,000.00 to \$15,000.00 more than the low bidder Wolverine Tractor with a case machine.

Commission Meeting Date: July 11, 2000

Date: June 19, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Zoning Ordinance Amendment to Allow Front-Yard Parking Under Certain Conditions

SUMMARY OF REQUEST:

Request to amend Section 2316 (Storage of Vehicles) of Article XXIII (General Provisions) of the Zoning Ordinance to add language to permit parking of vehicles in the front yard, only under certain conditions.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include the proposed language in the districts described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/24/00 special meeting. The vote was unanimous.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the Zoning Ordinance of the City to permit parking in the front yard, under certain conditions.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following language in #1 of Section 2316 (Storage of Vehicles):

Amend Section 2316 - Storage of Vehicles

1. *Location: Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in a required front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways. In the case where there are no alternatives for automobile parking, front yard parking with adequate access may be granted by the Zoning Administrator in residential districts under the following conditions:*
 - a. *There is inadequate room to establish a driveway along or behind a home.*
 - b. *No more than two parking spaces shall be created.*
 - c. *The parking spaces and access to them shall be paved.*
 - d. *Said access and placement of parking shall be approved by the Fire Marshal and City Engineer.*

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Gail A. Kunderinger, 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 11th day of July, 2000, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2000.

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 11, 2000, the City Commission of the City of Muskegon adopted an ordinance amending the Zoning Ordinance to add the following language to #1 of Section 2316 of Article XXIII:

1. Location: *Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in a required front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways. In the case where there are no alternatives for automobile parking, front yard parking with adequate access may be granted by the Zoning Administrator in residential districts under the following conditions:*
 - a. *There is inadequate room to establish a driveway along or behind a home.*
 - b. *No more than two parking spaces shall be created.*
 - c. *The parking spaces and access to them shall be paved.*
 - d. *Said access and placement of parking shall be approved by the Fire Marshal and City Engineer.*

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 _____, 2000

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354