

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 10, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
 - a. 2001 Mrs. Muskegon County International
 - b. Michigan Municipal League Award
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Liquor License Request (1301 E. Apple). CITY CLERK
 - c. Liquor License Request (1163 E. Laketon). CITY CLERK
 - d. Cemetery Building Renovation. LEISURE SERVICES
 - e. Purchase of Property from Pakren Associates for the Bike Path. PLANNING & ECONOMIC DEVELOPMENT
 - f. Sale of Buildable Vacant Lot on Yuba Street. PLANNING & ECONOMIC DEVELOPMENT
 - g. Sale of Non-buildable Lot on Marquette Ave. PLANNING & ECONOMIC DEVELOPMENT
 - h. Sale of a Buildable Lot in Campbell Neighborhood. PLANNING & ECONOMIC DEVELOPMENT
 - i. Revenue/Collections Administrator Position CITY TREASURER
 - j. Payment Authorization, Emergency Storm Sewer Repair DEPARTMENT OF PUBLIC WORKS
- ❑ **PUBLIC HEARINGS:**
 - a. Request for an Industrial Facilities Exemption Certificate, Bekaert Corporation. PLANNING & ECONOMIC DEVELOPMENT

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

- a. Sister Cit5y representation – Kamasi Ghana. BOB KUHN
- b. Designation of Voting Delegates for Michigan Municipal League Annual Meeting on September 12-14, 2001. CITY CLERK
- c. Large Meter Replacement. DEPARTMENT OF PUBLIC WORKS
- d. Replace Waste Services on Marquette. ENGINEERING
- e. Concurrence With the Housing Board of Appeals Notice and Order to Demolish the Following:
 1. 186 & 186 ½ Strong
 2. 2130 W. Sherman
 3. 247 W. Forest
 4. 286 Irwin
- f. Care Communities Fund Application. PLANNING & ECONOMIC DEVELOPMENT

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION:**

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

❑ **ADJOURNMENT:**

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

Date: July 10, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 26, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 10, 2001

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 10, 2001.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Fred J. Nielsen; Vice-Mayor Scott Sieradzki; Commissioner Lawrence Spataro, John Aslakson, Jone Wortelboer Benedict, Robert Schweifler, and Clara Shepherd; Assistant City Manager Lee Slaughter; City Attorney Tom Johnson; and City Clerk Gail Kunding.

Vice-Mayor Sieradzki announced that it was Mayor Nielsen's birthday and the City Commission purchased a cake for him.

2001-78 HONORS AND AWARDS:

a. 2001 Mrs. Muskegon County International.

Resolution was presented to Victoria Evans by Vice-Mayor Scott Sieradzki.

b. Michigan Municipal League Award.

Resolution was presented to Melanie Smith by Commissioner Aslakson.

2001-79 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 26, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

d. Cemetery Building Renovation. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to VanderVen Construction to renovate the outside of the Cemetery office.

FINANCIAL IMPACT: \$35,769. \$70,000 was budgeted.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

e. Purchase of Property from Pakren Associates for the Bike Path. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Approval of resolution, purchase agreement and purchase agreement addendum for property owned by Pakren Associates, which is required for the continuation of the bike path along Laketon Avenue. The purchase price is \$11,000. The purchase agreement has already been signed by Pakren Associates.

FINANCIAL IMPACT: Purchase will allow the Laketon Ave. bike path project to continue. The price for the property is \$11,000 and the purchase will be completed with funds received from the sale of the Chase Hammond Golf Course.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the Mayor and Clerk sign the resolution, purchase agreement and purchase agreement addendum, and recommends that the City Commission authorize staff to complete the purchase according to the terms of the agreement.

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

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot on Yuba Street to Gracie Scott, of 937 Lighton, Muskegon, MI. The lot is 77 x 132 feet, and is being offered to Ms. Scott for \$3,000. She plans to use the land for the construction of a 1,448 sq. ft. single-family home with a two-stall attached garage. Ms. Scott is a participant in the City's In-Fill program. The price of the lot is set through the Jackson Hill Marketing Plan at \$3,000 and Ms. Scott submitted the only bid of \$3,000.

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

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The LRC approved the extension of the Jackson Hill Marketing Plan late in 2000.

g. Sale of Non-Buildable Lot on Marquette Ave. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot on Marquette Avenue to Linda Johnson of 1116 Marquette Avenue. Approval of this sale will allow Ms. Johnson to expand her current yard. The subject parcel is being offered to Ms. Johnson for \$100. The parcel is located on a corner and there are no other ad-

jaacent property owners. The other two lots previously owned by the City on that block were sold to John Morrison last fall for additional yard space for his rental home.

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

BUDGET ACTION REQUIRED: None.

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

h. Sale of a Buildable Lot in Campbell Neighborhood. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: A city-owned lot in Campbell neighborhood was advertised for bid on June 17, 2001. The City did not receive other bids except from Mr. Gary Smith in the amount of \$10,025. The buyer understands the conditions and requirements of the purchase agreement which includes construction of a single-family residential home within 18 months, and existing trees shall not be cleared except to accommodate the structure and driveway. Mr. Smith will build a 1500 sq. ft. house with an attached 2-stall garage. Other policies will also apply.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval to sell the property to Mr. Gary D. Smith for \$10,025.

j. Payment Authorization, Emergency Storm Sewer Repair. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Authorize payment to Felco Contractors Incorporated for emergency storm sewer repair on Bourdon Street in May, 2001.

FINANCIAL IMPACT: \$11,289.86

BUDGET ACTION REQUIRED: None, will be charged to Public Works' Highway Department budget.

STAFF RECOMMENDATION: Recommended approval.

Motion by Commissioner Schweifler, second by Vice-Mayor Sieradzki to approve the Consent Agenda with the exception of item b, c, and i.

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

Nays: None

MOTION ADOPTED

2001-80 ITEMS REMOVED FROM THE CONSENT AGENDA

b. Liquor License Request (1301 E. Apple). CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Bunty, Inc. to add a new Specially Designated Distributor license, to be held in conjunction with the proposed New Specially Designated Merchant license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: ALL Departments are recommending approval.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to recommend approval of the addition of a new SDD license at 1301 E. Apple.

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

Nays: Sieradzki

MOTION ADOPTED

c. Liquor License Request (1163 E. Laketon). CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from PNS#9, Inc. to transfer all stock in the 2001 Class C licensed business by dropping Alfonso Loera, deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All Departments are recommending approval.

Motion by Vice-Mayor Sieradzki, second by Commissioner Aslakson to approve the transfer.

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

Nays: None

MOTION ADOPTED

i. Revenue/Collections Administrator Position. CITY TREASURER

SUMMARY OF REQUEST: To reclassify the current Deputy Treasurer position to Revenue/Collections Administrator along with the salary pay range from range X to range VIII of the non-represented employees' salary schedule.

FINANCIAL IMPACT: Staff expects that the costs of the position changes will be more than offset by:

- 1) Reduction in accounts receivable days and improvement in the city's cash flow.
- 2) Reduction in bad debts that are written off.
- 3) Improved collections due to the knowledge of debtors ("slow-pays") that the City is focusing more attention to this area.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to reclassify the position.

COMMITTEE RECOMMENDATION: The Civil Service Commission approved the job description at their meeting on May 22, 2001.

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the Revenue/Collections Administrator Position.

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

Nays: None

MOTION ADOPTED

2001-80 PUBLIC HEARINGS:

a. Request for an Industrial Facilities Exemption Certificate, Bekaert Corporation. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Bekaert Corporation, 2121 Latimer, Muskegon, Michigan, a plant that fabricates high tech mechanical spring wire, has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$233,000 in real property and \$2,999,364 in personal property for a total of \$3,232,364. The project will result in the creation of three employment opportunities while retaining six jobs. Bekaert's current workforce is 73.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 6 years for personal property.

The Public Hearing opened at 6:04 p.m. to hear and consider any comments from the public. Matthew Dugener explained the item. No public comments were heard.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to close the Public Hearing at 6:09 p.m. and approve the issuance of an Industrial Facilities Exemption certificate.

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

Nays: None

MOTION ADOPTED

COMMUNICATIONS: None

CITY MANAGER'S REPORT: None

UNFINISHED BUSINESS: None

2001-82 NEW BUSINESS:

a. Sister City Representation – Kamasi Ghana. BOB KUHN

SUMMARY OF REQUEST: Director of Public Works, Robert Kuhn, is scheduled to be a part of a mission trip to Kamasi Ghana in September 2001. He is requesting permission to represent the City of Muskegon for the purpose of discussing the possibility of a future Sister City relationship between Muskegon and Kamasi.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

Motion by Commissioner Spataro, second by Commissioner Shepherd to authorize Bob Kuhn to represent the City of Muskegon and his trip to Kamasi Ghana and enter into discussion with them on the possibility of a future Sister City relationship between Muskegon and Kamasi.

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

Nays: None

MOTION ADOPTED

b. Designation of voting delegates for Michigan Municipal League Annual Meeting on September 12-14, 2001. CITY CLERK

SUMMARY OF REQUEST: To designate voting delegates for the Michigan Municipal League Annual Business Meeting, September 12-14, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

Motion by Commissioner Shepherd, second by Commissioner Spataro to designate Mayor Nielsen and Vice-Mayor Sieradzki to represent the City Commission at the MML Conference in September at Battle Creek.

Motion amended by Commissioner Benedict, second by Vice-Mayor Sieradzki to designate Commissioner Shepherd as the alternate.

ROLL VOTE ON THE AMENDMENT:

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

Nays: None

AMENDMENT ADOPTED

ROLL VOTE ON THE ORIGINAL MOTION WITH THE AMENDMENT:

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

Nays: None

MOTION WITH AMENDMENT ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Benedict to designate Mayor Nielsen to carry the flag at the MML Conference.

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

Nays: None

Absent: Schweifler (stepped out of the room)

MOTION ADOPTED

c. Large Meter Replacement. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: To approve the proposal with Metron Farnier to replace 400 large meters 1½ inch through 8 inch at the cost of \$946,798.

FINANCIAL IMPACT: \$946,798 Water/Sewer Fund

BUDGET ACTION REQUIRED: Initial cost will be made with cash on hand from water and sewer funds. A budget adjustment will be made during the second quarter budget reforecast. The meter replacement program is expected to pay for itself with recovered revenue in two to five years.

Motion by Vice-Mayor Sieradzki, second by Commissioner Schweifler to approve the large meter replacement.

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

Nays: None

Motion Adopted

d. Replace Water Services on Marquette. ENGINEERING

SUMMARY OF REQUEST: To authorize Jackson Merkey, the contractor on the County Force Main project, to replace the galvanized water services they encounter while placing the force main with copper services. Jackson Merkey would bill the City directly for the cost of replacement which is expected to be around \$50,000. The billing would be in accordance with the unit prices submitted on their bid. By authorizing this work, the City would avoid the possible need to dig-up those "new" streets in the near future. Most of the galvanized services are expected to be in Marquette between Getty & US-31BR.

FINANCIAL IMPACT: The cost of replacing about forty (40) galvanized water services for an estimated cost of about \$50,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize Jackson Merkey to replace the services.

Motion by Commissioner Spataro, second by Commissioner Aslakson to authorize Jackson Merkey to replace the services.

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

Nays: None

MOTION ADOPTED

e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish for the following:

1) 186 & 186 ½ Strong.

2) 2130 W. Sherman. (Staff requested this item be withdrawn)

3) 247 W. Forest.

4) 286 Irwin.

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the above mentioned structures are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the

demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: All are CDBG

BUDGET ACTION REQUIRED: None

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

VOTED ON SEPERATELY

1) 186 & 186 ½ Strong

Motion by Commissioner Aslakson, second by Commissioner Schweifler to concur with Housing Board of Appeals decision to demolish.

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

Nays: Sieradzki

MOTION ADOPTED

2) 2130 W. Sherman (item withdrawn – no action taken)

3) 247 W. Forest

Motion by Commissioner Spataro, second by Commissioner Schweifler to concur with the Housing Board of Appeals decision to demolish.

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

Nays: Sieradzki, Benedict

MOTION ADOPTED

4) 286 Irwin

Motion by Commissioner Spataro, second by Commissioner Schweifler to concur with the Housing Board of Appeals decision to demolish.

Motion and second amended by Commissioner Spataro and Commissioner Schweifler that within the next 30 days the owner is to put \$5,000 in escrow and submit a timeline satisfactory to staff; if this does not happen, we would concur with the Housing Board of Appeals decision to demolish.

ROLL VOTE ON MOTION WITH AMENDMENT:

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

Nays: None

MOTION AND AMENDMENT ADOPTED

f. Core Communities Fund Application. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution approving an application for a Core Communities Fund loan from the Michigan Economic Development Corporation in the amount of \$1,000,000 for the development of a public seawall and boardwalk improvements on the former Teledyne property. And to approve the Certification and Repayment Agreement that outlines the repayment terms of the loan.

FINANCIAL IMPACT: The Core Communities Initiative loan must be repaid from increments captured by the Muskegon SmartZone LDFA amortized over a period of 15 years and at 3.5 percent interest. Annual payments to the MEDC will be approximately \$86,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and Certification and Repayment Agreement.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to approve the resolution for the application for the Core Communities fund loan.

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

Nays: None

MOTION ADOPTED

2001-83 ANY OTHER BUSINESS:

Commissioner Shepherd stated she received a call from Allen Avenue Church. They would like to meet with their Community Officer on Wednesday night at 7:00 p.m. reference a vandalism complaint. Assistant City Manager responded.

Commissioner Benedict stated she was not notified of the July 9, 2001, Special Meeting.

Motion by Commissioner Benedict, second by Vice-Mayor Sieradzki to terminate the City Manager effectively immediately or consider his resignation.

At 8:00 p.m., the Mayor called for a recess.

The Commission reconvened at 8:26 p.m.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to table this item until the next meeting.

ROLL VOTE: Ayes: Schweifler, Spataro, Aslakson

Nays: Shepherd, Sieradzki, Benedict, Nielsen

MOTION FAILS

Original motion and second amended by Commissioner Benedict and Vice-Mayor Sieradzki to terminate the City Manager in two weeks at the next Commission Meeting or consider his resignation.

Motion by Commissioner Benedict, second by Vice-Mayor Sieradzki to call the question.

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

Nays: Spataro, Aslakson, Schweifler

MOTION FAILS

Motion by Commissioner Schweifler, second by Commissioner Spataro to request the Mayor to enforce the rules.

At 9:04 p.m. the Mayor called for a recess.

The Commission reconvened at 9:17 p.m.

ROLL VOTE: Ayes: Spataro, Aslakson, Schweifler

Nays: Sieradzki, Benedict, Nielsen, Shepherd

MOTION FAILS

Motion by Commissioner Schweifler, second by Commissioner Spataro to suspend the rules of the Commission.

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

Nays: Spataro, Aslakson, Schweifler

MOTION FAILS

Motion by Commissioner Benedict, second by Commissioner Shepherd to set a Special Meeting for tomorrow at 5:30 p.m. to discuss the City Manager's termination.

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

Nays: Aslakson, Schweifler, Spataro

MOTION ADOPTED

Motion by Commissioner Schweifler, second by Commissioner Aslakson to amend the previous motion to meet on the weekend or next week.

ROLL VOTE: Ayes: Schweifler, Spataro, Aslakson

Nays: Benedict, Nielsen, Shepherd, Sieradzki

MOTION FAILS

Motion by Commissioner Spataro, second by Commissioner Schweifler to conduct tomorrow's Special Meeting as a Public Hearing.

ROLL VOTE: Ayes: Schweifler, Spataro, Aslakson

Nays: Nielsen, Shepherd, Sieradzki, Benedict

MOTION FAILS

PUBLIC PARTICIPATION: Various comments were heard from the public.

2001-84 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Benedict, second by Commissioner Aslakson to go into Closed Session at 9:45 p.m.

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

Nays: None

MOTION ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Benedict to return from Closed Session at 9:47 p.m.

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

Nays: None

MOTION ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Schweifler to concur with the City Attorney's recommendation for 696 W. Southern.

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

Nays: None

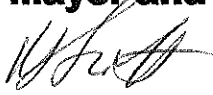
MOTION ADOPTED

ADJOURNMENT: The regular Commission Meeting for the City of Muskegon was adjourned at 9:48 p.m.

Respectfully submitted,



Gail A. Kunding, CMC/AAE
City Clerk

Date: June 28, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Cemetery Building Renovation

SUMMARY OF REQUEST:

To award a contract to VanderVen Construction to renovate the outside of the Cemetery office

FINANCIAL IMPACT:

\$35,769, \$70,000 was budgeted

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

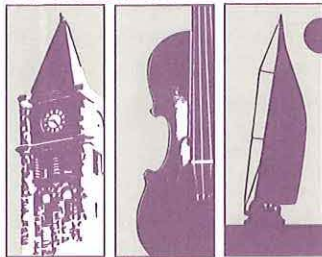
Public Works
231/724-4100
FAX/722-4188

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

Date: June 28, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Cemetery Office Renovation

The Cemetery office building in Restlawn Cemetery is in need of major renovation. \$70,000 was budgeted in this year's budget for the renovation of the exterior of the building.

On Tuesday, June 19th, two bids were received for the renovation project as follows:

VanderVen Construction	\$35,769
Quality Builders	\$57,860

The Architect for the project, Tim Bosma, has talked to VanderVen Construction to make sure that they didn't forget something or make some mistake, as his estimate was about \$70,000. He is convinced that VanderVen did include everything in his bid and can do the project for the bid price.

Consequently, I am recommending that you award the contract for the renovation to the exterior of the Cemetery office building to VanderVen construction for \$35,769.

Thank you for your consideration.

Commission Meeting Date: July 10, 2001

Date: June 26, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *abc*
RE: Purchase of Property from Pakren Associates for the Bike Path

SUMMARY OF REQUEST:

Approval of resolution, purchase agreement and purchase agreement addendum for property owned by Pakren Associates, which is required for the continuation of the bike path along Laketon Ave. (see enclosed map). The purchase price is \$11,000. The purchase agreement has already been signed by Pakren Associates.

FINANCIAL IMPACT:

Purchase will allow the Laketon Ave. bike path project to continue. The price for the property is \$11,000.00 and the purchase will be completed with funds received from the sale of the Chase Hammond Golf Course.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends that the Mayor and Clerk sign the resolution, purchase agreement and purchase agreement addendum, and recommends that the City Commission authorize staff to complete the purchase according to the terms of the agreement.

COMMITTEE RECOMMENDATION:

None

Map Of Survey For - City of Muskegon, Department of Leisure Services
September 25, 2000 No. 006063.1

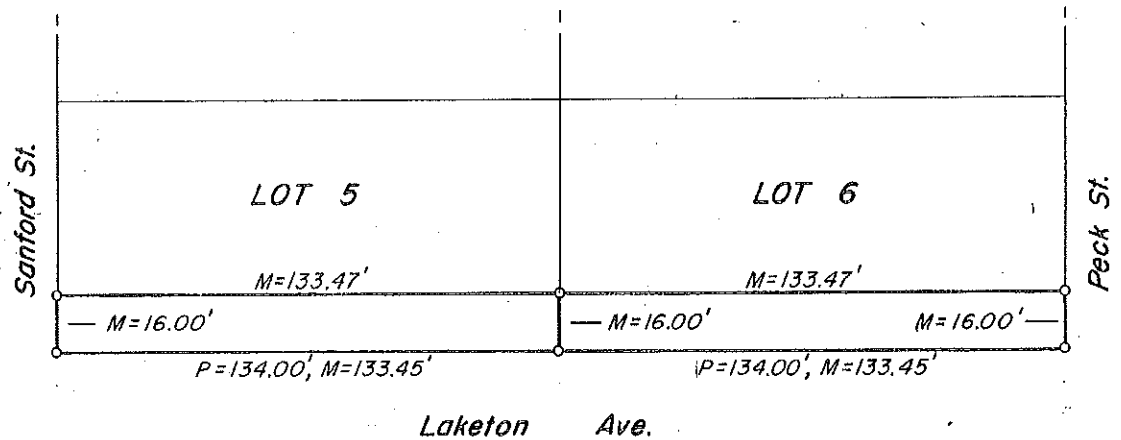
Description of Property Surveyed

EAST PARCEL "Pakren"

The South 16.00 Feet of Lot 6, Block 465 of the Revised Plat of 1903 of the
City of Muskegon, Muskegon County, Michigan

WEST PARCEL "Hackley Hospital"

The South 16.00 Feet of Lot 5, Block 465 of the Revised Plat of 1903 of the
City of Muskegon, Muskegon County, Michigan



Scale 1" = 40'



LEGEND

- ⊗ - Survey Iron (existing)
- - Survey Iron (placed)
- M - Measured Dimension
- P - Platted Dimension
- R - Recorded Dimension
- x - x - x Fence Line

MOORE & BRUGGINK

Consulting Engineers & Land Surveyors
Muskegon, Michigan

Ralph W. Van Riper
PROFESSIONAL SURVEYOR

CITY OF MUSKEGON

RESOLUTION #2001- 79(e)

RESOLUTION APPROVING THE PURCHASE OF PROPERTY FOR THE BIKE PATH

WHEREAS, the City of Muskegon is in the process of purchasing properties for the continuation of the Laketon Ave. bike path project, and the property owned by Pakren Associates has been identified as necessary for the project;

WHEREAS, the purchase of this property from Pakren Associates would allow the bike path project to proceed;

WHEREAS, Pakren Associates have signed a purchase agreement and purchase agreement addendum for the property at the price of \$11,000.00 for the 16-foot strip;

NOW, THEREFORE BE IT RESOLVED, that the City of Muskegon agrees to purchase the subject property identified in the attached survey and legal description at a cost of \$11,000.00.

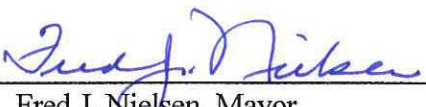
Resolution adopted this 10th day of July, 2001.

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

Nays: None

Absent: None

By: _____


Fred J. Nielsen, Mayor

Attest: _____


Gail A. Kunderinger, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on July 10, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____


Gail A. Kunderinger, City Clerk

REAL ESTATE PURCHASE AGREEMENT

2001-79(e)

THIS AGREEMENT is made July 10, 2001, by and between **PAKREN ASSOCIATES**, a Michigan co-partnership, of 1781 Peck Street, Muskegon, Michigan 49441 ("Seller"), and the **CITY OF MUSKEGON**, a municipal corporation, with offices at 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 commonly known as a 16 foot wide parcel of land along the Northerly side of Laketon Avenue, located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

The South 16.00 feet of Lot 6, Block 465 of the Revised Plat (of 1903) of the City of Muskegon, County of Muskegon, State of Michigan.

Subject to 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 Eleven Thousand Dollars (\$11,000), payable, in cash, 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 are, 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 to 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. **Personal Property and Fixtures.** There are no fixtures or personal property, the land being vacant.

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:

a. 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.

b. 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.

c. To the best of Seller's knowledge, 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. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. **Condition of Premises and Examination by Buyer.** BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT BUYER HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS EXCEPT THOSE ABOVE 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 _____, 200__ ("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.

11. **Delivery of Deed.** Seller shall execute and deliver a quit claim 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:

[Signature]
[Signature]

SELLER: PAKREN ASSOCIATES

By *[Signature]*
Its *[Signature]*

T.ID No. _____

Linda Potter
Linda Potter

JoAnn M. Krukowski
JoAnn M. Krukowski

Drafted by:

G. Thomas Johnson
PARMENTER O'TOOLE
175 W. Apple Avenue
P.O. Box 786
Muskegon, Michigan 49443-0786
Telephone: 231/722-1621

BUYER: CITY OF MUSKEGON

By *[Signature]*
Fred J. Nielsen, Mayor

By *[Signature]*
Gail A. Kunderinger, Clerk

All Closing Costs and Title Insurance Cost
will be paid by buyer at closing, net to
sellers will be \$11,000.00.

ADDENDUM TO PURCHASE AGREEMENT

2001-79(e)

FOR VALUABLE CONSIDERATION, this addendum is made a part of the agreement for sale of real estate located at 1781 Peck Street, in Muskegon, by and between Pakren Associates, a Michigan co-partnership, Seller, and the City of Muskegon, Buyer, to be simultaneously executed with a proposed purchased purchase agreement.

1. Plan Review Clause. The Buyer agrees to allow Seller to review and comment on final plans for location of its proposed bike path and alterations to be made to existing landscaping prior to commencing construction or alteration of the site.

2. Restoration Clause. Buyer agrees to restore Seller's parking lot surface and landscaping if damaged during construction of the proposed bike path.

3. Zoning and Site Plan Clause. Buyer agrees that the diminution of lot size, parking space, building area to land area ratio, set backs, and other dimensional requirements of the city codes by reason of this transaction does not disqualify the remaining parcel retained by Seller from its current use, or any other use permitted by the zoning district in which the parcel is located.

THE FOREGOING three clauses shall be understood to be an integral part of the purchase agreement for the sale of real estate.

DATED: June 22, 2001

WITNESSED BY:

SELLER: PAKREN ASSOCIATES

Tom Kren
AKB

By:

Mark D. Kren
Its Partner

BUYER: CITY OF MUSKEGON

Linda Potter
Linda Potter

JoAnn M. Krukowski
JoAnn M. Krukowski

Fred J. Nielsen
Fred J. Nielsen, Mayor
Gail A. Kunderger
Gail A. Kunderger, Clerk

Prepared by:
Fredric F. Balgooyen
BALGOOYEN LAW OFFICES, P.C.
Attorney for Seller
801 W. Norton Ave.
Muskegon, MI 49441
231/ 733-2566

Commission Meeting Date: July 10, 2001

Date: June 26, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Buildable Vacant Lot on Yuba Street

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot on Yuba Street (designated as parcel number 24-205-148-0003-00 described as Lot 3, Exc N 44.17 Ft Thereof and N 55.24 Ft of Lot 4, Block 148) to Gracie Scott, of 937 Lighton, Muskegon, MI. The lot is 77 x 132 feet, and is being offered to Ms. Scott for \$3,000. She plans to use the land for the construction of a 1,448 sq. ft. single-family home with a two-stall attached garage. Ms. Scott is a participant in the City's In-Fill program. The price of the lot is set through the Jackson Hill Marketing Plan at \$3,000 and Ms. Scott submitted the only bid of \$3,000.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

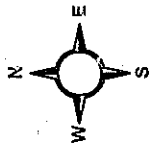
STAFF RECOMMENDATION:

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

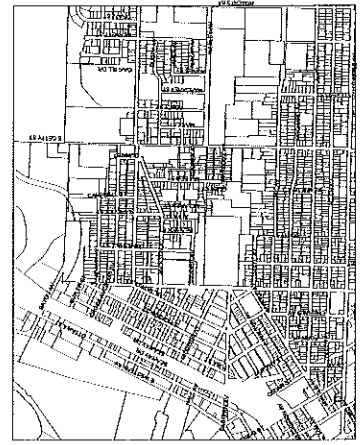
COMMITTEE RECOMMENDATION:

The LRC approved the extension of the Jackson Hill Marketing Plan late in 2000.

City-Owned Property Map Vacant Lot on Yuba Street



☆ = Subject Property(ies) to be sold



Resolution No. 2001-79(f)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT IN JACKSON HILL NEIGHBORHOOD FOR \$3,000.

WHEREAS, Gracie Scott has placed a \$200 deposit for the parcel designated as parcel number 24-205-148-0003-00, located on Yuba Street;

WHEREAS, Gracie Scott has submitted the only bid of \$3,000 for the parcel designated as parcel numbers 24-205-148-0003-00, on Yuba Street;

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-148-0003-00, located on Yuba Street be sold to the above-mentioned buyer.

LOT 3 EXC N 44.17 FT THEREOF AND N 55.24 FT OF LOT 4, BLOCK 148;

Adopted this 10th day of July, 2001

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

Nays: None

Absent None

By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
Gail Kunding, Clerk

CERTIFICATION

I hearby 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 10, 2001.

By: Gail Kunding
Gail Kunding, Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made July 10, 2001, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **GRACIE SCOTT**, of 937 Lighton Drive, Muskegon, Michigan 49442 ("Buyer").

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

Lot 3, except the North 44.17 thereof, and the North 55.24 feet of Lot 4, of Block 148 of the Revised Plat of 1903;

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 Three Thousand Dollars (\$3,000), payable, in cash or certified funds, to Seller at Closing.

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this

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

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

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

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

9. **Closing.** The closing date of this sale shall be on or before _____, 2001 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

Buyers are purchasing the Premises under the Jackson Hill Marketing Plan and using the following incentives:

Brick/brick veneer	\$1,000
Gabled Roof Design	\$ 300
Decorative Windows	\$ 200
Window Shutters	\$ 100
Total	\$1,600

The total amount of these incentives, Sixteen Hundred Dollars, (\$1,600), will be deducted from the amount due at closing pursuant to the In-Fill Program.

14. **General Provisions.**

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

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

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

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

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

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision

of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

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

Jo Ann M. Krukowski
Jo Ann M. Krukowski

SELLER: CITY OF MUSKEGON

Fred J. Nielsen
Fred J. Nielsen, Mayor

Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

Gracie Scott
Gracie Scott
Social Security No. 363-82-5348

Drafted by:
G. Thomas Johnson
PARMENTER O'TOOLE
175 W. Apple Avenue
P.O. Box 786
Muskegon, Michigan 49443-0786
Telephone: 231/722-1621

QUIT-CLAIM DEED

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

QUIT CLAIMS to GRACIE SCOTT, of 937 Lighton Drive, Muskegon, MI 49442

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

Lot 3, except the North 44.17 feet thereof, and the
North 55.24 feet of Lot 4 of Block 148 of the Revised Plat of 1903;

for the sum of Three Thousand Dollars(\$3,000).

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

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

Dated this 13th day of July, 2001.

Signed in the presence of:

CITY OF MUSKEGON

Linda Potter
Linda Potter

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

Jo Ann M. Krzkowski
Jo Ann M. Krzkowski

and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 13th day of July, 2001, 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
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Avenue
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: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

COVENANT DEED

KNOW ALL MEN BY THESE PRESENTS: That MUSKEGON COUNTY HABITAT FOR HUMANITY, INC., a Michigan non-profit corporation, of 1330 Fifth Street, Muskegon, Michigan 49441,

CONVEYS to the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, MI 49443, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

Lot 3, except the North 44.17 feet thereof, and the
North 55.24 feet of Lot 4 of Block 148 of the Revised Plat of 1903;

for the sum of less than One Hundred (\$100) Dollars.

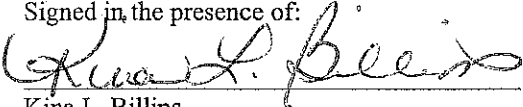
Grantor hereby covenants that no liens or encumbrances were placed on the property during the period of its ownership thereof.
Grantor hereby covenants that it will warrant and guarantee against any liens or encumbrances occurring during said period.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(a) and MCLA 207.526 Sec. 6(a) of the Public Acts of 1968.

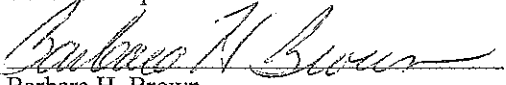
Dated this 25th day of June, 2001.

Signed in the presence of:

MUSKEGON COUNTY HABITAT FOR HUMANITY, INC.


Kina L. Billips

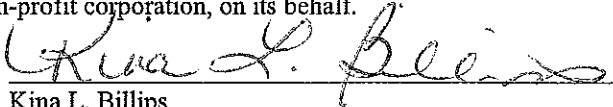
By: 
William J. Meier, Its Vice President


Barbara H. Brown

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 25th day of June, 2001, William J. Meier, Vice President of Muskegon County Habitat for Humanity, Inc., a Michigan non-profit corporation, on its behalf.

PREPARED BY: G. Thomas Johnson
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231/722-1621


Kina L. Billips
Notary Public, Muskegon County, Michigan
My commission expires: 10/18/04

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

Commission Meeting Date: July 10, 2001

Date: June 26, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbe*
RE: Sale of Non-Buildable Lot on Marquette Ave.

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-613-000-0719-00) on Marquette Ave. to Linda Johnson of 1116 Marquette Ave. Approval of this sale will allow Ms. Johnson to expand her current yard (see attached map). The subject parcel is being offered to Ms. Johnson for \$100. The parcel is located on a corner and there are no other adjacent property owners. The other two lots previously owned by the City on that block were sold to John Morrison last fall for additional yard space for his rental home.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2001- 79(g)

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

WHEREAS, the City of Muskegon has received \$100.00 from Linda Johnson, 1116 Marquette Ave. for the purchase of a vacant, City-owned lot located adjacent to her property on Marquette Ave. (parcel #24-613-000-0719-00);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance, and there are no other opportunities to sell a portion to another adjacent property owner;

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

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

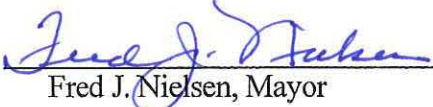
NOW, THEREFORE BE IT RESOLVED, that LOT 719, URBAN RENEWAL PLAT NO. 4 be sold to Ms. Linda Johnson for \$100.

Resolution adopted this 10th day of July, 2001.

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

Nays: None

Absent: None

By: 
Fred J. Nielsen, Mayor

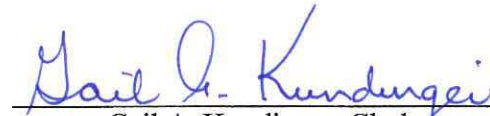
Attest: 
Gail A. Kunding, Clerk

2001-79(g)
CERTIFICATION

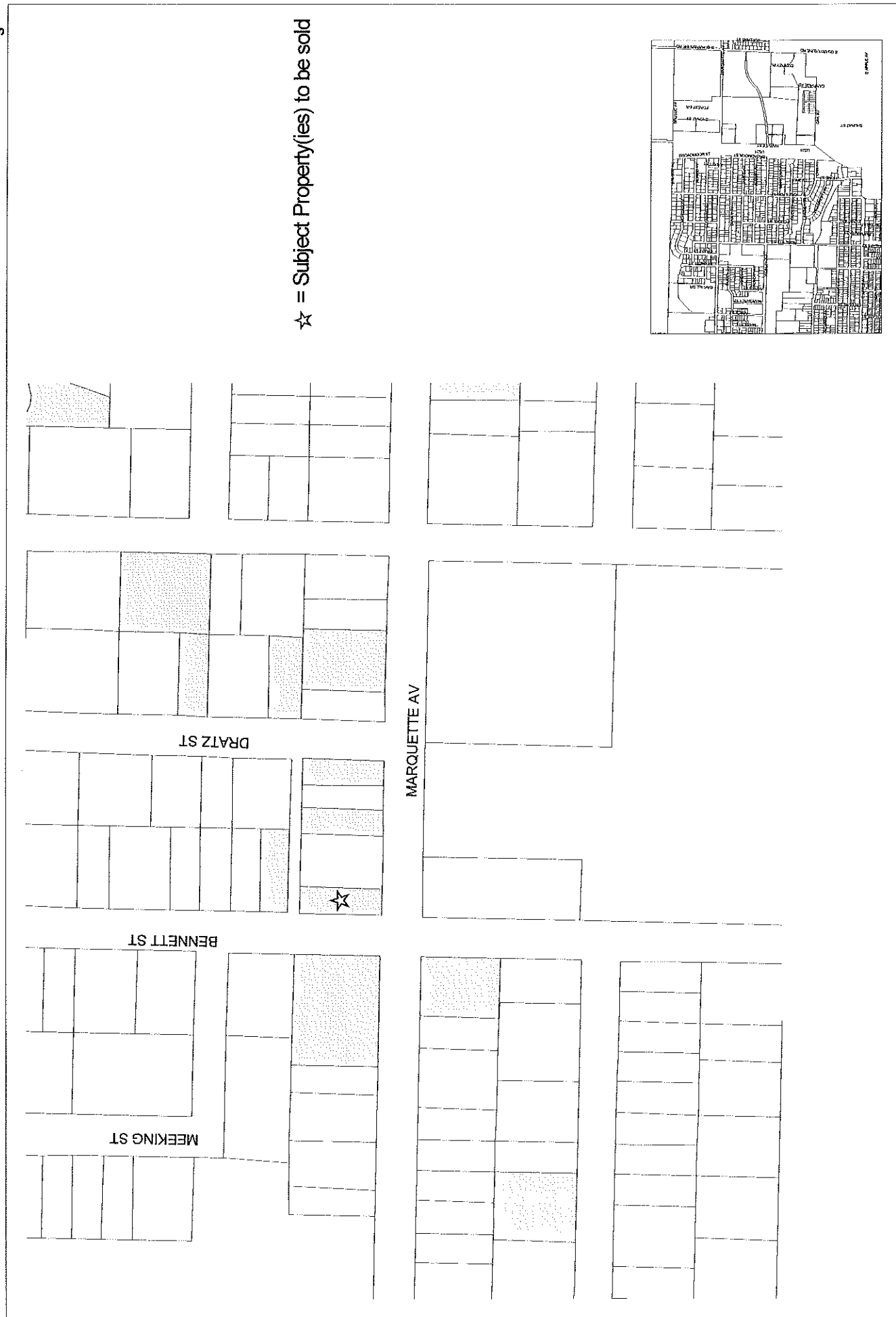
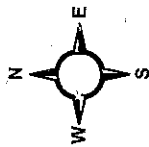
This resolution was adopted at a regular meeting of the City Commission, held on July 10, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

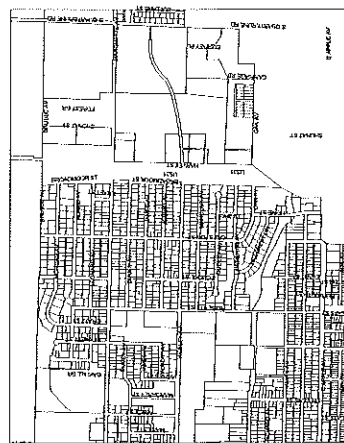
By


Gail A. Kunderger, Clerk

City-Owned Property Map Vacant Lot on Marquette Avenue



☆ = Subject Property(ies) to be sold



QUIT-CLAIM DEED

2001-7962

KNOW ALL MEN BY THESE PRESENTS: That CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS TO: LINDA JOHNSON, of 1116 Marquette Avenue, Muskegon, MI 49442,

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

Lot 719 of URBAN RENEWAL PLAT NO. 4;

for the sum of One Hundred Dollars (\$100).

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

Dated this 28th day of August, 2001.

Signed in the presence of:

CITY OF MUSKEGON

Linda Potter
Linda Potter

Fred J. Nielsen
Fred J. Nielsen, Its Mayor

JoAnn Krukowski
JoAnn Krukowski

Gail A. Kunding
Gail A. Kunding, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28th day of August, 2001, by Fred J. Nielsen and Gail A. Kunding, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Drafted by G. Thomas Johnson
Parmenter, O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786

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

Commission Meeting Date: July 10, 2001

Date: June 26, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of a Buildable Lot

SUMMARY OF REQUEST:

A city-owned lot in Campbell neighborhood was advertised for bid on June 17, 2001. The City did not receive other bids except from Mr. Gary Smith in the amount of \$10,025. The buyer understands the conditions and requirements of the purchase agreement which includes construction of a single-family residential within 18 months, and existing trees shall not be cleared except to accommodate the structure and driveway. Mr. Smith will build a 1500 sq. ft. house with an attached 2-stall garage. Other policies will also apply.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends approval to sell the property to Mr. Gary D. Smith for \$10,025.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2001-79(h)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT IN CAMPBELL NEIGHBORHOOD FOR \$10,025.

WHEREAS, Mr. Gary D. Smith has placed a \$400 deposit for the parcel designated as parcel number 24-665-000-0546-00 (Map # 24-30-36-426-008), located on Stein Street;

WHEREAS, Mr. Smith's bid of \$10,025 for the parcel designated as parcel number 24-665-000-0546-00, located on Stein Street, is the only bid received;

WHEREAS, Mr. Smith intends to construct a 1500 square foot house with 2- stall attached garage, thereby, relieving the City of further maintenance costs and generate additional tax revenue for the City;

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-665-000-0546-00, located on Stein Street be sold to the above-mentioned buyer.

LOT 546, 547, and 548 ORCHARD GROVE ADDITION on Stein Street

Adopted this 10th day of July, 2001

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

Nays: None

Absent None

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 10, 2001.

By: Gail Kunding
Gail Kunding, Clerk

Vacant Lot - Stein Street
City of Muskegon, MI



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made July 10, 2001, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **GARY D. SMITH**, a married man, of 1214 Broadway Avenue, Muskegon, Michigan 49444 ("Buyer").

BAILEY-DEER INC.

MO

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

Lots 546, 547 and 548 of ORCHARD GROVE ADDITION
(Parcel No. 24-665-000-0546-00);

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 Ten Thousand Twenty-five Dollars (\$10,025), payable, in cash, to Seller at Closing.

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a City approved design for a single-family home with a minimum of 1,260 square feet of usable living space, excluding the basement area, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer agrees to remove only those trees approved by the City's

zoning staff as being necessary to accommodate construction of the home and driveway. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer also agrees to have appropriate grass, ground cover, or other plantings established within one (1) year of occupancy. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

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

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

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

9. **Closing.** The closing date of this sale shall be on or before _____, 2001 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

If applicable, incentives for credits in Buyer's favor are attached. The parties shall initial those incentives that apply. In order to obtain the credit, Buyer shall complete construction of those incentive items.

14. **General Provisions.**

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

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

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

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

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

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

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

JoAnn M. Krkowski
JoAnn M. Krkowski

SELLER: CITY OF MUSKEGON

Fred J. Nielsen
Fred J. Nielsen, Mayor

Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

Gary D. Smith
Gary D. Smith
Social Security No. 382784839

BUILDER FNC gds

Drafted by:
G. Thomas Johnson
PARMENTER O'TOOLE
175 W. Apple Avenue
P.O. Box 786
Muskegon, Michigan 49443-0786
Telephone: 231/722-1621

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to GARY D. SMITH, a married man, of 1214 Broadway Avenue, Muskegon, MI 49444,

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

Lots 546, 547 and 548 of ORCHARD GROVE ADDITION
(Parcel No. 24-665-000-0546-00);

for the sum of Ten Thousand Twenty-five Dollars(\$10,025).

PROVIDED, HOWEVER, Grantees, or their assigns, shall commence construction to code of not more than one (1) City approved design for a single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantees or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantees or their assigns. Buyer shall remove only those trees necessary for construction of the home, as approved by the City's zoning staff. The home shall be owner occupied for five (5) years after the closing. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. These covenants shall run with the land.

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

Dated this 13th day of July, 2001.

Signed in the presence of:

Linda Potter
Linda Potter
JoAnn M. Kruskowski
JoAnn M. Kruskowski;
STATE OF MICHIGAN
COUNTY OF MUSKEGON

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor
and Gail A. Kunding
Gail A. Kunding, Its Clerk

The foregoing instrument was acknowledged before me this 13th day of July, 2001, 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
175 W. Apple Ave., 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: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: June 20, 2001
SUBJECT: Payment Authorization, Emergency Storm Sewer Repair

SUMMARY OF REQUEST:

Authorize payment to Felco Contractors Incorporated for emergency storm sewer repair on Bourdon Street in May, 2001.

FINANCIAL IMPACT:

\$11,289.86

BUDGET ACTION REQUIRED:

None; will be charged to Public Works' Highway Department budget.

STAFF RECOMMENDATION:

Recommend approval.

COMMITTEE RECOMMENDATION:

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/724-4055

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

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

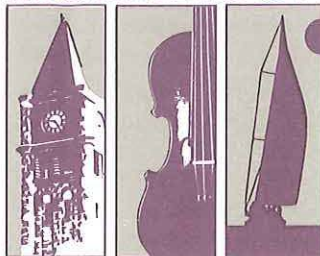
Public Works
231/724-4100
FAX/722-4188

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

To: Honorable Mayor and City Commissioners

From: Robert Kuhn, P.E., Public Works Director

Re: Payment Authorization
Bourdon Street Storm Sewer Repair

Date: June 20, 2001

Emergency storm sewer repairs in the 2100 block of Bourdon were required when the storm sewer collapsed, washing the side of the hill into the west arm of Ruddiman Creek. City Engineer Mohammed Al-Shatel, with Public Works Director Robert Kuhn's approval, recommended the selection of Felco, which was working on another city project at the time and readily available for this emergency project. The work was performed May 15-18, 2001.

The attached itemized invoice for \$11,289.86 has been reviewed by and appears reasonable to Engineer Mohammed Al-Shatel and Highway Supervisor Doug Sayles. As the invoice exceeds \$8,000 city commission authorization is required and authorization is respectfully requested.

Att.

/pmb

(l/CommLtrBourdonSt...)

Felco Contractors, Inc.
 874 Pulaski Ave.
 Muskegon, MI 49441
 Ph.: (616) 759-0924
 Fax: (616) 755-0956



Invoice

DATE	INVOICE #
------	-----------

5/25/2001

735

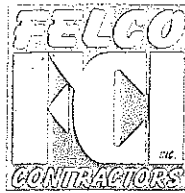
BILL TO:

SHIP TO

City of Muskegon
 ATT: Mohammed S. Al-Shatel, P.E.
 933 Terrace St.
 P.O. Box 536
 Muskegon, Mi. 49443-0536

		P.O. NUMBER	TERMS	PROJECT
			Net 30	Bourdon Sewer ...
QUANTITY	DESCRIPTION	RATE		AMOUNT
1	Transport oversize PC400LC-5 excavator to and from jobsite	1,235.00		1,235.00
2	Dismantle trench box at east pit, load onto lowboy, W.O.# 19078	90.00		180.00
5	Transport trench box and D39E dozer to jobsite, W.O.#19089	75.00		375.00
8.5	Working foreman, W.O. #19078	55.00		467.50
5	Dig to customer specs. w/ 400 excavator, build ramp down hill toward sewer area, clean up and stack brush W.O.#19078	175.00		875.00
24	Clay, yards, delivered to jobsite, for ramp, W.O.#19078	5.00		120.00
12	Sand, yards, delivered to jobsite, for curb protection, W.O.#19078	5.00		60.00
12	Sand, yards, delivered to jobsite, for ramp, W.O.#19088	5.00		60.00
6	Hand Labor, W.O.#19090	40.00		240.00
24	Sand, yards, delivered to jobsite, for backfill, W.O.#19090	5.00		120.00
7	Hand Labor, W.O.#19084	40.00		280.00
10	Dig to customer specs. w/ 400 excavator, sewer repair, W.O.#19105	175.00		1,750.00
10.5	Working foreman, W.O. #19087	55.00		577.50
39	L.F. , 18" PVC SDR35 pipe	24.70		963.30
2	18 X 18 PVC fernco flex coupler	146.00		292.00
1	Place and move cover material with PC 400, W.O.19054	175.00		175.00
8	Move material with 962 loader, W.O.#19054	90.00		720.00
Thank you for your business.		Total		

Felco Contractors, Inc.
 874 Pulaski Ave.
 Muskegon, MI 49441
 Ph.: (616) 759-0924
 Fax: (616) 755-0956



Invoice

DATE

INVOICE #

5/25/2001

735

BILL TO:

SHIP TO

City of Muskegon
 ATT: Mohammed S. Al-Shatel, P.E.
 933 Terrace St.
 P.O. Box 536
 Muskegon, Mi. 49443-0536

RECEIVED
 CITY OF MUSKEGON

MAY 29 2001

FRONTIER DR

		P.O. NUMBER	TERMS	PROJECT
			Net 30	Bourdon Sewer ...
QUANTITY	DESCRIPTION	RATE		AMOUNT
3	Push material with D-39 dozer, W.O.#19054	80.00		240.00
1	Place and move cover material w/ 400 excavator, W.O.#19054	175.00		175.00
24	Sand, yards, delivered to jobsite W.O.#19054	5.00		120.00
4.3	Tons rip rap, delivered to jobsite W.O.#19054	42.00		180.60
10	Sand, yards, delivered to jobsite W.O.#17424	5.00		50.00
30	Clay, yards, delivered to jobsite, W.O.#17424	5.00		150.00
30	Topsoil, yards, delivered to jobsite, W.O.#17424	12.00		360.00
28.97	Tons aggregate base course MDOT 22A, delivered to jobsite, W.O.#17424	18.00		521.46
1	Hand Labor, W.O.#17424	40.00		40.00
2	Hand Labor, W.O.#17424	40.00		80.00
3.5	Dig to customer specs. w/ 400 excavator, clean up work, W.O.#19104	175.00		612.50
2	Push material with D-39 dozer, clean up work, W.O.#19104	80.00		160.00
2	Working foreman, W.O.#19104	55.00		110.00
	State Sales Tax	6.00%		0.00
Thank you for your business.		Total		\$11,289.86

Date: July 10, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
1301 E. Apple, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Bunty, Inc. to add a new Specially Designated Distributor license, to be held in conjunction with the proposed New Specially Designated Merchant license.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

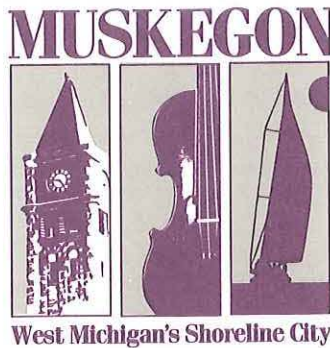
Police Dept.
231/724-6750
FAX/722-5140

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



June 20, 2001

To: The City Commission through the City Manager

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

Re: Change in Liquor License at 1301 E. Apple Ave., Bunty, Inc.

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of the application from Bunty, Inc. They are requesting to add a New Specially Designated Distributor License, to be held in conjunction with proposed New Specially Designated Merchant License (Authorized 3-1-01 and Approved 4-25-01).

The applicant, Jaswinder Singh, had become the current licensee as of 3-13-01. He has since conducted business with no violations of LCC rules or state/city laws. This office finds no reason to deny this request.

Since there are no new applicants for this license there are no Criminal History checks being made.

TK/cmw

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 5-10-01

Re: Change in Liquor License at 1301 E. Apple Ave., Bunty, Inc.

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of the application from Bunty, Inc. to add a New Specially Designated Distributor License, to be held in conjunction with proposed New Specially Designated Merchant License (Authorized 3-1-01 and Approved 4-25-01).

The applicant, Jaswinder Singh, had become the current licensee as of 3-13-01. He has since conducted business with no violations of LCC rules or state/city laws. This office finds no reason to deny this request.

Since there are no new applicants for this license there is no Criminal History checks being made.

Respectfully submitted,



Det. Kurt Dykman

data/common/Jsingh2

LIQUOR LICENSE REVIEW FORM

MAY 10 2001

Business Name: Bunty, Inc.

AKA Business Name (if applicable): Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple Avenue

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Requesting a new SDD license

Deadline for receipt of all information: _____

Police Department Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire Inspection Services Compliance ☐ Remaining Defects _____

RECEIVED

MAY 11 2001

MUSKEGON POLICE DEPT.
CHIEF of POLICE

Department Signature G. L. Kunder

MAY 11 2001

Gail A. Kunder, City Clerk
Liquor License Coordinator

Handwritten:
J.H.
5-8-01

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

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

Muskegon Police Department
Chief of Police
980 Jefferson Street
P.O. Box 536
Muskegon, Michigan 49443-0536

May 2, 2001

Request I.D.#126201

Chief of Law Enforcement Office

Applicant: **BUNTY, INC.** requesting a New Specially Designated Distributor license, to be located at 1301 E. Apple, Muskegon Michigan, 49442, Muskegon County, to be held in conjunction with proposed new Specially Designated Merchant license (Authorized 3-01-01 and Approved 4-25-01).

Stockholder:

Jaswinder Singh
549 Marlane Street
Muskegon, Michigan 49442

Business Phone: (231)777-3696
Home Phone: (231)777-1250

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

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

[X] NO FINGERPRINTS NECESSARY

**[] Please include fingerprint cards and \$15.00 for each card,
and mail to the Michigan Liquor Control Commission.**

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

jd

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

RESOLUTION

2001-80(b)

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

called to order by Mayor Nielsen on July 10, 2001 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Aslakson and Supported by Commissioner Schweifler

That the request from BUNTY, INC. requesting a New Specially Designated Distributor license, to be located at 1301 E. Apple, Muskegon, Michigan 49442, Muskegon County, to be held in conjunction with proposed new Specially Designated Merchant license (Authorized 3-1-01 and Approved 4-25-01).

be considered for Approval
(Approval or Disapproval)

Approval

Yeas: 6

Nays: 1

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

It is the consensus of this legislative body that the application be Recommended
(Recommended or not Recommended)
for issuance.

State of Michigan)
County of Muskegon) SS

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

City Commission at a Regular
(Regular or Special)

meeting held on the 10th of July, 2001.
(Date)

(Signed)

Gail A. Kunderger
(Township, City, or Village Clerk)

Gail A. Kunderger, City Clerk
933 Terrace, PO Box 536

(Address of Township, City or Village Board)
Muskegon, MI 49443-0536

SEAL

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission. REQUEST I.D.#126201

BUSINESS NAME AND ADDRESS: (include zip code) **BUNTY, INC.**
1301 E. Apple, Muskegon Michigan, 49442, Muskegon County

REQUEST FOR: A New Specially Designated Distributor license, to be held in conjunction with
propsoed New Specially Designated Merchant license (Authorized 3-01-01 and Approved 4-25-01)

Section 1. NO FINGERPRINTS NECESSARY APPLICANT INFORMATION

APPLICANT #1: JASWINDER SINGH	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 549 Marlane Street Muskegon, Michigan 49442 B.P.(231)777-3696 H.P.(231)777-1250	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 2-2-54 If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:
Date fingerprinted: N/A	Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

Section 2. Investigation of Business and Address to be Licensed

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

Does applicant intend to have dancing or entertainment?
☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

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

Section 3. Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No
3. Should this request be granted by the Commission? ☒ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

MAY 10 2001

Muskegon City Council
c/o Gail Kunding, Clerk
933 Terrace Street
P.O. Box 536
Muskegon, Michigan 49443-0536

May 2, 2001

Request I.D.#126201

The Liquor Control Commission has received an application from: **BUNTY, INC. requesting a New Specially Designated Distributor license, to be located at 1301 E. Apple, Muskegon Michigan, 49442, Muskegon County, to be held in conjunction with proposed new Specially Designated Merchant license (Authorized 3-01-01 and Approved 4-25-01).**

Stockholder:

Jaswinder Singh
549 Marlane Street
Muskegon, Michigan 49442

Business Phone: (231)777-3696
Home Phone: (231)777-1250

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

jd

LIQUOR LICENSE REVIEW FORM

MAY 10 2001

Business Name: Bunty, Inc.

AKA Business Name (if applicable): Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple Avenue

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Requesting a new SDD license

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunderger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

MAY 10 2001

Business Name: Bunty, Inc.

AKA Business Name (if applicable): Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple Avenue

Reason for Review:

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Requesting a new SDD license

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Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature *[Signature]* 5/11/01

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

MAY 10 2001

Business Name: Bunty, Inc.

AKA Business Name (if applicable): Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

Business Address: 1301 E. Apple Avenue

RECEIVED

MAY 10 2001

Reason for Review:

CITY OF MUSKEGON
PLANNING DEPARTMENT

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Requesting a new SDD license

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kundering, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

MAY 10 2001

Business Name: Bunty, Inc.

AKA Business Name (if applicable): Dasmesh Mart (Sunny Mart)

Operator/Manager's Name: Jaswinder Singh

RECEIVED

Business Address: 1301 E. Apple Avenue

MAY 14 2001

Reason for Review:

CITY OF MUSKEGON
PLANNING DEPARTMENT

New License ☒ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Requesting a new SDD license

Deadline for receipt of all information: _____

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Treasurer Approved ☐ Owing ☐ Amount: _____

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Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature [Signature] 5/11/01

Gail A. Kundering, City Clerk
Liquor License Coordinator

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/724-4055

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/727-6904

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
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

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

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



July 3, 2001

Mr. Jaswinder Singh
549 Marlane Street
Muskegon, MI 49442

Dear Mr. Singh:

This letter is to inform you that your request to add a new SDD license will be presented to the City Commission on July 10, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Sheldon Park Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

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/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
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FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

Income Tax
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FAX/724-6768

Info. Systems
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FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

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FAX/722-1214

Mayor's Office
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FAX/726-2501

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

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

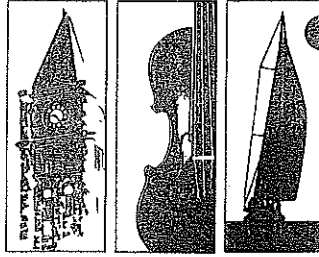
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

July 3, 2001

Mr. Gordon Peterman, President
Sheldon Park Neighborhood Association
1132 Oakgrove
Muskegon, MI 49442

Dear Mr. Peterman:

A request has been received from the Liquor Control Commission to add a new SDD license to the SDM license at 1301 E. Apple Ave. A SDD license permits the sale of alcoholic liquor other than beer and wine for consumption off the premises only. On Tuesday, July 10, 2001, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on July 10, 2001, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Receive by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

☐ No

If Yes, enter delivery address below

MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN

JUL 16 2001

3. Service Type

☒ Certified Mail ☐ Registered Mail

☐ Insured Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number (Copy from service label)

7000 0520 0014 3707 8516

Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

616/724-6107
FAX/727-6904

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
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

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

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

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

REF: #126201
1301 E. Apple
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the resolution and police inspection report (LC-1800) for the liquor license change request mentioned above.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

Date: July 10, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Flamingo II, 1163 E. Laketon, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from PNS#9, Inc. to transfer all stock in the 2001 Class C licensed business by dropping Alfonso Loera, deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

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

Neigh. & Const.
Services
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FAX/726-2501

Planning/Zoning
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FAX/724-6790

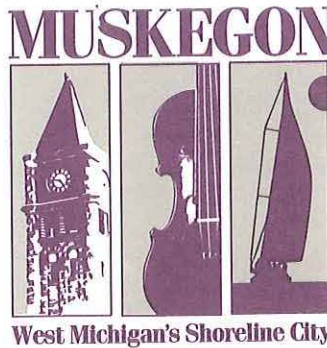
Police Dept.
231/724-6750
FAX/722-5140

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



June 20, 2001

To: The City Commission through the City Manager

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

Re: Transfer of Stockholder at 1163 E. Laketon Avenue

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant PNS#9, Inc. They are requesting the transfer of all stock, (2001 Licensing year) in 2001 Class C-SDM licensed business with Official Permit (food), by dropping Alfonso Loera, who is now deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera.

The listed location is that of Flaming II bar and restaurant. Anita Loera is the sister of the deceased license holder and her father is the current owner.

After a search of MPD records and a Michigan Criminal History Check was completed we find no reason to deny this request.

TK/cmw

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 3-13-00

Re: Transfer of stockholder at 1163 E. Laketon Ave, Muskegon, MI.

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant PNS#9, Inc. for transfer of all stock (2001 Licensing year) in 2001 Class C-SDM licensed business with Official Permit (food) by dropping Alfonso Loera, deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera.

The listed location is that of Flaming II bar and restaurant. Anita Loera is the sister of the deceased license holder and her father is the current owner.

After a search of MPD records and a Michigan Criminal History Check was completed I find no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/Loera

J. J. H.
5-18-01

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION
2001-8060

REQ ID # 125550

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

called to order by Mayor Nielsen on July 10, 2001 at 5:30 P.M.

The following resolution was offered:

Moved by Vice-Mayor Sieradzki and supported by Commissioner Aslakson

That the request from PNS#9, INC. to transfer all stock (2001 licensing year) in 2001 Class C licensed business, located at 1161-1163 E. Laketon, Muskegon, MI 49442, Muskegon County, by dropping Alfonso Loera, deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera.

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on July 10, 2001.
(Date)

SEAL

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

Gail A. Kunderger, City Clerk
933 Terrace, PO Box 536
(Mailing address of Township, City or Village)

Muskegon, MI 49443-0536

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

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

BUSINESS NAME AND ADDRESS: (include zip code)

PNS#9, INC., 1161-1163 E. Laketon, Muskegon, MI 49442, Muskegon County

REQUEST FOR: Transfer all stock (2001 licensing year) in 2001 Class C-SDM licensed business with Official Permit (Food by dropping Alfonso Loera, deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera.

Section 1. APPLICANT INFORMATION	
APPLICANT #1: Anita Loera - Stockholder	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1324 Eastwood Drive Muskegon, MI H(231)777-4718/B(231)722-1679	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 8-30-66 If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:
Date fingerprinted:	Date fingerprinted:

Attach the fingerprint card and \$15.00 for each card and mail to the Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

Section 2. Investigation of Business and Address to be Licensed
Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☐ No
Does applicant intend to have dancing or entertainment? ☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit
Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations
Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No
If you are recommending approval subject to certain conditions, list the conditions: (Attach a signed and dated report if more space is needed)

Section 4. Recommendation
From your investigation:
1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should this request be granted by the Commission? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

By L. Klenk
Signature (Sheriff or Chief of Police)

6-20-01
Date

Michigan Department of Consumer & Industry Services

LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1(4)]

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

Date: May 14, 2001

REF#:

REQ ID#:125550

Chief Law Enforcement Officer

Applicant:

PNS#9, INC. requests to transfer all stock (2001 licensing year) in 2001 Class C-SDM licensed business with Official Permit (Food), located at 1161-1163 E. Laketon, Muskegon, MI 49442, Muskegon County, by dropping Alfonso Loera, deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera.

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

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

Please include fingerprint cards and \$15.00 for each card, and mail to the Michigan Liquor Control Commission.

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

LC-1972 Rev. 6/92

4880-1658

sfs

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo Restaurant

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: Anita Loera

Business Address: 1163 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo Restaurant

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: Anita Loera

Business Address: 1163 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature [Signature] 6/7/01

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo Restaurant

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: Anita Loera

Business Address: 1163 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Phil J. Carver

Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo Restaurant

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: Anita Loera

Business Address: 1163 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunderinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Flamingo Restaurant

AKA Business Name (if applicable): PNS #9, Inc.

Operator/Manager's Name: Anita Loera

Business Address: 1163 E Laketon

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Labadie 6/6/01

Gail A. Kundering, City Clerk
Liquor License Coordinator

J. J. H.
5-18-01

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

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

Ref #
Req ID#125550

Date: May 14, 2001

To: Muskegon City Commission
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

Applicant: PNS#9, INC.

HOME ADDRESS AND PHONE NO:

Anita Loera, 1324 Eastwood Drive, Muskegon, MI H(231)777-4718/B(231)722-1679

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

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

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

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

sfs

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/724-4055

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/727-6904

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
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

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

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

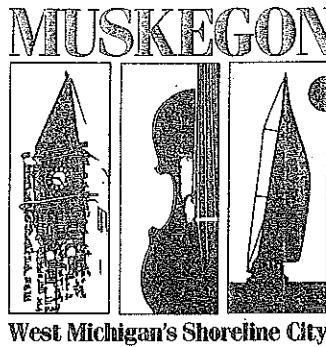
Police Dept.
616/724-6750
FAX/722-5140

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

Treasurer
616/724-6720
FAX/724-6768

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

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



July 3, 2001

Ms. Jacqueline Vines, President
East Muskegon Neighborhood Association
2174 Continental
Muskegon, MI 49442

Dear Ms. Vines:

A request has been received from the Liquor Control Commission to transfer all stock in the 2001 Class C licensed business at 1163 E. Laketon (Flamingo II) by dropping Alfonso Loera, deceased, as stockholder through transfer of his 10,000 shares of stock to new stockholder, Anita Loera. A Class C license permits the sale of beer, wine, liquor and mixed spirit drink for consumption on the premises. On Tuesday, July 10, 2001, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the July 10, 2001, City Commission Meeting at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

A handwritten signature in cursive script that reads 'Linda Potter'. The signature is written in dark ink and is positioned to the left of the typed name.

Linda Potter
Deputy Clerk

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/724-4055

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/727-6904

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
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

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

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



July 3, 2001

Ms. Anita Loera
1324 Eastwood Drive
Muskegon, MI 49442

Dear Ms. Loera

This letter is to inform you that your request to transfer ownership of the 2001 Class C licensed business will be presented to the City Commission on July 10, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the East Muskegon Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

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

Linda Potter
Deputy Clerk

NDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

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

GARY SCHUELLER
MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature
X ☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery (Extra Fee) ☐ Yes

POST OFFICE BOX 30005
LANSING, MICHIGAN 48909

Article Number (Copy from service label)

7000 0520 0014 3707 8523

S Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

616/724-6707
FAX/727-6904

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
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

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

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

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

REF: #125550
1161 - 1163 E. Laketon
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the resolution and police inspection report (LC-1800) for the liquor license change request mentioned above.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

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

Date: July 10, 2001
To: Honorable Mayor and City Commissioners
From: City Treasurer
RE: Revenue/Collections Administrator Position

SUMMARY OF REQUEST: To reclassify the current Deputy Treasurer position to Revenue/Collections Administrator along with the salary pay range from range X to range VIII of the non-represented employees' salary schedule.

FINANCIAL IMPACT: Staff expects that the costs of the position changes will be more than offset by:

- 1) Reduction in accounts receivable days and improvement in the city's cash flow.
- 2) Reduction in bad debts that are written off.
- 3) Improved collections due to the knowledge of debtors ("slow-pays") that the City is focusing more attention to this area.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to reclassify the position.

COMMITTEE RECOMMENDATION: The Civil Service Commission approved the job description at their meeting on May 22, 2001.

Memo

To: Mayor and City Commissioners
From: Derrick Smith, City Treasurer
Date: June 27, 2001
Re: Revenue/Collections Administrator Position

We are proposing to reclassify the Deputy Treasurer position in the Treasurer's Office to Revenue/Collections Administrator. A driving force behind the proposed change is the need to focus more attention to the City's accounts receivable area. In fact, in reviewing the City Commission / Department Goals for 2000-2001, the proposed change would be in line with two of the goals. The first goal which is to "continue efforts to improve the City's A/R (accounts receivable) collections by reducing A/R days and enhancing cash flow would be better served with the reclassified position. The second goal to "implement an aggressive plan to reduce the delinquency rate on personal property taxes" would also be addressed by the proposed change.

In 1997, the City offered an early retirement incentive program for certain non-union employees. At that time both the City Treasurer and the Water Billing Office Supervisor decided to accept the early retirement offer. With this, it was decided to consolidate the two separate offices and replace two management positions with a single department head. In addition, at that time it was decided that a recently vacated account clerk I position would remain unfilled due to staff cross training efficiencies expected to be gained. The net result was that two full-time positions were eliminated and personnel costs, along with total department costs, for the combined department have been much lower than before the restructuring.

The Deputy Treasurer's position has been open since February 5, 2001. In order for the City to be more competitive in attracting qualified candidates to fill the new Revenue/Collections Administrator position, we are requesting that the salary range be approved at range VIII of the non-represented employees' salary schedule. The former Deputy Treasurer position was at range X of the non-represented employees' salary schedule.

We believe that the proposed plan best serves the needs of the City while complimenting the other staff within the department. Please feel free to contact me should you have any questions regarding the requested change.

CITY OF MUSKEGON
****Proposed Job Description****

Job Title:	Revenue/Collections Administrator	Position No.
Department:	Finance	Pay Grade: VIII
Reports to:	City Treasurer	
FLSA Status:	Non-exempt	
Prepared by:	Karen Scholle	
Prepared date:	April 9, 2001	
Approved by:		
Approval date:		

SUMMARY: Under the supervision of the City Treasurer, oversees customer service and resolves customer complaints/concerns where Revenue Clerks are unable to reconcile the dispute. Will follow up on delinquent property tax and utility accounts and make every effort to collect these debts, including but not limited to small claims court filings, property tax liens, and working with outside collection agencies.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. An employee in this classification may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactory, with or without accommodation.

1. General accounts receivable collections management.
2. Oversee the preparation of processing of service orders for various City services, including water turn-ons and turn-offs, new utility billing accounts, and discontinuance of accounts.
3. Approve extensions for utility customers.
4. Provide or coordinate customer service training for Clerks as needed.
5. Resolve customer complaints and answer questions/concerns where clerks are unable to reconcile the dispute.
6. Personal property tax collections.
7. Small claims court filings and appearances, when needed.
8. Report to credit reporting agencies/bureaus.
9. Ensure strict adherence to state and federal laws governing debt collection/bankruptcy.
10. Coordination with outside collection agencies used by the City.
11. Work with various City departments on collection issues.
12. Data reporting on collections.

13. Property lien filing.

14. Performs related work as required.

SUPERVISORY RESPONSIBILITIES: Supervision of Revenue Clerks staff.

QUALIFICATIONS: The requirements listed below are representative of the knowledge, skills, abilities, and minimum qualifications necessary to perform the essential function of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Education: BA/BS in Business Administration/related field and/or equivalent experience.

Experience: A minimum of two years of supervisory/management and collections experience, PLUS experience working with credit reporting/collection agencies and the courts preferred. Knowledge of state/federal laws concerning collections and bankruptcy.

Must possess excellent customer service and communication skills. Thorough knowledge of accounting software, database operations, and records management essential.

CERTIFICATES, LICENSES, REGISTRATIONS: Valid Michigan driver's license with an acceptable driving record.

PHYSICAL DEMANDS: The Physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly is required to sit, reach with hands and arms, and use hands to finger, handle, or feel. The employee occasionally must travel to other locations and lift and/or move items of moderate weight. Specific vision abilities required by this job include close vision and distance vision.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is typical of an office environment where the noise level is usually moderate.

Commission Meeting Date: July 10, 2001

Date: June 25, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cdl*
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate – Bekaert Corporation**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Bekaert Corporation, 2121 Latimer, Muskegon, Michigan, a plant that fabricates high tech mechanical spring wire, has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$233,000 in real property and \$2,999,364 in personal property for a total of \$3,232,364. The project will result in the creation of 3 employment opportunities while retaining 6 jobs. Bekaert's current workforce is 73.

FINANCIAL IMPACT:

The City will capture certain additional property and income taxes generated by the expansion.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 6 years for personal property.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

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

Bekaert Corporation

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 13, 1992, this Commission by resolution established an Industrial Development District #92-125(b) as requested by Bekaert Corporation, 2121 Latimer Drive, Muskegon, Michigan, 49442; and

WHEREAS, Bekaert Corporation has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a new machinery and equipment to be installed within the Industrial Development District #92-125(b); and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on July 10, 2001 at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of machinery and equipment had not begun earlier than six (6) months before June 9, 2001, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

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

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

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

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Bekaert Corporation, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon Industrial Development District # 92-125(b) to wit:

PORT CITY INDUSTRIAL CENTER NO 3 LOTS 36 & 37

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of twelve (12) years on real and six (6) years on personal property.

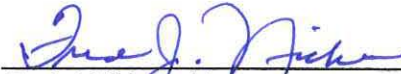
Adopted this 10th Day of July 2001

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

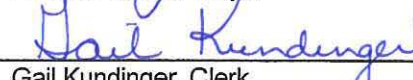
Nays: None

Absent: None

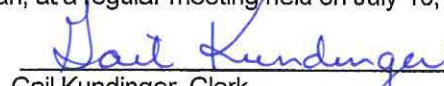
BY:


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 10, 2001.


Gail Kunding, Clerk



City of Muskegon Industrial Development District Summary Sheet

Company Summary:

Bekaert Corporation of 2121 Latimer Drive has requested an Industrial Facilities Exemption Certificate. Bekaert is installing \$233,000 in real property, \$2,999,364 in personal property and is adding 3 new employees. Bekaert Corporation engages in the fabrication of high tech mechanical spring wire. Bekaert Corporation has historically been a stable company and employer for the Muskegon area.

Employment Information:

Racial Characteristics:

White	65
Minority	8
Total	73

Gender Characteristics:

Male	62
Female	11
Total	73

Total No. of Anticipated New Jobs: 3

Investment Information:

Real Property:	\$ 233,000
Personal Property	\$2,999,364
Total:	\$3,232,364

Property Tax Information: (Annual)

Total New Taxes Generated	\$87,274
Value of Abatement	\$43,637
Total New Taxes Collected	\$43,637

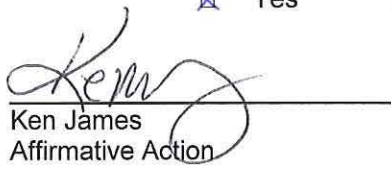
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$939

Company Requirements:

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


Matthew Dugener
Business Development


Ken James
Affirmative Action



THIS SITE
BEKAERT CORPORATION

LATIMER DR

BLACKLEY AV

S SHERIDAN DR

BLACK CRK RD

BLACK CRK RD

CITY LIMIT

E SHERMAN BLVD

SUN DOLPHIN DR

HARRIS RD

ELAKEION AV

E KEATING AV

PORT CITY BLVD

INDUSTRIAL BLVD

US31

HARVEY ST

RCY DR

Date: June 11, 2001

To: Mayor and City Commission

From: Robert Kuhn, Director of Public Works

Re: Sister City Representation – Kamasi Ghana

SUMMARY OF REQUEST: Director of Public Works, Robert Kuhn is scheduled to be part of a mission trip to Kamasi Ghana in September 2001. He is requesting permission to represent the City of Muskegon for the purpose of discussing the possibility of a future Sister-City relationship between Muskegon and Kamasi.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION:

Bryon Mazade
City Manager

June 5, 2001

Fred Nielsen
Mayor
And City Commissioners

RE: Kamasi Ghana
Sister City Program

In September of this year I will be venturing to Kamasi Ghana on a mission trip through my church. (Crosswinds Fellowship of North Muskegon). I will be the program coordinator for this trip that includes the construction of two houses with Habitat for Humanity International, as well as an immunization support program with the major hospital in Accra Ghana (national capitol). We will also be establishing a distribution center in Kamasi for the future distribution of donated clothing and materials. Our contact in Ghana has arranged for me to meet with my Public Works counterparts in the Kamasi region.

Recently there has been much interest regionally in pursuing the feasibility of obtaining Sister City status with Kamasi Ghana and the Muskegon area. The Sister Cities group is seriously considering sending a representative with our contingent.

I am requesting the City Commission's approval to allow me to represent the City of Muskegon if we are able to arrange a meeting with the Kamasi Metropolitan Agency. I will discuss with them the potential of establishing a Sister-City relationship with Muskegon.

With the City of Muskegon's Afro-American population increasing to over 31% in the 2000 census, a cultural relationship with Ghana would get much support within our community. In addition, there are other things coming together with this mission trip that could very well bring national attention to Muskegon. At this time I am not at liberty to elaborate on the specific details.

I am personally very excited about this trip and its potential for both Muskegon and the city of Kamasi. I will be present at the City Commission meeting to answer any additional questions. I can assure you that I am willing to do everything I can to represent my city with pride.

Sincerely;

Robert H. Kuhn
Director of Public Works
City of Muskegon Michigan



June 22, 2001

OFFICIAL NOTICE TO MEMBER CITIES AND VILLAGES
OF THE MICHIGAN MUNICIPAL LEAGUE

(Please present at the next Council or Commission Meeting)

President

CHARLES SMILEY
Mayor, Burton

Vice President

JEFFREY FITCH
Village President, Kalkaska

Trustees

MARGARET "PEGGY" ARNOLD
Mayor, Manistique

KENNETH BABICH
Mayor, Marlette

FRANKLIN L. CAMPBELL
Mayor, Hastings

C. D. "AL" CAPPUCCILLI
Mayor, Monroe

HAROLD DRAKE
Village President, Ravenna

MYRON FRASIER
Council President, Southfield

FREMAN HENDRIX
Deputy Mayor, Detroit

PATRICIA KILLINGBECK
City Manager, Au Gres

KURT KIMBALL
City Manager, Grand Rapids

GEORGE KORTHAUER
City Manager, Petoskey

KATE LAWRENCE
Mayor, Brighton

JAMES LEIDLEIN
City Manager, Harper Woods

CAROL SHEETS
Mayor Pro Tem, Wyoming

ROBERT SLATTERY, JR.
Mayor, Mount Morris

JOEL THOMPSON
Mayor, Otsego

MICHAEL USKIEWICZ
City Manager, Escanaba

Executive Director

GEORGE D. GOODMAN

Dear Official:

The annual meeting of the members of the Michigan Municipal League will be held in Battle Creek, September 12-14, 2001. The business session is scheduled for 10:30 a.m. on Wednesday, September 12, at the McCamly Plaza Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each.
2. Policy. To vote on statements of policy and resolutions properly brought before the annual meeting.
3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than August 22, 2001.

In connection with the designation of an official representative of the member to the annual meeting, your attention is invited to the following provisions of the Bylaws of the Michigan Municipal League:

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

A member of the National League of Cities

Web Address
www.mml.org

Headquarters Office
1675 Green Road, P.O. Box 1487
Ann Arbor, MI 48106-1487
Phone: 734-662-3246
Fax: 734-662-8083

Lansing Office
320 N. Washington Square, Suite 110
Lansing, MI 48933-1288
Phone: 517-485-1314
Fax: 517-372-7476

Northern Field Office
8925 Garden Road
Garden, MI 49835-9270
Phone: 906-644-2299
Fax: 906-644-2298

PLEASE RETURN BY AUGUST 22, 2001

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

Name Fred J. Nielsen

Title Mayor

Our alternate official representative will be:

Name Clara Shepherd

Title Commissioner

Official action of governing body on July 10, 2001
(date)

Submitted by Gail A. Kunding

Gail A. Kunding, City Clerk

Municipality City of Muskegon

Date: 6/29/2001
To: Honorable Mayor and City Commission
From: Kelly DeFrench, Public Works Supervisor
RE: Large Meter Replacement

SUMMARY OF REQUEST: To Approve the proposal with Metron Farnier to replace 400 large meters 1 1/2 inch through 8 inch at the cost of \$946,798.00

FINANCIAL IMPACT: \$ 946,798.00 Water/ Sewer Fund

BUDGETED- : None

BUDGET ACTION REQUIRED: Initial cost will be made with cash on hand from water and sewer funds. A budget adjustment will be made during the second quarter budget reforecast. The meter replacement program is expected to pay for itself with recovered revenue in two to five years

STAFF RECOMMENDATION: To approve the proposal from Metron Farnier to replace 400 Large meters at the cost of \$ 946,798.00

Memorandum

To: Bob Kuhn, Director of Public Works
Cc: Tim Paul, Ken Meyer, Derrick Smith
From: Kelly DeFrench, Public Utility Supervisor
Date: 06/28/01
Re: Large Meter Replacement Proposal

As you know we have been installing Metron single jet water meters for commercial use for about 3 years now. Until this type of meter was introduced, we have had to use compound and turbine type meters for services 2" and larger, with turbine meters primarily used for irrigation. Compound meters measure a wide range initially, but are not as accurate as single jet meters and require extensive maintenance over time. Turbine type meters are more reliable than compound meters, but they do not cover a wide range of flow as the single jet type manufactured by Metron.

We have Eighty (80) new Metron meters currently in our system. We performed a revenue analysis by comparing revenues collected from Twelve (12) of these new Metron meters, with revenue generated from the old meters. In order to do a fair comparison, figures were used from the same months for adjacent years. The results were quite significant. The report (see attached) reveals a projected increase in revenue of \$94,320 in one year for these twelve meters

Metron Farnier sent a proposal to replace 400 of our large meters 1 1/2 – 8" at a cost of \$946,798.00. The turnkey project cost of \$946,798 includes meters and appurtenances, installation and drive by radio AMR hardware and software. The cost of the meter replacement proposal includes changing out 2 master meters for the City of Roosevelt Park and 1 master meter for the City of North Muskegon.

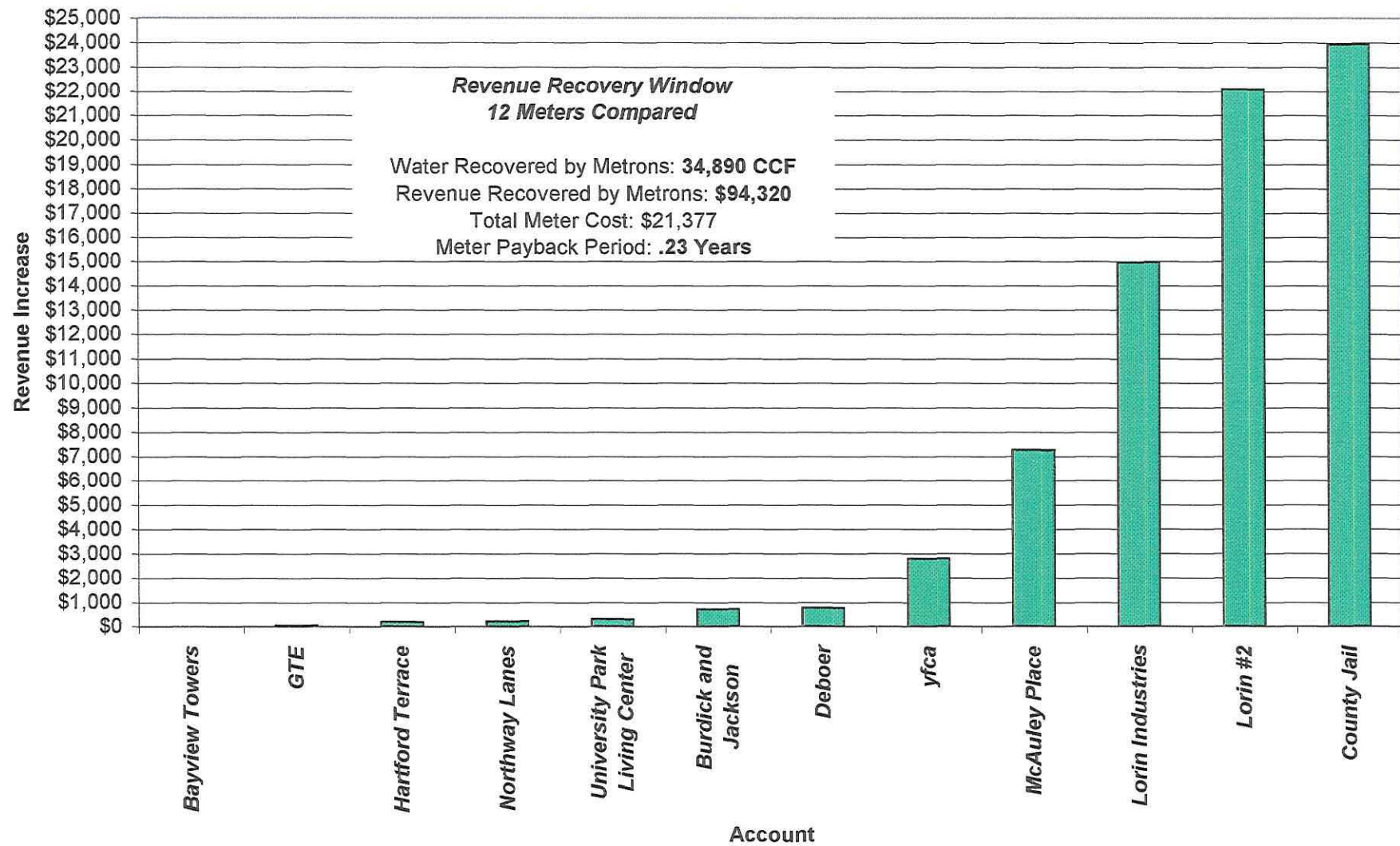
Agreements that we have in place with both communities provide for reimbursement to the city for replacement of master meters. The replacement cost for Roosevelt Park would be \$ 20,970.00, and \$9,000.00 for the City of North Muskegon. The total recovered amount of \$ 29,970.00 from both communities would put our actual cost for the project at \$916,828.00.

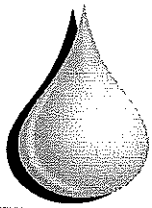
Results of our "12" meter study" indicate an apparent payback time of 3 months. While this payback would not hold true for all meters, a payback time for the entire system of about two (2) years does seem realistic. Metron estimates the replacement of the 400 large meters will yield a revenue increase of at least \$ 395,000 per year. At the project cost of \$ 946,798, this would yield a payback of just over two (2) years.

Performing the large meter replacement program with city forces would overextend our staff and delay implementation of this money saving effort. Changing out large meters can be risky, old pipes can break causing extensive damage to property and could result in personnel injury. Older large meters are extremely heavy and difficult to move. 4" compound meters weigh between 500 and 700-lbs. 6" compound meters weigh between 800 and 1000 lbs. Depending on manufacturer. Getting these out of a building or vault can be quite a task and back injuries are highly probable. We believe that these risks to our employees, together with the delay in implementing this revenue producing measure justify completing the meter installation under contract.

Representatives from Metron estimate that the replacement of the 400 large meters will take approximately ninety days. To insure that our installation standards and specifications are followed, Ron Archer and Matt Holmes of our department would supervise the installation.

Metron Meter Comparison





Metron-Farnier

Advanced Single-Jet Technology

To: Mr. Kelly DeFrench
Muskegon Department of Public Works

Metron-Farnier Single-Jet Commercial Meter Replacement Proposal

Metron-Farnier is pleased to offer our Turnkey Commercial Meter Replacement Program to the City of Muskegon, Michigan. In 1995, the Muskegon Department of Public Works began testing the Metron-Farnier Advanced Technology Single-Jet water meter. Our meter is designed to replace displacement, turbine, and compound meters by combining wider accuracy ranges with a maintenance-free design. The first 12 of these meters were installed in various applications within the Muskegon water system. After one year, these 12 meters had recovered roughly 34,890 CCF or \$94,320 of lost revenue from previously installed meters. At a cost of just over \$21,000, these meters achieved a payback of .23 years.

Metron-Farnier estimates that a full replacement of the remaining 400 commercial meters in the system will yield a revenue increase of *at least* \$395,000 per year or \$1,979,640 over the industry exclusive 5-year flange to flange warranty period of all Metron-Farnier products. At a turnkey project cost of \$946,798, this would yield payback of just over 2 years, an internal rate of return of 41.6%, and a net present value of \$3,012,190 on the project.

We feel that due to the success of the original 12 meters, the figures estimated in the above paragraph are extremely conservative. Because we do not know precisely how inaccurate your commercial metering system is, we default to the conservative. History has shown us however, that a full meter change-out will mirror the results of your pilot program. Typically, a *commercial* meter change-out with our single-jet meter will yield a payback of 6 months to 1.5 years and a reduction in total unaccounted for water of 50%.

Metron-Farnier Single-Jet meters meet the highest meter standards set forth by the ISO (International Standards Organization) and have been approved for their own AWWA (American Water Works Association) standard by the AWWA Single-Jet Standard Committee. All fire service meters are FM (Factory Mutual) rated for fire applications. AMR equipment specified is an all-digital system supplied by RAMAR and includes industry exclusive "datalog" microchip which provides not only meter ID and Read, but flow versus time data as well. Metron-Farnier expects full commercial system installation to require roughly 6 weeks to complete and is ready to commence immediately.

Turnkey project cost of \$946,798 includes meters and appurtenances, installation, drive-by radio AMR hardware and software, and an industry leading 5-year warranty on all products.

Specifications:

Meters:	Metron-Farnier single-jet (1.5"-8")
AMR:	Ramer FastTrackIT/Metron-Farnier Integral Flow Profiler
Installation:	Metron-Farnier Installation Division

All meters are lead-free silicon bronze and meet NSF 61 and the Federal Safe Drinking Water Act requirements for lead content. All equipment (meters and electronics) warranted a full 5 years to replacement.

Date: July 10, 2001

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Replace Water Services On Marquette

SUMMARY OF REQUEST:

To authorize Jackson Merkey, the contractor on the County Force Main project, to replace the galvanized water services they encounter while placing the force main with copper services. Jackson Merkey would bill the City directly for the cost of replacement which is expected to be around \$50,000. The billing would be in accordance with the unit prices submitted on their bid.

By authorizing this work, the City would avoid the possible need to dig-up those "new" streets in the near future. Most of the galvanized services are expected to be in Marquette between Getty & US-31BR.

FINANCIAL IMPACT:

The cost of replacing about forty (40) galvanized water services for an estimated cost of about \$50,000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To authorize Jackson Merkey to replace the services.

COMMITTEE RECOMMENDATION:

DATE: June 29, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-005 Address: 186 & 186 ½ Strong.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **186 & 186 ½, Muskegon, MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-005, 186 & 186 ½ Strong, Muskegon, MI

Location and ownership: This dwelling is located on Strong between 4th and 5th Streets, Census #6.02. It is owned by Daryl Jefferson.

Staff Correspondence: Dangerous building report conducted 2/19/01, Notice and Order to Repair issued 2/26/01, Notice of HBA Hearing 4/20/01.

Owner Contact: No contact has been made by owner.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$26,200 (2,000)

Estimated cost to repair: \$11,000 AND Cost for interior repairs.

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 10, 2001.



MONROE AV

MERRILL AV

MASON AV

STRONG AV

CAMPUS AV

WASHINGTON AV

JEFFERSON ST

186 + 186 1/2
STRONG



186 Strong

3/30/01



186 1/2 STRONG



Harbor Title

955 West Broadway
Muskegon, MI 49441

186 STRONG

Title Search

Case No.: 100119487

February 23, 2001

1. Beginning Date: 6/23/95, at 8:00 A.M.

Please See Attached Liber 1838, Page 255, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 2/1/01, at 8:00 A.M.

Documents

Deeds:
1838/255

Mortgages:
1988/572

Taxes:

Payment of the 2000 taxes, due and payable to the City of Muskegon Treasurer in the amount of \$2,720.09, if paid by February 28, 2001. (Base \$1,219.30) (Invoice Charges in the amount of \$1,112.82 included) (Delinquent Water/Sewer Usage Bill in the amount of \$309.35 included)

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$2,825.14, if paid by February 28, 2001.

Payment of the 1998 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,765.77, if paid by February 28, 2001.

Payment of the 1997 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,713.09, if paid by February 28, 2001.

Payment of the delinquent Water/Sewer Usage bill, due and payable to the City of Muskegon Treasurer in the amount of \$136.43, if paid by February 28, 2001.

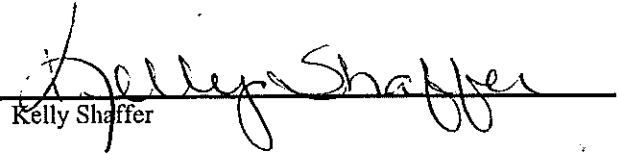
Proof of payment of special assessment for Sidewalk, due and payable in the amount of \$397.50, to the City of Muskegon Treasurer. (Estimated)

Payment of the Invoice Charges, due and payable to the City of Muskegon Treasurer in the amount of \$679.05. (As to #9815495, #9816012 and #9817837)

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Daryl Jefferson

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Kelly Shaffer

Rev. 363.76-5
58.85-C
417.10

46337

LIBER 1838 PAGE 255

WARRANTY DEED



STATUTORY FORM FOR INDIVIDUALS

This Indenture,

Dated this day of:
JUNE 19, 1995

KNOW ALL MEN BY THESE PRESENTS THAT:

JERE D. BENNETT AND PATRICIA A. BENNETT, HUSBAND AND WIFE
186 STRONG
MUSKEGON, MI 49441

Convey(s) and Warrant(s) To:

DARYL JEFFERSON
2340 MAFFETT STREET
MUSKEGON, MI 49441

for the sum of

FORTY EIGHT THOUSAND EIGHTY AND 00/100 DOLLARS ---(\$48,080.00)

the following described premises situated in

THE CITY OF MUSKEGON, COUNTY OF MUSKEGON AND STATE OF MICHIGAN TO WIT:

LOT 10, BLOCK 392 OF THE REVISED PLAT, OF 1903, OF THE CITY OF MUSKEGON, AS RECORDED IN LIBER 3 OF
PLATS ON PAGE 71, MUSKEGON COUNTY RECORDS.

P.P. # 61-11-30-280-018 (05973)

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND LIMITATIONS OF RECORD, IF ANY.

Witnesses:

Signed and Sealed

VICKIE L. ROBERTS

YVONNE MAUS

JERE D. BENNETT

PATRICIA A. BENNETT

STATE OF MICHIGAN COUNTY OF IONIA

The foregoing instrument was acknowledged before me

ON JUNE 19, 1995 BY JERE D. BENNETT AND
PATRICIA A. BENNETT, HUSBAND AND WIFE

PREPARED BY:

JERE D. BENNETT
186 STRONG
MUSKEGON, MI 49441

ASSISTED BY:

THE TITLE OFFICE, INC.
313 WEST MAIN
IONIA, MICHIGAN 48846

Vickie L. Roberts
NOTARY PUBLIC IONIA COUNTY, MICHIGAN
MY COMMISSION EXPIRES: 05/11/98

WHEN RECORDED RETURN TO

DARYL JEFFERSON
2340 MAFFETT
MUSKEGON MI 49441

18/00 05973 R/W

June 22 1995
This instrument is not to be recorded by the
county clerk until it is properly acknowledged, and all
fees are to be paid to the date of
recording.

172111
Janet Kenna

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

Date: May 4, 2001

To: Daryl Jefferson, 1252 Adams, Muskegon MI 49442
Owners Name & Address

Ford Consumer Finance Company, Inc., 2 Armstrong Rd, Shelton CT 06484
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 4, 2001, does hereby order that the following structure(s) located at 186 & 186 ½ Strong Ave. all in Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

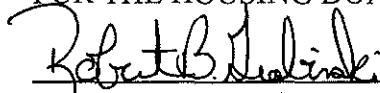
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Fire Marshal/Inspections Dept

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 186 & 186 ½ Strong, Muskegon, Michigan

Description of the Structure: Lot 10 Blk 392

TO: Daryl & Lesia Jefferson 1252 Adams, Muskegon MI 49442
[Name & Address of Owner]

Ford Consumer Finance Company Inc., 2 Armstrong Rd., Shelton CT 06484
[Names & Addresses of Other Interested Parties]

Please take notice that on May 3, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on February 27, 2001.

At the hearing on Thursday, May 3, 2001, at 5:30 p.m., at the **Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan**, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: 2/27/01

Address of the Property: 186 Strong, Muskegon, Michigan

Description of the Structure: Lot 10, Block 392

TO: Daryl & Lesia Jefferson, 1252 Adams, Muskegon MI 49442
[Name & Address of Owner]

Ford Consumer Finance Company Inc, 2 Armstrong Rd, Shelton CT 06484
[Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

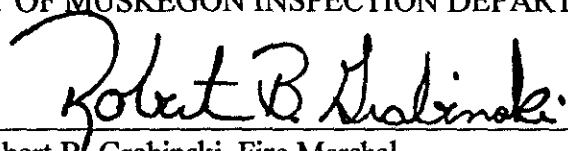
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **186 Strong**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By


Robert B. Grabinski, Fire Marshal



MICHIGAN DEPARTMENT OF STATE
Candice S. Miller, Secretary of State

Lansing, Michigan 48918-0001

STATE HISTORIC PRESERVATION OFFICE
Michigan Historical Center
717 West Allegan Street
Lansing, Michigan 48918-1800

May 8, 2001

INSPECTION SERVICES
CITY OF MUSKEGON
933 TERRACE STREET
PO BOX 536
MUSEKON MI 49443

RECEIVED
MAY 10 2001

RE: ER-96-169 Demolition of 186 Strong, Muskegon, Muskegon County (HUD)

Dear Inspection Services:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that the proposed undertaking will have an adverse effect on 186 Strong, a contributing structure to the Campus Historic District Extension, which appears to meet the criteria for listing in the National Register of Historic Places.

This undertaking meets the criteria of adverse effect because: *the undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association [36 CFR § 800.5(a)(1)]* Specifically, the undertaking will result in:

- Physical destruction of or damage to all or part of the property.

The finding of adverse effect will prompt HUD, hereinafter referred to as "Agency", to consult further to resolve the adverse effect pursuant to 36 CFR § 800.6 by proceeding with the following steps:

(1) Per 36 CFR § 800.6(a), the Agency shall continue consultation with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties. The Agency shall submit a case study outlining these efforts for review by the SHPO.

(2) In accordance with 36 CFR § 800.6(a)(4), the Agency shall make information regarding this finding available to the public, providing the public with an opportunity to express their views on resolving adverse effects of the undertaking. Pursuant to 36 CFR § 800.11(e), copies or summaries of any views provided by consulting parties and the public shall be made available to the SHPO as part of the case study outlined in (1).

(3) The Agency shall immediately notify the Advisory Council on Historic Preservation (Advisory Council), Old Post Office Building, 1100 Pennsylvania Avenue, NW, Suite 809, Washington, D.C. 20004, of the adverse effect finding per 36 CFR § 800.6 (a)(1). The notification to the Advisory Council should be similar to the project information submitted to this office and should include the following documentation as outlined in 36 CFR § 800.11(e).

- A description of the undertaking, specifying the federal involvement, and its area of potential effects, including photographs, maps and drawings, as necessary.
- A description of the steps taken to identify historic properties.
- A description of the affected historic properties, including information on the characteristics that qualify them for inclusion in the National Register of Historic Places.
- A description of the undertaking's effects on historic properties.
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects.
- Copies or summaries of any views provided by consulting parties and the public.

(4) The Agency shall invite the Advisory Council to participate in consultation if the undertaking will affect a National Historic Landmark, if a Programmatic Agreement will be developed as a result of the finding of adverse effect, or if the Agency wants the Advisory Council to participate in consultation. The Advisory Council will advise of its decision to participate in consultation within fifteen (15) days of receipt of this notification or other request. If the Advisory Council chooses not to participate in consultation, the Agency shall resolve the adverse effect without Advisory Council participation and pursuant to 36 CFR § 800.6(b)(1).

(5) If the Agency, the SHPO and, if applicable, the Advisory Council agree on how the adverse effects will be resolved, they shall execute a Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(c).

(6) If the Agency and the SHPO fail to agree on the terms of the MOA, the Agency shall request the Advisory Council to join the consultation. If the Advisory Council decides to join the consultation, the Agency shall proceed in accordance with 36 CFR § 800.6(b)(2). If the Advisory Council decides not to join the consultation, the Advisory Council will notify the Agency and proceed to comment in accordance with 36 CFR § 800.7.

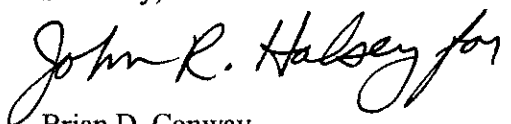
The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases,** whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

Please note that the Section 106 process will not conclude according to 36 CFR § 800.6 "Resolution of Adverse Effects" until the consultation process is complete, an MOA is developed, executed and implemented, and, if applicable, the formal comments of the Advisory Council have been received.

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Elizabeth Szufnar, Environmental Review Assistant, at (517) 335-2723. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,



Brian D. Conway
State Historic Preservation Officer

BDC:EAS

copy: Advisory Council on Historic Preservation
Les Berman, HUD

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

186 STRONG
Both Front & Back dwellings
2/19/01

Inspection noted:

1. Home is partially boarded up. Back home is open.
2. Roof systems on both homes are in need of repair and/or replacement; fascia rotting; Cornice repair needed, soffit repair needed.
3. Both home in need of exterior siding protection; scrape and paint or new siding; window frames need maintenance.
4. Broken out windows.
5. Interior inspection required on both homes by the Inspection Services Dept. Trade Inspectors. (Plumbing, mechanical, electrical and building)

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

2/20/2001
DATE

#01-004 – 2130 W. Sherman – Delbert & Jean Esh, 2650 Regent, Muskegon MI 49441

History: Grabinski stated that this was a house that was brought to us by our housing inspector in that area. We have had a change in ownership. This guy Mr. Esh said that he was going to fix it. Since that time nothing has happened, I went out there today, there's walls torn down inside, the garage is wide open the roof is still deteriorated and the reason we went out there the first time is because it smelled of cats. It still smells of cats bad.

Staff recommendation: Declare the structure a dangerous building, substandard unsafe a public nuisance and forward the case to the city commission for their concurrence.

Motion: John Warner, supported by Jerry Bever, made a motion to accept staff's recommendation and forward the case to the city commission for their concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

Case # 01-0015 - 186 & 186 ½ Strong – Daryl Jefferson, 1252 Adams, Muskegon MI 49442

Owner or Representatives presentation: The owner or representative was not in attendance.

Staff History: Pictures were passed around to the members of the Board. This case consists of two structures on the same property. The pictures are from 186 ½, which sits on the alley side of this house. The front house is boarded however that one still remains unboarded at this point. The owner has a couple more days before the City will enter on the property and Board it. There has been no contact from the owner. Commissioner Shepherd and some neighborhood residents had brought this property to the attention of the Inspection Department. According to the commissioner and the neighbors, 186 ½ is being used for drug activity. The evidence at the structure proves that that is probably the case. The same thing with 186 however we have not boarded that one. There has been no contact with the owner or a representative.

Staff Recommendation: To declare the structure unsafe, substandard, a public nuisance and forward the case to the City Commission for concurrence.

Motion: Randy Mackie, supported by John Warner, made a motion to declare the structure substandard, unsafe, a public nuisance and forward to the city commission for concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

Old Business: None

New Business: Borgman invited Mr. Bill Seeback of the Historic District Committee to attend tonight's meeting for observation. If Mr. Seeback could have stayed, we would have had a short discussion on his observation and based upon his observation how he expects us to work together. Not saying that it can't be done. He said he would try to make the next meeting also. Borgman thinks it will be helpful in making them a little more understanding of what reality is and that we can't save everything.

Grabinski said that he would be interested in hearing what Mr. Seeback's observations were.

Borgman said that he intended to invite Mr. Seeback to next months meeting.

Adjournment: 7:00 PM

DATE: June 29, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspections

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-004; Address: 2130 W. Sherman, Muskegon MI.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **2130 W. Sherman, Muskegon, MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-004 – 2130 W. Sherman, Muskegon MI

Location and ownership: This house is located at 2130 W. Sherman Blvd. in Lakeside HUD census #9. The owner is Delbert Esh.

Staff Correspondence to Owner attachments: Dangerous building inspection report conducted 2/15/01. Notice and Order to Repair was issued 2/28/01, Notice of HBA Hearing dated 5/03/01.

Owner Contact: On 6/25/01 Mary Oakes came in the office to let us know Delbert & Jean Esh are deceased. She said the new owners are Scott Horta and Heather Esh (her niece). They have not accepted certified mail being sent because they thought it was bills. She was told they need to accept mail to be aware of repairs that need to be done and meetings being conducted with regard to the property.

Financial Impact: General Fund

Budget action required: None

State Equalized value: \$18, 600.00 (2,000)

Estimated cost to repair: \$20,000

Staff Recommendation: To Concur with the Housing Board of Appeals decision to Demolish.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, July 10, 2001.

LEON ST

DENMARK ST

CUTLER AV

PHILO AV

LETART AV

MC CRACKEN ST

SHERMAN BLVD.

2130 W. Sherman



2130 W. SHERMAN



Harbor Title

955 West Broadway
Muskegon, MI 49441

2130 Shefferman

Title Search

Case No.: 100119486

February 23, 2001

1. Beginning Date: 7/20/90, at 8:00 A.M.

Please See Attached Liber 1529, Page 199, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 2/1/2001, at 8:00 A.M.

Documents

Deeds:
1529/199

Mortgages:
1813/205
2184/634

Taxes:

Invoice charges in the amount of \$583.40 for Trash. (As to #9813035, #9813966, #9816166 and #9817388.

Payment of the Water/Sewer Usage Bill, due and payable to the City of Muskegon Treasurer in the amount of \$134.58, if paid by February 28, 2001.

Payment of the 2000 Winter taxes, due and payable to the City of Muskegon Treasurer in the amount of \$816.87, if paid by February 28, 2001. (Base Amount \$793.26)

Note:

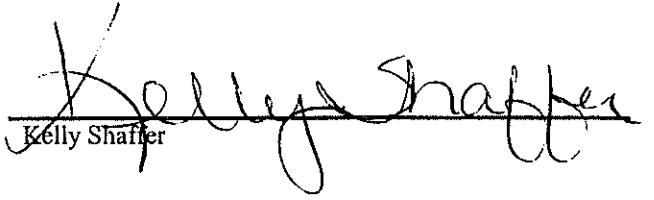
No 2000 Summer taxes were assessed.
Permanent Parcel No.: 61-24-779-002-0026-00.
2000 State Equalized Value: \$18,600.00.
2000 Taxable Value: \$14,639.00.
Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Delbert Esh and Jean C. Esh, husband and wife

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.

7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Kelly Shaffer

FIRST AMERICAN TITLE INSURANCE COMPANY OF THE MID-WEST • BURTON ABSTRACT DIVISION • SERVING YOU SINCE 1866

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING FIRST AMERICAN TITLE INSURANCE COMPANY OF THE MID-WEST

The Grantors: Gary W. Ayers, a single man AND Charles L. Ayers,
a married man, joint tenants with full rights of Survivorship

1602 Despelder, Grand Haven, Michigan 49417 whose address is

conveys) and warrants) to Delbert Esh and wife Jean C. Esh

whose address is 2180 Morton, Muskegon, Michigan 49441

the following described premises situated in the City of
Muskegon County of Muskegon
and State of Michigan:

Lot 26, Block 2, Subdivision of Block 651, Revised Plat of the City of
Muskegon, as recorded in Liber 6 of Plats, Page 14, Muskegon County Records.

for the sum of One Dollar.....Affix Revenue Stamps After Recording.

subject to easements and building and use restrictions of record and otherwise

Dated this 20th day of July, 19 90

Signed in presence of:
Richard C. Dreger
Teresa Rahrig
Teresa Rahrig

Signed by:
Gary W. Ayers
Charles L. Ayers, by Laura A. Ayers,
Attorney In Fact

STATE OF MICHIGAN,)
COUNTY OF Muskegon) ss.

The foregoing instrument was acknowledged before me this 20th day of July
19 90, by Gary W. Ayers and Laura A. Ayers, for Charles L. Ayers
Attorney In Fact

Teresa Vanderwater
Teresa Vanderwater
Notary Public, Muskegon County,
Michigan
My commission expires: October 22, 1990

County Treasurer's Certificate
July 23 1990
Jawakaus

City Treasurer's Certificate

When Recorded Return To:
Grantees
(Name)
(Street Address)
(City and State)

Send Subsequent Tax Bills To:

Drafted ~~by~~ Under the
direction of: Vollmer Inc.
Business Address: Realtors
854 W. Norton Avenue
Muskegon, Michigan 49441

Tax Parcel # 18/00 27509 Recording Fee Transfer Tax

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

Date: May 4, 2001

To: Delbert & Jean Esh, 2650 Regent, Muskegon MI
Owners Name & Address

TMS Mortgage INC, 30300 Telegraph Rd, Ste # 201, Bingham Farms MI 48025
The Money Store/Packaging, P.O. Box 160128 Sacramento, CA 95816 - 0128
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 4, 2001, does hereby order that the following structure(s) located at **2130 W. Sherman**, all in Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

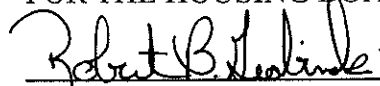
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Fire Marshal/Inspections Dept

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 2130 Sherman, Muskegon, Michigan

Description of the Structure: Lot 26, Blk 2, Subd of Blk 651

TO: Delbert Esh, 2650 Regent, Muskegon MI 49441
[Name & Address of Owner]

TMS Mortgage Inc., 30300 Telegraph Road, Suite 201, Bingham Farms MI 48025
[Names & Addresses of Other Interested Parties]

Please take notice that on May 3, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on February 28, 2001.

At the hearing on Thursday, May 3, 2001, at 5:30 p.m., at the **Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan**, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: 2/28/01

Address of the Property: 2130 W Sherman, Muskegon, Michigan

Description of the Structure: Lot 26, Block 2 of Subdivision Block 651

TO: Heather Esh & Scott Horta, 2130 W Sherman, Muskegon MI 49441
[Name & Address of Owner]

Delbert Esh & Jean Esh, 2650 Regent, Muskegon MI 49441
TMS Mortgage Inc., 30300 Telegraph Road, Suite 201, Bingham Farms MI 48025
[Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

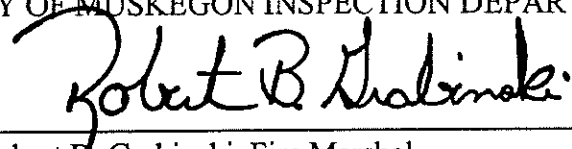
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 2130 W Sherman, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By


Robert B. Grabinski, Fire Marshal

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

2130 W Sherman

2/15/01

Inspection noted:

1. Attached garage roof system collapsing, rotted sheathing, rafters.
2. Missing cracked siding.
3. Home Partially painted.
4. Hot water heater split open by cold weather – Venting damaged.
5. Broken out windows.

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 KALTINOWSKI, BUILDING INSPECTOR

2/15/2001
DATE

Electrical Inspection
2130 W. Sherman

1. Service conductors deteriorated , (Insulation exposing conductors)
2. Service equipment deteriorated. (Not suitable for exposure to the weather)
3. Circuits overused.
4. Wiring in building inadequate (extension cords in use in building.
5. Furnace not wired properly.

D. ESH
2650 S. REGENT
MUSKEGON, MI 49441

RE: 2130 W SHERMAN

NOTICE ISSUED BY: INSPECTION SERVICES PHONE: 724-6715

Dear Property Owner:

We have received a complaint that there are certain unsatisfactory conditions at the above address. If these conditions exist, they are a violation of the City Code. A copy of the recorded complaint is attached for your review as part of this notice.

Please look into this matter to see if the complaint is valid. I have informed the complainant that the matter is to be taken care of within the next 72 hours.

If code violations are reported to exist after this period, a complete inspection of the property may be made. You will be charged a MINIMUM of \$60.00 for such an inspection and there is also a charge for each reinspection required.

Please feel free to contact me about this notice. Your cooperation would be greatly appreciated.

Housing Inspector
City of Muskegon, Inspection Services Department

N/C. FNR

CITY OF MUSKEGON INSPECTION REPORT

December 8, 2000 AT 3:23 p.m. FOR W. SHERMAN 2130 PAGE 1

FINAL NOTICE

No	Cat	Violation
1	A	BATHROOM No power.
2	B	BATHROOM Floor covering has holes, rips or is missing or is not sealed on edges.
3	A	BATHROOM Toilet seat is loose, broken or missing.
4	A	BATHROOM - BY TUB Floor boards are loose, deteriorated or missing.
5	A	BATHROOM - LAVATORY Waste line is plugged.
6	B	BATHROOM - LAVATORY (COLD) Doesn't have any water to it.
7		BATHROOM - TUB Overflow is missing.
8	A	EAST BEDROOM Window sash is broken, rotted or missing.
9	B	EAST BEDROOM Window lock(s) is/are missing or inoperative.
10	B	EAST BEDROOM Walls have peeling paint.
11	B	EAST BEDROOM Outlet is broken, loose or not working.
12	A	EAST BEDROOM Outlet cover is missing or broken.
13	B	EXTERIOR Siding has holes in it or is rotted or missing.
14	B	EXTERIOR Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
15	B	EXTERIOR Operable window(s) do not have a screen - must cover the complete bottom sash.
16	A	EXTERIOR - FRONT Window has broken or cracked glass.
17	B	EXTERIOR - FRONT Has trim that has holes in it or is rotted or missing.
18	B	EXTERIOR - FRONT Replace grill to foundation.
19	A	EXTERIOR - FRONT Window sash is broken, rotted or missing.
20	B	EXTERIOR - REAR Window sill is broken, missing or rotted.
SC 21		EXTERIOR - ROOF Is moss covered.
22	B	EXTERIOR FRONT Window has glazing that is missing or deteriorated.
23	A	FRONT ENTRY Floor boards are loose, deteriorated or missing.
24		FURNACE Improperly wired. Romex being used as an extension cord.

CITY OF MUSKEGON INSPECTION REPORT

December 8, 2000

AT 3:23 p.m.

FOR W. SHERMAN 2130

PAGE 2

No	Cat	Violation
25		GARAGE Roof is totally deteriorated - must be replaced.
26	B	GARAGE Side of the roof has rotted or missing roof boards.
27	B	GARAGE Overhead, sliding, or swing door is broken or missing parts so it may not work properly.
28		GARAGE NOTE: Area was locked and no entry was gained. Must be accessible at next inspection.
29	B	GARAGE - DOOR Opening in the wall has been closed off with material that does not blend with the rest of the structure.
30	A	GENERAL Dwelling or unit is infested with cockroaches.
31	A	GENERAL Dwelling or unit is infested with fleas.
32		GENERAL NOTE: Strong odor of animal urine.
33	A	HALLWAY Smoke detector is missing or inoperative near the bedrooms.
34	B	HALLWAY Repair attic access.
35	B	KITCHEN Does not have a duplex receptacle on its own 20 amp circuit. If within 6' of sink or tub must have GFIC.
36	B	KITCHEN Floor covering has holes, rips or is missing or is not sealed on edges.
37	B	KITCHEN Cabinets are not in good repair.
38	B	KITCHEN Ceiling tile are missing or falling down.
39	A	KITCHEN Waste is leaking.
40	B	KITCHEN - SINK Sink cabinet or floor is rotted or rusting away.
41	B	KITCHEN - UNDER SINK Wall or walls has a hole or holes or large cracks in it.
42	B	LIVING ROOM Trim is broken, missing or incomplete.
43	B	LIVING ROOM Furnace is not wired on its own separate circuit with a disconnect near the furnace.
44	A	LIVING ROOM

Furnace needs an inspection by a mechanical contractor and must be certified safe.

45 PLUMBING / MECHANICAL
Water heater is not vented.

46 PLUMBING / MECHANICAL
water piping installed in an unheated area.

CITY OF MUSKEGON INSPECTION REPORT

December 8, 2000

AT 3:23 p.m.

FOR W. SHERMAN 2130

PAGE 3

No	Cat	Violation
47		PLUMBING / MECHANICAL Furnace in need of repair.
48		PLUMBING / MECHANICAL Plumbing in need of repair.
49		PLUMBING / MECHANICAL Fixtures are in unsanitary condition.
50	B	WEST BEDROOM Wall or walls has a hole or holes or large cracks in it.
51	B	WEST BEDROOM Does not have privacy door.
52	A	WEST BEDROOM No power.

END OF LIST

add garage

general

repair fire wall
properly install
hot water heater
roof rafters are
spliced, undersized
improperly installed
gas, water,
electric off

FILE COPY

FINAL NOTICE

Date of Inspection : 11/01/00
Date of This Notice : 12/11/00
Next Inspection Date : 02/02/01
Time of Next Inspection : 10:30 A.M.

FINAL NOTICE TO REPAIR

Sent to:
D. ESH
2650 S. REGENT
MUSKEGON, MI 49441

In reference to : 2130 W SHERMAN

PARCEL NO. 24-779-002-0026-00
CUST NO.

1
Inspected by : ROXANNE WEVER Phone 724-6715

A reinspection of the property referenced above revealed conditions which are violations of the City of Muskegon property maintenance code. These conditions have not been corrected as previously ordered and are listed on the attached page(s). You are responsible for correcting these conditions by the next inspection date shown above. In regard to these you should know the following:

1. Each violation listed is a separate punishable offense. Failure to complete repairs by the required date will lead to further legal action which may result in substantial fines. These fines begin at \$100.00. Please note that each day that a violation continues to exist may be charged as a separate civil infraction and may result in a separate civil fine.
2. Your property will be reinspected on the date and time above to see if the violations are corrected. If this appointment needs to be changed, you must contact our office at least 3 working days in advance of the scheduled date in order to avoid a \$40.00 service charge.
3. You may appeal any part of this repair notice by filing an appeal with the Housing Board of Appeals. Claim forms can be obtained from the Inspection Services department and must be submitted at least 3 days before the next scheduled reinspection.
4. Good workmanship is required. In addition, repairs involving the installation of new electrical, heating or plumbing fixtures require appropriate permits and must be completed by licensed contractors if the building is not occupied by the owner.
5. It is the owner's responsibility to make arrangements so that the inspector can enter all units and the basement. If entry is not gained to all areas of the building, a \$40.00 service charge will be made. Periodic reinspections to determine progress will have a charge of \$40.00 plus \$5.00 per unit. Therefore, it is important that you complete the work as soon as possible.
6. Exterior masonry repairs or painting that may be required from November 1 to March 31 can be completed anytime before June 30.

Sincerely,

Housing Inspector
City of Muskegon, Inspection Services

CITY OF MUSKEGON INSPECTION REPORT

November 1, 2000

AT 8:49 a.m.

FOR W. SHERMAN 2130

PAGE 1

*send appeal
after meeting
copy*

No	Cat	Violation
1	A	BATHROOM No power.
2	B	BATHROOM Floor covering has holes, rips or is missing or is not sealed on edges.
3	A	BATHROOM Toilet seat is loose, broken or missing.
4	A	BATHROOM - BY TUB Floor boards are loose, deteriorated or missing.
5	A	BATHROOM - LAVATORY Waste line is plugged.
6	B	BATHROOM - LAVATORY (COLD) Doesn't have any water to it.
7		BATHROOM - TUB Overflow is missing.
8	A	EAST BEDROOM Window sash is broken, rotted or missing.
9	B	EAST BEDROOM Window lock(s) is/are missing or inoperative.
10	B	EAST BEDROOM Walls have peeling paint.
11	B	EAST BEDROOM Outlet is broken, loose or not working.
12	A	EAST BEDROOM Outlet cover is missing or broken.
13	B	EXTERIOR Siding has holes in it or is rotted or missing.
14	B	EXTERIOR Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
15	B	EXTERIOR Operable window(s) do not have a screen - must cover the complete bottom sash.
16	A	EXTERIOR - FRONT Window has broken or cracked glass.
17	B	EXTERIOR - FRONT Has trim that has holes in it or is rotted or missing.
18	B	EXTERIOR - FRONT Replace grill to foundation.
19	A	EXTERIOR - FRONT Window sash is broken, rotted or missing.
20	B	EXTERIOR - REAR Window sill is broken, missing or rotted.
21		EXTERIOR - ROOF Is moss covered.
22	B	EXTERIOR FRONT Window has glazing that is missing or deteriorated.
23	A	FRONT ENTRY Floor boards are loose, deteriorated or missing.
24		FURNACE Improperly wired. Romex being used as an extension cord.

Furnace needs an inspection by a mechanical contractor and must be certified safe.

45 PLUMBING / MECHANICAL

Water heater is not vented.

46 PLUMBING / MECHANICAL

water piping installed in an unheated area.

CITY OF MUSKEGON INSPECTION REPORT

November 1, 2000

AT 8:49 a.m.

FOR W. SHERMAN 2130

PAGE 3

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49		PLUMBING / MECHANICAL Fixtures are in unsanitary condition.
50	B	WEST BEDROOM Wall or walls has a hole or holes or large cracks in it.
51	B	WEST BEDROOM Does not have privacy door.
52	A	WEST BEDROOM No power.

END OF LIST

CITY OF MUSKEGON INSPECTION REPORT

October 16, 2000

AT 9:25 a.m.

FOR W. SHERMAN 2130

PAGE 1

No	Cat	Violation
1	A	BATHROOM No power.
2	B	BATHROOM Floor covering has holes, rips or is missing or is not sealed on edges.
3	A	BATHROOM Toilet seat is loose, broken or missing.
4	A	BATHROOM - BY TUB Floor boards are loose, deteriorated or missing.
5	A	BATHROOM - LAVATORY Waste line is plugged.
6	B	BATHROOM - LAVATORY (COLD) Doesn't have any water to it.
7		BATHROOM - TUB Overflow is missing.
8	A	EAST BEDROOM Window sash is broken, rotted or missing.
9	B	EAST BEDROOM Window lock(s) is/are missing or inoperative.
10	B	EAST BEDROOM Walls have peeling paint.
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14	B	EXTERIOR Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
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19	A	EXTERIOR - FRONT Window sash is broken, rotted or missing.
20	B	EXTERIOR - REAR Window sill is broken, missing or rotted.
21		EXTERIOR - ROOF Is moss covered.
22	B	EXTERIOR FRONT Window has glazing that is missing or deteriorated.
23	A	FRONT ENTRY Floor boards are loose, deteriorated or missing.
24		FURNACE Improperly wired. Romex being used as an extension cord.

759-5570

CITY OF MUSKEGON INSPECTION REPORT

October 16, 2000 AT 9:25 a.m. FOR W. SHERMAN 2130 PAGE 2

No	Cat	Violation
25		GARAGE Roof is totally deteriorated - must be replaced.
26	B	GARAGE Side of the roof has rotted or missing roof boards.
27	B	GARAGE Overhead, sliding, or swing door is broken or missing parts so it may not work properly.
28		GARAGE NOTE: Area was locked and no entry was gained. Must be accessible at next inspection.
29	B	GARAGE - DOOR Opening in the wall has been closed off with material that does not blend with the rest of the structure.
30	A	GENERAL Dwelling or unit is infested with cockroaches.
31	A	GENERAL Dwelling or unit is infested with fleas.
32		GENERAL NOTE: Strong odor of animal urine.
33	A	HALLWAY Smoke detector is missing or inoperative near the bedrooms.
34	B	HALLWAY Repair attic access.
35	B	KITCHEN Does not have a duplex receptacle on its own 20 amp circuit. If within 6' of sink or tub must have GFIC.
36	B	KITCHEN Floor covering has holes, rips or is missing or is not sealed on edges.
37	B	KITCHEN Cabinets are not in good repair.
38	B	KITCHEN Ceiling tile are missing or falling down.
39	A	KITCHEN Waste is leaking.
40	B	KITCHEN - SINK Sink cabinet or floor is rotted or rusting away.
41	B	KITCHEN - UNDER SINK Wall or walls has a hole or holes or large cracks in it.
42	B	LIVING ROOM Trim is broken, missing or incomplete.
43	B	LIVING ROOM Furnace is not wired on its own separate circuit with a disconnect near the furnace.
44	A	LIVING ROOM

Furnace needs an inspection by a mechanical contractor and must be certified safe.

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Water heater is not vented.

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CITY OF MUSKEGON INSPECTION REPORT

October 16, 2000

AT 9:25 a.m.

FOR W. SHERMAN 2130

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END OF LIST

CITY INSPECTIONS

Incident Report MUSKEGON POLICE DEPARTMENT 2000-025961-I

Incident No 2000-025961-I	Date & Time Rept 09/09/2000 20:21	Offense: 57001 TRESPASS		
Occurred From: 09/09/2000 20:21	Occurred Until: 09/09/2000 20:21	Incident Location 2130 W SHERMAN BLVD		
Current Disp CLOSED	Disposed To CLOSED HAGEN	Municipality MUSKEGON	District 116	
Disposition Date 09/10/2000	Juveniles Only? NO	TTY Sent? NO	Cancelled?	TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / :	
Officer Assigned 10769 STEPHAN, GERALDINE MARIE		Investigating Officer		

N trespassing
O ----- [09/09/2000] --- [20:21] -----
T PEOPLE IN A HOUSE THAT IS CONDEMDDED THEY SHOULDNT BE
E THERE INSIDE NOW UNK HOW THEY GOT IN THEY ARE BELIEVED
S TO BE THE FORMER TENNANTS

----- [09/09/2000] --- [20:47] -----
STATUS CHECK BY DMO

----- [09/09/2000] --- [20:51] -----
CONVEY OCCURED 09/09/00 @ 20:51:10 TO: MUPD

NAME: RICK SHEER
ADDR: 2112 W SHERMAN BLVD
CITY: MUSKEGON

OFFENSE: SUSPP Suspicious Person

=CAD TIMES: 20:21;20:31;20:32;21:14;

P E R S O N	Name/Address/Phone		Description	
	FEDNER, MELODY		Born 11/05/1961 FEMALE	
	2112 W SHERMAN BLVD		Hgt. 0' 0" WHITE	
	MUSKEGON	MI 49441	Wgt. 0	NON-HISP
	(231) 855-9098		Hair	Eyes
O N	COMPLAINT	57001	TRESPASS	
	09/09/2000			
	Description/Name/Comments	Make/Model/Stat	Serial No./Qty/Value	
	NO PROPERTY			
	Status/Plate Type/VIN	Reg/Evid/Value	Description	
	NO VEHICLES			
	Category	Description		
	NO M.O. INFORMATION			

Continued

MUSKEGON POLICE DEPARTMENT

2000-025961-I

Incident No 2000-025961-I	Date & Time Rept 09/09/2000 20:21	Offense: 57001 TRESPASS
------------------------------	--------------------------------------	----------------------------

N TAKEN FROM WORDPERFECT DOCUMENT 00025961.001

A The complainant, Melody Fedner 755-9098, called in reference to
R ex-residents entering the residence at 2130 W. Sherman Blvd. after
R the house had been condemned by the City of Muskegon. Officer
A Rybak and I responded. We checked around the home and looked in
T windows and did not see anyone. We checked the garage, which had
I no windows, and saw a door open leading to the house. We entered
V the garage through a window and found the door had another door
E around the corner which led into the house that was locked. We
exited the garage.

Once back outside, we spoke to the complainant who said the house had been condemned yesterday by the City. She said the inspectors, child protective services, humane society, etc., had been contacted. She said the humane society had not shown up to removed the several cats seen inside the home. FEDNER said there was a tremendous amount of fleas from the cats and that she had spent over \$400.00 in trying to remove them from her family and house.

FEDNER said the name of the girl who lived in the house is Tina and that Tina's grandmother lives in the trailer park down the road. The grandmother, name unknown, is the owner of the house and was at the house also. I advised FEDNER to make contact with City inspections on Monday Morning and advise them of the new developments. I also advised her to recall if she saw anyone around the house.

I checked CLUES for any possible info on the owner and found nothing. We received no callbacks. Officer Rybak and myself found fleas on our person as we were leaving the residence. The cruisers had to be sprayed as well as our persons.

Officer requests a copy of this report be sent to City inspections for followup. Incident closed.

Officer G. Stephan #47

9-13-00 Stopped to see Melody
Fedner - being threatened by Mary
Oakes at approx 2:20 Mary's
daughter entered house. Went over
spoke to Mary advised her not to live
in house - she said she was waiting
for Brother to remove belongings RW

rpt_rev/c 1.41

Date Printed: 09/10/2000

Page 2

also: Tenants at 2120 & 2112
complaining of roaches now entering
their homes.

#01-004 – 2130 W. Sherman – Delbert & Jean Esh, 2650 Regent, Muskegon MI 49441

History: Grabinski stated that this was a house that was brought to us by our housing inspector in that area. We have had a change in ownership. This guy Mr. Esh said that he was going to fix it. Since that time nothing has happened, I went out there today, there's walls torn down inside, the garage is wide open the roof is still deteriorated and the reason we went out there the first time is because it smelled of cats. It still smells of cats bad.

Staff recommendation: Declare the structure a dangerous building, substandard unsafe a public nuisance and forward the case to the city commission for their concurrence.

Motion: John Warner, supported by Jerry Bever, made a motion to accept staff's recommendation and forward the case to the city commission for their concurrence.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

Case # 01-0015 - 186 & 186 ½ Strong – Daryl Jefferson, 1252 Adams, Muskegon MI 49442

Owner or Representatives presentation: The owner or representative was not in attendance.

Staff History: Pictures were passed around to the members of the Board. This case consists of two structures on the same property. The pictures are from 186 ½, which sits on the alley side of this house. The front house is boarded however that one still remains unboarded at this point. The owner has a couple more days before the City will enter on the property and Board it. There has been no contact from the owner. Commissioner Shepherd and some neighborhood residents had brought this property to the attention of the Inspection Department. According to the commissioner and the neighbors, 186 ½ is being used for drug activity. The evidence at the structure proves that that is probably the case. The same thing with 186 however we have not boarded that one. There has been no contact with the owner or a representative.

Staff Recommendation: To declare the structure unsafe, substandard, a public nuisance and forward the case to the City Commission for concurrence.

DATE: June 29, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-008, Address: 247 W. Forest, Muskegon, MI

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **247 W. Forest, Muskegon, MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-008, 247 W. Forest, Muskegon, MI

Location and ownership: This house is owned by Gustav Buchholz, 17512 N. Fruitport Rd, Spring Lake, MI and is located on W. Forest between 5th and 6th Streets, Census #6.02. This property is up for foreclosure on July 20, 2001.

Staff Correspondence: On 2/6/01 a dangerous building inspection was conducted, on 2/26/01 a notice and order to repair was issued, on 5/3/01 HBA declared the structure substandard, a public nuisance, unsafe, and forwarded to CC for concurrence.

Owner Contact: No contact has been made by owner.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$16,100.00 (2,000)

Estimated cost to repair: \$15,000 plus the cost of repair for interior items if an inspection is scheduled.

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 10, 2001.



GRAND AV

SOUTHERN AV

W. FOREST AV

SEVENTH

SIXTH

MASON

WASHI

247
W. FOREST

HF/lh



247 W. FOREST
Census # 6.02



Harbor Title

955 West Broadway
Muskegon, MI 49441

247^W Forest

Title Search

Case No.: 100119492

February 23, 2001

1. Beginning Date: 6/25/98, at 8:00 A.M.

Please See Attached Liber 2118, Page 458, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 2/1/2001, at 8:00 A.M.

Documents

Deeds:

2118/458

Mortgages:

2136/394

2216/117 (assignment)

Taxes:

Possible Sidewalk Assessment in 2003.

Payment of the Winter 2000 taxes, due and payable to the City of Muskegon Treasurer in the amount of \$835.83, if paid by February 28, 2001.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$939.99, if paid by February 28, 2001.

Payment of the 1998 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$900.60, if paid by February 28, 2001.

Payment of the Invoices, due and payable to the City of Muskegon Treasurer in the amount of \$212.00. (As to #9817029 and #9817916)

Note:

No 2000 Summer taxes were assessed.
Permanent Parcel No.: 61-24-205-441-0017-20.
2000 State Equalized Value: \$16,100.00.
2000 Taxable Value: \$14,979.00.
Non - Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Gustav Buchholz
4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in

RECEIVED
JUN 25 1998

JUN 25 11:04

Carol Carter
RECEIVED

Old# 263-105081

Form prepared by Robert F. Hollister, Assistant General Counsel for Home Mortgage Insurance, Department of Housing and Urban Development, Washington, D. C.

**DEED FOR MICHIGAN
(SPECIAL WARRANTY DEED)**

THIS INDENTURE, Made the 8th day of June 1998, between Andrew Cuomo Secretary of Housing and Urban Development, of Washington, D. C., acting by and through the Federal Housing Commissioner, party of the first part, and Gustav Buchholz, a single man 247 W. Forest Ave. Muskegon, MI 49441 party(ies) of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Thirteen Thousand, Two-Hundred, Fifty-one & 00/100 DOLLARS (\$13,251.00), to him/her in hand paid by the said party(ies) of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold, remised, released, aliened, and confirmed, and by these presents does grant, bargain, sell, remise, alien, release and confirm unto the party(ies) of the second part, and to the heirs and assigns of said party(ies) of the second part forever, the following described real estate situate in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

The East 1/3 of Lots 17 and 18, Block 441, Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Parcel #61- 31-2-45-000-0000

Known as: 247 W. Forest, Muskegon

PP# 11-30-453-003

Please forward all future tax bills to the buyer.

Muskegon, Mich: 6-23 1998
"I hereby certify that there are no tax liens or taxes held by the state or any individual against the within description, and all taxes on same are paid for two years previous to the date of this instrument, as required by the records of any other."
No. 09-118 [Signature]

This (Deed) is exempt from county transfer tax under MCL 207.505 (h) and from state transfer tax under MCL 207.526 (h).

BEING the same property acquired by the party of the first part pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (79 Stat 667).

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

Date: May 4, 2001

To: Gustav Buchholz, 17512 N Fruitport Rd, Spring Lake, 49456
Owners Name & Address

Associates Home Equity Srv., 250 E Carpenter Freeway, Irving TX 75062
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 4, 2001, does hereby order that the following structure(s) located at 247 W Forest, all in Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

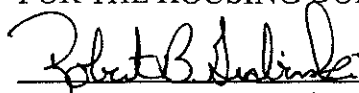
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Fire Marshal/Inspections Dept

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: 2/26/01

Address of the Property: 247 W Forest, Muskegon, Michigan

Description of the Structure: E 1/3 Lots 17-18, Block 441

TO: Gustav Buchholz, 17512 N Fruitport Rd, Spring Lake MI 49456
[Name & Address of Owner]

Associates Home Equity Services, INC, 250 E Carpenter Freeway, Irving TX 75062
[Names of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

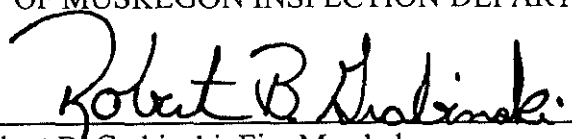
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **247 W Forest**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

By


Robert B. Grabinski, Fire Marshal

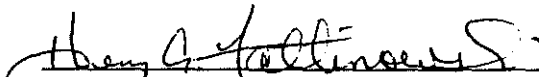
**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

**247 W. FOREST
2/6/01**

Inspection noted:

1. Entire roof system in need of replacement and/or repair. When roof is stripped, need inspection on sheathing and rafters.
2. Fascia, Soft missing – Rotting.
3. Antenna lying on roof.
4. Numerous broken out windows.
5. Siding and window frames in need of protection from elements.
6. Front porch column repair needed.
7. Garage doors deteriorated – broken out windows and door panels – front.
8. An interior inspection is required by the City of Muskegon Inspection Services Dept. Trade Inspectors. (Plumbing, mechanical, electrical and building).

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

2/22/2001
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

FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

July 10, 2000

Gustav Buchholz
17512 N Fruitport Rd
Muskegon MI 49456

Dear Property Owner:

Subject: Property Maintenance Code Violation Appeal case #00-02 - 247 W Forest Ave,
Muskegon MI.

FINDING OF FACTS & ORDER

At the July 6, 2000 meeting of the Muskegon Housing Board of Appeals, it was agreed by the Board to **GRANT** PMC Appeal Case #00-02 - 247 W Forest Ave. time to complete repairs, however, the repairs *must be complete by 8/31/00*. If repairs are made and final inspections are completed within the agreed upon timetable, you will not have to come back to the Housing Board of Appeals.

If you have any questions, please call the Inspections Department at (231) 724-6715.

Sincerely,

Robert Grabinski

Fire Marshal/Inspection Services

CITY OF MUSKEGON INSPECTION REPORT

N/C. FNR

December 10, 1999 AT 2:35 p.m. FOR W. FOREST 247

PAGE 1

No	Cat	Violation
1		EXTERIOR
		Window has glazing that is missing or deteriorated.
2	B	EXTERIOR
		Foundation walls has missing brick block or mortar or open cracks.
3	C	EXTERIOR
		has eave boards that are rotted or missing.
4	B	EXTERIOR
		Openable window(s) do not have a screen - must cover the complete bottom sash.
5	B	EXTERIOR
		Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
6	C	EXTERIOR
		Roof is totally deteriorated - must be replaced.
7	B	EXTERIOR
		Siding has holes in it or is rotted or missing.
8	A	EXTERIOR - E. SIDE
		Window has broken or cracked glass.
9	B	EXTERIOR - FIREPLACE
		Ash door missing.
10	B	EXTERIOR - FRONT PORCH
		Ceiling is <u>deteriorated</u> or missing.
11		EXTERIOR EAST REAR
		Stairway with more than 4 risers does not have a handrail on the open sides.
12	B	EXTERIOR FRONT PORCH
		Screen door screen is ripped or missing.
13	B	EXTERIOR WEST SIDE
		trim is broken, missing or incomplete.
14	B	GARAGE
		Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
15		GARAGE
		Side has eave boards that are rotted or missing.
16	B	GARAGE - OVERHEAD
		Door glass is missing.
17	B	GARAGE - SERVICE
		Door is not installed in proper manner.

END OF LIST

Eft garage overhead	766	panels
Eft Basement	703	
Severed	703	
	111	

CITY OF MUSKEGON, MICHIGAN
NEIGHBORHOOD AND CONSTRUCTION SERVICES DEPARTMENT

HOUSING BOARD OF APPEALS
CLAIM OF APPEAL

1. Address of property under appeal: 247 W. FOREST
2. Name of person making appeal: GUSTAV Buchholz
(Please Print)
3. Relationship to owner:
(If Not Owner) _____
4. Address of person making appeal: 17512 N. Fruitport Rd
SPRING LAKE, MI 49456
5. Telephone (daytime): 616 846 2817
6. How long has the property been owned by the current owner? Approx 14R
7. Is the property owner-occupied or rental: ~~OWNER~~ PURCHASED AS RENTAL - occupied
8. Reason for appeal (check appropriate line):
☐ A City standard causes more hardship for me than others.
☐ The City's order was an incorrect interpretation of the standard.
☐ I have an alternative way to meet the minimum standard.
☒ I need more time to comply with the City's order.
☐ Other (explain): _____
9. Date of the inspection I am appealing: 12-3-99
10. Date of the repair notice I am appealing: 12-16-99
11. Violation numbers being appealed (from repair notice): ~~1 2~~ 3 5 6 8 14 15
12. I would agree to correct the violations no later than: July 31, 2000
13. I have already corrected the following violations listed on the repair order (indicate violation number):
1 (2) 4 7 9 10 11 12 13 16 17

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
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Planning/Zoning
231/724-6702
FAX/724-6790

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

June 23, 2000

Gustav Buchholz
17512 N Fruitport Rd
Spring Lake MI 49456

Dear Property Owner:

SUBJECT: Property Maintenance Code Review Case #00-02-247 W Forest, Muskegon MI

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

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

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

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

Inspection Services
City of Muskegon

Affirmative Action
231/724-6773
FAX/724-1214

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

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

MUSKEGON



West Michigan's Shoreline City

May 15, 2000

Gustav Buchholz
17512 N Fruitport Rd
Spring Lake MI 49456

Re: PMC Appeals Case # 00-002 – 247 W Forest

Dear Property Owner:

The Inspection Services Department Staff has **denied** your Appeal.

According to our Housing Inspector, Roxanne Wever, no work has been done and no timeline was established. Therefore, this case will be heard before the Housing Board of Appeals at 5:30 p.m. on Thursday, July 6, 2000.

Please be prepared to provide specific information regarding your appeal. If you have any questions, please call Bob Grabinski at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

N/C FNB

FINAL NOTICE

Date of Inspection : 12/03/99
Date of This Notice : 12/16/99
Next Inspection Date : 05/30/00
Time of Next Inspection : ON OR ABOUT

Sent to: FINAL NOTICE TO REPAIR

BUCHHOLZ, GUSTAV
17512 N FRUITPORT RD
SPRING LAKE, MI 49456

In reference to : 247 W FOREST

Number of units: 1

Inspected by : ROXANNED WEVER Phone 724-6715

PARCEL # 611130453003
CUST. NO.

A reinspection of the property referenced above revealed conditions which are violations of the City of Muskegon property maintenance code. These conditions have not been corrected as previously ordered and are listed on the attached page(s). You are responsible for correcting these conditions by the next inspection date shown above. In regard to these you should know the following:

1. Each violation listed is a separate punishable offense. Failure to complete repairs by the required date will lead to further legal action which may result in substantial fines. These fines begin at \$100.00. Please note that each day that a violation continues to exist may be charged as a separate civil infraction and may result in a separate civil fine.
2. Your property will be reinspected on the date and time above to see if the violations are corrected. If this appointment needs to be changed, you must contact our office at least 3 working days in advance of the scheduled date in order to avoid a \$40.00 service charge.
3. You may appeal any part of this repair notice by filing an appeal with the Housing Board of Appeals. Claim forms can be obtained from the Neighborhood and Construction Services department and must be submitted at least 3 days before the next scheduled reinspection.
4. Good workmanship is required. In addition, repairs involving the installation of new electrical, heating or plumbing fixtures require appropriate permits and must be completed by licensed contractors if the building is not occupied by the owner.
5. It is the owner's responsibility to make arrangements so that the inspector can enter all units and the basement. If entry is not gained to all areas of the building, a \$40.00 service charge will be made. Periodic reinspections to determine progress will have a charge of \$40.00 plus \$5.00 per unit. Therefore, it is important that you complete the work as soon as possible.
6. Exterior masonry repairs or painting that may be required from November 1 to March 31 can be completed anytime before June 30.

Sincerely,

Housing Inspector
City of Muskegon, Inspection Services

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

At 6:35 PM Grabinski asked to pause the meeting due to him being paged by dispatch several times in the last half-hour. He asked to be excused for a few minutes. The Board agreed and the meeting took a break.

The meeting resumed at 6:45 PM

Case # 01-008 – 247 W Forest – Gustav Buchholz, 17512 N Fruitport Rd, Spring Lake MI 49456.

Owner or Representative presentation: No one was in the attendance representing this case.

Staff History: Grabinski stated that he was by this structure today and noted a moss covered roof, deteriorated side flashing, and that it looked like the basement is at least in need of tuckpointing along with some other things. The structure has been vacant for some time. There has been no contact with the owner.

Staff recommendation: To declare the structure substandard, unsafe, a public nuisance and forward the case to the City Commission for concurrence.

Motion: Jerry Bever, supported by John Warner, made a motion to declare the structure located at 247 W. Forest dangerous, substandard, unsafe, a public nuisance and forward to the city commission for their concurrence.

A roll cal vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

DATE: June 29, 2001

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-90, Address: 286 Irwin, Muskegon, MI

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **286 Irwin, Muskegon, MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-90, 286 Irwin, Muskegon, MI

Location and ownership: This house is owned by Cigzree Morris, 311 W. Muskegon, Muskegon, MI and is located on Irwin St. between Wood and Pine Streets, Census #5.

Staff Correspondence: On 12/4/00 a dangerous building inspection was conducted, on 1/4/01 a notice and order to repair was issued, on 4/5/01 HBA tabled the case for 90 days before bringing to City Commission to give owner time to complete all repairs. Monthly progress inspections show repairs have not been completed.

Owner Contact: Ms. Morris called 2/6/01 to state she will fax a schedule of repairs. Failed to comply with schedule – permit pulled 4/4/01 – should have been pulled by 3/7/01.

Financial Impact: CDBG

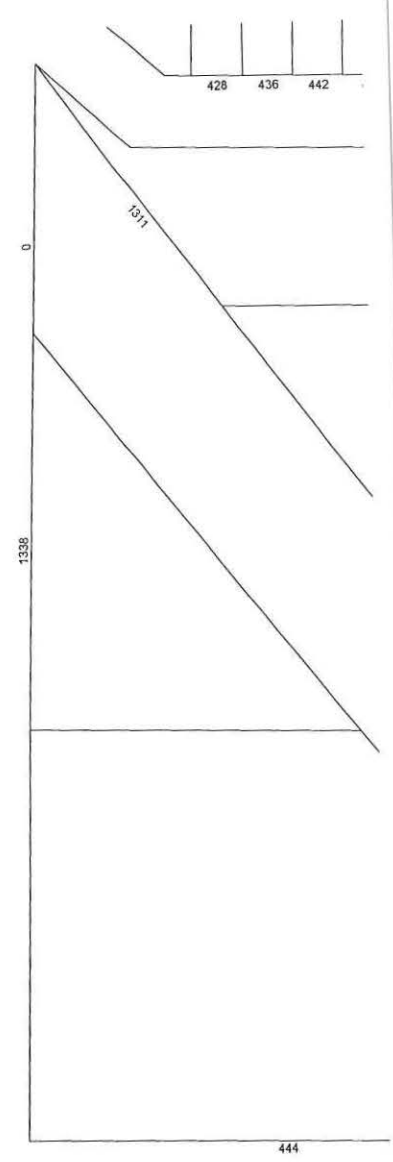
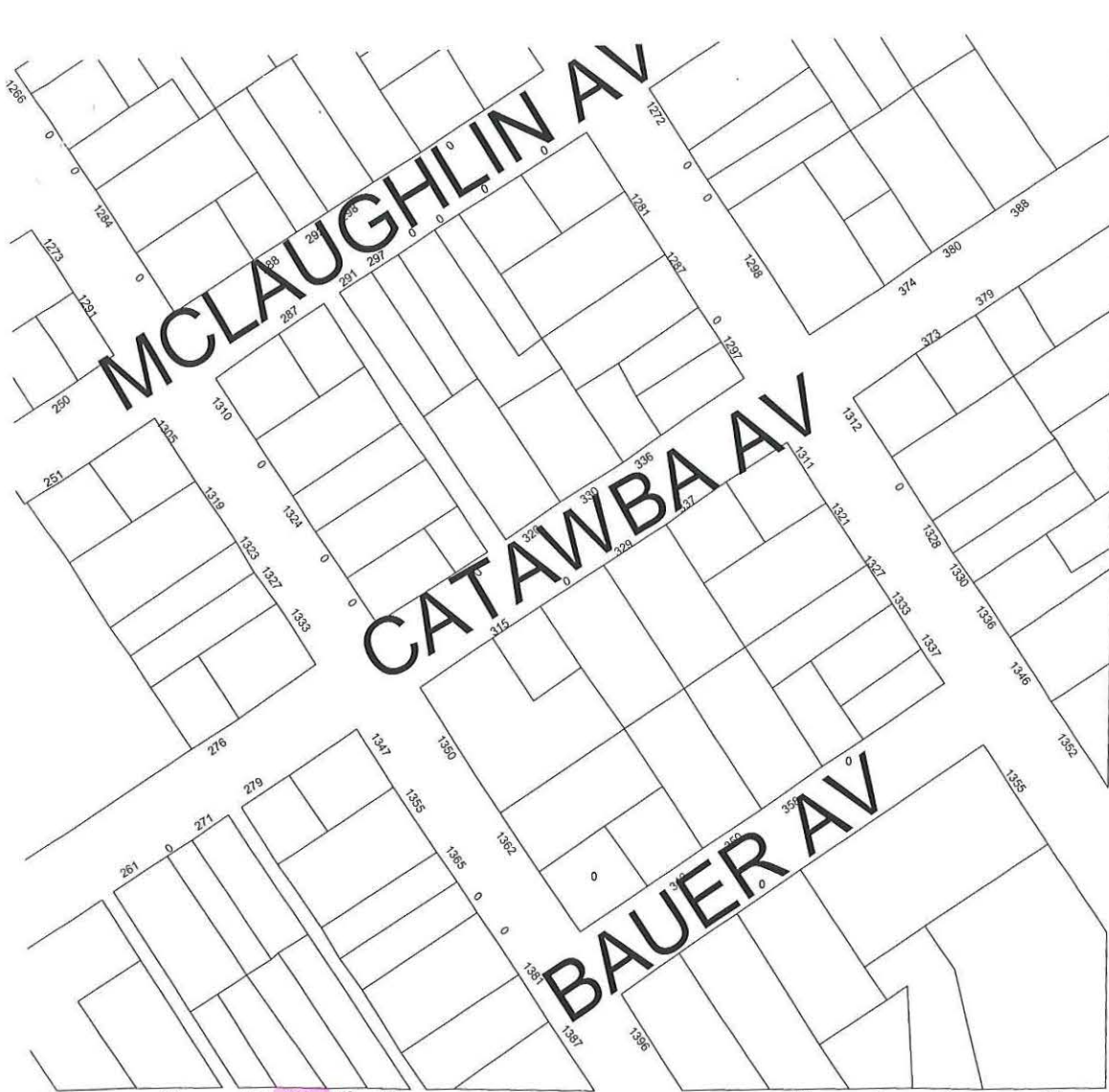
Budget action required: None

State Equalized value: \$10,000.00 (2,000)

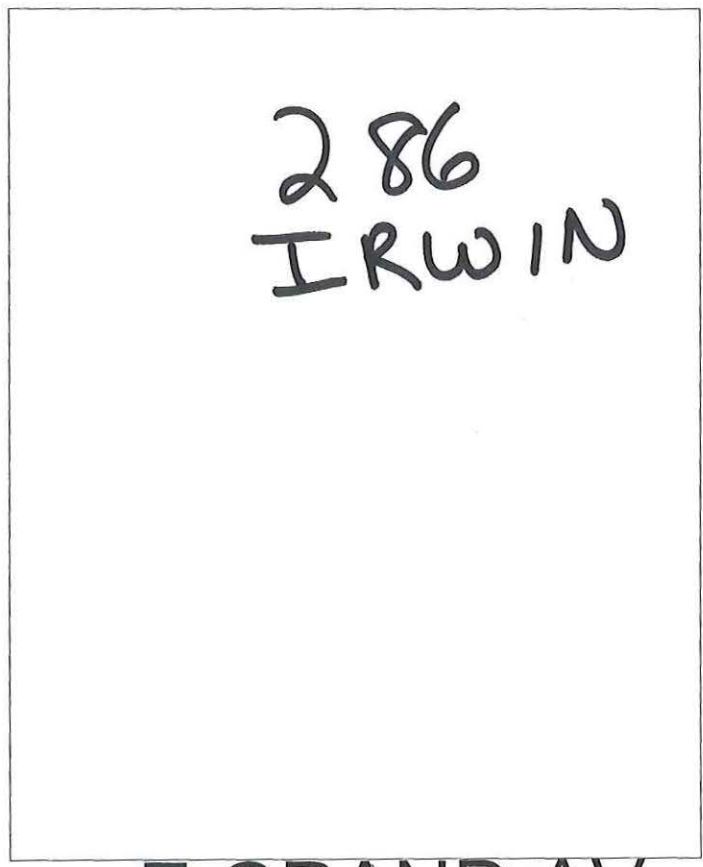
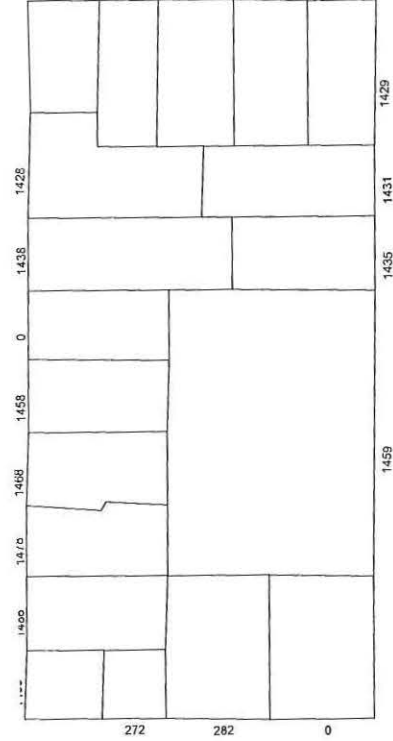
Estimated cost to repair: \$8,500

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 10, 2001.



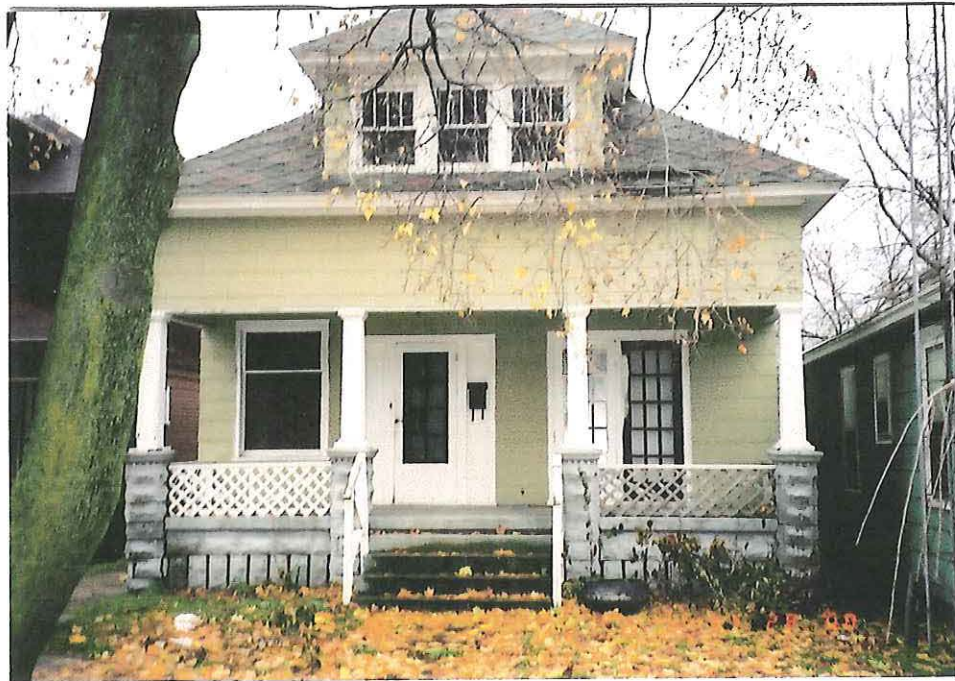
IRWIN AV



E CEDAR AV

286 IRWIN

Census # 5



11/28/00



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100019085
December 21, 2000

286 IRWIN

1. Beginning Date: June 21, 1996, at 8:00 A.M.

Please See Attached Liber 1909, Page 562, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to November 16, 2000, at 8:00 A.M.

Documents

Deeds:

1909-562
1929-63
1929-67

Mortgages:

1907-21

Taxes:

Civil Infractions are unavailable at this time.

Invoice Charges in the amount of \$312.08, due and payable to the City of Muskegon Treasurer.

Payment of the Sidewalk Assessment, due and payable to the City of Muskegon Treasurer in the amount of \$549.50, if paid by December 31, 2000. (H-1430)

Payment of the delinquent Water/Sewer Usage Bill, due and payable to the City of Muskegon Treasurer in the amount of \$120.84.

Payment of the 1998 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,106.13, if paid by December 31, 2000.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$966.08, if paid by December 31, 2000.

Payment of the 2000 Winter Taxes, due and payable to the City of Muskegon Treasurer in the amount of \$869.40*, if paid by February 14, 2001. (Base amount \$699.09)

Note:

No 2000 Summer Taxes were assessed.

New Permanent Parcel No.: 61-24-205-267-0005-10.

2000 State Equalized Value: \$10,000.00.

2000 Taxable Value: \$8,299.00.

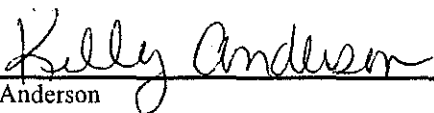
Non-Homestead Property.

*Note: Sidewalk Assessment in the amount of \$170.31 was included in the 2000 Winter Tax Bill and Delinquent Water/Sewer Fees in the amount of 249.41.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Richard L. Morris and Ciggzree S. Morris, husband and wife

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.



Kelly Anderson

Received for Record at _____ o'clock M., and recorded in _____
Register of Deeds, LIBER 1909 PAGE 562
621949
County, Michigan.

WARRANTY DEED

This Indenture, Made this 3RD day of JUNE 19 96

WITNESSETH, That LILLIAN LIGHT SURVIVOR OF HERSELF AND HER DECEASED HUSBAND ROBERT E. LIGHT OF 620 E. GILES, MUSKEGON, MI 49445
EVIDENCE OF THE DEATH OF ROBERT E LIGHT CAN BE FOUND IN LIBER 1909, PAGE 561 OF MUSKEGON COUNTY RECORDS.

for the sum of SEVEN THOUSAND AND 00/100 DOLLARS (\$7,000.00)

CONVEY AND WARRANT to RICHARD L. MORRIS AND CICOZREE S. MORRIS, HUSBAND AND WIFE 311 W. MUSKEGON, MUSKEGON, MI 49440

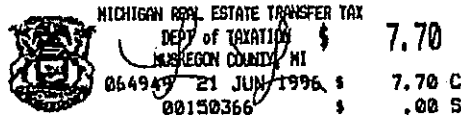
the following described lands and premises situated in CITY of MUSKEGON
County of MUSKEGON and State of Michigan, viz:

THE EASTERLY 30 FEET OF LOT 5 AND THE WESTERLY 3 FEET OF LOT 6, BLOCK 267, REVISED PLAT OF (1903) OF THE CITY OF MUSKEGON AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY RECORDS.

THIS INSTRUMENT EXEMPT FROM STATE TRANSFER TAX PURSUANT MCL 207.526. (R)

THIS DEED IS GIVEN PURSUANT TO A LAND CONTRACT BETWEEN THE PARTIES DATED DECEMBER 27, 1984. GRANTORS DO NOT WARRANT ANY ACTS OR OMISSIONS OF GRANTEE SINCE THE DATE OF SAID LAND CONTRACT.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND LIMITATIONS OF RECORD, IF ANY,



Signed in Presence of

Arnette R. Weaver
ARNETTE R. WEAVER
Mallie M. Simmons
MALLIE M. SIMMONS

Signed on the Date first above written

Lillian Light
LILLIAN LIGHT
STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD
1996 JUN 21 PM 12:33
Carrie Carter
REGISTER OF DEEDS

STATE OF MICHIGAN, ss.

COUNTY OF MUSKEGON On this 3RD day of JUNE 19 96
before me, a Notary Public in and for said County personally appeared LILLIAN LIGHT, SURVIVOR OF
HERSELF AND HER DECEASED HUSBAND ROBERT E. LIGHT.

to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be HER free act and deed.

Arnette R. Weaver
ARNETTE R. WEAVER
My commission expires 09/03 19 98 Notary Public, MUSKEGON County, Michigan.

I hereby certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office. This certificate does not apply on taxes, if any, now in process of collection.

PREPARED BY:
LILLIAN LIGHT
620 E. GILES, MUSKEGON MI 49445
Date 19 _____
County Treasurer, June 20, 96 County, Michigan

077697
Title Office

0404/4-11-29-185-010 GPH

CITY OF MUSKEGON INSPECTION REPORT

December 15, 2000

AT 2:58 p.m.

FOR IRWIN 286

PAGE 1

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3	B	EXTERIOR Foundation walls have missing mortar or open cracks.
4		EXTERIOR Front or side yards are without ground cover.
5	B	EXTERIOR Foundation walls have peeling paint.
6	B	EXTERIOR Roof has some shingles or parts of shingles missing.
7	B	EXTERIOR Roof has shingles that are deteriorated and need replacing.
8	B	EXTERIOR - @ REAR PORCH Roof flashing is missing or incorrectly installed.
9	B	EXTERIOR - BASEMENT Window is closed off and the material used does not blend with the siding.
10	B	EXTERIOR - FRONT COLUMN Block wall(s) has/have hole(s) that need to be repaired.
11	A	EXTERIOR - REAR PORCH Has unguarded side more than 30" high from ground or floor, need 36" guardrail with balusters no further apart than 4".
12	B	EXTERIOR - UPPER REAR Siding has holes in it or is rotted or missing.
13	B	EXTERIOR - UPPER REAR DORMER Has eave boards that are rotted or missing.
14	B	EXTERIOR - UPPER REAR DORMER Side of the roof has rotted or missing roof boards.
END OF LIST		

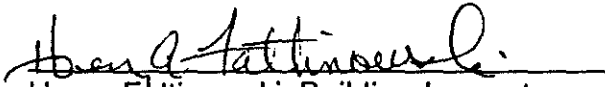
**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

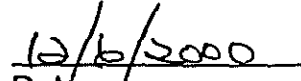
286 Irwin
12/4/00

Inspection Noted:

1. Roof System in need of structural repair.
 - A. Large holes in roof.
 - B. Shingles failing, falling off roof.
 - C. Rotted sheathing.
 - D. Need to inspect rafters for damage.
 - E. Fascia Rotting.
 - F. Soffit Rotting.
2. Front left porch column in near state of collapse, supporting roof load and dormer.
3. Boarded up and/or broken windows on home.
4. Repair needed on window and door frames of home.
5. An interior inspection is required by the building, plumbing, mechanical and electrical inspectors before any necessary permits or certificate of occupancy will be issued.

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

Administrative Action
231/724-6703
FAX/724-1214
Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
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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/726-2500

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



February 21, 2001

Cigzree Morris
311 Muskegon
Muskegon MI 49440

Re: 286 Irwin, Muskegon MI

Dear Ms. Morris:

We would like to thank you for scheduling an interior inspection for the above-mentioned address. The following are the inspector's findings:

Electrical:

1. Replace all incomplete or missing light fixtures.
2. Replace missing outlet and switch covers.
3. 2 - 20 amp circuits to serve kitchen counters.

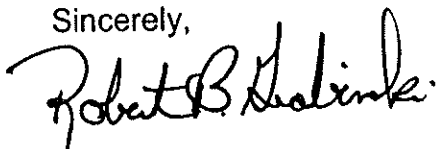
Building:

1. Basement foundation wall needs repair and tuck-pointing.
2. Window frames and windows in foundation wall are rotted and/or broken.
3. Basement steps broken, unstable.
4. Furnace and plumbing needs re-worked/replaced. Open duct, open waste lines. Certification on furnace needed.
5. Ceilings and walls in home. Need holes repaired re-drywall or plastered.
6. Broken out windows in home.
7. Pigeons and homeless living in home.

The above reports are in addition to the exterior inspection that was conducted on 12/4/01 and is attached for your records. As you know, this case will be heard on 3/01/01 before the Housing Board of Appeals. Please submit a timetable for completion of repairs at that time.

Should you have any questions or concerns, please don't hesitate to call our office Monday through Friday from 8:30 AM – 5:00 PM @ (231) 724-6715.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert B. Grabinski". The signature is fluid and cursive, with the first name "Robert" being more prominent.

Robert B. Grabinski
Fire Marshal/Inspection Services

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

NOTICE OF HEARING

Address of the Property: 286 Irwin, Muskegon, Michigan

Description of the Structure: Easterly 30 Feet of Lot 5 and the Westernly 3 ft of Lot 6, Block 267

TO: Cigzree Morris, 311 W Muskegon MI 49440
[Name & Address of Owner]

None Known at this time
[Names & Address of Other Interested Parties]

Please take notice that on **Thursday, March 1, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at **5:30 p.m.** and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is so that you can submit and discuss your timetable to complete all repairs.

At the hearing on **Thursday, March 1, 2001 at 5:30 p.m.**, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: 01/04/01

Address of the Property: 286 IRWIN, Muskegon, Michigan

Description of the Structure:

TO: Ciggzrree Morriss, 311 W. Muskegon MI 49440
[Name and Address of Owner]

FMB Lumbermans Bank, One Lumberman's Square Muskegon MI 49440
[Names and Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 286 Irwin, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached Dangerous Building inspection report.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Cathy Everett
Cathy Everett, Department Secretary

Dated: 01/04/01

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
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231/724-6702
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231/724-6750
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Public Works
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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

March 7, 2001

Cigzree Morris
311 W Muskegon
Muskegon MI 49440

Re: 286 Irwin, Muskegon MI

Dear Ms. Morris:

As the enclosed order states, the Housing Board of Appeals tabled your case until July 5, 2001. They are expecting all the repairs on the attached inspection reports to be completed by then. The Board also asked for monthly progress inspections to be conducted. The following is a schedule of the inspections that have been set up.

April 6, 2001 @ 10:30 a.m.
May 8, 2001 @ 10:30 a.m.
June 8, 2001 @ 10:30 a.m.

If the above schedule is not convenient for you, please don't hesitate to call me at (231) 724-6757.

Sincerely,

Cathy Everett
Department Secretary

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

NOTICE OF HEARING

Date: March 20, 2001

Address of the Property: 286 Irwin, Muskegon, Michigan

Description of the Structure: Easterly 30 Ft, Lot 5 and the Wly 3 ft , Lot 6, Blk 267

TO: Cigzree Morris, 311 W Muskegon MI, 49440
[Name & Address of Owner]

None Known at this time
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, April 5, 20 01, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the schedule of repairs that you submitted to the City of Muskegon Building Inspection Department on March 1, 2001.

At the hearing on Thursday, April 5, 2001, at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO REPAIR OR DEMOLISH

Date of Order: March 7, 2001

Address of the property: 286 Irwin, Muskegon MI
Description of the structure: Easterly 30 Feet of Lot 5 and the Westernly 3 feet of Lot 6,
Block 267

To: Cigzree Morris, 311 W Muskegon, Muskegon MI 49440
Name of owner and address

Huntington Bank, One Lumbermans Square, Muskegon MI 49440
Name of other interested parties

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely fashion. Therefore, it is ordered that the owner or interested parties shall apply for all permits required to accomplish the repairs of the conditions found in the inspection report attached to this order by July 5, 2001 and for monthly progress inspections to take place starting on April 6, 2001 @ 10:30 a.m. A schedule of progress inspections is attached. If you need to reschedule the inspections, please call the Secretary at the Inspection Services Department at (231) 724-6757 between 8:30 a.m. and 5:00 p.m. All repairs shall be accomplished in the time limited by the permits issued relevant to the said repairs, and physical repair must be commenced within the said 30 days.

FAILURE TO COMPLY - DEMOLITION ORDER

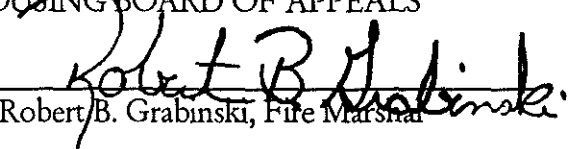
TO BE SUBMITTED TO THE CITY COMMISSION

In the event the owners or interested parties fail to apply for all permits required to effectuate the said repairs or fail to commence physical repair within 30 days, then the above order of the Housing Board of Appeals shall constitute an order to demolish the said structures.

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

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Fire Marshal

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

Date: April 5, 2001

To: Cigzree Morris, 311 W Muskegon Ave., Muskegon MI 49440
Owners Name & Address

None known at this time
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, April 5, 2001, does hereby order that the following structure(s) located at **286 Irwin**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

The director of inspections is ordered to delay for 90 days before placing before forwarding to the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

Case # 97-43 – 1133 Third, Duane & Rose Armstrong, 5920 Vine Street, Muskegon MI 49442

History: Grabinski Stated that the process was started in 1997. Since then there have been no permits since the time we gave them to complete the repairs and we have not been called for inspections.

Staff Recommendation: To declare the structure at 1133 Third Street a dangerous building, substandard a public nuisance and forward the case to the city commission for concurrence.

Motion: Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation.

Discussion: Mr. Kroes asked if nothing has been done. Grabinski said from staff's prospective, we don't know because they haven't pulled any permits and they haven't called for inspections. Even if they have done something we don't know if it is right.

A Roll Call vote was taken:

AYES:

Greg Borgman
John Warner
Fred Nielsen
Randy Mackie
Clint Todd
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The Motion Carried.

Case # 00-90 – 286 Irwin, Cigzree Morris, 311 W Muskegon, Muskegon MI 49440

History: Grabinski reminded the board that a timetable was given on this case last month. Ms. Morris did not adhere to her own schedule and it is being brought back for review. Grabinski showed some pictures that were taken on 4/5/01 in the morning. He stated that it was not a bad house, it sits along Irwin and is in fairly decent shape. The problem is that it is boarded up, the structure is square, the foundation looked in pretty good shape, however if something is not done soon, and the home will deteriorate and cause problems.

Staff Recommendation: Because of history with the owner, declare the structure, substandard, unsafe, a public nuisance, however, because of the condition of the property, to give a maximum of 90 days before the case will be brought to the city

commission and within those 90 days, repairs must be complete in order to stop it from going to the commission.

The board asked if staff has done an interior inspection. Grabinski said no. Warner asked if all repairs are including exterior and interior repairs. Grabinski stated that completion of all repairs is including interior and exterior is to be complete in 90 days or the case will go to commission. Nielsen asked what if all repairs are complete except for one. Grabinski stated that it would depend on the seriousness of the repair. If it is serious it will go before commission. Grabinski stated that if the board agrees to accept staff's recommendation, the next step is commission, however, if repairs are not complete, it is staff's responsibility to decide the seriousness of any repairs remaining at the end of the 90 day and if it will be brought to commission.

The electrical inspector corrected Mr. Grabinski, an interior inspection was conducted and roughly ten items were found to be wrong. Mr. Grabinski still thought 90 days to complete all interior and exterior repairs would be plenty of time. The inspectors agreed.

Motion: Randy Mackie, supported by, Clint Todd, made a motion to accept staff's recommendation.

A Roll Call vote was taken:

AYES:

Greg Borgman
John Warner
Fred Nielsen
Randy Mackie
Clint Todd
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The Motion Carried.

Case # 00-101 – 438 Amity, John Wesley AME Zion Church, 886 Wood Street, Muskegon MI 49442

History: No permits have been applied for and staff has had no contact with the owner. Some people are in the audience to speak about this property. Some pictures were displayed by projector. Annetta Wills-Banks, a member of John Wesley AME Zion Church attended the meeting and stated that a decision has been made to demolish the structure. She explained that the church owns the property and before they can do anything with the property they need permission from their bishop. Ms. Banks also stated that Paster Samuel Leuch could not attend tonight because he was at a meeting with the bishop to gain approval of

Commission Meeting Date: July 10, 2001

Date: July 3, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Core Communities Fund Application

SUMMARY OF REQUEST:

To approve the attached resolution approving an application for a Core Communities Fund loan from the Michigan Economic Development Corporation in the amount of \$1,000,000 for the development of a public seawall and boardwalk improvements on the former Teledyne property. And to approve the attached Certification and Repayment Agreement that outlines the repayment terms of the loan. (Please see the attached memorandum for additional information.)

FINANCIAL IMPACT:

The Core Communities Initiative loan must be repaid from increments captured by the Muskegon SmartZone LDFA amortized over a period of 15 years and at 3.5 percent interest. Annual payments to the MEDC will be approximately \$86,000.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and Certification and Repayment Agreement.

COMMITTEE RECOMMENDATION:

None

Memorandum

To: Honorable Mayor and City Commissioners

From: Planning & Economic Development

Date: July 3, 2001

Re: Core Communities Fund – Seawall & Boardwalk on Former Teledyne Property

The Core Communities Fund (CCF) was established by the Michigan State Legislature in 2000, to provide gap-financing assistance in the form of loans, grants, sales, or cash flow participation agreements, guarantees, or any combination thereof, to urban core communities. Eligible activities include the financing of land, property acquisition, and assembly; demolition, site development, utility modifications and improvements, street and road improvements, telecommunications infrastructure, site location/relocation, and infrastructure improvements.

The City of Muskegon CCF request is for \$1 million to assist in the development of a seawall and public boardwalk along Muskegon Lake on the former Teledyne property. The benefit of this project will be to provide public access to the waterfront in the form of a boardwalk and public transient boat slips. Further, the seawall serves a public purpose by containing the site and groundwater contamination from flowing into Muskegon Lake. The total project cost is in excess of \$2 million. The remaining cost of the project will be funded by private developers on the former Teledyne site.

In March of 2001, the City Commission approved the submission of a Notice of Intent to apply for \$1,000,000 from the Core Communities Fund. On June 20, 2001, the City received notice that the boardwalk project had been selected for the submission of a full application. The Michigan Economic Development Corporation must commit the Core Communities Fund assets by July 20, 2001. The submission of the application is not a guarantee of approval of loan funds but rather places the City's request in the pool for commitment of fund assets by the July 20 date. Final agreement for the acceptance of the loan would be made at a later date. The City has been informed that the funds, if approved, would be in the form a low-interest loan not as a grant.

Resolution No. 2001-82(f)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR CORE COMMUNITIES INITIATIVE FUNDS IN THE
AMOUNT OF \$1,000,000**

WHEREAS, the City of Muskegon has been identified by the State of Michigan as a Core Community and is eligible for funding consideration under the CCI program; and

WHEREAS, the Muskegon City Commission has determined that it is in the best interest of the community to develop a seawall and public boardwalk along Muskegon Lake on the former Teledyne property; and

WHEREAS, the Core Communities Initiative funds will be granted in the form of a loan that will require repayment through the establishment of a Local Development Finance Authority; and

WHEREAS, the development of a public boardwalk is consistent with Downtown Redevelopment Plan.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize applying for Core Communities Initiative funds from the Michigan Economic Development Corporation in the amount of \$1,000,000.

BE IT FURTHER RESOLVED, that the Muskegon City Commission hereby appoints the City Manager to act on behalf of the City concerning the filing and signing of all required application documents.

Adopted this 10th day of July 2001.

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

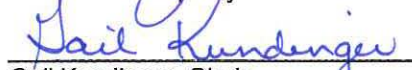
NAYS: None

ABSENT: None

BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunderinger, Clerk

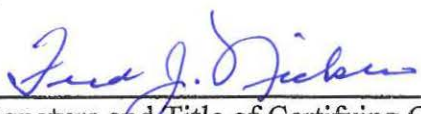
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on July 10, 2001.


Gail Kunderinger, Clerk

CERTIFICATION AND REPAYMENT AGREEMENT

City of Muskegon (hereinafter known as the Applicant) understands and acknowledges that the creation of jobs was an essential factor in persuading the Michigan Economic Development Corporation (MEDC) that this project is economically viable. Therefore, recognizing that it will derive a real and substantial benefit from this loan, the Applicant agrees to the following:

1. The MEDC shall make a loan to the Applicant to finance infrastructure improvements. The loan shall carry a maximum term of 15 years with no principal or interest payments for 1 years. Interest will not begin accruing until the beginning of the 2nd year. The interest rate will be 3.5 %.
2. The Applicant has executed or will execute the Revenue Sharing Pledge Agreement as security for the MEDC loan.
3. The Applicant shall obtain approval, from the Michigan Department of Treasury, Local Audit and Finance Division, for issuance of new debt. Such approval is required under Chapter III, Section 1 of Act 202 of the Public Acts of 1943, as amended.
4. To repay the MEDC loan, in full, should job creation goals not be met.



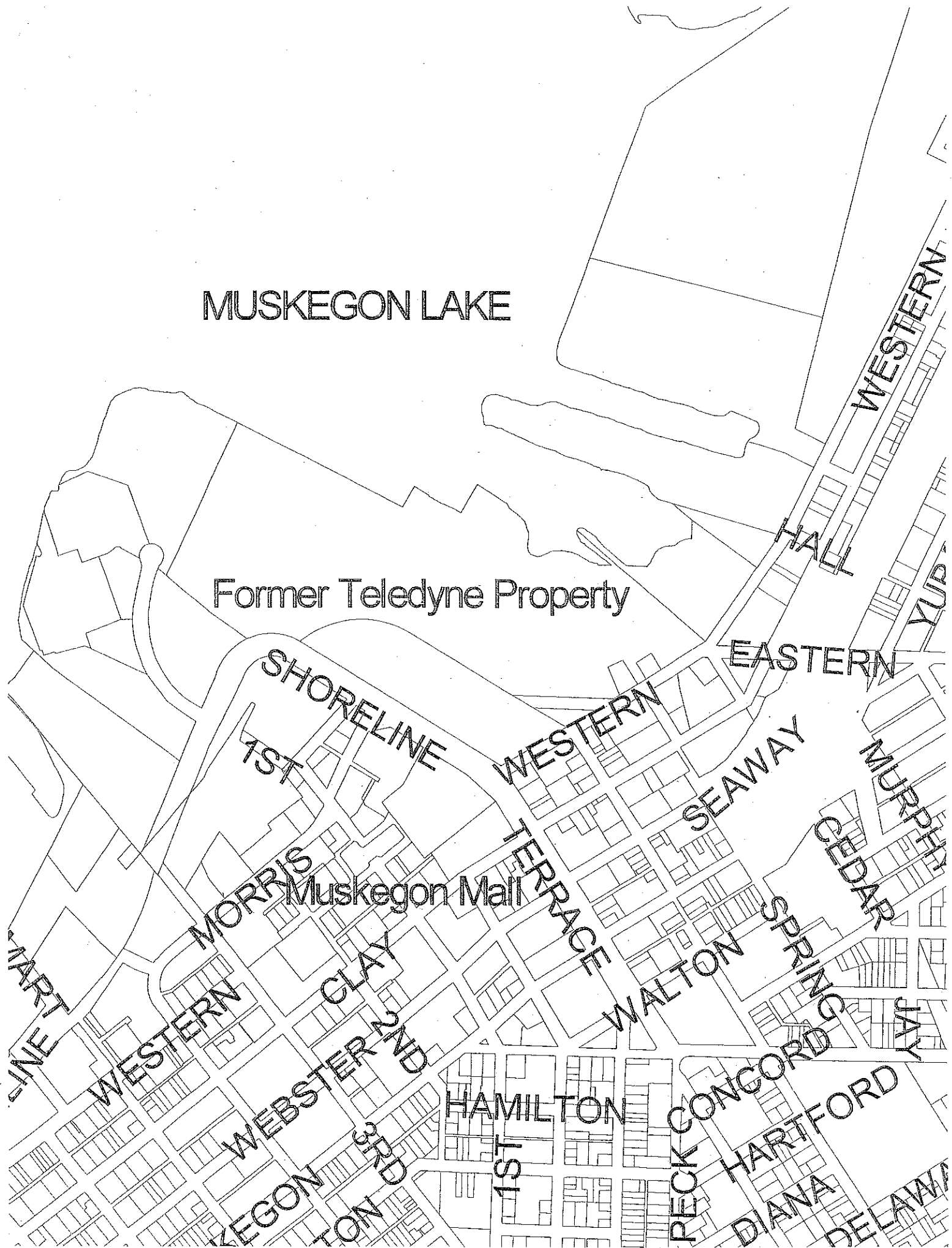
Signature and Title of Certifying Officer
Fred J. Nielsen, Mayor

7-12-01

Date

MUSKEGON LAKE

Former Teledyne Property



Muskegon Lake

Muskegon Lake

CONVENIENCE STORE
AND GAS STATION

Western Avenue

Extended Shoreline Drive

Relocated Terrace Street

Extended Shoreline Drive

Terrace Point Property

Trace Point Property