

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 26, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Fireworks Display – Poison's Glam Slam Metal Jam Summer Tour 2001. CITY CLERK
 - c. Budgeted Equipment Purchase – Kubota Diesel Lawnmower. PUBLIC WORKS
 - d. Budgeted Equipment Purchase – Case 521D Front Loader. PUBLIC WORKS
- ❑ **PUBLIC HEARINGS:**
 - a. Spreading of the Special Assessment Roll – Wood St., Apple to Jackson. ENGINEERING
 - b. Amend the Special Assessment Roll for 2000 Sidewalk Replacement Program (Area E4). ENGINEERING
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**
 - a. Selection of Paint Supplier (Tabled from June 12, 2001 Meeting). COMMUNITY & NEIGHBORHOOD SERVICES
 - b. RECONSIDERATION: Alley Vacation in Jeannot Court, Block 2. PLANNING & ECONOMIC DEVELOPMENT
- ❑ **NEW BUSINESS:**
 - a. North Muskegon Water Service Agreement. CITY MANAGER

- b. City Commission Vision, Value and Mission Statements Prioritized List of Projects and Programs for 2001 to 2005. ASSISTANT CITY MANAGER
- c. Vacation of a Portion of Edgewater and Wilcox Streets. PLANNING & ECONOMIC DEVELOPMENT
- d. Rezoning Request for Property Located East of 1768 Sherman. PLANNING & ECONOMIC DEVELOPMENT
- e. Concurrence With the Housing Board of Appeals Notice and Order to Demolish the Following:
 - 1. 747 Marcoux
 - 2. 1668 Beidler
 - 3. 361 Oak
 - 4. 383 Catherine
 - 5. 284 Iona
 - 6. 1950 Terrace
 - 7. 404 Washington
 - 8. 214 Washington

☐ **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.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING 6/26/01

To: Honorable Mayor and City Commissioners
From: Lee J. Slaughter, Assistant City Manager
Date: June 19, 2001
Re: City Commission Vision, Value and Mission Statements
Prioritized List of Projects and Programs for 2001 to 2005

SUMMARY OF REQUEST

To approve the attached document outlining the Commission Vision, Value and Mission Statements. Also, to approve the attached Prioritized List of Projects/Programs as identified by the Commission and Staff at their May 10 and June 11 Strategic Planning sessions.

FINANCIAL IMPACT

None at this time.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Recommend approval.

GOAL AND PROJECT ANALYSIS

Major Priority List of Projects/Programs (Key: Red = Commi. & Blue = Dept. Heads)

SmartZone/ Muskegon Lakefront LLC (4 Reds; 11 Blues)

Cross Lake Ferry (4 Reds; 10 Blues)

Shoreline Drive (4 Reds; 8 Blues)

Blight Fight (3 Reds; 18 Blues)

Maintaining Aging City Facilities and infrastructure (3 Reds; 17 Blues)

Improving Productivity (2 Reds; 15 Blues)
(Operational Efficiency)

Community Center(s) (2 Reds; 5 Blues)

Seaway Industrial Park (2 Reds; 5 Blues)

Mall Redevelopment (2 Reds; 2 Blues)

Heritage Village Sub-plan (2 Reds)

Street / Special Assessment (1 Red; 7 Blues)

Western Avenue Redevelopment (1 Red; 6 Blues)

New Central Fire Station / Parking Ramp (1 Red; 3 Blues)

Farmer's Market Relocation (1 Red)

Getty Street Development (1 Red)

Implementing Currently Funded Programs (1 Red)

Lakeshore Pathway (1 Red)

Soccer Complex (1 Red)

Historical Restoration Preservation (4 Blues)

Hartshorn Marina Improvement (1 Blue)

Muskegon Area Plan (0 Red & 0 Blue)

VISION STATEMENT

Establish and Maintain Muskegon as the Premier Shoreline City of West Michigan.

VALUE STATEMENT

We Value Creativity and Excellence in Performance.

MISSION STATEMENT

To Improve the Quality of Life for the Citizens of Muskegon Through Good Stewardship of Resources, Excellent Customer Service and Strong Leadership for the Greater Community.

- **Take Leadership Responsibility for Improving Race Relations and Promoting Positive Community Diversity.**
- **Foster Opportunities for the Growth and Development of City Youth.**
- **Promote the Economic Stability of the Community while Encouraging diverse Economic Growth and Redevelopment.**
- **Sustain the Natural, Cultural, and Recreational Resources of the Community Through Careful Stewardship.**
- **Foster Strong Ties Among Governments & Community Agencies to Improve Area-wide Quality of Life.**
- **Provide all Necessary Services in a Professional, Ethical, Competent and Cost-effective Manner to Ensure Service Excellence.**
- **Develop and Maintain City Infrastructure and Facilities.**
- **Maintain and Enhance the Residential Neighborhoods of the City.**

Date: June 26, 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 Commission Worksession that was held on Monday, June 11, 2001, and the Regular Commission Meeting that was held on Tuesday, June 12, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 26, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

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, June 26, 2001.

Commissioner Clara Shepherd 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, Commissioner John Aslakson, Jone Wortelboer Benedict, Robert Schweifler, Clara Shepherd, and Lawrence Spataro

Absent: Vice Mayor Scott Sieradzki (excused)

2001-73 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 is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, June 11, 2001, and the Regular Commission Meeting that was held on Tuesday, June 12, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

b. Fireworks Display – Poison's Glam Slam Metal Jam Summer Tour 2001. CITY CLERK

SUMMARY OF REQUEST: Advanced Entertainment Services is requesting approval of a fireworks display for July 2, 2001, for Poison's Glam Slam Metal Jam Summer Tour 2001 at the Muskegon Summer Celebration. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

c. Budgeted Equipment Purchase – Kubota Diesel Lawnmower.
PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one (1) Kubota Diesel Lawnmower from The Power Shop, Fremont, MI for the price of \$8,495.

FINANCIAL IMPACT: \$8,495. Equipment Fund

BUDGET ACTION REQUIRED: None, \$10,000 was budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase of one (1) Kubota Diesel Mower for the price of \$8,495.

d. Budgeted Equipment Purchase - Case 521D Front Loader. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one (1) Case 521D Front Loader from the Wolverine Tractor and Equipment Co.

FINANCIAL IMPACT: \$58,600.

BUDGET ACTION REQUIRED: None, \$70,000 was budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase of one (1) Case 521D Front Loader.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to approve the consent agenda as submitted.

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

Nays: None

ADOPTED

2001-74 PUBLIC HEARINGS:

a. Spreading of the Special Assessment Roll – Wood Street, Apple to Jackson. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Wood, Apple to Jackson, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$103,741.79 would be spread against the forty-seven (47) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:35 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel explained the item. Comments in opposition were

heard from the following: Michael Jackson, 780 Wood; Nell Williams, 391 Amity; Stella Shaw, 807 Wood; and Joe Gonzales, 773 Wood.

Motion by Commissioner Aslakson, second by Commissioner Spataro to close the Public Hearing at 6:09 p.m. and approve the special assessment roll and adopt the resolution.

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

Nays: None

ADOPTED

b. Amend the Special Assessment Roll for 2000 Sidewalk Replacement Program (Area E4). ENGINEERING

SUMMARY OF REQUEST: It is requested that a public hearing be held to amend the special assessment roll for the 2000 Sidewalk Replacement Program and to adopt the resolution confirming the amended Roll to include the following parcels:

- 1650 Madison
- 1291 Fleming
- 1382 Winters
- 1765 Huizenga
- 1359 Evanston
- 1040 Forest

The original roll that was adopted back on October of 2000 omitted the above-mentioned addresses due to either discrepancy of the property lines or the contractor's inability to complete the required work before the aforementioned date.

FINANCIAL IMPACT: A total of \$315,147.52 will be assessed against 549 parcels.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:11 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel explained the item. Comments were heard from Pat Montney, 925 Irwin; and Judy Meisch, 979 Emerson.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 6:18 p.m. and approve the second amendment to the special assessment roll and adopt the resolution.

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

Nays: None

ADOPTED

2001-75 UNFINISHED BUSINESS:

a. Selection of Paint Supplier (Tabled from June 12, 2001 Meeting).

COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To have the City Commission approve the CNS selection of O'Leary Paint as the supplier for the 2001 Summer Paint Program. CNS received two (2) quotes from suppliers – O'Leary's Paint, 3530 Airline Rd. of Muskegon and Sherwin Williams, 2425 Henry St. of Muskegon. Because of past success the CNS Department would like to award the contract once again to O'Leary Paint.

FINANCIAL IMPACT: Funds will be from the 2001 Community Development Block Grant Paint and Siding budget.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the selection of O'Leary Paint.

Motion by Commissioner Schweifler, second by Commissioner Benedict to approve Sherwin Williams as the paint supplier for 2001.

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

Nays: None

ADOPTED

b. RECONSIDERATION: Alley Vacation in Jeannot Court, Block 2. **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To reconsider the vacation of the east/west alley in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada St., Windsor Ave., and Franklin St.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Aslakson to concur with the previous decision to vacate the alley and authorize the attorney to develop an appropriate resolution for the State of Michigan.

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

Nays: Nielsen, Schweifler

ADOPTED

Vice-Mayor Sieradzki arrived at 6:26 p.m.

2001-76 NEW BUSINESS:

a. North Muskegon Water Service Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve a new water service agreement with the City of North Muskegon. It provides for the delivery of water supply to North Muskegon for the next 22 years.

FINANCIAL IMPACT: Water rate charges as a result of this agreement go to the City's Water Fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement.

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the agreement.

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

Nays: None

(Commissioner Schweifler stepped out)

ADOPTED

b. City Commission Vision, Value and Mission Statements Prioritized List of Projects and Programs for 2001 to 2005. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To approve the document outlining the Commission Vision, Value and Mission Statements. Also, to approve the Prioritized List of Projects/Programs as identified by the Commission and Staff at their May 10 and June 11 Strategic Planning sessions.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Shepherd, second by Commissioner Aslakson to approve.

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

Nays: None

(Commissioner Schweifler stepped out)

ADOPTED

c. Vacation of a Portion of Edgewater and Wilcox Streets. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to vacate portions of two city streets, including waterfront, to clear title for a private piece of property.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommended vacating only those portions of the street that structure is on to retain as much right-of-way as possible (especially waterfront lands) for potential future use.

Motion by Vice-Mayor Sieradzki, second by Commissioner Aslakson to vacate portions of two city streets, including waterfront.

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

Nays: None

ADOPTED

Vice-Mayor Sieradzki left for the evening.

d. Rezoning Request for Property Located East of 1768 Sherman.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone abandoned railroad right-of-way east of, and immediately adjacent to, Butch's Inc. on Sherman Blvd. from R-1, Single Family Residential to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommended denial of the request due to lack of compliance with the Master Land Use Plan.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to concur with Planning Commission to deny the request to rezone.

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

Nays: None

ADOPTED

e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: COMMUNITY & NEIGHBORHOOD SERVICES

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

1) 747 Marcoux

2) 1668 Beidler

3) 361 Oak

4) 383 Catherine

5) 284 Iona

6) 1950 Terrace

7) 404 Washington

8) 214 Washington

FINANCIAL IMPACT: CDGB Funds for 747 Marcoux, 361 Oak, 383 Catherine, 284 Iona, 404 Washington, and 214 Washington. General Funds for 1668 Beidler and 1950 Terrace.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Shepherd, second by Commissioner Schweifler to concur with Housing Board of Appeals decision to demolish all eight structures.

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

Nays: None

ADOPTED

2001-77 ANY OTHER BUSINESS:

Commissioner Shepherd urged the public to report any under-age smoking.

Commissioner Spataro suggested the City post the Values and Goals of the Commission. He also commented on the City Manager's evaluation.

Motion by Commissioner Spataro, second by Commissioner Schweifler to set a special meeting of July 9th for the Manager's evaluation.

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

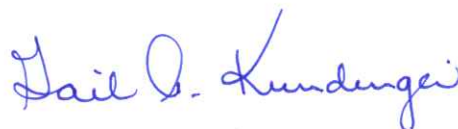
Nays: Benedict

ADOPTED

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 8:33 p.m.

Respectfully submitted,

A handwritten signature in blue ink, reading "Gail A. Kunding".

Gail A. Kunding, CMC/AEE
City Clerk

Date: June 26, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Advanced Entertainment Services

SUMMARY OF REQUEST: Advanced Entertainment Services is requesting approval of a fireworks display for July 2, 2001, for Poison's Glam Slam Metal Jam Summer Tour 2001 at the Muskegon Summer Celebration. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

2001-73(b)
PERMIT
FOR FIREWORKS DISPLAY
Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: (X) PUBLIC DISPLAY () AGRICULTURAL PEST CONTROL

ISSUED TO: Advanced Entertainment Services

NAME Kerry Valentine

ADDRESS 4325 W Reno, LV, NV 89118 AGE 37

REPRESENTING Muskegon Summer Celebration

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

ADDRESS

NUMBER & TYPES OF FIREWORKS:

4 - Flame Projectors	4 - Flame Projectors
2 - Phoenix Flame Systems	2 - Phoenix Flame Systems
12 - Gold Twinkling Waterfalls	12 - Gold Twinkling Waterfalls
24 - Gold Airburst	24 - Gold Airburst
8 - Red Preloaded Fireballs	8 - Red Preloaded Fireballs
33-1/4 x 20 Silver Gerbs	33-1/4 x 20 Silver Gerbs

DISPLAY: Muskegon Summer Celebration

EXACT LOCATION

City of Muskegon July 2, 2001 8:30 p.m.
CITY, VILLAGE, TOWNSHIP DATE TIME

BOND OR INSURANCE FILED: (X) YES () NO AMOUNT 2,000,000.

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the CITY of MUSKEGON
(city, village, township) (name of city, village, township)

on the 26th day of June, 2001 19

Fred J. Nielsen
Fred J. Nielsen, Mayor

(signature & position of council, commission or board representative)

APPLICATION FOR FIREWORKS DISPLAY PERMIT Act 358, P.A. 1968

DATE OF APPLICATION

6-19-2001

1. TYPE OF DISPLAY:



Public Display



Agricultural Pest Control

2. APPLICANT

NAME OF PERSON Kerry Valentine	ADDRESS 4325 W. Reno Ave LV NV 89118	AGE: Must be 21 or over 37
IF A CORPORATION: Name of President Matt Dillingham	ADDRESS 4325 W. Reno Ave LV NV 89118	

3. PYROTECHNIC OPERATOR

NAME Tom Foster	ADDRESS 1620 Diva Alta Street #203 LV NV 89146	AGE: Must be 21 or over 42
EXPERIENCE: NUMBER OF YEARS 25	NUMBER OF DISPLAYS Over 3000	WHERE Throughout USA, Japan, Europe, South America

NAMES OF ASSISTANTS:

NAME Steve Schofield	ADDRESS 41641 Frondonia Drive LV NV 89105	AGE 25
NAME	ADDRESS	AGE

4. NON-RESIDENT APPLICANT

NAME Kerry Valentine	ADDRESS 4325 W. Reno Ave LV NV 89118	
Name of Michigan Attorney or Resident Agent Kerry Valentine	ADDRESS 333 North Cedar Lansing MI 48912	TELEPHONE NUMBER 518-267-1502

5. EXACT LOCATION OF PROPOSED DISPLAY

Muskegon Summer Celebration	
DATE 7-2-2001	TIME 8:00pm to 11:00pm

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

Please See Attach Plot Diagram & Effects list	

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

BATF Approved magazine in dry cool storage
--

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

Meridian Entertainment	A. AMOUNT OF BOND OR INSURANCE (to be set by municipality) \$2,000,000.00
B. BONDING CORPORATION OF INSURANCE COMPANY: NAME Blairline & Marinet	ADDRESS 2110 East Flamingo #300 LV NV 89119



Advanced Entertainment Services

Pyrotechnics • Theatrical Lighting • Special Effects

4325 W. Reno Avenue

Las Vegas, Nevada 89118

(702)364-1847 Telephone

(702)364-1852 Fax

Pyrowizard@aespyro.com E-mail

Pyrotechnic Event Information

Show Name:	Poison's Glam Slam Metal Jam Summer Tour 2001
Performance Site:	Muskegon Summer Celebration
Performance Dates(s):	July 2, 2001 @ Approx. 8:30pm
Rehearsal Date(s):	N/A
Demonstration Date:	July 2, 2001
Demonstration Time:	1:30 pm
Lead Pyrotechnician:	Tom Foster, NV# 500D, CA# 1104-09
Assistant Pyrotechnicians:	Steve Schofield, NV #1154

QTY	Pyrotechnic Description	Zone	
2	Coliseum Silver Sparkle Flash	Zone 1	
12	Gold Twinkling Waterfalls	Zone 2	
24	Silver Airburst	Zone 3	
24	Gold Airburst	Zone 3	
5	Concussion Mortars	Zone 4	
8	Red Preloaded Fireballs	Zone 5	
4	Flame Projectors	Zone 6	
4	30 Second Red & Silver Reversing Saxons	Zone 7	
33	1/4 x 20 Silver Gerbs	Zone 8	
12	Preloaded Flash Pots	Zone 9	
2	Phoenix Flame Systems (powered by Propane) adjustable height	Zone 10	
	No fallout areas, using close proximity pyrotechnics		
	The concussion will be 25" clearance from the audience		

**Advanced Entertainment Services**

Pyrotechnics • Theatrical Lighting • Special Effects

4325 W. Reno Avenue

Las Vegas, Nevada 89118

(702)364-1847 Telephone

(702)364-1852 Fax

info@acspyro.com E-mail

PYROTECHNIC PLOT KEY
POISON SUMMER TOUR 2001

1. 2 EA. COLISEUM SILVER SPARKLE FLASH
2. 12 EA. GOLD TWINKLING WATERFALLS
3. 24 EA. SILVER AIRBURST
24 EA. GOLD AIRBURST
4. 5 EA. CONCUSSION MORTARS
5. 8 EA. RED PRELOADED FIREBALLS
6. 4 EA. FLAME PROJECTORS
7. 4 EA. 30 SECOND RED & SILVER REVERSING SAXONS
8. 33 EA. 1/4 X 20 SILVER GERBS
9. 12 EA. PRELOADED FLASH POTS
10. 2 EA. PHOENIX FLAME SYSTEMS. (Powered by Propane or Methane Gas).

ACORD CERTIFICATE OF LIABILITY INSURANCE

P.01/01

06/22/01

PRODUCER Brandise & Martinet Insurance 2110 East Flamingo Rd., #300 Las Vegas NV 89119 Phone: 702-735-1933 Fax: 702-796-1349		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Advanced Entertainment Services, Pro Lite, Inc. DBA: 4325 W Reno Avenue Las Vegas NV 89118		INSURERS AFFORDING COVERAGE INSURER A: Royal Surplus Lines Ins. Co. INSURER B: INSURER C: INSURER D: INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

ITEM	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	KZB516274	02/01/01	02/01/02	EACH OCCURRENCE	\$ 2000000
	☒ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$ 50000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person)	\$ 5000
	GEN'L AGGREGATE LIMIT APPLIES PER:				PERSONAL & ADV INJURY	\$ 2000000
	☐ POLICY ☐ PRO-JECT ☐ LOC				GENERAL AGGREGATE	\$ 2000000
					PRODUCTS - COM/PROP AGG	\$ 2000000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$
	☐ ANY AUTO				BODILY INJURY (Per person)	\$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	☐ HIRED AUTOS					
	☐ NON-OWNED AUTOS					
	GARAGE LIABILITY				ALTO ONLY - EA ACCIDENT	\$
	☐ ANY AUTO				OTHER THAN EA ACC	\$
					ALTO ONLY AGG	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	☐ OCCUR ☐ CLAIMS MADE				AGGREGATE	\$
	☐ DEDUCTIBLE					\$
	RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY				WC STATUTORY LIMITS	TOTAL \$
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE - EA EMPLOYEE	\$
					E.L. DISEASE - POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATION/LOCATION/VEHICLE/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

SPECIAL EFFECTS AND CONSULTING EVENT: SUMMER GLAM SIAM METAL SUMMER TOUR 2001

LOCATION: MUSKEGON SUMMER CELEBRATION DATE: JULY 2 2001

THE CERTIFICATE HOLDER IS INCLUDED AS ADDITIONAL INSURED PER FORM CG20101185

CERTIFICATE HOLDER Y		ADDITIONAL INSURED: INSURER LETTER: X		CANCELLATION	
MUSKE-1 CITY OF MUSKEGON 333 TERRACE STREET MUSKEGON MI 49440		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.		Dennis M. Stiley	
ACORD 25-B (7/97)		GACORD CORPORATION 1988			

POLICY NUMBER: KZB516274

COMMERCIAL GENERAL LIABILITY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - FORM B**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY PART.

SCHEDULE

Name Of Person Or Organization:

THE CITY OF MUSKEGON AND ALL ELECTED AND APPOINTED, ALL
EMPLOYEES AND VOLUNTEERS, ALL BOARD COMMISSIONS OR AUTHORITIES
AND THEIR BOARD MEMBERS, EMPLOYEES AND VOLUNTEERS, COUNTY OF
MUSKEGON, MUSKEGON SUMMER CELEBRATION AND WEST MICHIGAN DOCK
AND MARKET CORP

ANY PERSON OR ORGANIZATION TO WHOM OR TO WHICH YOU ARE
OBLIGATED BY VIRTUE OF A WRITTEN CONTRACT OR BY THE ISSUANCE OR
EXISTENCE OF A PERMIT, TO PROVIDE INSURANCE SUCH AS IS AFFORDED BY
THIS POLICY.

(If no entry appears above, information required to complete this endorsement will be
shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or
organization shown in Schedule, but only with respect to liability arising out of your
work performed for that insured.

IF YOU ARE REQUIRED BY A WRITTEN CONTRACT TO PROVIDE PRIMARY
INSURANCE, THIS POLICY SHALL BE PRIMARY AS RESPECTS YOUR
NEGLIGENCE AND CONDITION 4. OTHER INSURANCE DOES NOT APPLY, BUT
ONLY WITH RESPECT TO COVERAGE BY THIS POLICY.

CG2010 11/85

CG 20 10 10 93

TOTAL 0 100



Advanced Entertainment Services

Pyrotechnics • Theatrical Lighting • Special Effects

4325 W. Reno Avenue

Las Vegas, Nevada 89118

(702)364-1847 Telephone

(702)364-1852 Fax

info@aespyro.com E-mail



Date: June 19, 2001

Number of pages including cover: 12

From: Kerry Valentine

To: Linda

Telephone #: 231-724-6705

Company: Clerks Office

Fax #: 231-724-4178

MEMO

Dear Linda,

Here is the paperwork for Polson's Glam Slam Metal Jam Summer Tour 2001 on July 2, 2001 at the Muskegon Summer Celebration. I will get the letter from the Michigan agent to you tomorrow. I apologize for the lateness in getting this to you; I was only made aware of the requirements on Friday by the venue. I appreciate you help with this. I am trying to get the insurance certificates to you before 4:30pm your time. I will have it from my company today and will fax it immediately.

Thank you,

Kerry Valentine

Advanced Entertainment Services

OFFICE/702-364-1847

FAX/702-364-1852

CELL/702-429-0277

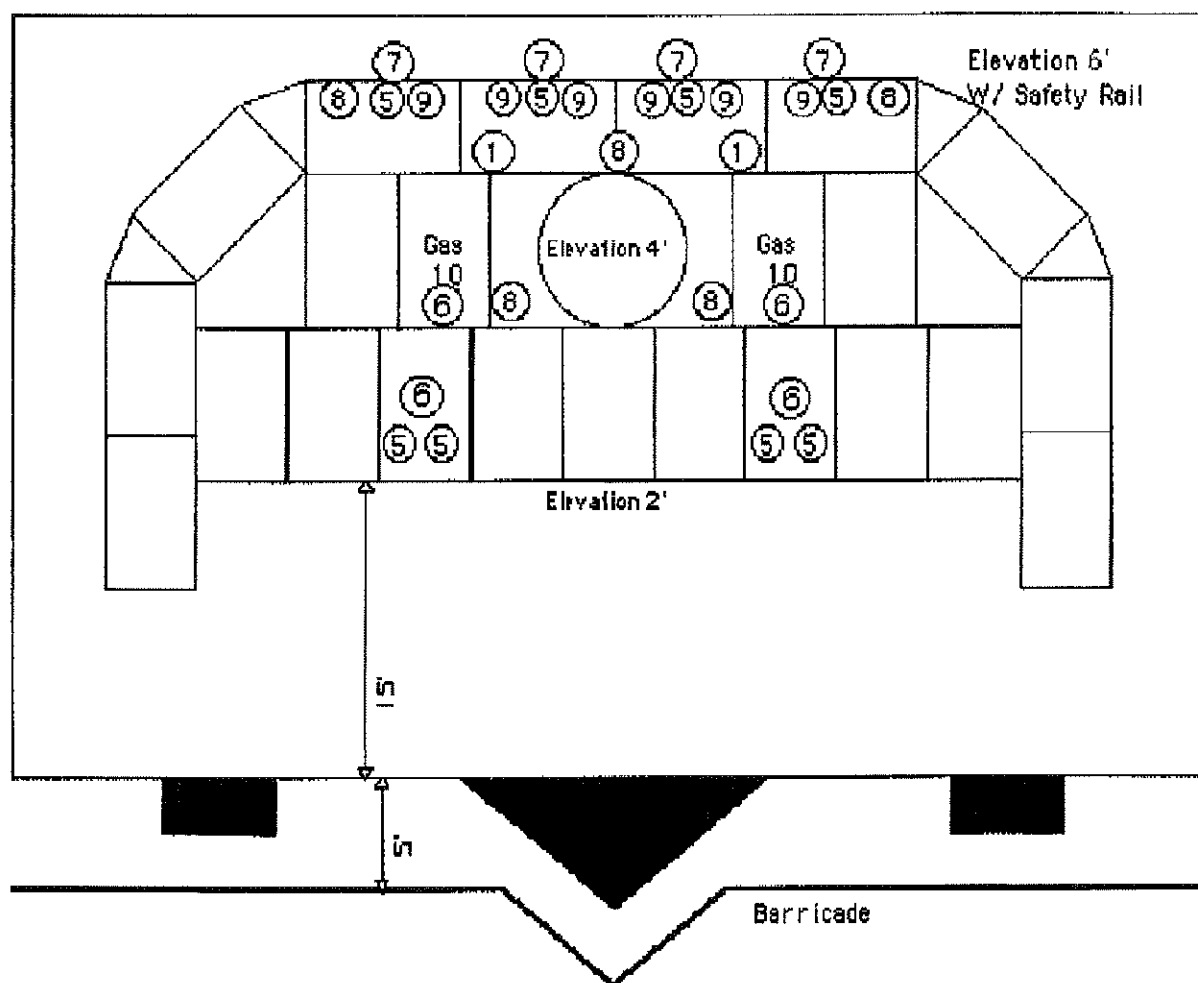
C

E

4, CONCUSSION MORTARS
WILL BE PLACED WHEREVER
SAFE TO DO SO.

Waterfalls & Airburst

2,3



**CALIFORNIA
PYROTECHNIC OPERATOR
SPECIAL EFFECTS**



PW-41 (REV. 8-78)

NAME TOM FOSTER

SOC. SEC. NO. 205-534-9717

The Bearer, whose photograph and signature appear hereon, is authorized to perform as a Special Effects Pyrotechnic Operator within the limits set forth on the reverse.

SIGNATURE

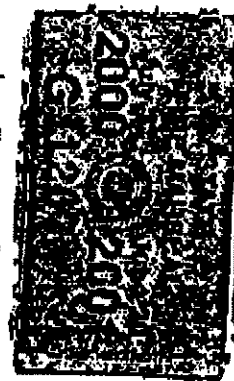
Lic. No.:

2104-09

SPECIAL EFFECTS

- ☐ 1st Class ☒ Theatrical Trainee
☐ 2nd Class ☐ Theatrical
☐ 3rd Class ☐ Performer

This license is for identification only, and shall NOT be used for advertising. State fire Marshal recommendation is NOT given or implied.



CERTIFICATE OF REGISTRATION

Date	Age	Weight	Height	Hair	Eyes	Sex
59	41	160	5'10"	BLK	BLUE	M
Yr	Yes		Fr. In.	Color	Color	M

Certificate is valid after the year first issued only when validation sticker is attached to the other side.
 Notice must be given to the Nevada State Fire within 7 days of change of address.

Issued 6-24-85 Date Exp. 6/30

101 11638

**NEVADA STATE FIRE MARSHAL
CERTIFICATE OF REGISTRATION**

PYRO - INDOOR STAGE

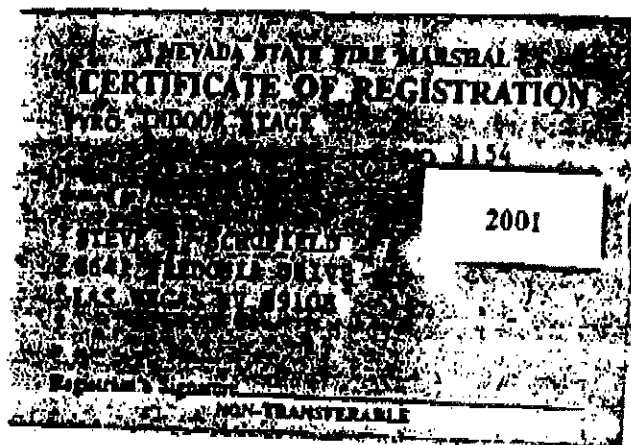
NO. 500 D

Issued to:

2001

- THOMAS FOSTER
- 1620 DIVALDA STREET
- LAS VEGAS NV 89146

Registrant's Signature _____
NON-TRANSFERABLE



CERTIFICATE OF REGISTRATION

Birth Date	Age	Weight	Height	Male	Female	Sex
9-30-75	26	175	5'6"	BRN	BLU	M
Mo.	Day	Yr	Mo.	Color	Color	

This certificate is valid after the year expires only when a current photograph is attached to the other side. Written notice must be given to the Nevada State Fire Marshal within 7 days of change of address.

Date Issued: 10-23-98 Date Exp: 6/30

Rev. 11-88 10-1074



LICENSE/PERMIT (18 U.S.C. CHAPTER 40, EXPLOSIVES)

In accordance with the provision of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (under 121 CFR Part 55), you may engage in the activity specified in this license/permit within the limitation of Chapter 40, Title 18 United States Code and the regulations issued thereunder, until the expiration date shown. See "WARNING" and "NOTICE" on back.

CHIEF, F&E
Licensing Center
10

CHIEF, F&E LICENSING CENTER

BAFF, P.O. BOX 2994
ATLANTA, GA 30301-2994

LICENSE
PERMIT
NUMBER

9-BL-000-19-2X-05924

EXPIRATION
DATE

OCTOBER 1, 2002

NAME

ADVANCED ENTERTAINMENT
SERVICES

TYPE OF
LICENSE OR
PERMIT

19 - MANUFACTURER OF BINARY EXPLOSIVES

CHIEF, F&E
LICENSING CENTER

C. L. R. Butler

PURCHASING CERTIFICATION

I certify that this is a true copy of a license/permit
issued to me to engage in the activity specified

LICENSEE OR PERMITTEE'S ADDRESS

ADVANCED ENTERTAINMENT
SERVICES
4325 W RENO AVE
LAS VEGAS, NV
89120

(SIGNATURE OF LICENSEE/PERMITTEE)

Enclosure

Licensee/permittee named herein shall use reproduction of this
license/permit to assist & transfer or be prepared to verify the identity
and status of the licensee/permittee as provided in 21 C.F.R. Part 55.
The signature on each reproduction must be an ORIGINAL signature.

ATF # 5400 14/5400.15, Part 1 (8/88)

LICENSE

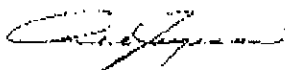
COUNTY OF CLARK • STATE OF NEVADA

LICENSE NO.
000103-577-1

THE PERSON, FIRM OR CORPORATION HEREIN NAMED
IS HEREBY GRANTED LICENSE AS SHOWN HEREON
PURSUANT TO COUNTY ORDINANCES

ISSUE DATE **09-02-1988**FROM DATE **03-01-2001**POST IN A CONSPICUOUS PLACE
AT BUSINESS LOCATIONTO - DUE DATE **02-28-2002 ****
TYPE OF LICENSE**PLEASE SEE REVERSE SIDE FOR LICENSE RESTRICTIONS.****PRODUCTION/CONVENTION SER**

**ADVANCED ENTERTAINMENT SERVICE
4325 W RENO AVE
LAS VEGAS NV 89118**



Director of Business License



Assistant Director of Business License



LICENSE/PERMIT (18 U.S.C. CHAPTER 40, EXPLOSIVES)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 55), you may engage in the activity specified in this license/permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. See "WARNING" and "NOTICES" on back.

DIRECT ATE
CORRESPONDENCE
TO

CHIEF, NATIONAL LICENSING CENTER
ATF, P.O. Box 2994
Atlanta, GA 30301-2994

LICENSE/
PERMIT
NUMBER

9 NV-00321-3.12126

EXPIRATION
DATE

September 1, 2003

NAME

ADVANCED ENTERTAINMENT SERVICES

Business Address

4325 W RENO AVE
LAS VEGAS, NV 89118-0000

TYPE OF
LICENSE OR
PERMIT

21-MANUFACTURER OF LOW EXPLOSIVES

CHIEF, NATIONAL
LICENSING CENTER

[Signature]

PURCHASING CERTIFICATION

I certify that this is a true copy of a license/permit issued to me to engage in the activity specified.

LICENSEE OR PERMITTEE MAILING ADDRESS:

ADVANCED ENTERTAINMENT SERVICES
4325 W RENO AVE
LAS VEGAS, NV 89118-0000

(SIGNATURE OF LICENSEE/PERMITTEE)

The licensee/permittee named herein shall use a reproduction of this license/permit to assist a transferor of explosives to verify the identity and status of the licensee/permittee as provided in 27 CFR Part 55. The signature on each reproduction must be an ORIGINAL signature.

ATF F 5400.14/5400.15, Part 1 (8/83)

NON-TRANSFERABLE

No. 509

NEVADA STATE FIRE MARSHAL

LICENSE

TYPE: PYRO - INDOOR STAGE AND OUTDOOR AERIAL

- ADVANCED ENTERTAINMENT SERVICES
- 4325 WEST RENO AVENUE
- LAS VEGAS NV 89118

2001

The above named firm is hereby authorized to perform services within the limits of the type of license specified above as provided under the Nevada State Fire Marshal's Regulations and Nevada Revised Statutes, Chapter 477.

ISSUED 6-15-84

DATE EXPIRES 6-30

This License remains the property of the State Fire Marshal, and must be surrendered to him, upon his demand.



EUGENE L. WILLIAMS
XXXXXXXXXXXXXXXXXXXX
Nevada State Fire Marshal

6-19-01

933 Terrace Street
Muskegon, MI 49440

OFFICE 231-724-6705
FAX 231-724-4178

City of Muskegon Clerk's Office

Fax Cover Sheet

To: Keith Potter or
Tim McClurg From: Linda
Fax: _____ Pages: 3
Phone: _____ Date: 6-20-01
Re: _____ CC: _____

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

Please check the insurance
for a pyrotechnic display at the
Summer Celebration on July 2, 2001.

Thanks,

Linda



Advanced Entertainment Services

Pyrotechnics • Theatrical Lighting • Special Effects

4325 W. Reno Avenue

Las Vegas, Nevada 89118

(702)364-1847 Telephone

(702)364-1852 Fax

info@aenspyro.com E-mail



Date: June 20, 2001

Number of pages including cover: 5

From: Kerry Valentine

To: Bob Grabinski

Telephone #: 231-724-6705

Company: Muskegon Fire

Fax #: 231-724-4178

MEMO

Dear Bob,

Here is the letter from the Michigan agent, the new pyro licenses and the new Nevada State license. That should be everything, I think. Please call me if you need anything else or have any questions. I can not say THANK YOU enough and Linda too for all your help.

**Kerry Valentine
Advanced Entertainment Services
OFFICE/702-364-1847
FAX/702-364-1852
CELL/702-429-0277**

333 N. Cedar St.
Lansing, Michigan 48912
517-267-1502
FAX 517-267-1502
meyerk@wypgrr.net

Meridian Entertainment Group

June 20, 2001

Ms. Kerry Valentine
Advanced Entertainment Services
4325 W. Reno Avenue
Las Vegas, Nevada 89118
702-364-1847
kvalentine@aespyro.com

Re: Registered Agent

Dear Kerry:

MMCS, Inc. d/b/a Meridian Entertainment Group, a Michigan Corporation will act as the registered agent for Advanced Entertainment Services.

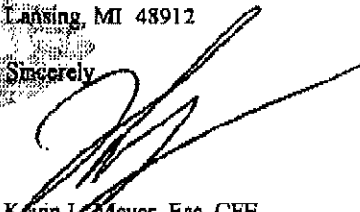
Any items can be delivered to:

Meridian Entertainment Group

333 N. Cedar St.

Lansing, MI 48912

Sincerely,


Kevin J. Meyer, Esq. CFE
President
Meridian Entertainment Group

Producers, Promoters and Consultants

FROM :

FAX NO. :

Sep. 27 2000 08:04PM P1

NEVADA STATE FIRE MARSHAL
CERTIFICATE OF REGISTRATION
PYRO: INDOOR STAGE

NO. 1154

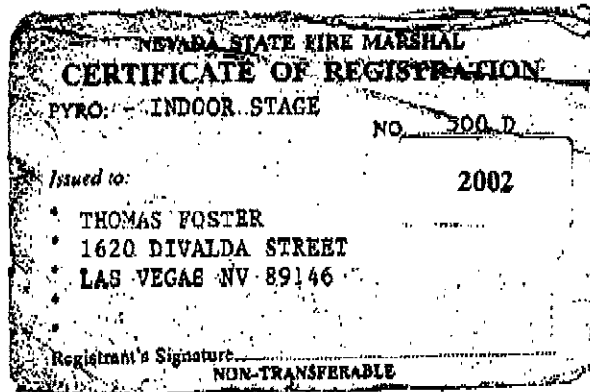
Issued to:

2002

• STEVE J. SCHOFIELD
• 6641 FREDONIA DRIVE
• LAS VEGAS NV 89108

Registrant's Signature

NON-TRANSFERABLE



CERTIFICATE OF REGISTRATION

Birth Date	Age	Weight	Height	Hair	Eyes	Sex
9-30-75	24	175	5'6	BRN	BLUE	M
Mo. Day Yr.	Yrs.		ft. in.	Color	Color	M F

This certificate is valid after the year first issued only when a current validation sticker is attached to the other side. Written notice must be given to the Nevada State Fire Marshal within 7 days of change of address.

Date Issued 10-23-98 Date Exp. 6/30

(Rev. 11-98)

10-11923

CERTIFICATE OF REGISTRATION

Birth Date	Age	Weight	Height	Hair	Eyes	Sex
7-18-58	41	160	5'10	BLK	BLUE	M
Mo. Day Yr.	Yrs.		ft. in.	Color	Color	M F

This certificate is valid after the year first issued only when a current validation sticker is attached to the other side. Written notice must be given to the Nevada State Fire Marshal within 7 days of change of address.

Date Issued 6-24-85 Date Exp. 6/30

(Rev. 11-98)

10-11923

NON-TRANSFERABLE

No. P. 509.....

NEVADA STATE FIRE MARSHAL

LICENSE

TYPE: " PYRO" INDOOR STAGE

- ADVANCED ENTERTAINMENT SERVICES
- 4325 W RENO
- LAS VEGAS NV 89118

2002

The above named firm is hereby authorized to perform services within the limits of the type of license specified above as provided under the Nevada State Fire Marshal's Regulations and Nevada Revised Statutes, Chapter 477.

ISSUED.....6-15-84.....

DATE EXPIRES.....6-30.....

This License remains the property of the State Fire Marshal, and must be surrendered to him, upon his demand.

*Nevada State Fire Marshal*

Q-4218

Date: 6/19/2001
To: Honorable Mayor and City Commission
From: Jerry McIntyre, Equipment Supervisor
RE: Budgeted Equipment Purchase

SUMMARY OF REQUEST: Approval to purchase one (1) Case 521D Front Loader from the Wolverine Tractor and Equipment Co.

FINANCIAL IMPACT: \$ \$58,600.00

BUDGETED- \$ 70,000.00

BUDGET ACTION REQUIRED: None: \$70,000.00 was budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase of one (1) Case 521D Front Loader.

Front Loader

To: Robert Kuhn
From: Jerry E. McIntyre
Date: 06/19/01
Re: Front Loader

Bob,

We have received the bids for the scheduled replacement of a new front loader. The lowest bid came in under budget from Wolverine Tractor and Equipment Co.

The 2001 budget allowed \$70,000.00, and the bid for a Case 521-D is \$65,825.15. By deleting options, such as air conditioning, the price reduces to \$58,600.00.

My recommendation is based on the fact we have four other pieces of Case Equipment that have the same engines as the new Case 521-D, therefore we already stock the parts needed for the new front loader.

Thank You

Jerry E. McIntyre

Front Loader

To: Robert Kuhn
From: Jerry E. McIntyre
Date: 06/20/01
Re: Front Loader

Bob,

The 2001 Budget allowed us to spend \$70,000.00 on a new front loader. The bids came in and were opened on their scheduled date and time.

Part of the specifications was to take our 1979 Case Front Loader in on trade.

The bids were as follows:

- Wolverine Tractor W/ a Case 521-D\$70,012.15
Trade in 1979 Case.....\$10,000.00
Total Net Purchase Price.....\$ 60,012.15
- AIS Construction Equipment.....\$79,200.00
Trade in 1979 Case.....\$13,500.00
Total Net purchase price.....\$65,700.00
- Michigan Cat Equipment Co.....\$88,000.00
Trade in 1979 Case.....\$12,000.00
Total Net Purchase Price.....\$76,000.00

June 20, 2001

As you can see, Wolverine Tractor was the lowest bid of the three. The price is further reduced by the fact that we would like to eliminate the air conditioning from this vehicle, which would reduce the price to \$58,600.00.

Thank You

Jerry E. McIntyre

Date: 6/12/2001
To: Honorable Mayor and City Commission
From: Jerry McIntyre, Equipment Supervisor
RE: Budgeted Equipment Purchase

SUMMARY OF REQUEST: Approval to purchase one (1) Kubota Diesel Lawnmower from The Power Shop, Fremont, MI for the price of \$8,495.00.

FINANCIAL IMPACT: \$ 8,495.00 Equipment Fund

BUDGETED- \$ 10,000

BUDGET ACTION REQUIRED: None: \$10,000.00 was budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase of one (1) Kubota Diesel Mower for the price of \$8,495.00.

Lawnmower

To: Robert Kuhn
From: Jerry E. McIntyre
Date: 06/20/01
Re: Filtration Lawnmower

Bob, I have received bids for the replacement of the Filtration Plants lawnmower. After careful consideration and several demonstration models, we have tried, we have concluded that the Kubota ZD21-60, Zero turn commercial mower, would be the best choice for the terrain involved at the Filtration Plant. I have included copies of the quotes from three equipment supply companies. The Power Shop of Fremont, MI is the lowest bidder at \$8,495.00. The 2001 budget allowed \$10,000.00 on this item.

The Cub Cadet that the Filtration Plant was using to mow their lawn will be sold through the sale at DPW building.

Thank You

Jerry E. McIntyre



Andy Twonk

Kubota

City of Muskegon
Water Works.

CUSTOMER
NAME

ADDRESS

CITY
STATE
ZIP

SALES QUOTATION

THE POWER SHOP™

Phone: 231-924-3540 FAX: 231-924-6433

FREE: 800-303-3540

7441 W. 48th Street

FREMONT, MICHIGAN 49412



Simplicity

DATE

5-10-01

QUOTE VALID FOR _____ DAYS.

CUSTOMER
PHONE NO.

SALESMAN

Douglas Derby

DESCRIPTION

PRICE

Kubota ZD21-60 Zero Turn Comm Mower
21 Hp. 3 Cyl. Water Cooled Diesel Engine.
Hydrostatic Shaft Driven unitized Trans.
H.D. Air Cleaner. 8 Gal Diesel fuel Capacity
wet-multi Plate disc PTO (hydraulic)
Shaft Driven PTO to mower.
Hydraulic mower lift. Tilt up feature
for mower service. Parking Brake
Hourmeter. Pivoting Front Axle.
60" Mower Deck.

List. 10580⁰⁰

Gov't. Bid Price 8395⁰⁰

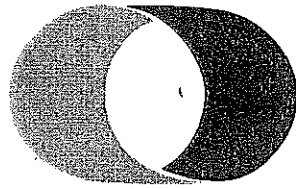
Prepped & Ready to Mow.

For Delivery

Add 100⁰⁰

TRADE-IN

TRADE ALLOWANCE



United Rentals

FORMERLY GRAND VALLEY EQUIPMENT

5025 — 40th AVE. • HUDSONVILLE, MICHIGAN 49426 • PHONE (616) 669-9506

QUOTATION

DATE

6-1-01

1938

City of Muskegon

☐ RENTAL

☒ PURCHASE

60" Mower, Zero Turn Radius, Diesel Eng.

Model LZ DD60 Exmark Lazer Z XP

27 HP Daihatsu Diesel 3 cylinder

\$9999.00

Model ZD21-60 Kubota Z series

21 HP Kubota Diesel 3 cylinder

\$8648.⁰⁰

Thank You!
[Signature]

PRICES QUOTED ARE EXCLUSIVE OF ALL SALES, USE OR SIMILAR TAXES.
PRICES QUOTED ARE GOOD FOR 7 DAYS FROM DATE OF ISSUE.
TERMS NET DUE UPON RECEIPT.

THANK YOU FOR THE OPPORTUNITY TO QUOTE!

**NEW HOLLAND****Grandville Tractor & Equipment Company, Inc.**

3736 Chicago Drive, S.W., Grandville, Michigan 49418

Telephone 532-2347 • Fax 532-2396

May 30, 2001

Andy Twork

Muskegon Department of Public Works

Dear Mr. Twork:

Thank you for the opportunity to quote the new Scag Sabre Tooth Tiger, a 31 hp., turbo charged diesel. Scag's reputation for quality, severe duty machines is well known in the commercial mowing world; things such as 21 cc hydro pumps- twice the size of other brands or the massive Ogura pto clutch specially designed to handle the extra torque load.

Price with a 61" deck:

Regular Price: \$15,744

- 1,265**Your Price: \$14,479**

I have enclosed some basic specifications for your review. I would like the opportunity to show you the Scag unit. Would this Friday work out for you? I think you will agree that is extremely well made with heavy components. On top of that, it is designed to be technician-friendly, easily maintained and repaired.

Yours truly,

Norm Scoles

TO: Honorable Mayor and City Commissioners
FROM: Engineering
DATE: June 26, 2001
RE: Public Hearing
Spreading of the Special Assessment Roll
WOOD, APPLE TO JACKSON

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **WOOD, APPLE TO JACKSON**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$103,741.79 would be spread against the forty-^{seven 47}eight (48) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2001-74(a)

Resolution Confirming Special Assessment Roll

For Wood Street, 15.0' north of the northerly right of way line of Apple Avenue to Jackson Avenue

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 8, 2000**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR WOOD BETWEEN APPLE AND JACKSON

Continued...

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

This resolution passed.

Ayes: Nielsen, Schweifler, Shepehrd, Spataro, Aslakson, Benedict

Nays: None

City of Muskegon

By

Gail A. Kunding

Gail A. Kunding, City Clerk

CERTIFICATE

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

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **June 26, 2001**.

City of Muskegon

By

Gail A. Kunding

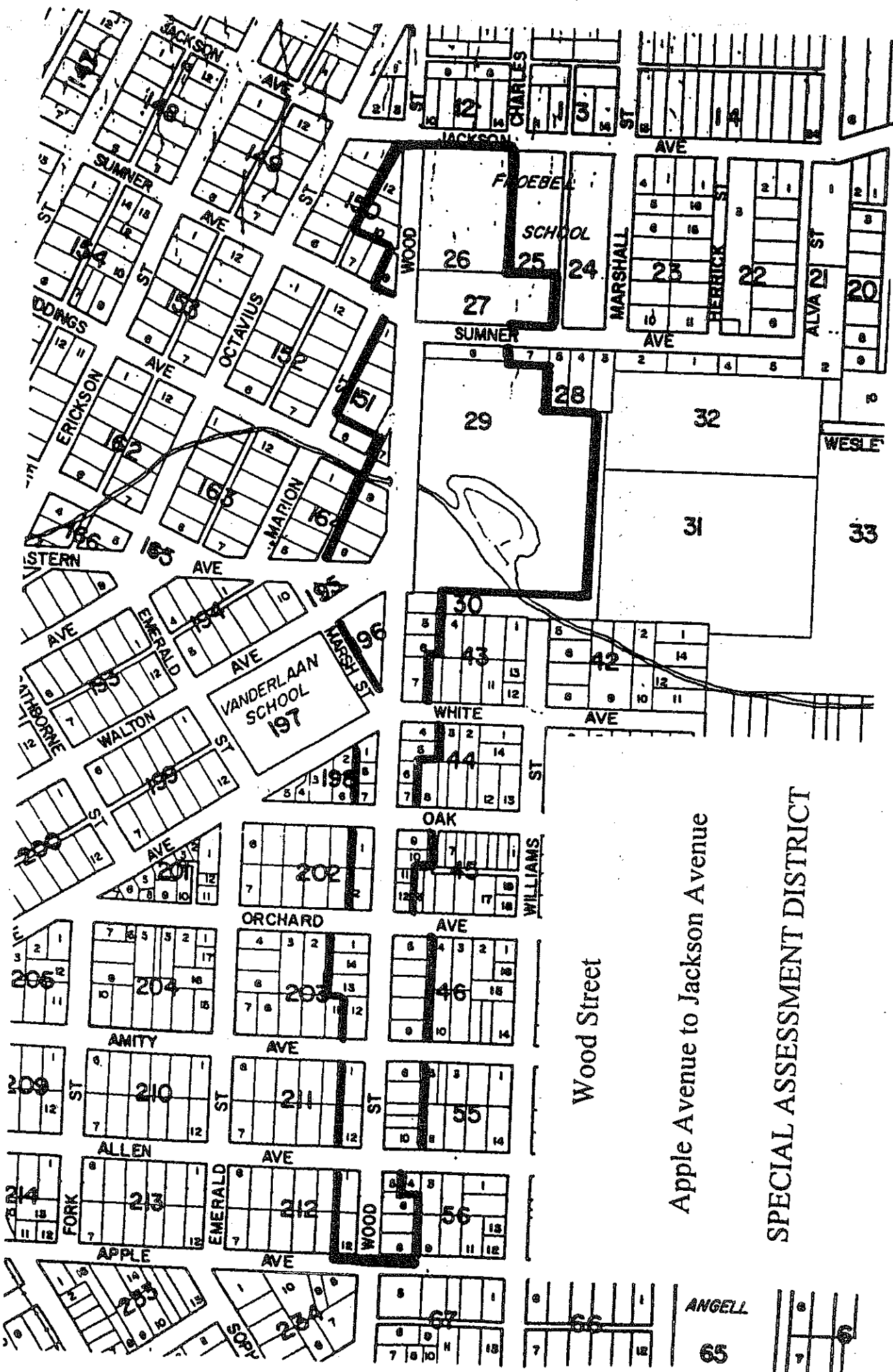
Gail A. Kunding, City Clerk

EXHIBIT A

Wood Street, Apple to Jackson

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of WOOD STREET, 15 FEET NORTH OF THE
NORTHERLY "R-O-W" LINE ON APPLE AVE. TO JACKSON**



Wood Street

Apple Avenue to Jackson Avenue

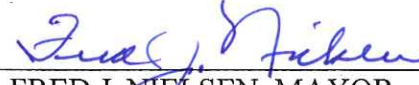
SPECIAL ASSESSMENT DISTRICT

**WOOD BETWEEN APPLE AND JACKSON
MAYOR'S ENDORSEMENT AND WARRANT**

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

CITY OF MUSKEGON

BY


FRED J. NIELSEN, MAYOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MUSKEGON



West Michigan's Shoreline City

June 15, 2001

Property Parcel Number: _____ at _____

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

Wood Street, Apple Avenue to Jackson Avenue

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, June 26, 2001 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JUNE 26, 2001 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$650,000 of which \$103,741.79 (15.96%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$_____ based on _____ feet assessable front footage at \$33.40 per assessable foot for the street improvements. In addition, you will be assessed \$_____ for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of _____. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: _____

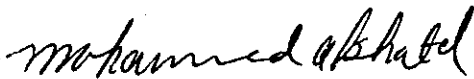
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
WOOD STREET H-1495
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income (see chart below);** Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2000, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2001

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$26,650
2	30,420
3	34,255
4	38,025
5	41,080
6	44,135
7	47,125
8	50,180
For each extra, add	3,770

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

**City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440**

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

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

SPECIAL ASSESSMENT DISTRICT:

WOOD, APPLE TO JACKSON

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

All properties abutting Wood Street, 15.0' north of the northerly right of way line of Apple Avenue to Jackson Avenue

PLEASE TAKE NOTICE that a hearing to confirm the special assessment district will be held at the City of Muskegon Commission Chambers on **JUNE 26, 2001 at 5:30 p.m.**

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

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

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

Gail A. Kunderger, City Clerk

Publish: **JUNE 16, 2001**

ADA POLICY

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

Gail A. Kunderger, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

CITY OF MUSKEGON

Resolution No. 2000-25(b)

Resolution At First Hearing Creating Special Assessment District
For **WOOD STREET, 15 FEET NORTH OF THE NORTHERLY "R-O-W" LINE ON
APPLE AVE. TO JACKSON.**

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

RECITALS:

1. A hearing has been held on **FEBRUARY 8, 2000** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **FEBRUARY 8, 2000**, there were 26.13% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Sieradzki and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **10.88%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays Nays

CITY OF MUSKEGON

By Gail A. Kundergi
Gail A. Kundergi, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **FEBRUARY 8, 2000**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundergi
Gail A. Kundergi, Clerk

H-1495

Wood Street, Apple Avenue to Jackson Avenue

SPECIAL ASSESSMENT ROLL

PARCEL	@	PAVING	DR APP / SW	TOTAL
24-205-203-0012-10	390 AMITY AVE	WALKER BILLY C 1300 ADAMS AVE MUSKEGON MI 49442	\$1,536.40	\$261.65 \$1,798.05
24-205-211-0001-10	391 AMITY AVE	TAYLOR NELLIE OWIL 391 AMITY AVE MUSKEGON MI 49442	\$1,503.00	\$0.00 \$1,503.00
24-205-212-0001-00	376 APPLE AVE	COUNTY OF MUSKEG 990 TERRACE ST MUSKEGON MI 49442	\$8,316.60	\$0.00 \$8,316.60
24-205-056-0008-00	410 APPLE AVE	CHARLES WILLIAM L 1481 BROOKWOOD D MUSKEGON MI 49441	\$1,703.40	\$0.00 \$1,703.40
24-205-056-0007-00	422 APPLE AVE	CHARLES WILLIAM L 1481 BROOKWOOD D MUSKEGON MI 49441	\$2,204.40	\$0.00 \$2,204.40
24-205-150-0001-10	391 JACKSON A	FOX STEVEN A 391 JACKSON AVE MUSKEGON MI 49442	\$2,505.00	\$0.00 \$2,505.00
24-205-024-0001-00	417 JACKSON A	MUSKEGON PUBLIC S FROEBEL SCHOOL	\$0.00	\$0.00 \$0.00
24-205-162-0001-00	655 MARION ST	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$0.00	\$0.00 \$0.00
24-205-202-0011-10	382 ORCHARD	DOUGLAS CORA 382 ORCHARD AVE MUSKEGON MI 49442	\$2,755.50	\$0.00 \$2,755.50
24-205-203-0001-10	391 ORCHARD	ROBINSON LN/HILDA 3237 LEAHY ST MUSKEGON MI 49444-3	\$1,102.20	\$0.00 \$1,102.20
24-205-151-0001-00	385 SUMNER A	MUSKEGON HOUSING 1080 TERRACE ST MUSEKON MI 49442	\$5,474.26	\$0.00 \$5,474.26
24-205-027-0006-00	419 SUMNER A	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$1,653.30	\$0.00 \$1,653.30
24-205-043-0001-00	716 WILLIAMS S	NIELSEN ROGER 420 CARMEN SPRING LAKE MI 49456	\$3,306.60	\$0.00 \$3,306.60
24-205-150-0012-00	0 WOOD ST	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$0.00	\$0.00 \$0.00
24-205-150-0010-10	507 WOOD ST	COLLINS KEYSHA M 507 WOOD ST MUSKEGON MI 49442	\$3,206.40	\$355.91 \$3,562.31
24-205-150-0010-00	521 WOOD ST	THOMPSON PATRICIA 521 WOOD ST MUSKEGON MI 49442	\$2,839.00	\$0.00 \$2,839.00
24-205-150-0009-00	531 WOOD ST	ELLIS ADES 2913 6TH ST MUSKEGON MI 49444	\$3,957.90	\$0.00 \$3,957.90
24-205-151-0005-00	615 WOOD ST	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$0.00	\$0.00 \$0.00
24-205-028-0001-00	650 WOOD ST	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$0.00	\$0.00 \$0.00

H-1495

Wood Street, Apple Avenue to Jackson Avenue

SPECIAL ASSESSMENT ROLL

PARCEL	@	PAVING	DR APP / SW	TOTAL
24-205-196-0001-00	703 WOOD ST	SMITH JULIA MUSKEGON MI 49442	\$7,381.40	\$0.00 \$7,381.40
24-205-043-0006-00	712 WOOD ST	CITY OF MUSKEGON MUSKEGON MI 49443	\$0.00	\$0.00 \$0.00
24-205-043-0007-00	732 WOOD ST	BAKER FANNIE/ET AL MUSKEGON MI 49442	\$2,204.40	\$0.00 \$2,204.40
24-205-044-0004-00	750 WOOD ST	SINGLETON JAMES L MUSKEGON MI 49442	\$1,336.00	\$0.00 \$1,336.00
24-205-044-0004-20	754 WOOD ST	SINGLETON JAMES L/J MUSKEGON MI 49442	\$1,336.00	\$120.30 \$1,456.30
24-205-044-0005-00	762 WOOD ST	HOUSEHOLD FINANCE ELMHURST IL 60126	\$1,546.42	\$0.00 \$1,546.42
24-205-198-0001-00	763 WOOD ST	FOX ANNIE MUSKEGON MI 49442	\$1,728.45	\$0.00 \$1,728.45
24-205-198-0008-00	767 WOOD ST	FOX ANNIE MUSKEGON MI 49442	\$1,202.40	\$0.00 \$1,202.40
24-205-044-0006-00	770 WOOD ST	STATE OF MICHIGAN LANSING MI 48909-7	\$2,204.40	\$0.00 \$2,204.40
24-205-198-0008-10	771 WOOD ST	STATE OF MICHIGAN LANSING MI 48909	\$0.00	\$0.00 \$0.00
24-205-198-0007-00	773 WOOD ST	STERENBERG ELEAN MUSKEGON MI 49442	\$1,102.20	\$0.00 \$1,102.20
24-205-044-0007-00	780 WOOD ST	JACKSON MICHAEL/DI MUSKEGON MI 49444	\$1,102.20	\$0.00 \$1,102.20
24-205-045-0009-00	802 WOOD ST	TRINITY VILLAGE NON MUSKEGON MI 49443-0	\$1,102.20	\$0.00 \$1,102.20
24-205-202-0001-00	807 WOOD ST	ROBINSON MARY MUKSEGON MI 49442	\$2,404.80	\$0.00 \$2,404.80
24-205-045-0010-00	812 WOOD ST	CITY OF MUSKEGON MUSKEGON MI 49443	\$0.00	\$0.00 \$0.00
24-205-202-0012-00	815 WOOD ST	ALMON MARY/J C MUSKEGON MI 49442	\$1,085.50	\$0.00 \$1,085.50
24-205-045-0011-00	818 WOOD ST	STATE OF MICHIGAN LANSING MI 48909	\$2,271.20	\$0.00 \$2,271.20
24-205-046-0005-00	850 WOOD ST	JOHN WESLEY AME ZI MUSKEGON MI 49442	\$2,755.50	\$0.00 \$2,755.50
24-205-203-0014-00	861 WOOD ST	WOODBURY CHARLES MUSKEGON MI 49442	\$1,469.60	\$0.00 \$1,469.60

H-1495

Wood Street, Apple Avenue to Jackson Avenue

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP	TOTAL	
							/ SW			
24-205-046-0006-00	864	WOOD ST	WELLS JAMES	2321 BAKER ST	MUSKEGON HT	MI	49444	\$1,653.30	\$0.00	\$1,653.30
24-205-203-0013-00	865	WOOD ST	A & D ASSOCIATES (11	2616 FALCON POINTE	GRAND RAPID	MI	49544	\$1,636.60	\$0.00	\$1,636.60
24-205-046-0007-00	868	WOOD ST	HAYES MINNIE B	868 WOOD ST	MUSKEGON	MI	49442	\$1,252.50	\$0.00	\$1,252.50
24-205-203-0013-10	871	WOOD ST	SINGLETON JAMES L	3925 E APPLE AVE	MUSKEGON	MI	49442	\$1,102.20	\$0.00	\$1,102.20
24-205-203-0012-00	877	WOOD ST	WALKER BILLY	1300 ADAMS	MUSKEGON	MI	49442	\$1,135.60	\$0.00	\$1,135.60
24-205-046-0008-00	886	WOOD ST	JOHN WESLEY AME ZI	886 WOOD ST	MUSKEGON	MI	49442	\$2,855.70	\$0.00	\$2,855.70
24-205-055-0006-00	918	WOOD ST	REDDER MARSHALL	3960 36TH ST SW	GRANDVILLE	MI	49418	\$2,204.40	\$0.00	\$2,204.40
24-205-211-0001-20	921	WOOD ST	TAYLOR NELLIE O/WIL	391 AMITY AVE.	MUSKEGON	MI	49442	\$1,736.80	\$0.00	\$1,736.80
24-205-055-0007-00	922	WOOD ST	COBB ADINE H TRUST	922 WOOD ST	MUSKEGON	MI	49442	\$2,070.80	\$0.00	\$2,070.80
24-205-211-0012-00	925	WOOD ST	PRIOR PHILIP H/KATH	925 WOOD ST	MUSKEGON	MI	49442	\$1,803.60	\$0.00	\$1,803.60
24-205-055-0008-00	926	WOOD ST	FORD WILLIE B	926 WOOD ST	MUSKEGON	MI	49442	\$1,235.80	\$0.00	\$1,235.80
24-205-055-0009-00	932	WOOD ST	CHILTON PATRICIA A	932 WOOD ST	MUSKEGON	MI	49442	\$1,169.00	\$0.00	\$1,169.00
24-205-211-0012-10	939	WOOD ST	CRITCHETT PAMELA J	1164 WILLSHIRE DR	MUSKEGON	MI	49445	\$1,302.60	\$0.00	\$1,302.60
24-205-055-0010-00	940	WOOD ST	CARTER JANICE	940 WOOD	MUSKEGON	MI	49442	\$2,137.60	\$0.00	\$2,137.60
24-205-056-0005-00	958	WOOD ST	CHARLES WILLIAM L	1481 BROOKWOOD D	MUSKEGON	MI	49441	\$1,102.20	\$0.00	\$1,102.20
24-205-056-0005-10	964	WOOD ST	CHARLES WILLIAM L	1481 BROOKWOOD D	MUSKEGON	MI	49441	\$1,102.20	\$0.00	\$1,102.20
24-205-056-0006-00	970	WOOD ST	CHARLES WILLIAM L	1481 BROOKWOOD D	MUSKEGON	MI	49441	\$2,204.40	\$0.00	\$2,204.40

H-1495

Wood Street, Apple Avenue to Jackson Avenue

SPECIAL ASSESSMENT ROLL

PARCEL	@	PAVING	DR APP / SW	TOTAL
TOTALS		\$102,001.93	\$737.86	\$102,739.79

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

BOARD OF ASSESSORS

CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATIO DATE

CLARA SHEPHERD CITY COMMISSIONER DATE

SCOTT SIERADZKI CITY COMMISSIONER DATE

Date: June 26, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Amend the Special Assessment Roll for
2000 Sidewalk Replacement Program (Area E4)

SUMMARY OF REQUEST:

It is requested that a public hearing be held to amend the special assessment roll for the 2000 Sidewalk Replacement Program and the to adopt the attached resolution confirming the amended Roll to include the following parcels:

- 1650 Madison
- 1291 Fleming
- 1382 Winters
- 1765 Huizenga
- 1359 Evanston
- 1040 Forest

The original roll that was adopted back on October of 2000 omitted the above-mentioned addresses due to either discrepancy of the property lines or the contractor's inability to complete the required work before aforementioned date.

FINANCIAL IMPACT:

A total of \$315,147.52 will be assessed against 549 parcels.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the second amendment to the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2001-74(b)

**Resolution to Amend the Special Assessment Roll
for THE 2000 SIDEWALK REPLACEMENT PROGRAM**

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the properties set forth in Exhibit A attached to this resolution on **March 14, 2000**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City. The original roll was adopted October 10, 2000, and it appears that the roll should be amended to include the properties located at 1650 Madison, 1291 Fleming, 1382 Winters, 1765 Huizenga, 1359 Evanston & 1040 Forest.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the amended roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING THE AMENDED SPECIAL ASSESSMENT ROLL
FOR THE 2000 SIDEWALK REPLACEMENT PROGRAM

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

By

Gail A. Kunderger
Gail A. Kunderger, City Clerk

CERTIFICATE

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

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **June 26, 2001**.

City of Muskegon

By

Gail A. Kunderger
Gail A. Kunderger, City Clerk

EXHIBIT A

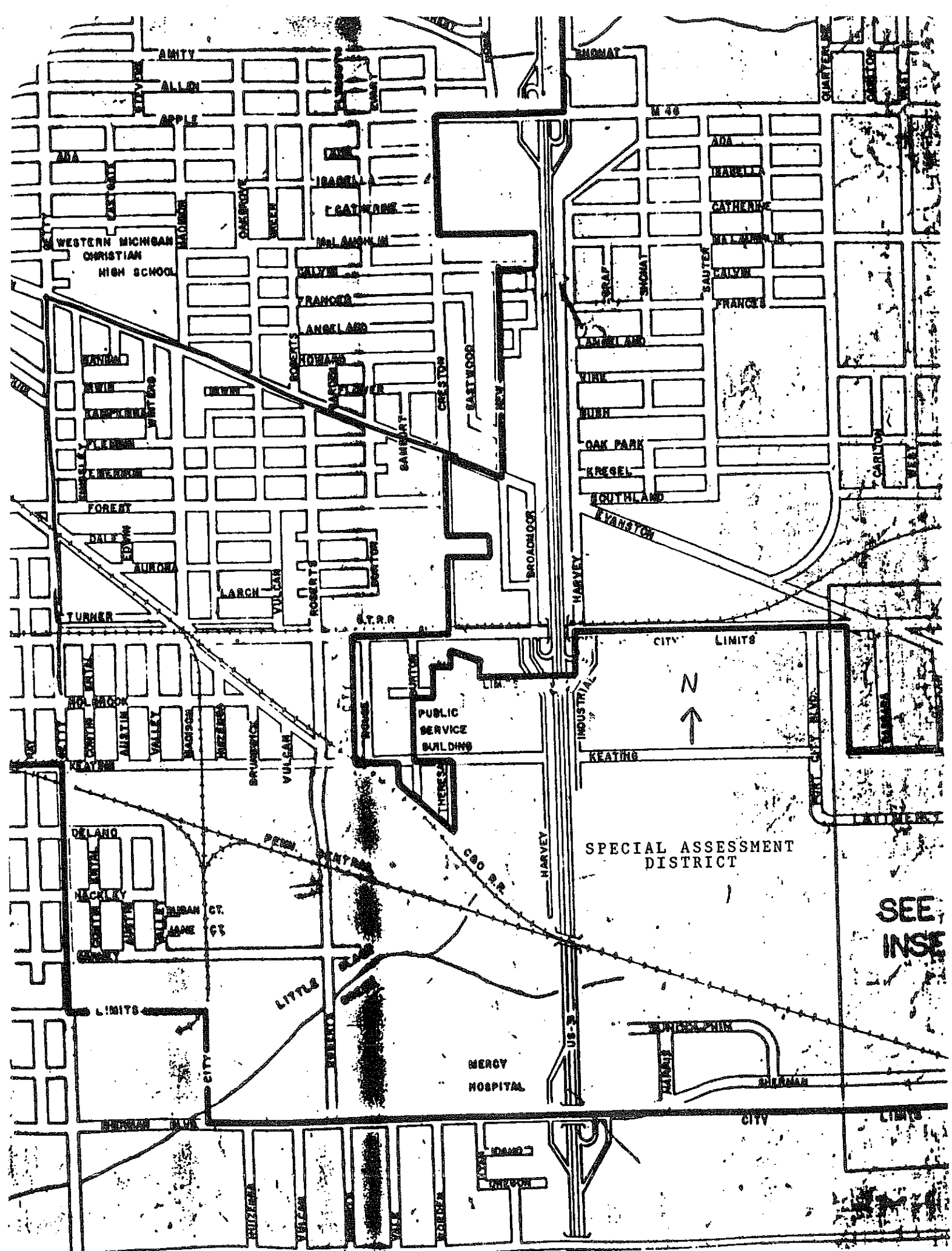
SIDEWALK REPLACEMENT PROGRAM FOR 2000

SPECIAL ASSESSMENT DISTRICT

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements or have not obtained the required permits by May 1, 2000 to complete the work themselves

AREA E-4 BOUNDED BY EVANSTON AVENUE TO THE NORTH, GETTY STREET TO THE WEST AND THE CITY LIMITS TO THE EAST AND SOUTH.

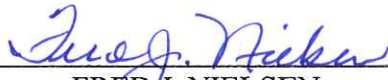


**THE 2000 SIDEWALK REPLACEMENT PROGRAM
(Area E 4)**

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY: 
FRED J. NIELSEN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MUSKEGON



West Michigan's Shoreline City

June 15, 2001

Property Number: _____ at _____

NOTICE OF HEARING TO CONFIRM THE AMMENDED SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

H-1507 Sidewalk Replacement Program for 2000

Public Hearings

A public confirmation hearing to amend the roll will be held in the City of Muskegon Commission Chambers on Tuesday, June 26, 2001 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED ON JUNE 26, 2001 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

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

Assessment Period: Ten (10) Years

Interest Rate: 5.00%

First Installment: _____

Due Date: August 27, 2001

«CDBG»

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

www.shorelinecity.com

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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

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

SPECIAL ASSESSMENT DISTRICT:

SIDEWALK REPLACEMENT PROGRAM FOR 2000

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

THOSE PROPERTIES PREVIOUSLY IDENTIFIED AS HAVING SIDEWALK DEFICIENCIES IN WHICH THE OWNERS HAVE NOT COMPLETED THE REQUIRED IMPROVEMENTS IN THE FOLLOWING LOCATIONS: AREA E-4 BOUNDED BY EVANSTON AVENUE TO THE NORTH, GETTY STREET TO THE WEST AND THE CITY LIMITS TO THE EAST AND SOUTH.

PLEASE TAKE NOTICE that a hearing to confirm the amended special assessment roll shall be held in the **City of Muskegon Commission Chambers on June 26, 2001 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **JUNE 16, 2001**

ADA POLICY

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

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

RECEIVED
CITY OF MUSKEGON

CITY OF MUSKEGON

MAR 24 2000

Resolution No. 2000-32(b)

Resolution At First Hearing Creating Special Assessment District
For The 2000 Sidewalk Replacement Program

ENGINEERING DEPT.

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

RECITALS:

A hearing has been held on **March 14, 2000** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.

2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 14, 2000**, there were 4.25 % objections by the owners of the properties in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

This resolution adopted.

Ayes, Commissioners Sieradzki, Spataro, Aslakson, Benedict, Nielsen,
Shepherd

Nays, None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 14, 2000**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

SIDEWALK REPLACEMENT PROGRAM FOR 2000

SPECIAL ASSESSMENT DISTRICT

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements or have not obtained the required permits by **May 1, 2000** to complete the work themselves

AREA E-4 BOUNDED BY EVANSTON AVENUE TO THE NORTH, GETTY STREET TO THE WEST AND THE CITY LIMITS TO THE EAST AND SOUTH.

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 14 TH DAY OF MARCH, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

THOSE PROPERTIES IDENTIFIED IN THE AREA LISTED BELOW AS HAVING SIDEWALK DEFICIENCIES IN WHICH THE OWNERS HAVE NOT COMPLETED THE REQUIRED IMPROVEMENTS OR HAVE NOT OBTAINED THE REQUIRED PERMITS BY MAY 1, 2000 TO COMPLETE THE WORK THEMSELVES.

AREA E4; bounded by Evanston Avenue to the north, Getty Street to the west, and the City Limits to the east and south.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON MARCH 4, 2000.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3RD DAY OF MARCH, 2000.

Gail A. Kundergi
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
20th DAY OF March, 2000.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

H-1507 SIDEWALK REPLACEMENT PROGRAM FOR 2000
REVISED SPECIAL ASSESSMENT ROLL

PARCEL	@	TAXPAYER	TOTAL
24-440-001-0022-00	1650	MADISON ST	
24-745-000-0022-00	1291	FLEMING AVE	
24-350-000-0008-00	1382	WINTERS ST	
24-440-002-0011-00	1765	HUIZENGA ST	
24-128-400-0009-00	1359	EVANSTON AVE	
24-655-003-0010-00	1040	FOREST AVE	
		ANDERSON DAVID B	
		GROSTICK HOWARD S II/DANA	
		PAGE RICHARD W	
		REAGEN KENNETH	
		SANTOSE JOSEPH H/TOWN VE	
		WESLEYAN METH CHURCH	
		1650 MADISON ST	
		1291 FLEMING	
		1382 WINTERS ST	
		1765 HUIZENGA	
		1359 EVANSTON AVE	
		1565 HUIZENGA	
		MUSKEGON MI	\$226.75
		MUSKEGON MI	\$2,415.62
		MUSKEGON MI	\$204.30
		MUSKEGON MI	\$528.02
		MUSKEGON MI	\$339.00
		MUSKEGON MI	\$2,285.41
		GRAND TOTAL	\$5,999.09

BOARD OF ASSESSORS:

- CLIFF TURNER, COUNTY EQUALIZATION DATE
- LAWRENCE SPATARO, CITY COMMISSIONER DATE
- JOHN ASLAKSON, CITY COMMISSIONER DATE

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 26 RD DAY OF JUNE, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING AMENDED SPECIAL ASSESSMENT DISTRICT:

H-1507 SIDEWALK REPLACEMENT PROGRAM FOR 2000

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON JUNE 16, 2001.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 15TH DAY OF JUNE, 2001.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2001.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

Commission Meeting Date: June 12, 2001

Date: 6/5/01

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Selection of Paint Supplier

SUMMARY OF REQUEST: To have the City Commission approve the CNS selection of O'leary paint as the supplier for the 2001 Summer paint program. CNS received two (2) quotes from suppliers – O'leary's Paint 3530 Airline Rd of Muskegon and Sherwin Williams 2425 Henry St. of Muskegon. Because of past success the CNS department would like to award the contract once again to O'leary Paint.

FINANCIAL IMPACT: Funds will be from the 2001 Community Development Block Grant Paint and Siding budget.

BUDGET ACTION REQUIRED: N/A

STAFF RECOMMENDATION: To approve the selection of O'leary Paint.

COMMITTEE RECOMMENDATION: N/A

Comparison Sheet

<u>Paint Category</u>	Sherwin-Williams	Unit	O'leary	Unit
Latex Flat	11.95	GAL	12.11	GAL
Latex Satin	11.95	GAL	12.35	GAL
Latex Primer	12.99	GAL	13.5	GAL
Latex Satin	12.95	GAL	13.11	GAL
Oil Semi-Gloss	15.95	GAL	16.95	GAL
Oil Stain	13.95	GAL	13.35	GAL
Oil Primer	14.95	GAL	13.5	GAL
Poly Enamel	13.95	GAL	16.95	GAL
Gloss Polyurethane	15.95	GAL	14.95	GAL
Poly Gloss	15.95	GAL	14.95	GAL
Floor Enamel	13.95	GAL	13.75	GAL
Metal Enamel	13.95	GAL	13.75	GAL
Floor Guard	13.95	GAL	16.4	GAL
Deck Oil	8.99	GAL	17.5	GAL

<u>Material</u>		
Window caulk - tubes	0.99	EACH
Window Glaze - gallon	7.99	
Window glaze - quart	2.99	4

<u>Supplies</u>		
Roller Frames	1.75	EACH
Roller Pans	1.99	EACH
Paint Rollers - 3/8"	1.99	EACH
Paint Rollers - 1/2"	1.99	EACH
Paint Scrapers 5-way	3.99	EACH
Wire Brush	1.99	EACH
Paint Brushes - 3"	4.5	EACH
Paint Brushes - 4"	5.25	EACH
Paint Thinner	1.99	GAL
Kilz	9.95	QUART
Kilz	12.95	GAL
Bee Spray	2.99	EACH

Totals	254.68	261.62
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Difference		<u>6.94</u>
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PRICE QUOTATION

Date: 05/04/01

Customer Name: CITY OF MUSKEGON
Address: 933 TERRACE ST

Telephone: _____
Account #: _____

City: MUSKEGON

State: MI Zip: 49443

Authorized Representative: GAIL KUNDINGER

Project Name No: 2001 SUMMER PAINT PROGRAM

Project Start Date: 05/01/01

Project Completion Date: 09/15/01

Check one: Single Purchase ? : ☐

Annual Requirements ? : Y

WE ARE PLEASED TO QUOTE YOU AS FOLLOWS:

SALES No.	SIZE	PROD No.	DESCRIPTION	QTY	PRICE	EX PRICE
6401-04378	GALLON	A6W16	A-100 FLT H&T WHT	0	11.95	.00
6401-04386	5 GAL	A6W16	A-100 FLT H&T WHT	0	11.95	.00
6401-22545	GALLON	A16W200	PM EX SC LX STN WHT	0	11.95	.00
6401-22552	5 GAL	A16W200	PM EX SC LX STN WHT	0	11.95	.00
600-0483	GALLON	B42W41	A100 EXT LTX PRIMER	0	12.99	.00
600-0491	5 GAL	B42W41	A100 EXT LTX PRIMER	0	12.99	.00
100-6261	GALLON	A82W510	A-100 STN H&T WHITE	0	12.95	.00
100-6279	5 GAL	A82W510	A-100 STN H&T WHITE	0	12.95	.00
1929-99993	GALLON	A40W5	CL99 ASG EN WH	0	15.95	.00
101-0487	GALLON	A2W26	SWP GLS WHITE	0	15.95	.00
104-5764	GALLON	A14T5	ST STN-ALK W PRESV	0	12.95	.00
104-5772	5 GAL	A14T5	ST STN-ALK W PRESV	0	12.95	.00
101-5452	GALLON	A14W534	EX AL SOL ST SNCP WT	0	13.95	.00
101-5403	5 GAL	A14W534	EX AL SOL ST SNCP WT	0	13.95	.00
710-8350	GALLON	Y24W20	A-100 ALK EXT WD PRM	0	14.95	.00
710-8376	5 GAL	Y24W20	A-100 ALK EXT WD PRM	0	14.95	.00
113-0855	GALLON	A33W82	FLR EN WHT	0	13.95	.00
102-1153	GALLON	A67V1	WOOD CLSC POLY GLS	0	15.95	.00
102-1153	GALLON	A67V1	WOOD CLSC POLY GLS	0	15.95	.00
113-0855	GALLON	A33W82	FLR EN WHT	0	13.95	.00
113-5318	GALLON	A24W15	ACR LTX FLR EN WHT	0	12.95	.00
7907-99993	GALLON	B54W101	IN EN PURE WHITE	0	13.95	.00
7912-99993	5 GAL	B54W101	IND EN PURE WHT	0	13.95	.00
113-0855	GALLON	A33W82	FLR EN WHT	0	13.95	.00
158-0257	GALLON		CLEAR WD SEAL-1'S	0	8.99	.00
151-8273	11 OZ		ACRY LTX CLK C850A	0	.99	.00
152-6854	GALLON		C66 GLZNG WHT - GL	0	7.99	.00
152-6847	QUART		C66 GLZNG WHT - QT	0	2.99	.00
180-1489	9 INCH		5 WIRE CAGE FRAME	0	1.75	.00
173-5349	9 INCH		METAL TRAY 9"	0	1.99	.00
155-1332	9 INCH		SHER-FAB COVER	0	1.99	.00
155-1340	9 INCH		SHER-FAB COVER	0	1.99	.00
171-4468	3 INCH		SW PREMIUM BRUSH	0	4.50	.00
171-4476	4 INCH		SW PREMIUM BRUSH	0	5.25	.00
153-8149	GALLON		PT THNNR-PLSTC GAL	0	1.99	.00
282-0199	EACH		S-IN-1 BL & SLVR	0	3.99	.00
180-1562	EACH		WIRE BRUSH-LONGHDL	0	1.99	.00
610-0028	GALLON	B79W10	PRBLK IN ALK PR/SLR	0	9.95	.00
610-0036	5 GAL	B79W10	PRBLK IN ALK PR/SLR	0	12.95	.00
144-2433	12 OZ		RESCUE WSP & HORNET	0	2.99	.00



**CITY OF MUSKEGON
2001 EXTERIOR PAINT PROGRAM
PAINT SUPPLIER BID**

CATEGORY	PRODUCT DESCRIPTION	UNIT	UNIT PRICE
LATEX FLAT	PROTECH EXTERIOR LATEX FLAT	GAL	12.11
LATEX STAIN	RUSTIC EXTERIOR LATEX STAIN	GAL	12.35
LATEX PRIMER	PROTECH EXTERIOR LATEX PRIMER	GAL	13.50
LATEX SATIN	PROTECH EXTERIOR LATEX SATIN	GAL	13.11
OIL SEMI-GLOSS	DURAMAX OIL SEMI-GLOSS	GAL	16.95
OIL STAIN	ALL-WEATHER S.C. OIL STAIN	GAL	13.35
OIL PRIMER	PRIME LOCK EXT. OIL PRIMER	GAL	13.50
POLY ENAMEL	DURAMAX POLY. GLOSS OIL ENAMEL	GAL	16.95
GLOSS POLYURETHANE	ALLPRO GLOSS POLYURETHANE	GAL	14.95
POLY GLOSS	ALLPRO GLOSS POLYURETHANE	GAL	14.95
FLOOR ENAMEL	KIN-AMEL GLOSS ENAMEL	GAL	13.75
METAL ENAMEL	KIN-AMEL GLOSS ENAMEL	GAL	13.75
FLOOR GUARD	50 LINE ANTI-SLIP COATING	GAL	16.40
DECK OIL	NATURAL DECK OIL WATER-BASE	GAL	17.50
WINDOW CAULK	PAINTER'S ACRYLIC LATEX CAULK	EACH	1.09
WINDOW GLAZE	WINDOW GLAZING	QUART	4.00
WINDOW GLAZE	WINDOW GLAZING	GAL	13.49
ROLLER FRAMES	4-WIRE ROLLER FRAME	EACH	1.15
ROLLER PANS	METAL ROLLER PAN	EACH	1.95
PAINT ROLLERS 3/8	3/8" NAP ROLLER COVERS	EACH	1.25
PAINT ROLLERS 1/2	1/2" NAP ROLLER COVERS	EACH	1.25
PAINT BRUSHES 3"	3" ALL-PURPOSE PAINT BRUSH	EACH	2.95
PAINT BRUSHES 4"	4" ALL-PURPOSE PAINT BRUSH	EACH	3.95
PAINT THINNER	PAINT THINNER	GAL	2.29
PAINT SCRAPERS 5-way	5 IN 1 SCRAPER/ GLAZIER KNIFE	EACH	3.49
WIRE BRUSH	DOB WIRE BRUSH	EACH	1.65
KILZ	KILZ PRIMER AEROSOL	AERO	2.99
KILZ	** PRIME LOCK PRIMER	GAL	13.50
	(Equals or exceeds performance of Kilz)		
BEE SPRAY	LYN WASP AND HORNET SPRAY	EACH	3.50

Mark Johnson

5-11-01



3530 AIRLINE RD. MUSKEGON, MI 49444 (810) 733-2181
800-444-2181

M e m o

Date: June 21, 2001

To: Honorable Mayor and City Commission

From: Community and Neighborhood Services

Re: Selection of Paint Suppliers for 2001 summer paint program

As you are aware your body postponed the selection of paint suppliers for this fiscal year because of several issues that were raised during the commission meeting held on June 5, 2001.

The issues or questions were the following:

Who is the staff person(s) that oversees and coordinates the paint program and how long is his tenure in the CNS department?

Our Rehabilitation Inspector is Marc Johnson and he has been in the CNS department since 1988, at the Inspector position.

Who has had the paint contract for the last eight years?

From 1992 – 1995 Port City Paint was the recipient of the City's paint contract. O'Leary Paint received the contract in 1996; Port City was the recipient once again in 1997. Since 1998 O'Leary has been the supplier for the paint program. Sherwin Williams last had the contract in 1990 and 1991.

What were some of the specific problems that existed when Sherwin Williams had the contract?

- **Paint needed not in inventory**
- **Paint not matching**
- **Sherwin Williams not able to match paint with stainer**
- **Paint bleed through**
- **Paint blistered**
- **Paint watery therefore causing additional coats.**

Quantity of Paint used during last years (2000) CNS Paint Program?

Exterior Latex Paint	1,146	Gallons
Exterior Latex Primer	145	Gallons
Gloss Oil Porch and Deck	28	Gallons
Exterior Oil Primer	8	Gallons
Anti-Slip Coating	6	Gallons
Exterior Latex Stain	37	Gallons
Exterior Oil Semi-Gloss	1	Gallons
Exterior Oil Stain	13	Gallons

I hope this information adequately answers all your questions concerning this issue.

2000 Paint Suppliers Comparisons

	Sherwin Williams			O'leary Paint		
	Q	P	T	Q	P	T
Latex	1,146	X 11.95=	13,694.70	1,146	x 12.11=	13,878.06
Primer	145x	12.99=	1,883.55	145x	13.55=	1,964.75
Oil Semi	1x	15.95=	15.95	1x	16.95=	16.95
Oil Stain	13x	13.95=	181.35	13x	13.35=	173.55
Oil Primer	8x	14.95	119.8	8x	13.5=	108
Deck Oil	28x	8.99	251.72	28x	17.5=	490
Floor Gd.	6x	13.95=	83.7	6x	16.4=	98.4
Total			16,230.77			16729.71
Difference					498.94	

RECEIVED

JUN 25 2001

MUSKEGON
CITY MANAGER'S
OFFICE

**CONTRACT FOR SUPPLIES AND COMMODITIES BETWEEN
THE CITY OF MUSKEGON DEPARTMENT OF
COMMUNITY & NEIGHBORHOOD SERVICES**

And

THE SHERWIN-WILLIAMS COMPANY

THIS CONTRACT, entered into as of this 29TH day of June, 2001 by and between the CITY OF MUSKEGON, DEPARTMENT OF COMMUNITY & NEIGHBORHOOD SERVICES hereinafter referred to as the "City", and THE SHERWIN-WILLIAMS COMPANY, hereinafter referred to as "Supplier".

WITNESSETH:

WHEREAS, the City is authorized to undertake certain activities in the provision of assistance through its Community Development Block Grant program, as funded by the U.S. Department of Housing and Urban Development;

WHEREAS, the City provides assistance through the administration of an annual Paint Program in conjunction with the undertaking of home improvements as its residents and/or citizens; and

WHEREAS, the City desires to engage the Supplier to render certain commodities and services specified by Neighborhood & Construction Services and attached hereto as Appendix A;

NOW THEREFORE, the parties hereto do mutually agree as follows:

SECTION 1: CONTRACT DOCUMENTS

The contract documents consist of this Contract and a Bid document in Appendix A. The information contained in Appendix A, as stated and incorporated by reference shall be considered fully a part of this Contract and shall be fully binding upon the City and the Supplier for purposes of this Contract.

SECTION 2: SCOPE OF SERVICE

The Supplier shall provide commodities and supplies under this Contract according to the specifications and prices identified in Appendix A. The Supplier shall do, perform and carry out this scope of work in a satisfactory and proper manner, as determined by the City, to accomplish the objectives defined herein.

SECTION 3: TIME OF PERFORMANCE

The services of the Supplier are to commence upon June 29, 2001, and shall continue until completion of the City's 2001 Summer Paint Program, as proposed, ending no later than August 15, 2001.

A. Quality of Material

The Supplier fully understands that in the event that the product supplied to the City of Muskegon is determined defective in any matter as determined by the City of Muskegon's Community and Neighborhood Services Rehabilitation staff and/or the Community and Construction Services; the Supplier agrees to replace the material at no cost to the City and if necessary also agrees to pay for the labor that was affected by the defection of the material. (i.e. repainting of the house as well as reimburse City Contractors for lost production caused by unavailability of supplies. Defective product is defined as paint not matching, paint watery, paint blistering, paint bleeding, etc.)

SECTION 4: COMPENSATION

The City shall compensate the Supplier for the above commodities and services in strict accordance with the specifications and bid prices contained in Appendix A. Requests for budget revisions are subject to the review of the City. In no case shall payment for commodities and supplies provided under this Contract exceed bid amounts without prior written City approval. Payments shall be made upon presentation of proper invoices and documentation to support all costs billed. Request for payment should be submitted monthly and should be itemized according to quantities and types of supplies and commodities provided. In addition, the Supplier shall provide documentation of each supply request made by the City as support for the payment request.

All payments under this Contract shall be made according to the regular City of Muskegon, Michigan bi-weekly payment schedule. Payment requests must be received by the City no later than 12:00 noon on Friday of the week before for payment to be made available by Friday of the following week. Payment requests shall be processed according to the date and time the request is received by the Department of Neighborhood and Construction Services.

The Supplier will be paid, reimbursed, or otherwise compensated solely with funds provided by the U.S. Department of Housing and Urban Development. The Supplier expressly understands and agrees that all rights, demands and claims to compensation arising under this Contract shall be conditioned and contingent upon receipt of such funds by the City of Muskegon. In the event that such funds are not received by the City for any reason, the Supplier expressly agrees and covenants to hold and save harmless the City or its agents or employees from any costs, expenses, liabilities, or obligations arising from the claims of any person or persons for any cost they have incurred or claim to have incurred by reason of subcontract or subagreement with the Supplier.

SECTION 5: NON-DISCRIMINATION/EQUAL OPPORTUNITY

A. Non-discrimination in the Provision of Services

The Supplier agrees that no person shall, on the grounds of race, religion, color, national origin, sex, age, handicapped condition, ancestry, family status or veterans status be excluded from participation in, denied commodities/services of, or otherwise be subjected to discrimination in the delivery of commodities/services herein. The Supplier shall comply with all existing Federal, State, and local laws, rules and regulations regarding equal opportunity and non-discrimination, affirmative action procedures, fair housing, and laws, rules and regulations regarding the prescribed use of CDBG funds.

B. Non-discrimination in Employment

The Supplier agrees to not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, handicapped condition, national origin, ancestry, veterans status, or family status. The Supplier will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, color, sex, age, handicapped condition, national origin, ancestry, veterans status, or family status. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship.

SECTION 6: SUBCONTRACTS

The Supplier shall not enter into any agreement, written or oral, with any subcontractor or permit any subcontractor to perform any work covered by this Contract until the Supplier has requested and received written approval of such agreement from the City.

The Supplier shall insure that all subcontracts let in the performance of this Contract shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the City along with documentation of the selection process.

The Supplier shall exclude all of the provisions of this Contract to be included in, and made a part of, any subcontract executed in the performance of this Contract.

The Supplier shall be as fully responsible to the City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by the subcontractors, as the Supplier is for the acts and omissions of persons directly employed by the Supplier.

SECTION 7: INDEMNIFICATION

- A. The City and Supplier acknowledge that the Supplier is an independent contractor in all of the Supplier's activities and that in the course of such activities, at no time do the Supplier, its officers, directors (trustees), members employees, volunteers, or other persons acting on behalf of Supplier become the agents of the City for any purpose, and at no time shall the City become liable in any manner whatever for any of the actions or activities of the Supplier, its officers, directors (trustees), members, employees, volunteers, or other persons acting on behalf of the Supplier.

In the event any person shall undertake to hold the City liable for any conduct or activities of the Supplier, its officers, directors (trustees), members, employees, volunteers, or other person acting on behalf of the Supplier, the Supplier expressly agrees to hold the City harmless of and from any such liability in respect to bodily or personal injury, death, and property damage arising from acts or omissions, or violations of civil rights or discrimination laws, state or federal.

- B. Nothing contained in this Contract is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the City and the Supplier. The City shall be exempt from payment of all employee benefits including Unemployment Compensation, FICA, retirement, life and/or medical insurance and Worker's compensation Insurance on behalf of the Supplier. If any portion of the Supplier's CDBG allocation under this Contract is used to pay employee benefit costs, the Supplier is still wholly responsible for payment of these costs and settlement of any claims resulting from its actions.
- C. The Supplier shall comply with the provisions of the contract agreement, and likewise agree to hold and save the City, its officers, agents and employees harmless from liability of any nature or kind including costs and expenses for, or on account of, any or all suits for damages sustained by any persons or property resulting in whole or in part from the negligent performance or omissions of any employee, agent or representative of the Supplier.

SECTION 8: CONTRACT DURATION AND TERMINATION PROVISION

- A. This Contract shall become effective June 29, 2001. This Contract shall be in effect for one and one-half (1 1/2) consecutive months from the effective date unless terminated according to the provisions of this Section.
- B. This Contract may be terminated by the City for failure of the Supplier to comply with the terms of the Contract upon fifteen (15) days written notice to the Supplier.
- C. If the Supplier shall fail, refuse or neglect to comply with the provisions of Section 5: Non-discrimination/Equal Opportunity, such failure shall be deemed a total breach of the contract and such contract may be terminated, canceled or suspended, in whole or in part, and the Supplier may be declared ineligible for any further City contracts for a period of up to one year. In addition, the Supplier may be declared ineligible for further U.S. government contracts.

- D. The Contract may be terminated for convenience by either party, in accordance with 24 CFR 85.44, at any time upon thirty (30) days written notice to the other party.
- E. If the Contract is terminated, canceled or suspended according to the provisions of this Section, the Supplier shall have no claims for damages against the City on account of cancellation or suspension or declaration of ineligibility.

SECTION 9: MODIFICATION AND RENEGOTIATION

- A. This Contract will be subject to modification and/or renegotiation to conform with any changes caused by amendments or revisions in Federal laws and regulations. This Contract may also be modified to reflect changes in funding amounts or other grant conditions related to the use of U.S. Department of Housing and Urban Development funds.
- B. The City or the Supplier may amend this Contract at any time provided that such amendments make specific reference to this Contract and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the City of Muskegon. Such amendments shall not invalidate this Contract, nor relieve or release the City or the Supplier from its obligations under this Contract.

SECTION 10: ALL TERMS AND CONDITIONS ARE INCLUDED IN CONTRACT

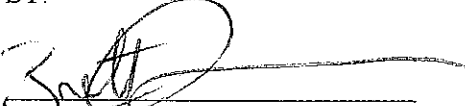
This Contract contains all the terms and conditions agreed upon by the parties. All items incorporated by reference, including Appendix A, and referenced federal regulations, are made wholly a part of this Contract as if incorporated herein. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the parties hereto and hereinafter set their hands and seals on the day and year hereinabove written.

CITY OF MUSKEGON, MICHIGAN
BY:

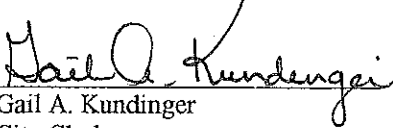

Fred Nielsen, Mayor

THE SHERWIN-WILLIAMS COMPANY
BY:

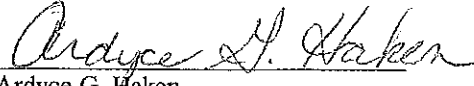

Brett Krouse, Store Manager

34-0526857
Federal Tax ID Number

ATTEST:


Gail A. Kunderinger
City Clerk

WITNESS:


Ardyce G. Haken
Housing Specialist

Commission Meeting Date: January 23, 2001

Date: January 3, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Alley Vacation in Jeannot Court, Block 2

SUMMARY OF REQUEST:

Request for vacation of the existing east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Planning Commission recommended denial of the request for vacation of the proposed alley. The vote was:

Yes (Denial):	Abraham, Mazade, Nielsen, Smith, Sartorius, Coleman, Kleaveland
No:	Aslakson
Absent:	Veltkamp

CITY OF MUSKEGON
RESOLUTION NO. 2001-75(b)

WHEREAS, petition to vacate and discontinue the following described portion of the public alley was submitted by Helen M. Johnson of 949 W. Wilson Avenue, Muskegon, Michigan 49441:

The east half of the east/west public alley located adjacent to Lots 1 through 3, Block 2 of Jeannot Court, Subdivision in the City of Muskegon; and

WHEREAS, the planning commission held a public hearing on December 13, 2000, to consider the petition and, subsequently, recommended denial of the vacation; and

WHEREAS, on January 23, 2001, the city commission considered the recommendation of the planning commission and denied the vacation; and

WHEREAS, on February 27, 2001, the city commission considered the recommendation of the planning commission and decision of the city commission on January 23, 2001, and approved the vacation; and

WHEREAS, the resolution approving vacation adopted on February 27, 2001, was recorded with the Muskegon County Register of Deeds at Liber 3159, Page 332 and forwarded to the State; and

WHEREAS, property owners raised questions as to appropriate notice of prior meetings; and

WHEREAS, the city commission determined to reconsider prior action, provided due notice to all affected property owners, and on June 26, 2001, met to consider the recommendation of the planning commission and prior action by the city commission;

NOW, THEREFORE, BE IT RESOLVED, that the city commission deems it advisable to the public interest to vacate and discontinue the alley;

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

BE IT FURTHER RESOLVED, that after any maintenance and repair by the city, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The city shall not be responsible to replace special planting, landscaping, fences or any structure.

No structure shall be placed in the easement which, in the sole judgment of the city, will interfere with the repair or maintenance of utilities in the easement, public or private.

BE IT FURTHER RESOLVED, that this Resolution shall supercede and take the place of Resolution No. 2001-24(B), recorded with the Muskegon County Register of Deeds at Liber 3159, Page 332.

Adopted this 26th day of June, 2001

AYES: Spataro, Aslakson, Benedict, Shepherd

NAYS: Nielsen, Schweifler

ABSENT: Sieradzki

CITY OF MUSKEGON

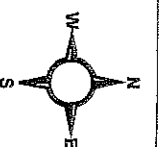
By Gail A. Kunding
Gail A. Kunding, Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission for the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 26, 2001.

Gail A. Kunding
Gail A. Kunding, City Clerk

City of Muskegon Planning Commission Case #2000-47



 = Subject Property(ies)
 = Notice Area



WINDSOR AV

W LAKETON AV

BARCLAY ST

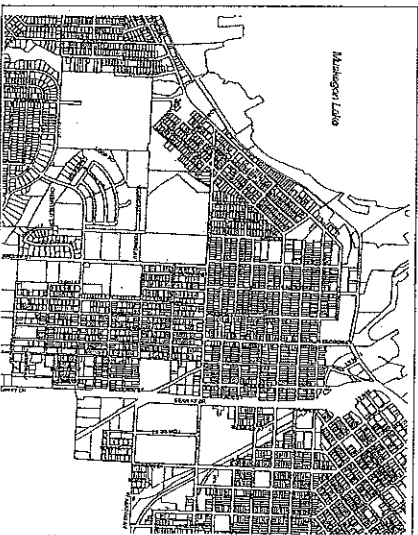
NEVADA ST

FRANKLIN ST

DOWD ST

HUDSON ST

Muskegon Lake



CITY OF MUSKEGON

RESOLUTION 2001-7(d)

RESOLUTION TO VACATE A PUBLIC ALLEY

(DENIAL)

WHEREAS, a petition has been received to vacate the existing east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St., City of Muskegon; and

WHEREAS, the Planning Commission held a public hearing on December 13, 2000 to consider the petition and subsequently recommended denial of the vacation; and

WHEREAS, due notice had been given of said hearing as well as the January 23, 2001 City Commission meeting to consider the recommendation of the Planning Commission;

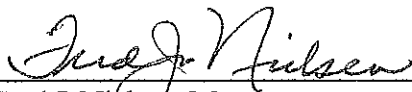
NOW, THEREFORE, BE IT RESOLVED that the City Commission does not deem it advisable for the public interest to vacate and discontinue the alley;

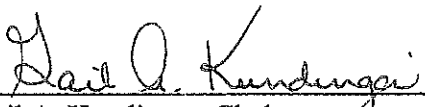
Adopted this 23rd day of January 2001.

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

Nays: None

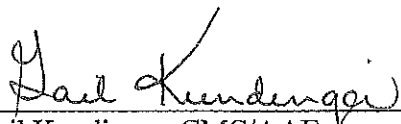
Absent: None

By: 
Fred J. Nielsen, Mayor

Attest: 
Gail A. Kunderinger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on January 23, 2001.


Gail Kunderinger, CMC/AAE
Clerk, City of Muskegon

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

December 13, 2000

Hearing; Case 2000-47: Request for vacation of the existing east/west alley in Jeannot Court, Block 2 (bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.), by Helen Johnson.

BACKGROUND

In 1994, the west half of this alley was vacated, at the request of WESCO, Inc. Ms. Johnson is currently requesting to vacate the remaining portion of this east/west alley. There is an existing north/south alley in the same block, which is not part of this request, and will remain open as a dead-end alley if this request is approved.

The City Engineer has no objections to vacating this portion of alley, provided that all easement rights are retained. The Fire Marshal has no objection to vacating this portion of alley. Staff has not yet received comments from the Department of Public Works.

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES
[EXCERPT]

December 13, 2000

The meeting was called to order at 4:04 p.m. by Chairman P. Sartorius, and roll was taken.

MEMBERS PRESENT: M. Kleaveland, B. Mazade, F. Nielsen, L. Abraham, D. Coleman,
P. Sartorius, J. Aslakson, , B. Smith

MEMBERS ABSENT: P. Veltkamp, excused

STAFF PRESENT: D. Steenhagen, L. Anguilm, B. Moore

OTHERS PRESENT: Steve Gunn, *Muskegon Chronicle*; Charles Johnson, 1954 Jarman;
John Johnson, son of applicant Helen Johnson; Joe from WESCO,
2125 Carter, Norton Shores; Student from Muskegon High School,
445 Houston

PUBLIC HEARINGS

Case 2000-47 - Request for vacation of the existing east/west alley in Jeannot Court, Block 2 (bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.), by Helen Johnson - D. Steenhagen gave the staff report and indicated that in 1994, the west half of this alley was vacated, at the request of WESCO, Inc. Ms. Johnson is currently requesting to vacate the remaining portion of this east/west alley. There is an existing north/south alley in the same block, which is not part of this request, and will remain open as a dead-end alley if this request is approved. Staff recommends the request be approved. The City Engineer has no objections to vacating this portion of alley, provided that all easement rights are retained. The Fire Marshal has no objection to vacating this portion of alley. Staff has not yet received comments from the Department of Public Works. J. Johnson and C. Johnson both spoke on behalf of their mother, Helen Johnson. They explained the reasons for the request and answered questions from Commissioners. They stated that there has been a large increase in traffic through the remaining alley since the west half was vacated in 1994. They also felt that since WESCO has been using the alley that damage has been done on their property by large delivery trucks entering and exiting through the east end of the alley. Joe, representing WESCO, explained the reason that it would pose a hardship on the business if the alley was closed. Their trucks do use the alley for deliveries to avoid disturbing the neighbors on Nevada Street. A motion to close the public hearing was made by B. Mazade, supported by M. Kleaveland, and unanimously approved. A motion to recommend to the City Commission that the vacation of the east/west alley in Jeannot Court, Block 2 be denied because it is a public alley and objections were raised by neighboring property owners, was made by M. Kleaveland, supported by F. Nielsen, and approved by majority vote, with J. Aslakson voting no.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 23, 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, January 23, 2001.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

001-7 CONSENT AGENDA:

c. Request to Dissolve a Planned Unit Development for 1050 West Western Avenue (Waterfront Centre). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to dissolve the Planned Unit Development (PUD) previously granted for a mixed-use development at 1050 W. Western Ave. (Waterfront Centre)

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request. The vote was unanimous.

d. Alley Vacation in Jeannot Court, Block 2. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for denial of vacation of the existing east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Planning Commission recommended denial of the request for vacation of the proposed alley. The vote was:

Yes (Denial): Abraham, Mazade, Nielsen, Smith, Sartorius, Coleman, Kleaveland

No: Aslakson

Absent: Veltkamp

e. 2001 Water Treatment Chemical Bids. WATER FILTRATION PLANT

SUMMARY OF REQUEST: Recommend endorsement of lowest responsible bidders to supply aluminum sulfate, sodium hypochlorite, and fluoride for the Water Filtration Plant.

FINANCIAL IMPACT: Annual cost of \$70,975.00 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED: None at this time. These chemicals are budgeted annually.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission endorse the low bid received and the contract renewals and enter into contracts with General Chemical, Alexander Chemical, and Lucier Chemical for aluminum sulfate, sodium hypochlorite, and fluoride respectively.

f. DNR Agreement for Engineering Study. LEISURE SERVICES

SUMMARY OF REQUEST: Authorize the Mayor and Clerk to sign the agreement with the DNR to help fund the Engineering study for Hartshorn Marina.

FINANCIAL IMPACT: They will fund 50% of the \$22,500 project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

g. Port City Princess. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the Mayor and Clerk to sign the agreement with the Port City Princess.

FINANCIAL IMPACT: The basic payment is \$4,500. Which is higher than the 1.5 times the 40' slip rate in past contracts.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

h. Fertilizer Bids. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to Lesco to supply fertilizer for application on both parks and cemeteries for 2001.

FINANCIAL IMPACT: \$30,651

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

i. Resolution for Charitable Gaming License (Muskegon Yacht Club). CITY CLERK

SUMMARY OF REQUEST: The Muskegon Yacht Club is requesting a resolution recognizing them as a non-profit organization so they can hold a raffle.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

Motion by Commissioner Aslakson, second by Commissioner Shepherd to approve the consent agenda with the exception of item a and b.

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

ADOPTED

2001-8 ITEMS REMOVED FROM THE CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, January 8, 2001; and the Regular Commission Meeting that was held on Tuesday, January 9, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

Motion by Vice-Mayor Sieradzki, second by Commissioner Aslakson to approve the minutes with the correction in the spelling of Pat Montney's name and add the group she represents.

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

ADOPTED

b. Community Relation Committee 2001 Appointments. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To approve the recommendations from the Community Relation Committee.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Spataro, second by Commissioner Aslakson to accept the appointments as submitted.

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

ADOPTED

2001-9 PUBLIC HEARINGS:

a. Special Assessment District Barclay Street. ENGINEERING

⁵ SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Barclay Street, Sherman to Hackley, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

2-27-01
LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City is participating with the public improvements on the Lakefront LLC property (former Teledyne property), through the Clean Michigan Initiative (CMI) Grant and a special assessment to the property owners. The public improvements include a new roadway and utilities through the site. In order to move forward on the construction of public improvements (and to meet the requirements of the CMI grant), a development agreement between the City of Muskegon and Lakefront LLC has been prepared. Lakefront LLC partners have signed the document and the City Commission is asked to approve the document, as well.

FINANCIAL IMPACT: The cost of the public improvements will be paid for with the CMI grant, as well as a special assessment to the property owners.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To approve the attached "Development Agreement" between Lakefront LLC and the City of Muskegon, and to authorize the Mayor and Clerk to sign.

Motion by Commissioner Shepherd, seconded by Commissioner Spataro to approve the development agreement between the City of Muskegon and Lakefront LLC.

ROLL CALL: AYES; Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

NAYS: None

ADOPTED

- b. **RECONSIDERATION: Denial of Alley Vacation in Jeannot Court, Block 2.**
PLANNING & ECONOMIC DEVELOPMENT (This item was on the meeting of January 23, 2001 and City Commission approved to deny the request to vacate) Item brought back to commission by Commissioner Aslakson.

SUMMARY OF REQUEST: To reconsider this item at this meeting so as to allow the original petitioners an opportunity to speak on this item. There was a mix up with the notice of the meeting that this item would be presented at and those individuals never received an opportunity to speak before the City Commission on this request. City Commission voted to deny the request for the vacation of east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada Street, Windsor Ave., and Franklin Street. This vote was taken at the January 23, 2001 meeting.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

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

Motion by Commissioner Aslakson, seconded by Commissioner Benedict to

approve the request to vacate the existing east/west alley of block 2 Jeannot Ct.

ROLL CALL: AYES; Spataro, Aslakson, Benedict, Nielsen, Shepherd

NAYS; Sieradzki

ADOPTED

c. Renaissance Zone Request/ Dudley Corporation (Shoreline Inn & Suites).
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Dudley Corporation, 2920 Business One Drive, Kalamazoo, Michigan, has requested the establishment of a Renaissance Zone for the completion of a new hotel project located at 301 Terrace Point Drive, Muskegon, Michigan.

FINANCIAL IMPACT: Existing and future real and personal property taxes will be exempted for a period of 13 years. Additional income taxes on the creation of 28 full-time equivalent jobs will be collected by the City of Muskegon.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To approve the attached resolution and development agreement establishing a Renaissance sub-zone for the hotel project property, 301 Terrace Point Drive, contingent upon the issuance of a \$115,000 letter of credit by a federally insured bank with the City of Muskegon as the sole loss payee.

Motion by Commissioner Benedict, seconded by Commissioner Aslakson to deny the request to establish a Renaissance Zone the hotel project at 301 Terrace Point Drive.

ROLL CALL: AYES; Sieradzki, Aslakson, Benedict, Nielsen,

NAYS; Spataro, Shepherd

ADOPTED

d. Getty Street Corridor Study. **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: At the February 15th Planning Commission meeting, there was a public hearing and the Getty Street Corridor Study was adopted and recommended for City Commission approval. The plan targets a specific approach of achieving the objectives of urban design, circulation improvement, land use compatibility, and economic development enhancement. As a sub-area plan, Getty Street Corridor Study becomes a part of the Master Plan.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Adopt the plan by passing the attached resolution.

Motion by Commissioner Aslakson, seconded by Commissioner Benedict to





Franklin
Very open

6-21-01

(4) neighbors
highlighted
in these

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01
Name Mike Austen
Address 1485 Evanston
Comments

Date 6-18-01
Name Joel Price
Address 2010 Riley-Thompson Rd
Comments

Date 6-18-01
Name Chad H.
Address 4007 S. Brooks
Comments

Date 6-18-01
Name Dan Kaeliff
Address 1007 Windsor
Comments

Date 6/18/01
Name Dan Walters
Address 2937 Coolidge
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name CHARLES SNYDER

Address 984 W. GRAND AVE

Comments

Date 6-18-01

Name Jamie Bostron

Address 2504 morton

Comments Need to keep traffic
is to Heavy for it not to stay
open. much EASIER for Big trucks.

Date 6-18-01

Name [Signature]

Address Madison

Comments

Date 6-18-01

Name DARWIN CUMINGS

Address 1012 WASHINGTON

Comments

Date 6-18-01

Name Bill Gaunt

Address 2412 DEBaker

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name Pamie Hastings

Address 1478 Glenmoor Apt E

Comments What a [redacted] petty issue to concern the council with.

Date 6-18-01

Name Neer City

Address 2231 Blodgett

Comments

Date 6-18-01

Name DAVID Doremire

Address 3228 Pantalone rd

Comments

Date 6-18-01

Name FRANK BURESTY

Address 1485 LAKESHORE DR.

Comments

Date 6-18-01

Name Scott Smith

Address 2104 Forest Hills

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name Robert Bisson

Address 1589 Division

Comments

Date 6-15-01

Name Ruth Stever

Address 1004 Ireland

Comments

Date 6-18-01

Name Starr Baldeo

Address 2070 Torrance

Comments

Date 6-18-01

Name Harry Doman

Address 3386 9th Ravenna Rd

Comments

Date 6/18/01

Name Arthur Thurston

Address 3164 Dune ST

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name MICHAEL ARCHER

Address 966 WASHINGTON

Comments

Date 6/18/01

Name Victoria Stetson

Address 1911 Franklin

Comments

Date 6-18-01

Name Anna Carson

Address 1905 Ireland

Comments

Date 6-18-01

Name Randy Shriver

Address 1426 Beal St.

Comments

Date 6/18/01

Name Terri Cowles

Address 1680 Woodree K

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01
Name Rick Horsting
Address 3260 Lorrimer Lane
Comments

Date 6-18-2000
Name Janet Thomas
Address 2088 Berkeley
Comments

Date 6-18-2001
Name Elsa Avila
Address 1026 W. Lafayette
Comments

Date 6-18
Name Chris Webb
Address 17980 CURE CPT 15
Comments

Date 6-18
Name Gay M. Lyle
Address 1789 M'GRAFT T
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18/01

Name Arthur Verschuur

Address 965 Young Ave

Comments

Date 6/18/01

Name Gina Califf

Address 1021 Washington

Comments why?

Date 6/18/01

Name Barb Bortean

Address 1284 Lake Shore Dr.

Comments

Date 6/18/2001

Name Tom Blum

Address 185 W. Lakewood Dr

Comments

Date 6-18-01

Name ALEX AHUMADA

Address 1640 MC CRAFT ST.

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18/01

Name BOB GANNON

Address 3145 GLBNSIDE

Comments GOVERNMENT POLITICS

Date 6-18

Name ANDY VESPLITS

Address 3050 MAPLEHURST RD X105

Comments

Date 6-18

Name ANNA GALE

Address 3868 Elmore

Comments

Date 6-18

Name CANDICE SHAW

Address 1028 SOUTHERN

Comments GO TO MUSKOGEE, OK. NO ALLEYS. HARD PLACE TO GET AROUND IN.
BAD IDEA

Date 6-18

Name Deb Lindsay

Address 1045 W Larch

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18
Name PETER ERNST
Address 2531 CATHEVEY LANE
Comments

Date 6/18
Name GRAY FOX
Address 1599 FIFTH
Comments

Date 6/18
Name TOM BOOMER
Address 18951 168th AV
Comments

Date 6-18
Name Rocky Ramirez
Address _____
Comments

Date 6/18
Name STEVEN PARKS
Address 1721 HUDSON
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-15-2001

Name Helen Shannon

Address 1390 Palmer Ave

Comments

Date 6-15-2001

Name LESA Dodge Lisa Dodge

Address 1004 Young Ave

Comments I appreciate not having the large trucks
come down to Young Ave to cut over
to Henry Street. There's a playground
there & lots of Ball players ground
the area!

Date 6-15-2001

Name Nicole Clement

Address 1841 Nevada

Comments

Date 6-18-2001

Name Mary Brandel

Address 265 Church St.

Comments

Date 6-18-01

Name VANESSA BRANDEL

Address 401 E Apple

Comments

KEEP OPEN - LESS CONGESTION THE
BETTER!

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18
Name Paul Smith
Address 1212 W. Dale Ave.
Comments

Date 6/18
Name Mike Rose
Address 2149 Kinsay
Comments

Date 6/18
Name Shawn Fettukoff
Address 2514 Wesley
Comments

Date 6/18
Name Jon B...
Address 2006 Sixth
Comments

Date 6.18
Name RICHARD B. MERRICK
Address 966 IRELAND
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name Shaun Kenney

Address 2265 Estes

Comments

Just keep it clean.

Date 6/18/01

Name Thony DeJesus

Address 832 W. March

Comments

Date 6/18

Name Rick Douglas

Address 1152 W. Grand

Comments

Date 6/18

Name Corbin Johnson

Address 1152 W. Grand

Comments

Date 6/18

Name Randy Oliva

Address 687 W. Dale Ave.

Comments

good choice

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date

Name R.L. Kirschner Jr

Address 1860 Nevada

Comments

— neighbor

Date 6-18-01

Name ROBERT FITZGERALD

Address 1097 SOUTHERN AVE

Comments

Date

Name 6/18/01 Mr. Pineda

Address 1333 Montgomery

Comments

Date

Name 6/18/01 Walt Old

Address 3835 E 11th

Comments

Date 6-18-01

Name N. Laska

Address 2330 Scenic Dr.

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18/01
Name Merdiv Vega
Address 1012 W. Forest
Comments Good Idea

Date 6-18-01
Name Cowen Stark
Address 3279 Charles
Comments

Date 6-18-01
Name Kathryn Wynne
Address 1281 Nevada
Comments

- neighbor

Date 6-18-2001
Name Ann Kelley
Address 2896 DeWood
Comments

Date 6-18-01
Name Rose Alaszka
Address 1264 Montgomery
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name James P. Mockenzie

Address 1054 W Grand

Comments

Date 6-18-01

Name Mary Facchini

Address 1851 Nevada

Comments

Date 6-18-01

Name Sharon Barber

Address 3231 Baltwood

Comments

Date 6-18-01

Name D. O. Bates

Address 1720 Kerklin

Comments

Date 6-18-01

Name Michael C. Devault

Address 1089 1/2 MI AVE MUSK.

Comments

neighbor

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date _____
Name C. Zuhrt
Address 22184 Estes
Comments _____

Date 6-18-01
Name Dawn Rowe
Address 1381 Montgomery Ave
Comments _____

Date 6-18-01
Name William Singleton
Address 771 Ada Ave
Comments _____

Date 6-19-01
Name Michelle Carey
Address 1131 Adams
Comments _____

Date 6-19-01
Name Jerry Link
Address 2024 Larch
Comments _____

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18/18
Name Ronae Onceano
Address 2237 Hamour ST
Comments M-Skegan HI

Date 6-18
Name Helen LaMore
Address 2101 Barclay
Comments

Date 6-18
Name Julie Bruni
Address 1466 W 2nd
Comments

Date 6-18
Name Tricia Dauter
Address 2230 Sherin
Comments

Date 6-18
Name David Chant
Address 841 Nevada
Comments

neighbor

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01
Name WAYNE Hill
Address 1974 N. BAYS Rd.
Comments I use it Quite often!

Date 6-18-01
Name Richard Weller
Address 2221 Dowd St musk MI
Comments WE USE IT

Date 6-18-01
Name Chris Botbyl
Address 1974 Hudson St,
Comments We use it often!

Date 6-18-01
Name Tam Holmberg
Address 13716 Vink Dr. S.L. MI
Comments

Date 6-18-01
Name Sonya Decker
Address 1012 W. Grand
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-26-01
Name Robert Pollack
Address 1750 Dupont
Comments

Date 6-26
Name Kathy Hunt
Address 4015 Briarwood Ln.
Comments
Customer convenience.

Date 6-26
Name JASON HASSALEURIS
Address 2075 LAKESHORE DR
Comments

Date 6-26
Name Jamarcus Jones
Address 922 W. Panther
Comments

Date 6-26
Name Jeffrey A. Brandt
Address 12333 Lakeshore
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/26/01
Name Wayne Haker
Address 3964 Manning 49444
Comments

Date 6-26-01
Name John A. Dwyer
Address 2742 VALK
Comments

Date 6-26-01
Name Curt Mosier
Address 2043 1/2 ESTER.
Comments

Date 6/26/01
Name Mark J. Altieri
Address 1733 Barclay St.
Comments

Date 6/26/01
Name Mike Alderink
Address 2120 Blodget
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-26-01
Name Glenna Mitchell
Address 1687 Huzenga
Comments

Date 6/26/01
Name Michelle Morey
Address 1511 Montgomery
Comments

Date 6/26/01
Name Lee Gould
Address 2062 Pleasant Oak
Comments

Date 6/26/01
Name Del Zearin
Address 1333 Montgomery
Comments

Date 6/26/01
Name Steve Brown
Address 1085 Ivy
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 7-25-01

Name Joe Neiser

Address 945 W. Forest #2

Comments I use Alley every day.

Date 7-25-01

Name Brian Roe

Address 1478 Glenmoor Apt E

Comments Its Better For big trucks to use instead of crowding the parking lot reversing all the time. and its safer.

Date 6-25-01

Name WILLIAM C FARNQUIST

Address 1271 W LARCH AVE.

Comments

Date 6-26-01

Name St. Remond

Address 929 W Grand.

Comments

Date 6-26-01

Name Jane Bishop

Address 792 West Forest

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/22/01

Name Amanda Bassett

Address 1281 E. Pontaluma #115

Comments It's just been there too long!

Date 6-22-01

Name Kay LaFay

Address 988 W. Date

Comments

Date 6-23-01

Name Robin Usher

Address 1163 Washington Ave.

Comments

Date 6-23-01

Name Tim Geary

Address 708 W. Main

Comments

Date 6-23-01

Name Joseph R. B. B.

Address 1091 E. Forest

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/20/01
Name Rhonda J. Smith
Address 1445 Nolan
Comments

Date 6/20/01
Name Maggie L
Address 2217 Ruddiman N. Musk
Comments

Date 6-20-01
Name JOHN MORENO
Address 1158 W Dale
Comments

Date 6-20-01
Name Jim Lewis
Address 1826 DOWD
Comments

Date 6-21-01
Name Larry Givard Jr
Address 995 W. Southern Ave
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-22-01

Name TONY WYPIA

Address 1885 CROWLEY

Comments

Date 6-22-01

Name Beth Porter

Address 1293 Lakeshore

Comments

Date 6-22-01

Name Bruce Wilkman

Address 229 1/2 W. Larch Ave

Comments

Date 6-22-01

Name Renee Hulbert

Address 1434 Montgomery

Comments

Date 6-22-01

Name Tiffany Hower

Address 21108 Parslow

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-22-01

Name Helen Fuhrman

Address 3533 Roosevelt Rd

Comments

Date 6-22-

Name Don Holt

Address 1868 Kinross

Comments

Date 6/22/01

Name Ryan Spencer

Address 223 1/2 W Grand Ave

Comments

Date 6-22-01

Name Debra Michalski

Address 1781 Davis St 49441

Comments

Date 6-22-01

Name Sail Paellack

Address 142 W. Grand

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-20-01

Name Marilyn Magnuson

Address 1634 Rudderman St.

Comments

Date 6-22-01

Name Anthony Watts

Address 541 Agnes St Apt D

Comments

Date 6-22-01

Name Dex Hard

Address 1875 Robinson

Comments

Date 6-22-01

Name Louie Martinez

Address 1715 Davis St.

Comments

Date 6-22-01

Name Sandra Coyne

Address 1316 Palmer

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/22/01
Name JEN DUNLAP
Address 1449 SASKATON
Comments

Date 6-22-01
Name Tom Munaf
Address 6115 Russ Rd
Comments

Date 6.22.01
Name Bob Cassel
Address 1502 Peck
Comments

Date 6-22-01
Name JOE HERSHEY
Address 1650 Beidler
Comments

Date 6-22-01
Name Gordon Storms
Address 1866 Robinson
Comments Just Keep it open we use it all the time

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-22-01
Name Marie Miller
Address 809 W Southern
Comments

Date 6-22-01
Name SOE TUCKER
Address 1542 7TH #2
Comments

Date 6-22-01
Name LIZ ZAGAR
Address 422 WESTWIND DR
Comments

Date 6-22-01
Name matt Haight
Address 3330 Mona St.
Comments

Date 6-22-01
Name Sherry Storms
Address 1646 Robinson St
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-22-01

Name Bernard A. Raymond

Address 6920 Spaulding Rd

Comments

I use Alley when stopping at Wesco

Date 6-22-01

Name Dennis DeWend

Address 2476 W. Benma Rd

Comments

Date 6-22-01

Name Jan George

Address 1865 Francis

Comments

Date 6-22-01

Name Maris Myers

Address 154 Wilarch Ave. 49441

Comments

Date 6-22-01

Name Doni Hamilton

Address 1988 Nevada

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-22-01

Name Andrew B. Lutz

Address 1622 Hudson

Comments

Date 6-22-01

Name R M Burns

Address 1677 Verwon St Mtg

Comments Keep Alley open

Date 6-22-01

Name Brent Zahke

Address 1391 Montgomery

Comments Open Alley

Date 6-22-01

Name Julie K Johnson

Address 400 W Second

Comments Keep alley open

Date 6-22-01

Name MELISSA GROGAN

Address 1311 LAKESHORE

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-22

Name Angela Breen

Address 2249 Denmark

Comments

Date 6-22

Name Willy Engle

Address 1243 W Larch

Comments

Date 6-22

Name Linda Olegary

Address 1636 Franklin

Comments

Date 6/22

Name Ellen Pallasch

Address 1919 Le Tour

Comments

Date 6-22-01

Name Mike Bailey

Address 2096 BOURDON

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-22-01

Name Jill Kavanas

Address 285 W. Grand Ave.

Comments

Date 6/22/01

Name Kelley Goven

Address 2221 Estes

Comments

Date 6/22/01

Name Rebecca Goven

Address 1912 Franklin St.

Comments

Date 6-22-01

Name Chl Sisson

Address 2006 Henry St

Comments

Date 6-22-01

Name Joe Hershey

Address 2265 Lincoln

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-20-01

Name Deb Wilson

Address 1122 W. DACE AVE.

Comments

Date 6/20/01

Name M. Patton

Address 504 Margaret

Comments

Date 6-20-01

Name Shawn Mauby

Address 1780 Ruddiman Apt 1

Comments

Date 6-20-01

Name SEIKEN FROST

Address 965 IRLAND AVE APT B

Comments

Date 6-20-01

Name GREG BERGLUND

Address 901 EMERSON APT 1

Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/22/01
Name Cory Jno
Address 1851 Crowley
Comments

Date 6/22/01
Name Jasen McMillan
Address 1851 Crowley
Comments

Date 6-22-01
Name Jim Jones
Address 1153 W. Dale
Comments

Date 6-22-01
Name Ken WARD
Address 7365 Jefferson
Comments

Date 6-22-01
Name RAY HAYNES
Address 2174 PARSLow
Comments

when the Road
was closed it
came very convenient
to use the Alley

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01
Name Phil Kiel
Address 1193 BAKER
Comments

Date 6-18-01
Name Richard A Smith
Address 1151 Ireland Ave
Comments

Date 6-18-01
Name George Goodin
Address 1546 Palmer Ave
Comments

Date 6-18-01
Name Jerry Paulsen
Address 23012 5th
Comments

Date 6/18/01
Name VERNELL Allen
Address 643 Adams Av
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01
Name Debbie Gamm
Address 2412 DEBAKER
Comments

Date 6-18-01
Name John HOLT
Address 1267 5TH ST
Comments

Date 6-18-01
Name John HUKA
Address 1028 W CARROLL
Comments

Date 6-18-01
Name Joe Wajman
Address 1006 W Laketon
Comments Keep open

Date 6-18-01
Name David Steele
Address 1083 Washington
Comments

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18/06
Name Jaegne Fox
Address 1529 Pfeiffer
Comments Muskegon

Date 6/18
Name D. Orleans
Address 1249 LAKEHONOR DR.
Comments KEEP IT OPEN

Date 6-18
Name Paola Brink
Address 1950 Dyson
Comments

Date 6-18
Name Barbara J. Schultz
Address 1975 Mary St
Comments

Date 6-18
Name Jerry Belcom
Address 205 Shettler Rd
Comments

Vendor PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for vendor use. As a vendor convenience is very hard to get in this business. Use of the Alley almost eliminates the need to back up which is always a safety concern with vehicles or pedestrians.

Date 6/21

Company Name B+B Beer

Name Shawn Bravata

Address _____

Comments The alley needs to stay open otherwise when 2 or more of us vendors are here then Nevada will be blocked off. The alley allows us to pull straight out instead of backing out. And making other trucks move in the process.

Date 6-21

Company Name Eckrich

Name Randy Warren

Address _____

Comments _____

Date 6-21-01

Company Name Sunset Floral

Name Mary Eastling

Address 1431 Pine St.

Comments _____

Date 6-21

Name Don Swanson

Address 2070 Filinow rd

Comments Coke

Vendor

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for vendor use. As a vendor convenience is very hard to get in this business. Use of the Alley almost eliminates the need to back up which is always a safety concern with vehicles or pedestrians.

Date 6-15-01
Company Name Pepsi-Cola
Name Mike Hanson
Address 5654 Jefferson
Comments

Date 6-15
Company Name BUTTERNUT
Name Chris Albanesi
Address 1245 FLEMING
Comments

Date 6/15/01
Company Name Frito Lay Inc
Name Don Reame
Address 3359 E. CLEVELAND
Comments

Date 6-15-01
Name John E. Frantz Jr. / Made Rite Chips
Address 1733 Lippel
Comments
We Need the access for all
the vehicles coming & going.

Vendor

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for vendor use. As a vendor convenience is very hard to get in this business. Use of the Alley almost eliminates the need to back up which is always a safety concern with vehicles or pedestrians.

Date 6-18-01
Company Name Polly
Name Blain Gnielke
Address Eastern Grand Rapids
Comments

Date 6/18/01
Company Name BAREMAN'S
Name Tim Hopson
Address 237 CHARLES DR
Comments HOLLAND MI

Date 6-18-01
Company Name Bareman's
Name James Burgett
Address 234 Charles drive
Comments Holland, MI

Date 6-18-01
Name Scott Kugelberg - Tyrell Soler
Address 1278 Great St. Muskegon MI
Comments 49442

Vendor

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for vendor use. As a vendor convenience is very hard to get in this business. Use of the Alley almost eliminates the need to back up which is always a safety concern with vehicles or pedestrians.

Date 6/18
Company Name NEWS GROUP
Name Kevin Hall
Address MT. PLEASANT, MICH
Comments

Date 6/18
Company Name Lamp Books
Name Dan Jarowich
Address Muskegon, MI
Comments

Date 6/18
Company Name TYLER SALES CO. INC
Name MARK HARRIS
Address 9149 PINEBROOK NANTAGUE
Comments

Date 6/18 Batterwatt Bred
Name Steve Bower
Address 1245 S. QUARTERLINE
Comments NOT SAFE TO
BACK OUT OF DRIVEWAY

Neighbors

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name Dorothy Blanchette

Address 1892 Nevada St

Comments

Date 6-18-01

Name Brian Edgerton

Address 1911 Nevada St.

Comments

→ against closing the alley.
To many children in area. Would like it to be safe for my children.

Date 6-18-01

Name Scott A. Stuberger

Address 3232 Cheyenne

Comments

Date 6-18-01

Name Sara Gordon

Address 1955 Nevada

Comments

Date 6/18/07

Name Cliff Costa

Address 1923 Nevada St

Comments

Neighbors

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01
Name Mary J. White
Address 1879 Nevada St.
Comments

Date 6-18-01
Name WYNNE Secrest
Address 1891 Nevada St.
Comments

Date 6-18-01
Name Jacqueline Fredrickson
Address 1891 Nevada St.
Comments We do not need big trucks on Nevada. We just had it fixed.

Date _____
Name Alex Budnick
Address 1865 Nevada St.
Comments

Date _____
Name Josephine Budnick
Address 1865 Nevada
Comments must

Neighbors

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name Jason Buford

Address 1850 Nevada

Comments Why Block it?

Date 6-18-2001

Name Shirley Buford

Address 1850 Nevada St.

Comments

Date 6-18-01

Name ANDY SZMALEC

Address 1851 NEVADA

Comments

Date 6-18-01

Name Amy Hines

Address 1861 NEVADA

Comments

Date 6-18-01

Name Tom Hines

Address 1861 NEVADA

Comments

Neighbors

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name Julia Mullins

Address 1978 Nevada

Comments

Date 6-18-01

Name Jennifer McLaughlin

Address 1836 Nevada St.

Comments

We live right next door. and that wouldn't be very good for children that live in this neighbor

Date 6-19-01

Name Madalena Travis

Address 1831 Franklin

Comments

Date 6-18-01

Name Chael Vail

Address 1828 Franklin

Comments

Date 6-18-01

Name Joseph Dierbeck

Address 1828 Franklin

Comments

Neighbor against closing alley.

across The Road From The East End of The alley.

= House at The East end of The alley (white house)

Neighbors

PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6/18/01

Name Betty Lita

Address 1943 Nevada St

Comments

Date 6-18-01

Name Donnie Aldrich

Address 1953 Nevada St.

Comments

Date 6-18-01

Name Dave Aldrich

Address 1953 Nevada

Comments

Date 6/18/01

Name Lynn Parker

Address 1942 Nevada St.

Comments

Date 6-18-01

Name Jennifer A. Groom

Address 1958 Nevada

Comments

Neighbors PETITION

TO KEEP THE ALLEY OPEN BEHIND SAND BAR

Yes, I support Wesco's efforts to keep the Alley open for customer use. As a consumer it is very convenient.

Date 6-18-01

Name Erin Snawely

Address 1837 Franklin St.

Comments

Date 6-18-01

Name JIM HARWOOD

Address 1837 FRANKLIN AVE.

Comments

Date 6-18-01

Name Colin Billingsley

Address 1837 Franklin St.

Comments

Date _____

Name _____

Address _____

Comments

Date _____

Name _____

Address _____

Comments

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 6/26/01

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: June 20, 2001

RE: North Muskegon Water Service Agreement

SUMMARY OF REQUEST:

To approve a new water service agreement with the City of North Muskegon. It provides for the delivery of water supply to North Muskegon for the next 22 years.

FINANCIAL IMPACT:

Water rate charges as a result of this agreement go to the City's Water Fund.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached agreement.

COMMITTEE RECOMMENDATION:

None.

City of North Muskegon

"Between the Calm Lake Waters"

Phone (231) 744-1621 Fax (231) 744-0367
1502 Ruddiman Drive North Muskegon, Michigan 49445-3098

June 9, 2001

City of Muskegon
Mr. Bryon Mazade, City Manager
PO Box 536
Muskegon, MI 49443-0536

Dear Bryon:

Enclosed please find four (4) copies of the agreement for Municipal Water Supply between the City of Muskegon and City of North Muskegon.

Can you please have them signed and return two (2) originals for my files? Thanks!

Sincerely,



Ann Marie Cummings
City Clerk



AGREEMENT FOR MUNICIPAL WATER SUPPLY

2001-76(a)

THIS AGREEMENT, effective on 6-26-01 between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Muskegon"), and the CITY OF NORTH MUSKEGON, a municipal corporation of 1502 Ruddiman Drive, North Muskegon, Michigan 49445 ("North Muskegon"), is entered by the parties for the purpose of supplying to North Muskegon the necessary water for its municipal water system.

RECITALS

- A. The parties have a previous agreement for water dated October 20, 1969, which continues until this agreement is effective. The parties desire now to contract again for water supplied to North Muskegon.
- B. The parties have reviewed and examined Muskegon's costs in supplying water to North Muskegon and determined that the rates established in this agreement reflect Muskegon's costs.
- C. The parties intend in this agreement to define certain terms, including the term "master meter", which means the meter or meters measuring the total flow of water being supplied to North Muskegon by Muskegon.

IN CONSIDERATION OF THE MUTUAL COVENANTS AND UNDERTAKINGS OF THE PARTIES THEY AGREE AS FOLLOWS:

- 1. **Supply of Water.** Muskegon shall sell, supply and deliver to North Muskegon under positive head, such amounts of water as North Muskegon may require. The water shall be delivered at the master meter(s) having the same quality as Muskegon furnishes and delivers to its own customers.
- 2. **Interruptions.** In the event the supply of water by Muskegon is interrupted for short periods of time, due to circumstances beyond its control, or due to breakdown in Muskegon's system, such interruption shall not terminate or affect this contract, provided Muskegon exercises all due speed and diligence in eliminating the cause of such interruption, so as to minimize its duration.
- 3. **Rates for Water Supply.** The water supplied by Muskegon shall be paid for by North Muskegon at the rate of 1.35 times the rate Muskegon charges its own customers within its corporate limits. The charges for water supply shall be determined using the volume of water supplied together with Muskegon's ready to serve charges, taken from Muskegon's regulations, applicable to each of the master meters.

- 3.1 The parties agree that they have examined and reviewed Muskegon's costs to supply the water and further that the rate agreed upon does not exceed Muskegon's costs. The review of costs does not include capital improvement costs necessary because of the operation or design of the North Muskegon system, wherever the improvements are located. Said capital costs are provided for elsewhere in this agreement.
 - 3.2 Muskegon reserves the right to increase its rates to its own customers for water service, and in such event, North Muskegon's rate shall increase at 1.35 times the increase charged Muskegon's customers.
 - 3.3 Any rate increase shall not be effective until Muskegon has given North Muskegon 60 days written notice thereof.
 - 3.4 In the event any of the master meters fails to register the supply of water due to a breakdown or other failure, the charge for the water supply shall be determined by utilizing the average of the 30-day period prior to the breakdown. In the event the said measure is inaccurate because of a progressive breakdown or other reason, Muskegon reserves the right to use an average derived from a period of up to one year prior to the breakdown, in order to determine the charge for water supplied that meter.
4. **Term.** This agreement has a term of twenty-two (22) years from the effective date.
5. **Muskegon the Sole Source of Water.** North Muskegon agrees that it shall purchase all its water supply from Muskegon, delivered through the master meter(s). There shall be no purchase of water by North Muskegon for its municipal system from any other source, and the water supply furnished by Muskegon shall be solely for consumption within the corporate boundaries of North Muskegon except when connection is made to the Northside Water System due to maintenance to the North Muskegon water tower or for emergency purposes. In such cases, Muskegon will be notified immediately prior to such connection by calling the Muskegon emergency services telephone number.
6. **No Resale.** North Muskegon shall not sell or supply water to any other governmental unit, except to current customers in Muskegon Township (6), Laketon Township (54), a six acre site in Muskegon Township located adjacent to M-120 (formerly known as the Sanatorium Property), or a school district solely for service to facilities of that school district located within North Muskegon's corporate boundaries. Any additional water service connections or water sale to customers outside the North Muskegon boundaries shall only be permitted upon prior review and approval of the City of Muskegon, which shall not be unreasonably withheld.

7. Obligations of Muskegon.

- 7.1 Muskegon shall supply water to North Muskegon in the quantities required and of the same quality as it supplies its customers within its corporate limits. Interruptions or reductions in water service made necessary for legal, capacity, and environmental or health considerations shall apply equally to the customers of both cities.
- 7.2 Muskegon shall maintain or replace the master meters, but shall charge the expense to North Muskegon in addition to the water rates, at Muskegon's cost, including overhead.

8. North Muskegon's Obligations.

- 8.1 Payment of Rates. Pay the water charges set forth above promptly on a monthly basis.
- 8.2 Capital Costs of North Muskegon System. Pay all costs for construction, design and improvement of its own system, meters and facilities such as, but not limited to, underground systems, overhead facilities, system pumps, meter, access and repair devices, all necessary to operate its water system or to increase its pressure over that supplied by Muskegon.
- 8.3 Back Flow Prevention. Include in its system all necessary devices to prevent back flow of any kind into the water system which might contaminate the water systems of either city from back flows occurring in North Muskegon.
- 8.4 Maintenance of Master Meters. Reimburse Muskegon as appropriate for its repair and maintenance of the master meters agreed to above.
- 8.5 Replacement of Certain Master Meters. If the condition of any meter indicates the need for replacement, Muskegon shall replace said meters and be reimbursed by North Muskegon.
- 8.6 Maintenance of North Muskegon System. Be responsible for the maintenance, repair, and replacement of its own water system.
- 8.7 Administration of North Muskegon System. Administer its own water customer services including billings, collections, determining its customer rates and passing any ordinances required by law in connection with the administration of this agreement and the system.

- 8.8 **Hold Harmless.** North Muskegon shall save and hold Muskegon harmless from any and all claims, demands or damages which are claimed arising out of the design, construction or operation of the North Muskegon system, the master meter(s), any connections between the parties' systems, or the operation of the North Muskegon system, including but not limited to all damages, costs, attorney fees, laboratory expenses, fines, penalties, or any other expense arising out of any such claim.
9. **No Third Party Beneficiary.** There shall be no other beneficiary or third party beneficiary to this agreement. No remedy is provided or intended by this agreement for the customers of either party.
10. **Severability.** In the event any provision of this agreement is determined to be invalid by any court or tribunal having jurisdiction, the balance of the agreement shall remain in full force and effect.
11. **Law Applicable.** This agreement shall be interpreted under Michigan law.
12. **Approvals.** This agreement shall be effective on the date above, but only after approvals given by the governing body of each party.

IN WITNESS WHEREOF, the parties excute this agreement after the appropriate approvals.

Dated: 5-21-2001, 2000

Dated: 5-21-2001, 2000

CITY OF NORTH MUSKEGON

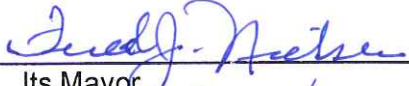
By 
Its Mayor

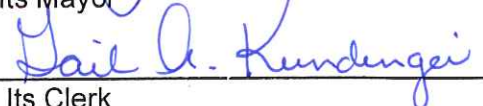
And 
Its Clerk

Dated: 6-28-2001, 2000

Dated: 6-28-2001, 2000

CITY OF MUSKEGON

By 
Its Mayor

And 
Its Clerk

Commission Meeting Date: June 26, 2001

Date: May 16, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Vacation of a portion of Edgewater and Wilcox Streets

SUMMARY OF REQUEST:

Request to vacate portions of two city streets, including waterfront, to clear title for a private piece of property.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommended vacating only those portions of the street that structure is on to retain as much right-of-way as possible (especially waterfront lands) for potential future use.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended both the vacations as requested. Members present were D. Coleman, P. Sartorius, B. Smith, P. Veltkamp, J. Aslakson, L. Abraham, F. Neilsen and M. Kleaveland.

Staff report excerpt

Case 2001-21: Request to vacate a portion of Wilcox Street, east of Edgewater Street to Muskegon Lake by Thomas and Joyce Voyt. Also Case # 2001-22 request to vacate a portion of Edgewater street north of Wilcox (see enclosed survey).

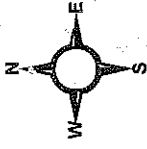
BACKGROUND

1. The enclosed survey shows that the Voyt's home is encroaching upon Wilcox Ave. and the garage is encroaching upon Edgewater Street (see enclosed color picture packet). The applicant is requesting the vacations to obtain clear title to their home.
2. Staff from planning, engineering, fire and DPW are all concerned about vacating any portion of Wilcox or Edgewater as it limits public choices well into the future.
3. If any vacation is approved, its should be for an area that only includes the immediate building envelope of the existing encroaching structures.
4. The screening placed in the chain link fence on site is illegal and should be corrected before any final action is taken with this case.

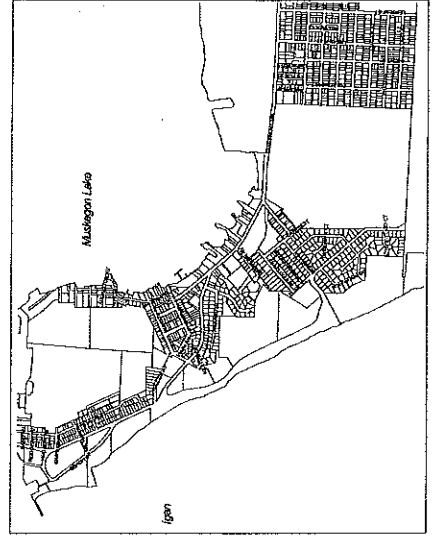
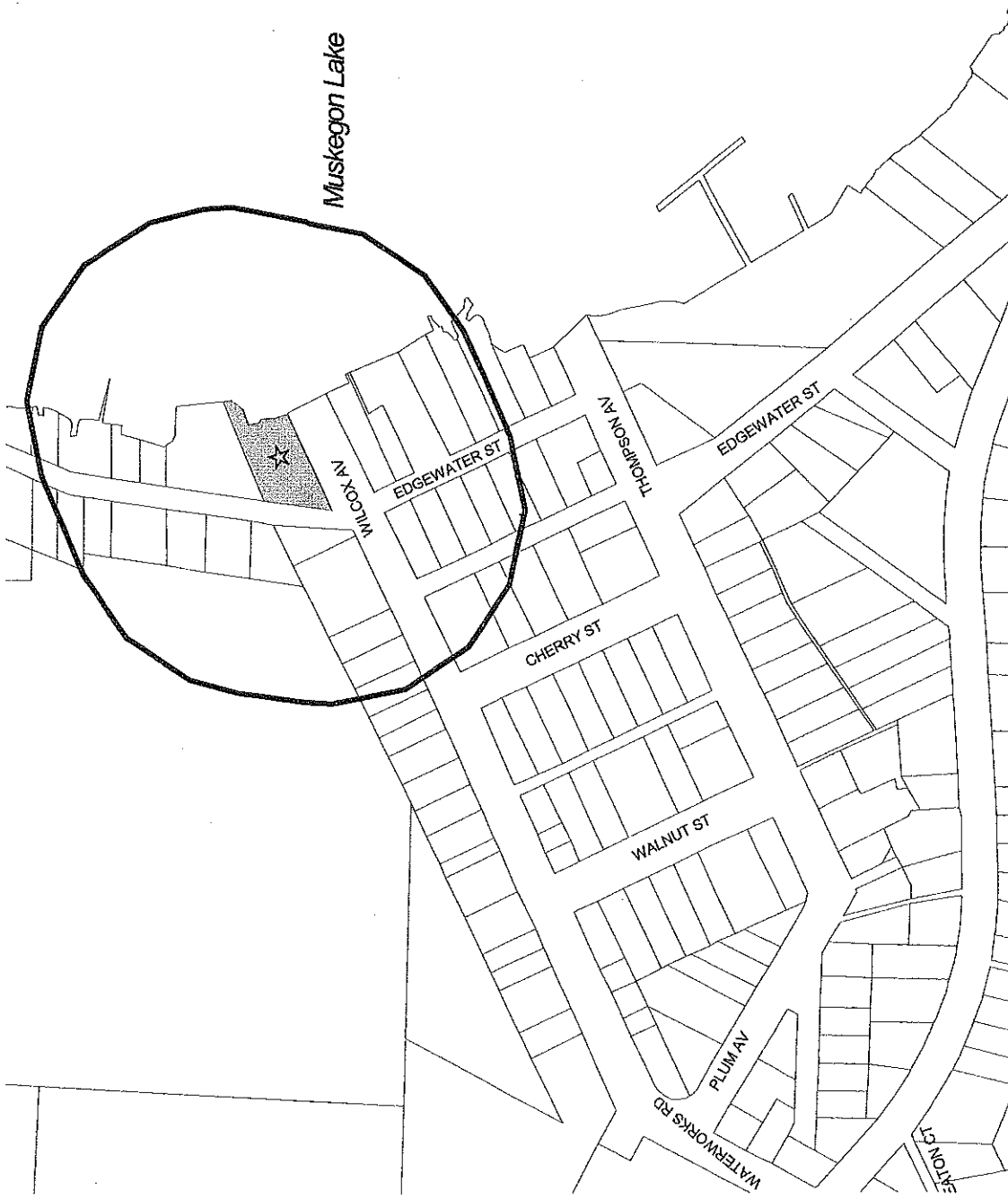
STAFF RECOMMENDATION

Table both vacation requests for a revised request that includes only the building envelopes.

City of Muskegon
Planning Commission
Cases 2001-21 & 22



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



CITY OF MUSKEGON

RESOLUTION #2001- 76(c¹)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate a portion of Wilcox Avenue lakeward from Edgewater, City of Muskegon; and,

WHEREAS, the Planning Commission held a public hearing on June 14, 2001, to consider the petition and subsequently recommended the vacation; and,

WHEREAS, due notice had been given of said hearing as well as the June 26, 2001, City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable to vacate and discontinue said section of road legally described as:

Part of Wilcox Street in Part of Block 736 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Southeast corner Lot 1 of Block 726 of the Revised Plat of 1903 of said City of Muskegon; thence North 61°20'00" East along the extension the of Northwesterly line of Wilcox Street 48.27 Feet to the East line of Edgewater Subdivision, as recorded in Liber 3 of Plats, Page 82, for POINT OF BEGINNING' thence continue North 61°20'00" East 210 Feet more or less to the shore of Muskegon Lake; thence Recommence at Point of Beginning; thence South 6°38'00" East 25.00 Feet; thence North 62°14'00" East 125.00 Feet; thence North 63°00'00" East 90 Feet more or less to the shore of Muskegon Lake thence Northerly along the shore of Muskegon Lake 28 Feet more or less to the intersection of the First described line.

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

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

Adopted this 26th day of June, 2001.

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

Nays: None

Absent: None

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

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on June 26, 2001.

Gail A. Kunderger

Clerk, City of Muskegon

PREPARED BY:

City of Muskegon
933 Terrace
Muskegon, MI 49440

WHEN RECORDED RETURN TO:

City Clerk
City Hall
933 Terrace Street
Muskegon, MI 49443

CITY OF MUSKEGON

RESOLUTION #01- 76(c²)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate a portion of Edgewater Street, North of Wilcox, City of Muskegon; and,

WHEREAS, the Planning Commission held a public hearing on June 14, 2001, to consider the petition and subsequently recommended the vacation; and,

WHEREAS, due notice had been given of said hearing as well as the June 26, 2001, City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable to vacate and discontinue said portion of Edgewater, legally described as:

That part of Edgewater Street in the Plat of Edgewater Subdivision, as recorded in Liber 3 of Plats, Page 82, City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Southeast corner of Lot 1 of Block 726 of the Revised Plat of 1903 of said City of Muskegon; thence North 61°20'00" East along the extension the of Northwesterly line of Wilcox Street 48.27 Feet to the East line of said Edgewater Street for POINT OF BEGINNING; thence North 5°22'30" East (Recorded at North 6°30' East) along said East line 119.96 Feet; thence South 13°03'00" West 54.85 Feet; thence South 1°00'00" East 66.00 Feet to Point of Beginning.

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

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the City shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall

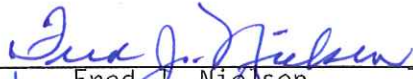
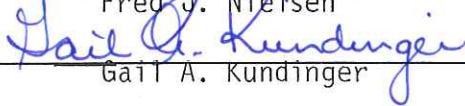
be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Adopted this 26th day of June, 2001.

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

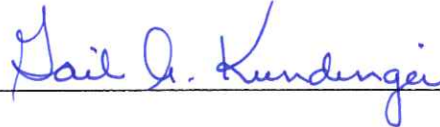
Nays: None

Absent: None

By: 
Fred J. Nielsen, Mayor

Gail A. Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on June 26, 2001.


Clerk, City of Muskegon

PREPARED BY:

City of Muskegon
933 Terrace
Muskegon, MI 49440

WHEN RECORDED RETURN TO:

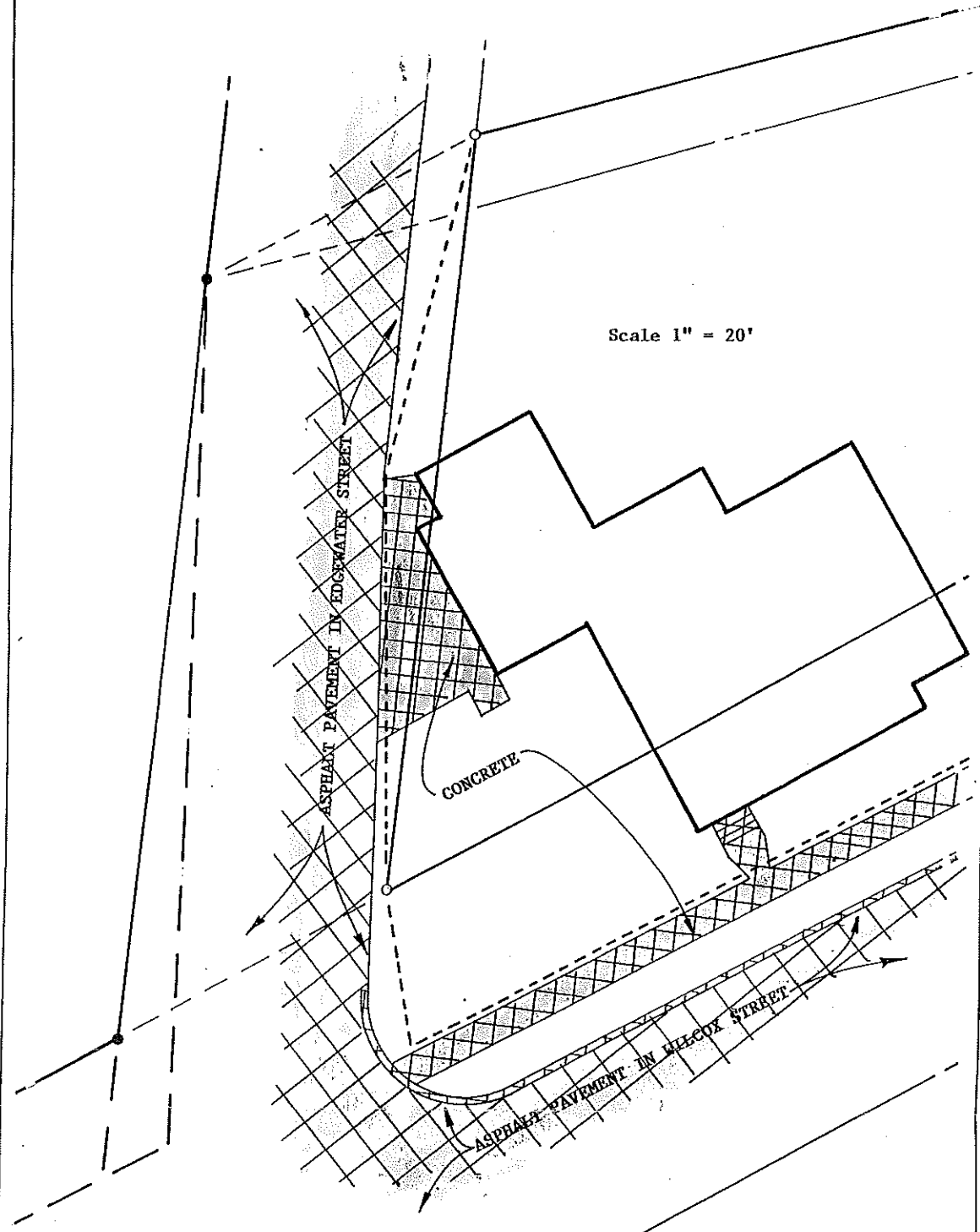
City Clerk
City Hall
933 Terrace Street
Muskegon, MI 49443

DETAIL OF ASPHALT PAVEMENT AND CONCRETE AT THE CORNER OF EDGEWATER ST. AND WILCOX AVE.

FOR : THOMAS VOYT

JUNE 5, 2001

NO. 006067.1 - SHEET 2



Scale 1" = 20'

ASPHALT PAVEMENT IN EDGEWATER STREET

CONCRETE

ASPHALT PAVEMENT IN WILCOX STREET

VEENSTRA 030270

This survey was made from the above legal description which was given to us as a complete description of the property. Both map and description should be compared with the Title Insurance Policy for any exception, easements or differences in description. Setback dimensions as shown between structures and lot lines should not be used to reestablish property lines.

LEGEND

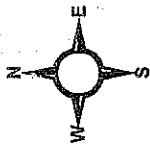
- - Survey Iron (existing)
- - Survey Iron (placed)
- M - Measured Dimension
- P - Platted Dimension
- R - Recorded Dimension
- x-x-x Fence Line

MOORE & BRUGGINK

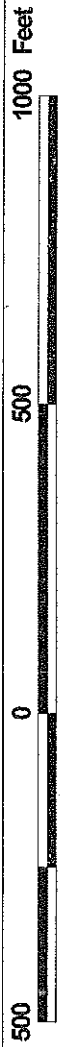
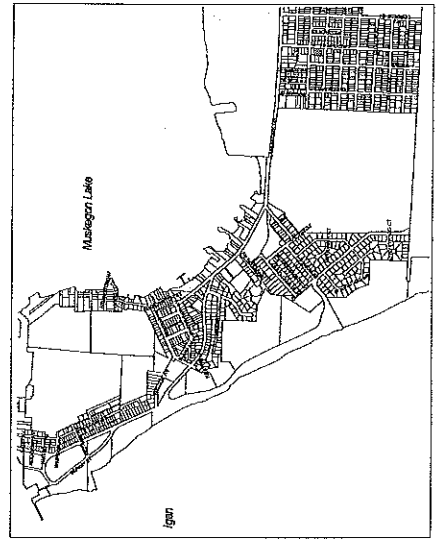
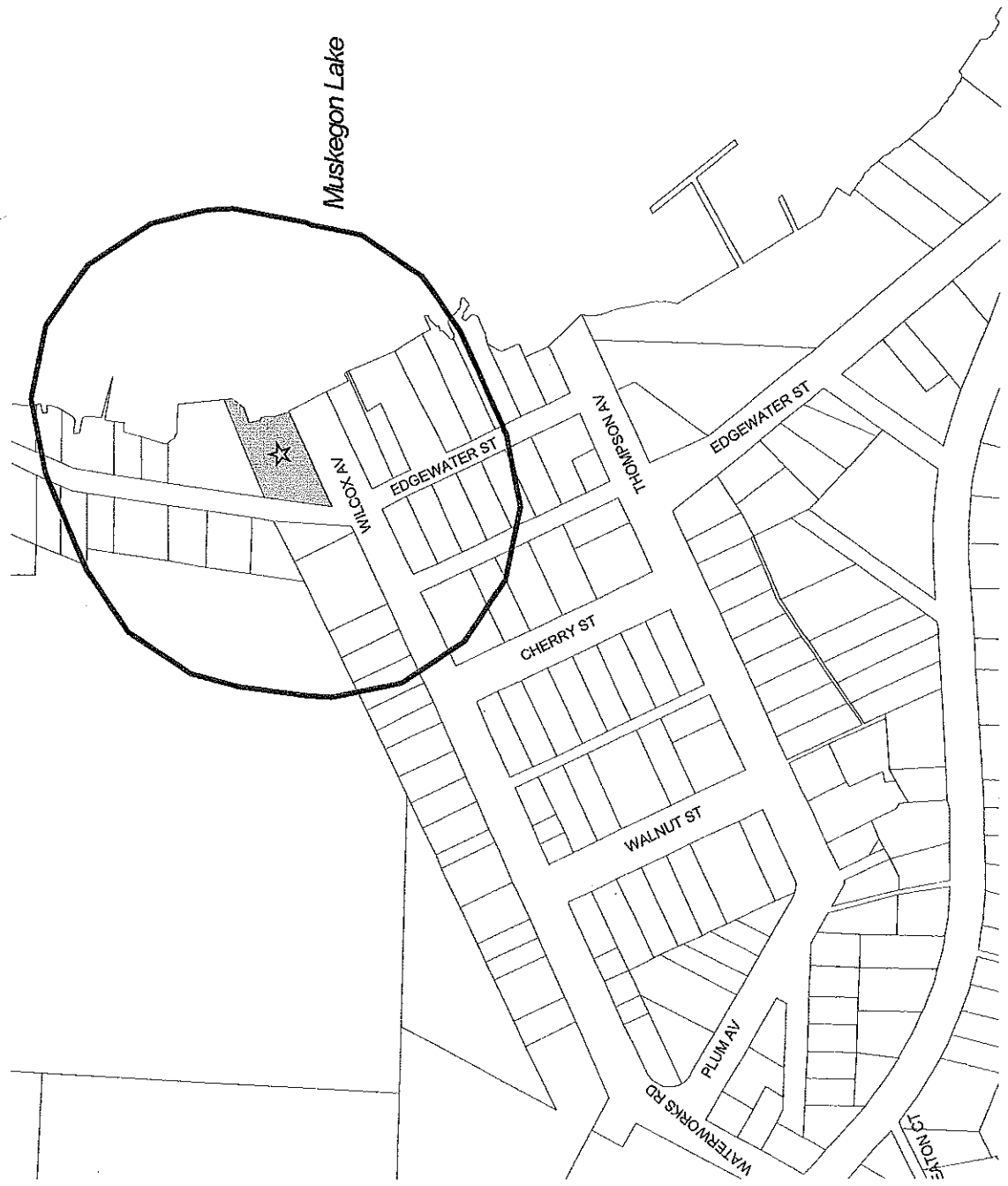
Consulting Engineers & Land Surveyors
Muskegon, Michigan

PROFESSIONAL SURVEYOR

**City of Muskegon
Planning Commission
Cases 2001-21 & 22**

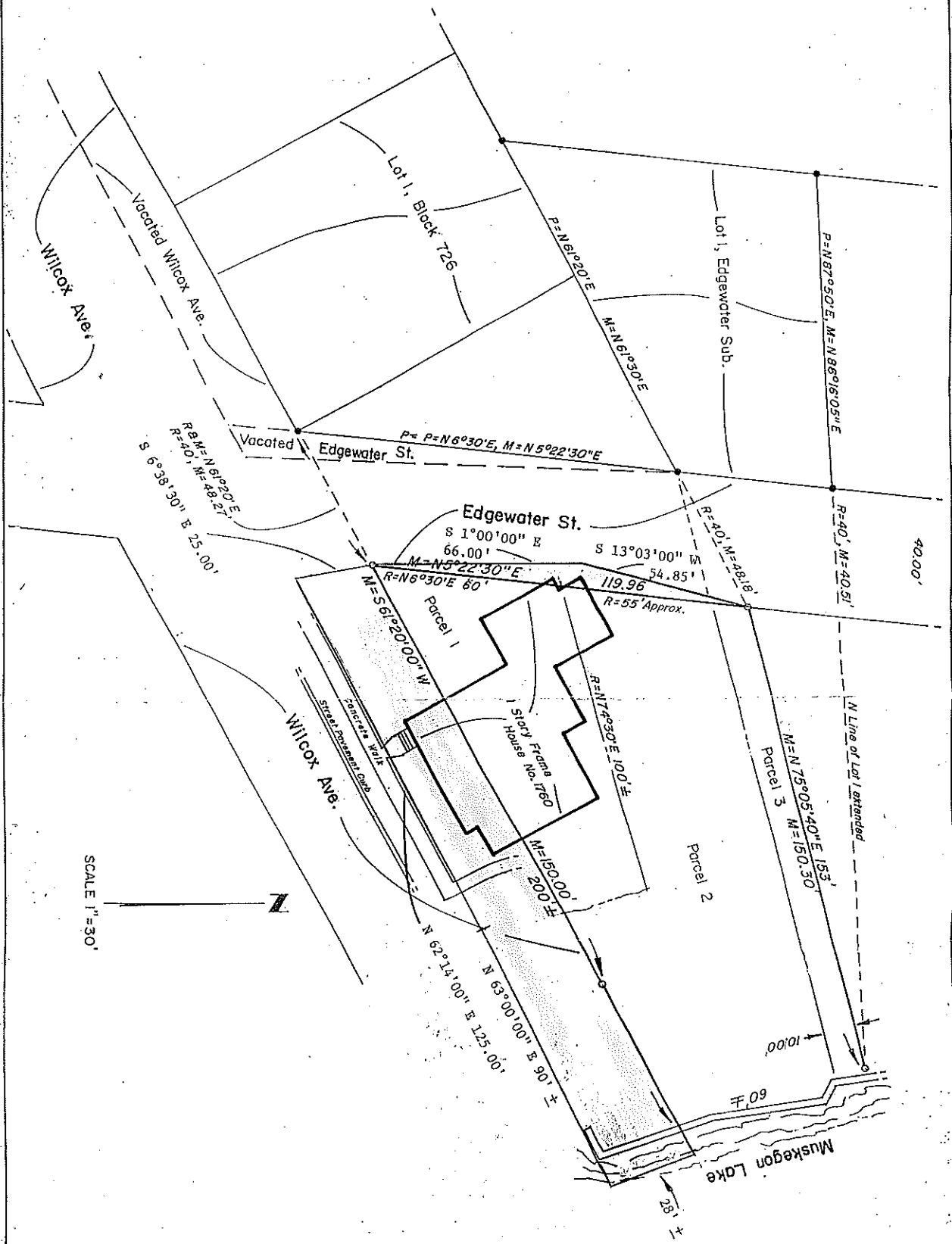


- ☆ = Subject Property(ies)
- = Notice Area



distributed by attorney for requester.

Map of survey for: Thomas Voyt Date: Sep. 14, 2000 No.: 006067.1



This survey was made from the above legal description which was given to us as a complete description of the property. Both map and description should be compared with the Abstract of Title or Title Policy for any exceptions, easements, or differences in description. Setback dimensions as shown between structures and lot lines should not be used to reestablish property lines.

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

MOORE & BRUGGINK
Consulting Engineers and Land Surveyors
8 W. Walton, Muskegon, Michigan 49440
Phone: (231)722-3928 Fax: (231)722-4109
by *Paul W. Van Buren*
Licensed Land Surveyor No.

MOORE & BRUGGINK, INC.

Consulting Engineers & Land Surveyors

8 W. Walton Avenue Muskegon, MI 49440

Ph (231) 722-3928 Fax (231) 722- 4109

DESCRIPTIONS FOR THOMAS VOYT

May 4, 2001 No. 006067.1

PART OF EDGEWATER STREET TO BE VACATED

That part of Edgewater Street in the Plat of Edgewater Subdivision, as recorded in Liber 3 of Plats, Page 82, City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Southeast corner of Lot 1 of Block 726 of the Revised Plat of 1903 of said City of Muskegon; thence North $61^{\circ}20'00''$ East along the extension the of Northwesternly line of Wilcox Street 48.27 Feet to the East line of said Edgewater Street for POINT OF BEGINNING; thence North $5^{\circ}22'30''$ East (Recorded at North $6^{\circ}30'$ East) along said East line 119.96 Feet; thence South $13^{\circ}03'00''$ West 54.85 Feet; thence South $1^{\circ}00'00''$ East 66.00 Feet to Point of Beginning.

PART OF WILCOX STREET TO BE VACATED

Part of Wilcox Street in Part of Block 736 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Southeast corner of Lot 1 of Block 726 of the Revised Plat of 1903 of said City of Muskegon; thence North $61^{\circ}20'00''$ East along the extension the of Northwesternly line of Wilcox Street 48.27 Feet to the East line of Edgewater Street in the Plat of Edgewater Subdivision, as recorded in Liber 3 of Plats, Page 82, for POINT OF BEGINNING; thence continue North $61^{\circ}20'00''$ East 210 Feet more or less to the shore of Muskegon Lake; thence Recommence at Point of Beginning; thence South $6^{\circ}38'30''$ East 25.00 Feet; thence North $62^{\circ}14'00''$ East 125.00 Feet; thence North $63^{\circ}00'00''$ East 90 Feet ore or less to the shore of Muskegon Lake; thence Northerly along the shore of Muskegon Lake 28 Feet more or less to the intersection of the First described line.





Liber 247 Page 388

Dated Jan 22 1924

Recorded Jan 22 1924

Inst. Warranty Deed

Consid. \$1.00

Robert T. Ferguson and wife,
Lillian M. Ferguson,

to

George W. Olson and wife,
Helen G. Olson.

Description: Commencing 40 feet North 61° 20' East of Southeast corner of Lot 1 of Block 726 of the Revised Plat of City of Muskegon, thence North 6° 30' East along Easterly line of Lake St. 60 feet, thence North 74° 30' East 100 feet more or less to shore of Muskegon Lake, thence Southerly along shore of Muskegon Lake to Northerly line of Wilcox Street, thence South 61° 20' West along Northerly line of Wilcox Street to place of beginning. Being a part of Government Lot 6 of Section 28, Town 10 North, Range 17 West.

(see next sheet)

No. 51

Liber 247 Page 388 Continued.

First parties also quit claim any right, title and interest they may have in that portion of Wilcox Street lying Southeasterly of above described parcel of land and between property line of said parcel and fence line as established.

No. 52

Liber 404 Page 125

Dated May 25 1940

Recorded May 29 1940

Inst. Warranty Deed

Consid. \$1.00

George W. Olson and wife,
Helen G. Olson,

to

Edwin G. Carter and wife,
Mattie G. Carter, jointly, as tenants
by the entireties.

Description: Commencing 40 feet North 61° 20' East of Southeast corner of Lot 1 of Block 726 of the Revised Plat (of 1903) of the City of Muskegon, thence North 6° 30' East along the Easterly line of Lake Street 60 feet, thence North 74° 30' East 100 feet more or less to the shore of Muskegon Lake, thence Southerly along the shore of Muskegon Lake to the Northerly line of Wilcox Street, thence South 61° 20' West along the Northerly line of Wilcox Street to place of beginning, being a part of Government Lot 6 of Section 28, Town 10 North, Range 17 West. 80
(see next sheet) No.

Liber 404 Page 125, continued.

First parties also quit-claim and hereby transfer to second parties any right, title and interest they may have in that portion of Wilcox Street lying Southeasterly of above described parcel of land, and between the property line of said parcel and the fence line as established.

Also, that part of Government Lot 6 of Section 28, Town 10 North, Range 17 West, described as commence on the Southerly line of Lot 1 of Edgewater Subdivision extended and produced 40 feet Northeast of the Southeast corner of said Lot 1 for place of beginning, thence to Muskegon Lake along a line 10 feet Southerly of said line at a point 99 feet from beginning, also recommence at point of beginning, thence South 6° 30' West approximately 55 feet, thence North 74° 30' East to Muskegon Lake, thence Northerly along shore of Muskegon Lake to intersection of the line first described, together with all and singular the riparian rights incident and appertaining thereto; it being the intent hereof and this instrument does convey all property owned by first parties conveyed to them by Warranty Deeds dated Jan. 22, 1924 and Dec. 13, 1924
(see next sheet) No. 81

Liber 404 Page 125, continued.

and recorded in the office of the Register of Deeds for Muskegon County aforesaid in Liber 247 of Deeds on Page 388 and in Liber 259 of Deeds on Page 483, respectively.

Liber 422 Page 157

Dated Aug 28 1941

Recorded Aug 28 1941

Inst. Warranty Deed

Consid. \$1.00

Edwin G. Carter and wife,
Mattie G. Carter,

to

Willard D. Carter and wife, Mabel A.
Carter, jointly as tenants by entireties.

Description: Commencing 40 feet North 61° 20' East of Southeast corner of Lot 1 of Block 726, of the Revised Plat of the City of Muskegon, thence North 6° 30' East along Easterly line of Lake Street, 60 feet, thence North 74° 30' East 100 feet more or less to shore of Muskegon Lake, thence Southerly along the shore of Muskegon Lake to Northerly line of Wilcox Street, thence South 61° 20' West along Northerly line of Wilcox Street to the place of beginning, being a part of Government Lot 6, Section 28, Town 10 North, Range 17 West.

(see next sheet)

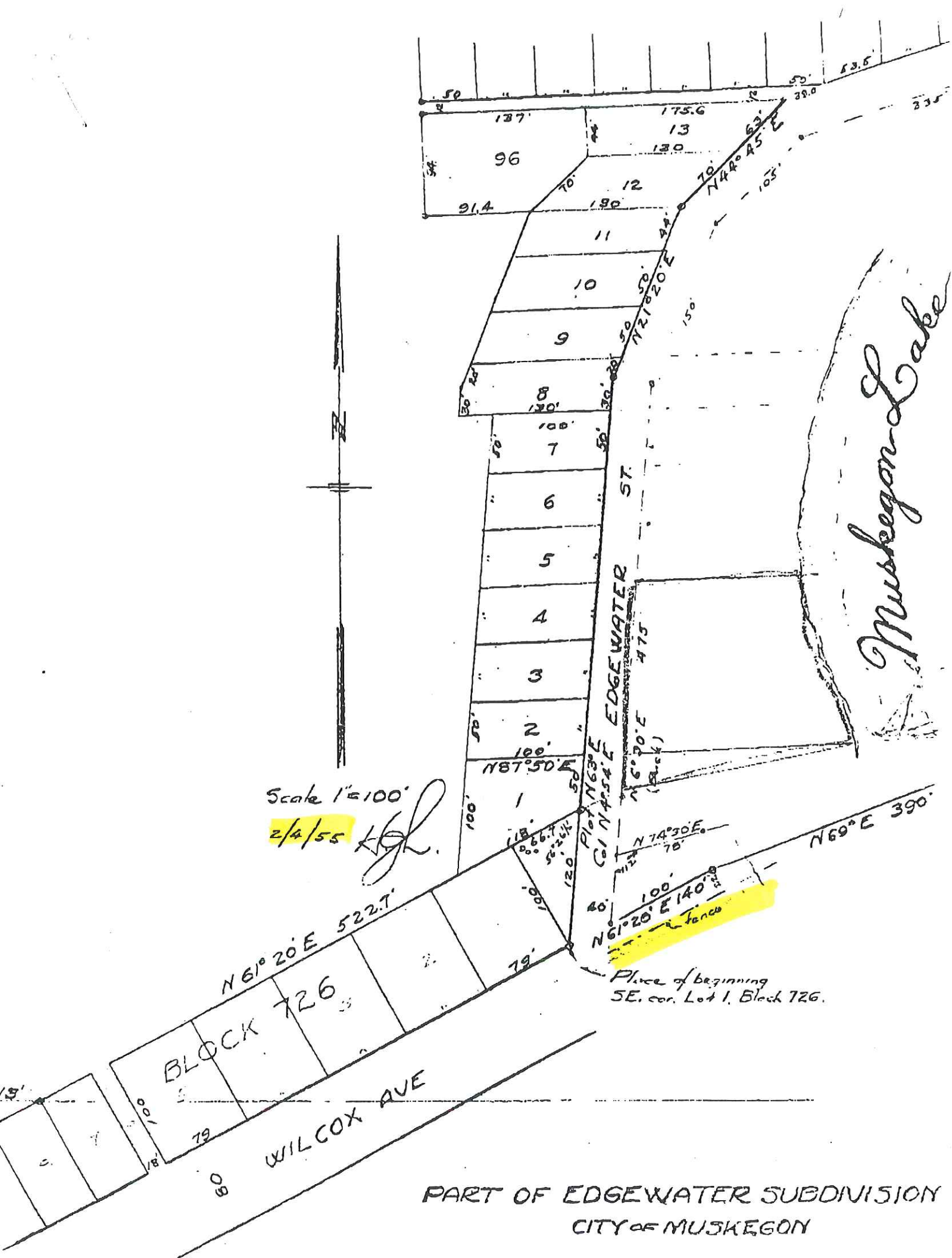
No. 87

Liber 422 Page 157 Continued.

First parties also quit claim and hereby transfer to second parties any right title and interest they may have in that portion of Wilcox Street lying Southeasterly of the above described parcel of land, and between the property line of said parcel and the fence line as established.

Also, that part of Government Lot 6, Section 28, Town 10 North, Range 17 West, described as commencing on Southerly line of Lot 1 of Edgewater Subdivision extended and produced 40 feet Northeast of Southeast corner of said Lot 1 for place of beginning, thence to Muskegon Lake along a line 10 feet Southerly of said line at a point 99 feet from beginning, also recommence at point of beginning, thence South 6° 30' West, approximately 55 feet, thence North 74° 30' East to Muskegon Lake, thence Northerly along shore of Muskegon Lake to intersection of line first described together with all and singular the riparian rights incident and appertaining thereto.

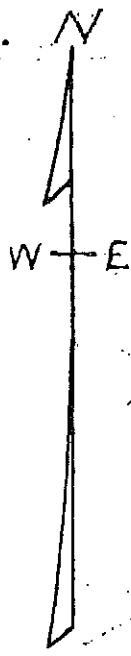
No. 88



Scale 1" = 100'
2/4/55 *[Signature]*

Muskegon Lake

PART OF EDGEWATER SUBDIVISION
CITY OF MUSKEGON



EDGEWATER SUBDIVISION

LAKE ST.

Lot Survey

Part of Gov't Lot 6 Sec. 28, T10N, R17W

City of Muskegon

Jan. 17, 1924

M. M. Buck
Reg. Civil Eng.

MUSKEGON LAKE

WILCOX ST.

SE. Cor. of
Block 1 of 1

40'

N 6° 30' E

60'

N 12° E

N 74° 30' E

75'

N 61° 20' E

100'

Property Line

Fence Line

999107

ASSESSMENT SUMMARY			
19	LAND	3000	
	BLDGs.	8676	
	TOTAL	11676	
19	LAND		
	BLDGs.		
	TOTAL	8500	
19	LAND		
	BLDGs.	9600	
	TOTAL	9600	
19	LAND	3700	
	BLDGs.	7800	
	TOTAL	10500	
19	LAND		
	BLDGs.		
	TOTAL		
19	LAND		
	BLDGs.		
	TOTAL		
19	LAND		
	BLDGs.		
	TOTAL		
19	LAND		
	BLDGs.		
	TOTAL		

401

RESIDENTIAL APPRAISAL CARD

24-30-28-497-004

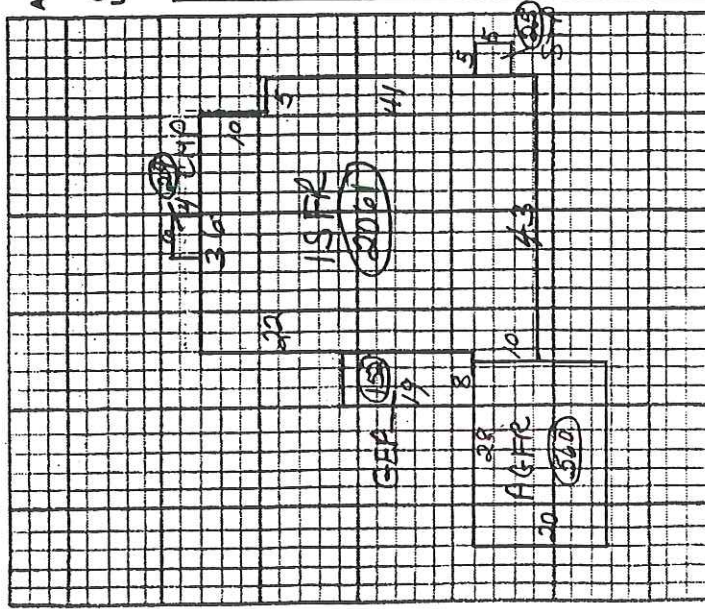
1760 EDGEWATER ST

MABEL POORT

1760 EDGEWATER ST

MUSKEGON MI 49441

BUILDING SKETCH



**LAND
ANALYSIS
AND
VALUE
COM-
UTATION**

☐ PICTURE INSIDE
REMARKS

[illegible]

ASSESSOR'S OFFICE CITY OF MILWAUKEE

JUNE 18, 2001

need 6/26/01 gk.

TO: THE CITY COMMISSIONERS OF MUSKEGON

WE ARE THE NEIGHBORS OF TOM & JOYCE VOYT OF
1760 EDGEWATER.

THEY HAVE REQUESTED THAT THE CITY VACATE A PORTION OF
EDGEWATER STREET RIGHT OF WAY (WHICH RUNS THRU THEIR GARAGE)
AND A PORTION OF WILCOX STREET RIGHT OF WAY BETWEEN EDGEWATER
STREET AND MUSKEGON LAKE (WHICH RUNS THRU THE MIDDLE OF THEIR
HOME TO THE EXISTING FENCE LINE). THE PAVED PORTION OF BOTH
STREETS WOULD NOT BE AFFECTED.

THE GARAGE AND FENCE LINE HAS BEEN LIKE THIS SINCE PRIOR TO
1924. THEIR FAMILY HAS OWNED IT SINCE 1940. THEY HAVE
MAINTAINED IT AND PAID TAXES ON IT ALL OF THIS TIME.

AS NEIGHBORS, WE HAVE ALWAYS THOUGHT IT WAS THEIR PROPERTY
AND SO HAS THE CITY SINCE IT HAS ASSESSED AND COLLECTED
TAXES. WE HAVE HAD ACCESS TO THE LAKE DURING THIS TIME PERIOD
BY USING THE DEAD END BEACH PORTION OF WILCOX STREET. THIS
ACCESS WOULD REMAIN THE SAME.

THE CITY PLANNING COMMISSION HAS RECOMMENDED THAT ALL OF THIS
PROPERTY BE VACATED AND OFFICIALLY TURNED OVER TO THE VOYTS
SO THAT THEY CAN GET PROPER TITLE TO THEIR PROPERTY.

WE AGREE THAT THIS SHOULD BE DONE.

NEIGHBORS NAME

ADDRESS

Gretchen Page	3328 Wilcox
Loren C. Page	3328 WILCOX AVE.
Beth Van der Vort	1859 Cherry St.
Jean M. Matthy	1412 Nelson Street
Karen Bednarek	3302 Arlington
Andrew DeVoog	3176 Boltwood
Gill Shanks	3465 Lake Dunes Drive
Jim Wellise	3387 Millard
Nancy Huker	3120 Country Club
Jacquie Davis	3162 Boltwood Dr.
Kenn R. Davis	3162 Boltwood Dr.

rec'd 6/26/01 gkc

JUNE 18, 2001

TO: THE CITY COMMISSIONERS OF MUSKEGON

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1760 EDGEWATER.

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SO THAT THEY CAN GET PROPER TITLE TO THEIR PROPERTY.

WE AGREE THAT THIS SHOULD BE DONE.

NEIGHBORS NAME

ADDRESS

Don Stressman	3300 Wilcox Ave.
Melody Stressman	3300 Wilcox Ave.
Joseph P Van Linto	1859 Cherry St.
Tom Blake	3222 Park Place
Joseph Goyes	3368 Wilcox Ave
Paula A. Goyec	3368 Wilcox Ave
Steven J. Gurtis	3364 Wilcox Ave.
Charmelle Gurtis	3364 Wilcox Ave.
Colleen Shan	3263 Thompson Ave

July 9, 2001

David L. Bossenbroek
Britton & Bossenbroek, P.C.
900 Third Street
P.O. Box 957
Muskegon, MI 49443-0957

RECEIVED

JUL 09 2001

City Clerks Office

Re: Edgewater Street Vacation

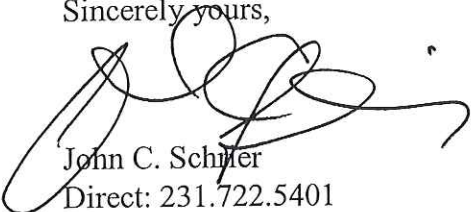
Dear Mr. Bossenbroek:

At the conclusion of the recent city commission meeting, it was my understanding that you were going to review the legal description and contact me to insure that the correct legal description is included in the resolution. The resolution is ready for recording and forwarding to the state upon confirmation of the legal description.

Please consider one other matter, however. MCLA §560.255a would appear to require, given that the land to be vacated is within 25 meters of a lake, to be done only by order of the Circuit Court in Muskegon County. Obviously if you filed suit as against all necessary parties, the City would not object, and I would be glad to execute an appropriate consent judgment.

Please let me know your thoughts.

Sincerely yours,



John C. Schrier

Direct: 231.722.5401

Fax: 231.728.2206

E-Mail Address: jcs@parmenterlaw.com

c: Cathy Brubaker-Clarke
Brenda Moore
Gail Kundering

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

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

Keith L. McEvoy
Anna K. Urlick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

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

Retired
Robert L. Forsythe
Arthur M. Rude

Paul T. Sorenson, 1920-1966
George A. Parmenter, 1903-1993
Cyrus M. Poppen, 1903-1996
Harold M. Street, 1912-2000

Commission Meeting Date: June 26, 2001

Date: June 20, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for property located east of 1768 Sherman

SUMMARY OF REQUEST:

Request to rezone abandoned railroad right-of-way east of, and immediately adjacent to, Butch's Inc. on Sherman Blvd. from R-1, Single Family Residential to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommended denial of the request due to lack of compliance with the Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to recommend denial, the vote was unanimous. Members present were D. Coleman, P. Sartorius, B. Smith, P. Veltkamp, J. Aslakson, L. Abraham, F. Neilsen and M. Kleaveland.

CITY OF MUSKEGON

RESOLUTION #2001-76(d)

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone abandoned railroad right-of-way east of, and immediately adjacent to, Butch's Inc. on Sherman Blvd. from R-1, Single Family Residential to B-4, General Business was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on June 14, 2001, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the Master Land Use Plan;

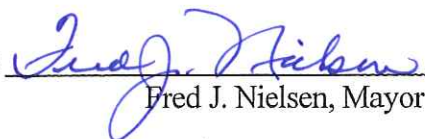
NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 26th day of June, 2001.

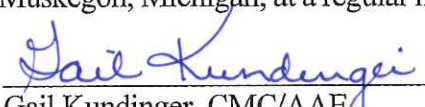
Ayes: Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict

Nays: None

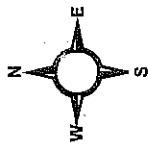
Absent: Sieradzki

By: 
Fred J. Nielsen, Mayor

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on June 26, 2001.


Gail Kunderger, CMC/AAC
Clerk, City of Muskegon

City of Muskegon Planning Commission Case 2001-19



☆ = Subject Property(ies)

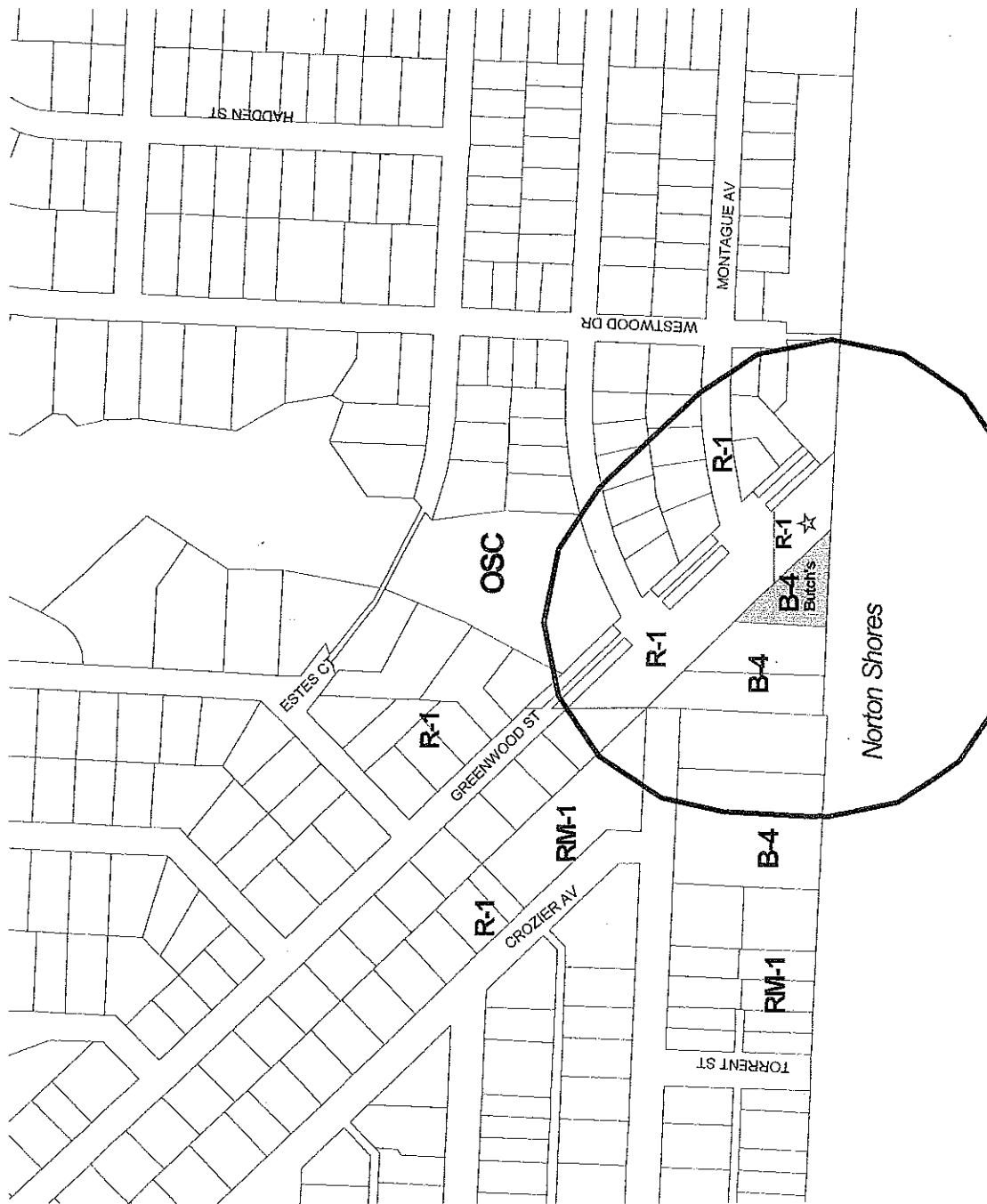
○ = Notice Area

B-4 = General Business

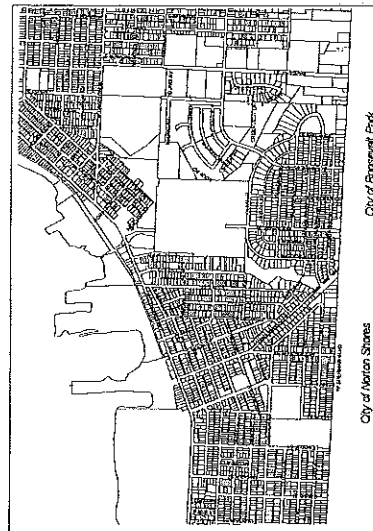
R-1 = Single-family residential

OSC = Open Space Conservation

RM-1 = Low Density Multi-family



Norton Shores



500 0 500 1000 Feet

500

0

500

Staff report excerpt

Case 2001-19: Request to rezone abandoned railroad right-of-way east of, and immediately adjacent to, Butch's Inc. on Sherman Blvd. from R-1, Single Family Residential to B-4, General Business.

BACKGROUND

Applicant: Kris Buckner.

Address/Location of Subject Property: immediately east of 1768 Sherman (Butch's Inc.)

Current Use: vacant

Current Zoning: R-1

Proposed Zoning: B-4

STAFF OBSERVATIONS

1. The subject property is located on Sherman Blvd. immediately east of Butch's Inc. It was previously railroad right-of-way.
2. The owner would like to put a U-Haul franchise on the site which would require B-4 zoning.
3. Department of Public works noted that there is a large sanitary sewer line, owned by Roosevelt Park, which runs down the current North property line of Butch's. This fact will limit the layout of development on the site.
4. The description of the land to be rezoned is a portion of the railroad right-of-way and is rather convoluted. To clarify the intent of the City to limit the extent of the rezoning staff is suggesting the area to be considered be limited to the south of a reference line drawn between the southern edge of the Montague Ave. right-of-way westerly to the northwest corner of the western property line of 1768 Sherman. Regardless, a survey should be provided by the applicant to clarify the exact layout of their submitted property description.
5. The Future Land Use Map shows the area as public right-of-way and therefore it has no future land use designation associated with it. Immediately to the east the Master Land Use map calls for multi-family residential. Multi-family residential is also called for on the west side of the current business area.
6. A generic goal of the Future Land Use Plan is to limit the expansion of strip commercial development, especially near neighborhoods. This rezoning would be expanding a limited pocket of business development closer to the Glenside and Lakeside neighborhoods.
7. There is a limited amount of multi-family development in the Glenside and Lakeside neighborhoods and any new development of that character should be closer to major roads. Since multi-family is called for in the future land use map on both the east and west side of the business zoning, it could be argued that a multi-family designation is more well-suited for this area.
8. A B-4 designation is the most intense business use. If the Planning Commission is inclined to rezone this parcel to a business designation, staff would recommend a B-1 designation.
9. The Master Plan recommends for this sub-area:

- ◆ Implement zoning (site plan) standards requiring adequate buffer protection between the commercial uses along Lakeshore Drive and Sherman Boulevard and adjacent residential development.
- ◆ Limit expansion of commercial development (rezonings) along Sherman Boulevard.
- ◆ Existing commercial districts along Sherman Boulevard, west of Pine Grove Street, should be restricted to the B-1 Zone District Classification. B-1 uses are designed primarily to serve persons residing in adjacent residential areas or neighborhoods.

ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupation of a non-industrial nature may be permitted subject to the following...
3. Congregate living facility for not more than two persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
4. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions...
3. Churches and other facilities normally incidental thereto subject to the following conditions...
4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.
9. Restricted parking areas subject to provisions of Section 2327.1.

SECTION 402: ONE FAMILY DWELLING REGULATIONS

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the

General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

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

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

16. Principal Use as permitted in B-2 Districts.
17. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
18. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

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

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following...
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:..
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following:..
5. Outdoor theaters subject to the following conditions:...
6. Private clubs, lodges, social and similar facilities.
7. Churches and other facilities normally incidental thereto subject to the following conditions:...
8. Commercial Kennels [amended 5/96]
9. Mini Storage (warehouse facilities) [amended 10/98]...
10. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.
11. Uses similar to the above Special Land Uses Permitted.

RECOMMENDATION

Staff recommends denial of the B-4 request and instead consider a B-1 or multi-family designation if it is determined that an R-1 designation is not appropriate for this parcel.

DATE: June 7, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-96; Address: 747 Marcoux, 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 **747 Marcoux, 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: 00-96 – 747 Marcoux, Muskegon, MI.

Location and ownership: This single family home is located on Marcoux St. in the Jackson Hill Neighborhood, HUD census #2. The owner is the Muskegon Housing Commission.

Staff Correspondence: A dangerous building inspection was conducted 12/18/00. An interior dangerous building inspection was conducted 2/28/01, letter dated 2/2/01 regarding interior inspection. A Notice and Order to repair was issued on 1/29/01. A Notice of HBA hearing was sent on 4/20/01.

Owner Contact: Director Kirbey Smith met with Bob 2/1/01. Interior inspection was scheduled for 2/21/01 @ 10:30 a.m.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$2,400.00

Estimated cost to repair: \$32,000.00

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, June 26, 2001.

ALVA ST

MCLAREN ST

MULDER ST

ELLIFSON AV

SUMNER AV

GLEN CT

MARCOUX AV

SGFTTY ST



747 MARCOUX

CENSUS #2



9/13/00



Harbor Title

955 West Broadway
Muskegon, MI 49441

#33379

Title Search

Case No.: 100119150
January 8, 2001

1. Beginning Date: June 15, 1971, at 8:00 A.M.

Please See Attached Liber 963, Page 52, 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 December 13, 2000, at 8:00 A.M.

Deeds:	Miscellaneous Documents:	Mortgages:
963-52	1730-836	
3104-719		

Taxes:

Civil Infractions are unavailable at this time.

Payment of the Invoice Charges due and payable to the City of Muskegon Treasurer in the amount of \$122.00.

Possible Sidewalk Assessment in the year 2004.

Note:

Taxes are EXEMPT.

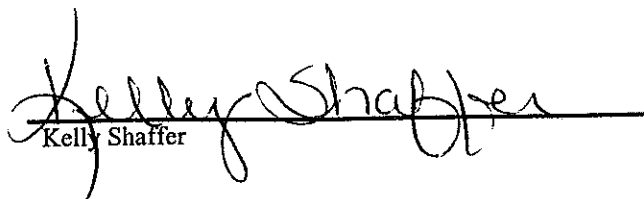
New Permanent Parcel No.: 61-24-590-002-0007-00.

1971 State Equalized Value: \$2,400.00.

Note: Delinquent Water/Sewer Usage Bill in the amount of \$53.00 is included in the 2000 Winter Tax Bill.

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

Muskegon Housing Commission, a Municipal Corporation
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

WARRANTY DEED

STATUTORY FORM FOR CORPORATION

747 MARCOUX

LIBER 963 PAGE 52



KNOW ALL MEN BY THESE PRESENTS: That MUSKEGON AREA DEVELOPMENT CORPORATION FOR HOUSING, a Michigan non-profit corporation, the address of which is 1063 Fourth Street, Muskegon, Michigan,

Conveys and Warrants to CITY OF MUSKEGON, a Municipal corporation, whose street number and postoffice address is 933 Terrace Street, Muskegon, Michigan, the following described premises situated in the City of Muskegon, County of Muskegon, and State of Michigan, to-wit:

Lots Seven (7) and Eight (8) of Block Two (2) of MARCOUX'S SUBDIVISION of Block thirty-eight (38), City of Muskegon, Revised Plat, Muskegon County, Michigan,

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of \$17,529.00 ----- XXX(Dollar(s))

subject to

Dated this 14th day of June, 1971.

Signed in the presence of:

Signed by:
MUSKEGON AREA DEVELOPMENT CORPORATION FOR HOUSING

Cyrus M. Poppen
Cyrus M. Poppen STATE OF MICHIGAN
COUNTY OF MUSKEGON
Margarite Robison
Margarite Robison

By John A. Chapman
John A. Chapman
Executive Vice-President

1971 JUN 15 PM 12 21

and Robert T. Johnson
Robert T. Johnson
Assistant Secretary

STATE OF MICHIGAN
COUNTY OF MUSKEGON

REGISTER OF DEEDS

On this 14th day of June, 1971 before me, a Notary Public in and for said County, personally appeared John A. Chapman and Robert T. Johnson to me personally

known, who, being by me duly sworn, did each for himself say that they are respectively the Executive Vice-President and Assistant Secretary of Muskegon Area Development Corporation for Housing the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said John A. Chapman and Robert T. Johnson acknowledged said instrument to be the free act and deed of said corporation.

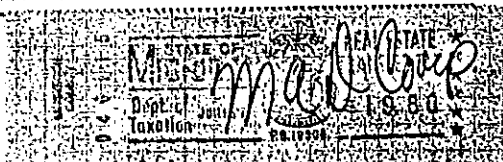
My Commission expires Oct. 5, 1973

Margarite Robison
Margarite Robison Notary Public,
Muskegon County, Michigan

NOTE—If more than one officer acknowledges insert at 1 "each for himself" and at 2 "they are respectively."

County Treasurer's Certificate

Muskegon, Mich. 6-15-71
"I hereby certify that there are no tax liens or other claims against the within instrument, and no taxes are paid for here & now previous to the date of this instrument, as required by the Statute in Michigan."
Paul T. Tishler Co. Treas.
No. 2129



Recorded return to:

Recording Fee _____
U.S. Rev. Stamps _____
DRAFTED BY: POPPEN, STREET, SORENSON & ENGLE
Business address: 175 West Apple Avenue
Muskegon, Michigan 49443

*See note re P.A. 1963, No. 130, on reverse side.

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING BURTON TITLE INSURANCE

LIBER 963 PAGE 52

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

(INTERIOR)

747 MARCOUX
2/28/01

PLUMBING:

1. Mechanical system needs replacement.
2. Water Heater needs replacing.
3. Waste & Vent needs repair.
4. Water distribution needs repair.

ELECTRICAL:

1. Electrical wiring exposed to drastic changes in environment and in an extremely deteriorated state.
2. Electrical service missing.
3. Light fixtures missing or damaged through out building.

BUILDING:

1. Interior wall and ceiling repair – replacement needed.
2. Broken out windows, damaged interior doors.
3. Tuck pointing of basement foundation walls.
4. Flooring and floor covering in need of replacement.

Please see attached report for exterior repair needed.

CITY OF MUSKEGON

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

DATE: 1/29/01

Address of the Property: 747 Marcoux, Muskegon, Michigan

Description of the Structure:

TO: Muskegon Housing Commission, 1080 Terrace St., Muskegon MI 49441
[Name & Address of Owner]

None known at this time
[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 747 Marcoux, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(Please see the attached inspection report)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By

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

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

747 MARCOUX

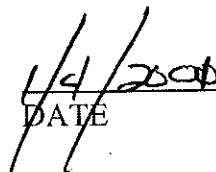
12/18/00

Inspection noted:

1. Home has been vacant and boarded up for over ten years.
2. Home has been constantly broken into, vandalized and reboarded.
3. Home has rotted, deteriorating eaves.
4. Siding on home is in need of replacement repair.
5. Roofing is in need of repair after structural items are repaired:
 - a. Flashing.
 - b. Dcip edge shingles.
 - c. Weather shield.
6. Back porch is in danger of collapse:
 - a. Decking is missing.
 - b. Rotted structural members
 - c. Rotted joists.
 - d. Rotted ledger.
 - e. Rotted columns.
7. Graffiti on home.
8. Interior inspection is required by the City of Muskegons building, electrical, plumbing and mechanical inspectors before a certificate of occupancy or any necessary permits will be issued.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibacker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that if staff turns this over to the police, he imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them whether they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, within the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we loose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he get daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 7, 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 #: 00-79 Address: 1668 Beidler

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 1668 Beidler, 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: 00-79, 1668 Beidler, Muskegon, MI

Location and ownership: This dwelling is located on Beidler between Seaway & Henry Streets. It is owned by the Housing Commission.

Staff Correspondence: Dangerous building reports dated 9/14/00 & 2/7/01, Notice & Order dated 11/3/00, letter dated 4/20/01, letter dated 2/2/01, HBA determination dated 1/8/01, Title search.

Owner Contact: Director, Kirby Smith met with Grabinski on 2/1/01. Interior inspection was scheduled for 2/7/01.

Financial Impact: GENERAL FUNDS

Budget action required: None

State Equalized value: 0

Estimated cost to repair: \$30,000.00

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, June 26, 2001.

820 810 790 782 776 766 758 750 1543

817 809

1593 816 810

0 781 767 763 759 749 1561 1573

1588 792 786 780 774 768 758 752 744 1589 1593 1607

W FOREST AV

1643 809

791 785 767 750 747 1635 1641

1651 1657 1669 792 788 774 766 758 750

W DALE AV

1704 809

789 779 775 765 757 1687 1693 1699 1705

1715 1727 1733 774 766 758 750

CH AV

809 1768

779 775 765 759 753 747 739 0 9

BI

0 696 690 682 1560 1574 1580

0 695 687 679 1590 1596 1600 1608 696 682

701 697 0 1624 1632 1636 1644 1650 1664 1668

696 688

711 703 695 687 1714 1724 1736 700 692 686

697 689 681 1752

SEA

GLADE ST

631 1600 640

637 0 0 0 0 0 0 622

1732



1668 Beidler

For The Inspection Dept.
City of Muskegon

412598

FROM CITY ASSESSOR'S RECORDS

OWNER Muskegon Housing Commission
PROPERTY 1668 Beidler
PLATE # 06634
DESCRIPTION S 85 feet of Lots 17-18, Block 436

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 948

PAGE: 426

DATE OF DEED: September 30, 1970

GRANTOR NAME & ADDRESS: Muskegon Area Development Corporation For
Housing, 1065 Fourth St., Muskegon, MI

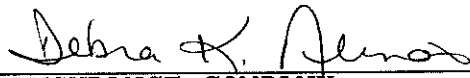
GRANTEE NAME & ADDRESS: City of Muskegon, 933 Terrace St.,
Muskegon, MI

LIENS OR MORTGAGES: Liber 1730, Page 836 Declaration of Trust

TODAY'S DATE: October 25, 2000

EFFECTIVE DATE: September 27, 2000 at 8:00 AM

ABSTRACTED BY:


TRANSNATION TITLE INSURANCE COMPANY

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

File Number - 412598

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

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

Form No. M867.6

(Previous No. T814)

DANGEROUS BUILDING INSPECTION

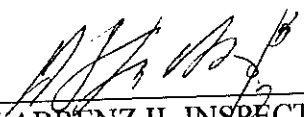
1668 Beidler

September 14, 2000

2 STORY WOOD FRAME UNOCCUPIED HOUSE.

1. Siding damaged and rotting.
2. Handrails and guardrails missing.
3. Rear roof Sagging
4. Building is boarded up.
5. Fascia board rotted.
6. Portions of foundation need to be tuck-pointed.
7. Interior inspection required by building, plumbing, mechanical and electrical inspectors before any permits or certificates 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.


DON LABRENZ II, INSPECTOR

DATE

14-sep-00

CONCURRED IN :
JERRY MCINTYRE, BUILDING OFFICIAL

CITY OF MUSKEGON
INTERIOR INSPECTION REPORT

1668 BEIDLER
2/7/01

Plumbing/Mechanical:

1. Water heater needs replacement.
2. Waste and vent needs repair.
3. Duct work needs support.
4. Furnace needs servicing.
5. No cold air return in any bedrooms.
6. Water system needs pressure testing.
7. Gas piping needs pressure test.

Building:

1. Entire floor – sub floor in home is damaged. Buckling, warping. Need to remove to inspect floor – ceiling joist condition. (Verify structural at this time).
2. Interior wall – ceiling damage; large holes in ceiling caused by infiltration of weather.
3. Roof system in need of repair/replacement; Roof covering and sheathing need to be repaired – replaced.
4. Siding, windows and window frames in need of repair/replacement.
5. Doors in home damaged.
6. Some attempted fire damage in home.

Electrical:



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616-722-2647 • Fax 616-722-9503

TO: Janet Williams, Director
Community Neighborhood Services

FROM: McKinley V. Copeland, Executive Director *MVC*

DATE: June 5, 1997

SUBJECT: Turnkey 3 Unit Rehab - Home Funds

I am forwarding to you the rehab and lead based paint abatement numbers I have on the seven (7) Turnkey 3 homes the Housing Commission would like to renovate with Home Funds.

<u>Address</u>	<u>Rehabilitation Cost</u>	<u>L.B.Paint Abatement</u>	<u>Total Cost</u>
383 Catherine	\$52,000.00	\$10,522.50	\$62,522.50
284 Iona	34,751.00	2,846.25	37,597.25
517 Allen	18,253.00	NO L.B.P.	18,253.00
214 Washington	38,680.00	11,350.50	50,030.50
361 Oak	34,825.00	4,473.50	39,298.50
747 Marcoux	41,012.00	12,489.00	53,501.00
404 Washington	<u>25,106.00</u>	<u>6,026.00</u>	<u>31,132.00</u>
	<u>\$244,627.00</u>	<u>\$47,708.00</u>	<u>\$292,335.00</u>



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616•722•2647 • Fax 616•722•9503

Lead Based Paint Abatement Costs (1994 Quotes)
1994

1. 383 Catherine	$\$9,150.00 \times 15\% + \$1,372.50$	= <u>\$10,522.50</u>
2. 284 Iona	$2,475.00 \times 15\% + 371.00$	= <u>2,846.25</u>
3. 747 Marcoux	$10,860.00 \times 15\% + 1,629.00$	= <u>12,489.00</u>
4. 361 Oak	$3,890.00 \times 15\% + 583.50$	= <u>4,473.50</u>
5. 214 Washington	$9,870.00 \times 15\% + 1,480.50$	= <u>11,350.50</u>
6. 404 Washington	$5,240.00 \times 15\% + 786.00$	= <u>6,026.00</u>
7. 517 Allen	(No L. B. P.)	<u> </u>
Total Lead Based Paint Abatement Cost		= \$47,707.75

leadpaintcost.mvc

**Homeownership Assistance/
Rental Housing
Project Set-Up Report**

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

HOME Program Cash & Management Information System

OMB Approval No. 2501-0013 (Exp. 6/30/93)

Public Reporting Burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2501-0013), Washington, D.C. 20503. Do not send this completed form to either of these addressees.

Note: Complete for all Homeownership Assistance/Rental Housing Projects prior to project set-up and send the completed form to: HOME PROGRAM, P.O. Box 23997, L'Enfant Plaza Station, Washington, D.C. 20026	Check the Appropriate Box: ☒ Original Submission ☐ Change Owners Address ☐ Ownership Transfer ☐ Revision
--	---

Part A: Call-In Part A must be called in to HUD to set up project accounts. This completed form must be submitted to HUD immediately after project set-up call.

1. Project Number:	2. Name of Participant <i>City of Muskegon</i>	6. HOME Funds for Project a. Total Funds Requested ⇒ \$ <i>45,000</i>	
3. Participant Tax ID Number: <i>38-600-4522</i>	4. CHDO Tax ID Number <i>n/a</i>	b. Participant Number <i>mc 260215</i>	c. Dollar Amount of Funds \$ <i>45,000</i>
5. Type of Project (3) ☐ Acquisition Only (5) ☐ Substantial Rehabilitation (4) ☐ Moderate Rehabilitation (6) ☐ New Construction			
8. Name & Phone Number (including Area Code) of Person Completing Form <i>Julie Aaron (616) 724-6918</i>			
9. CHDO Loan (1) ☐ Yes (2) ☒ No	DRAFT		
		7. Total Estimated Cost of Project: (HOME-assisted units, including other public/private funds) \$ <i>45,000</i>	

Part B: Project Information

1. Street Address of Project: <i>1668 Beidler</i>				
1a. City: <i>Muskegon</i>	1b. State: <i>Michigan</i>	1c. Zip Code: <i>49443</i>		
2. Name of Owner	2a. Last Name	2b. First Name <i>Muskegon Housing Commission</i>		
3. Mailing Address of Owner: <i>1823 Commerce Street</i>				
3a. City: <i>Muskegon</i>	3b. State: <i>Michigan</i>	3c. Zip Code:		
3d. Phone: (Include Area Code) <i>(616) 722-2647</i>	4. Name of Firm: (if applicable)	5. Total Units in Project Prior to Assistance <i>1</i>	6. Estimated Units Upon Completion <i>1</i>	7. Total HOME-Assisted Units Upon Completion: <i>1</i>
8. Type of Ownership: (Check one box) (1) ☐ Individual (4) ☐ Not-for-Profit (2) ☐ Partnership (5) ☒ Publicly-Owned (3) ☐ Corporation (9) ☐ Other	9. Tenure Type: (Check one box only) (1) ☐ Rental (2) ☐ Homeownership First-Time Buyer (3) ☐ Homeownership Rehabilitation		10. Complete for Community Housing Development Organization Projects: (Check one box) (1) ☐ Owned (2) ☐ Sponsored (3) ☐ Developed	
11. County Code: (to be completed by Centralized States only)				

6125197

HOME
PURCHASE/REHAB/RESALE PROGRAM
CITY OF MUSKEGON

DEVELOPMENT SUMMARY

ADDRESS: 1668 BEIDLER
PROJECT #:
GRANT #: M95-MC260215

EST. COSTS		ACTUAL COSTS	
Acquisition	\$0	Acquisition	\$0
Title work	\$500	Title work	\$0
Construction	\$35,500	Construction	\$0
Site work	\$1,200	Site work	\$0
Utilities	\$500	Utilities	\$0
Contingency	\$3,550	Contingency	\$0
Architectural	\$0	Architectural	\$0
Marketing	\$250	Marketing	\$0
Recording Fees	\$100	Recording Fees	\$0
Title Insurance	\$350	Title Insurance	\$0
Survey	\$575	Survey	\$0
Appraisal	\$250	Appraisal	\$0
Financing Costs	\$0	Financing Costs	\$0
<i>LBP ABATEMENT</i>			
EST. TOTAL	\$42,775	ACTUAL COSTS	\$0

*round to
\$45K*

DESCRIPTION:

6 BR, 3 BATH

2 STORY

1390 SQ. FEET

DOWN = 814

UP = 576 SQ. FT

EST. AFTER-REHAB VALUE: \$35,000

HOME
CITY OF MUSKEGON
PURCHASE/REHAB/RESALE PROGRAM

1668 BEIDLER

SCOPE OF WORK

I. EXTERIOR/SITEWORK		II. MAJOR SYSTEMS	
ITEM	COST	ITEM	COST
Tree trim - front yard	200	Replace water Heater	300
Install railings-front and rear	400	Clean and safety check furnace	500
Replace storm doors	300	TOTAL	800
Replace panel windows	500	Roof?	
Paint exterior	1500	Plumbing ?	
Install lights-front & rear porch	150	Electrical ?	
Repair siding	300		
TOTAL	3350		
III. STRUCTURAL		IV. INTERIOR	
Replace windows	600	Repair & paint living room walls	2000
Replace floors-kitchen & bath	1050	Clean & paint interior walls	1000
Replace exterior doors (2)	500	Replace bath fixtures	1500
TOTAL	2150	Replace kitchen cabinets	3000
Foundation Repair ?		Replace kitchen fixtures	700
		Replace light fixtures	500
		TOTAL	6200
		Replace floor coverings ?	
MISCELLANEOUS			
Sewer Line Service	80		
Termite Inspection & Treatment	750		
Landscaping	700		
Extermination	700		
TOTAL	2230		
TOTAL REHAB COSTS	14730		

CITY OF MUSKEGON

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

DATE: 11/3/00

Address of the Property: 1668 Beidler, Muskegon, Michigan

Description of the Structure:

TO: Muskegon Housing Commission
[Name of Owner]

1823 Commerce, Muskegon MI 49441
[Address of Owner]

NONE KNOWN

[Names of Other Interested Parties]

[Addresses]

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 1668 BEIDLER, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(PLEASE SEE ATTACHED INSPECTION REPORT)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B Grabinski, Fire Marshal/Inspection Dept.
Position

Dated: 11/3/00

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 1668 Beidler, Muskegon, Michigan
383 Catherine, Muskegon, Michigan
284 Iona, Muskegon, Michigan
747 Marcoux, Muskegon, Michigan
361 Oak, Muskegon, Michigan
1950 Terrace, Muskegon, Michigan
214 Washington, Muskegon, Michigan
404 Washington, Muskegon, Michigan

Description of the Structure: The S 85 Feet of Lots 17 & 18 of Blck 436, aka, 1668 Beidler;
That part of Lot 5, Block 262, as described in Libver 3 of Plats, Page 71, aka, 383 Catherine; Lot
7, Block 236, aka, 284 Iona; Lots 7 & 8 of Blk 2 of Marcoux's Subd of Blk 38, aka, 747
Marcoux; Lot 4, Blk 202, aka, 361 Oak; Lot 14 & the S 2 ft of Lot 13 Blk 2 of Subd of lot 2 & 3
of Blk 1 R. P. Easto's Second Subd of part of Section 32, aka, 1950 Terrace; Lot 10 of Blk 398,
aka, 214 Washington; te E 50 Ft of Lot 9 & the W 50 Ft of Lot 9 blk 375, aka, 404 Washington.

TO: Muskegon Housing Commission, Mr. Kirbey D. Smith, Director, 1080 Terrace Street,
Muskegon, MI 49442
[Name & Address of Owner]

None known at this time
[Names Addresses of Other Interested Parties]

Please take notice that on Thursday, 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.

To discuss your plans for the properties listed above in this notice.

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

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

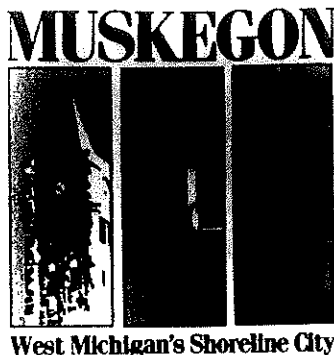
Police Dept.
231/724-6750
FAX/722-5140

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



February 2, 2001

Housing Commission
Attn: Kirby Smith, Director
1080 Terrace Street
Muskegon MI 49441

Dear Mr. Smith:

As we discussed at our meeting on February 1, 2001, interior inspections have been scheduled for all the properties we talked about. The schedule is as follows:

Address	Date of inspection	Time of Inspection
1668 Beidler	02/07/01	9:00 am
383 Catherine	02/07/01	10:30 am
284 Iona	02/14/01	9:00 am
381 Oak	02/14/01	10:30 am
1950 Terrace	02/21/01	9:00 am
214 Washington	02/28/01	9:00 am
404 Washington	02/28/01	10:30 am

If you have any questions, please feel free to contact me at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

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

Date: 01/08/01

To: Muskegon Housing Commission, 1080 Terrace St., Muskegon MI 49442
Muskegon Housing Commission, 1823 Commerce, Muskegon MI 49442
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, January 4, 2001, does hereby order that the following structure(s) located at 1668 Beidler, 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.

S 85 Ft of Lots 17-18, Block 436

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.

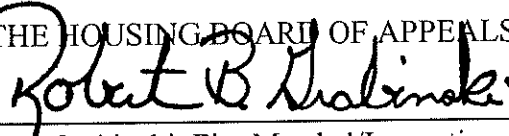
The director of inspections is ordered to delay for 30 days placing before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time 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

Dated: January 8, 2001

TRANSNATION TITLE INSURANCE COMPANY

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

The South 85 feet of Lots 17 and 18, Block 436, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-436-0017-20

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

CITY OR VILLAGE TAXES

No 2000 Summer taxes.

STATE AND COUNTY TAXES

NOTE: 1999 Winter taxes are exempt.

SPECIAL ASSESSMENTS

Special Assessments, invoices and infractions were not checked.

TAX SALES

None.

By Debra K. Neinas
Debra K. Neinas

Date - September 27, 2000 at 8:00 AM

DKN/jat

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibecker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that if staff turns this over to the police, he imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them whether they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, with in the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we loose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he get daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 7, 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 #:01-002 Address: 361 Oak

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 **361 Oak, 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: 01-001, 361 Oak, Muskegon, MI

Location and ownership: This dwelling is located on Oak Ave. between Wood & Emerald Streets. It is owned by the Housing Commission.

Staff Correspondence: Dangerous building reports dated 12/22/00 & 2/14/01, Notice and Order dated 1/31/01, letter dated 2/2/01, Notice of hearing dated 4/20/01.

Owner Contact: Director, Kirby Smith met with Grabinski on 2/1/01. Interior inspection was scheduled for 2/21/01.

Financial Impact: CDBG

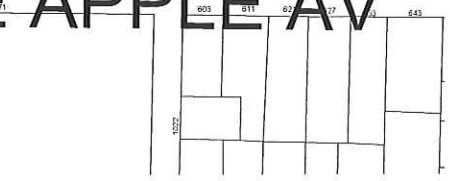
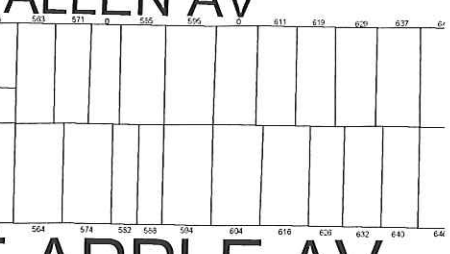
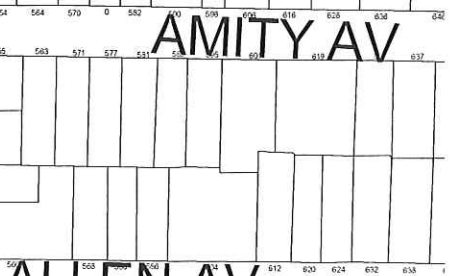
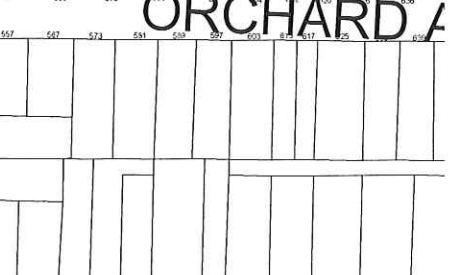
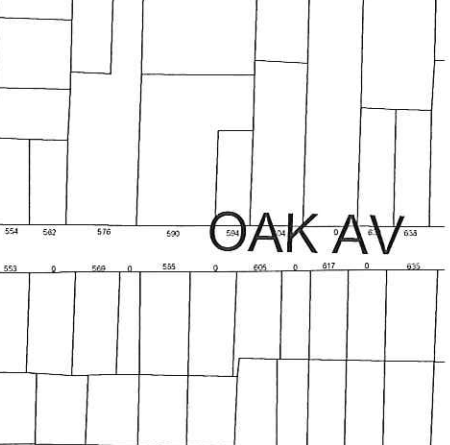
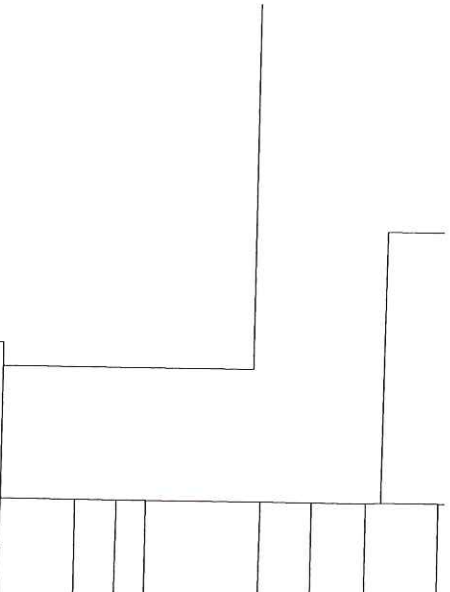
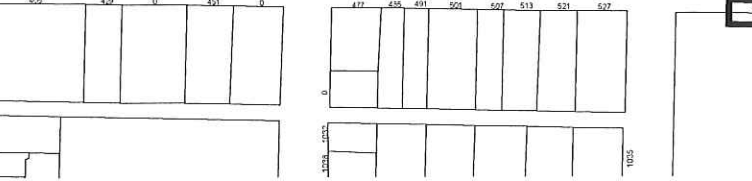
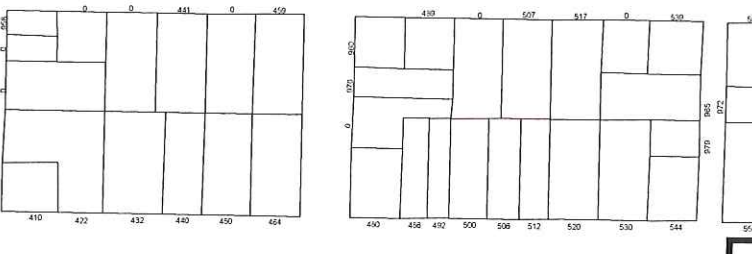
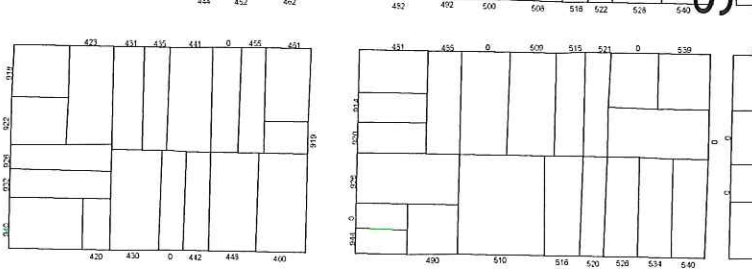
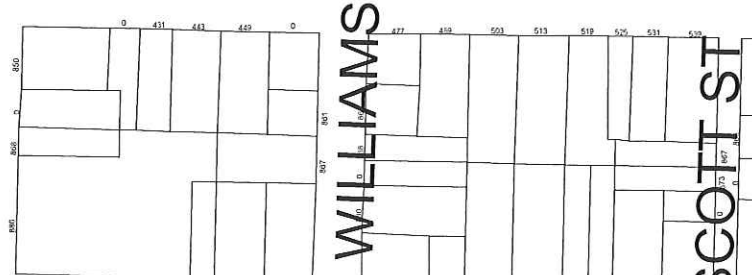
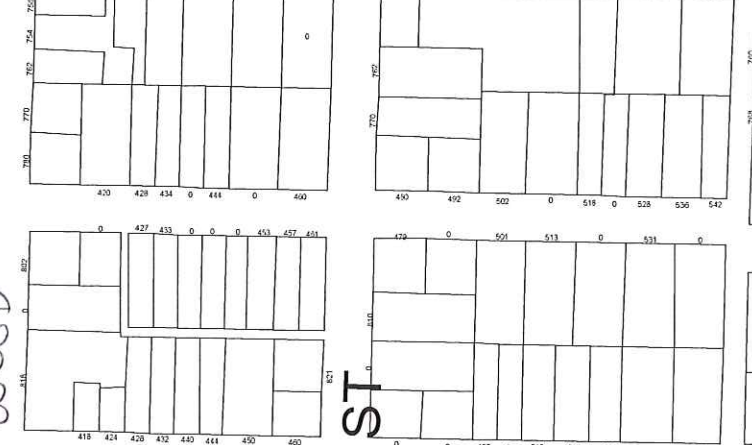
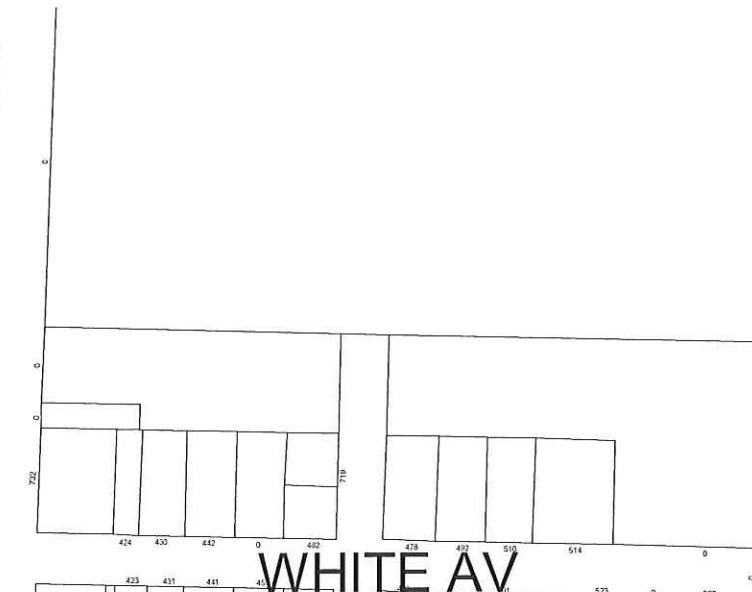
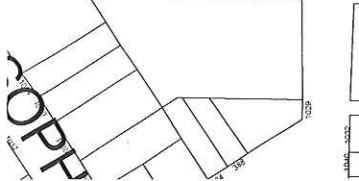
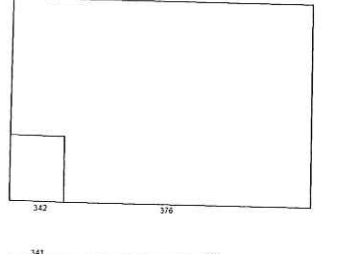
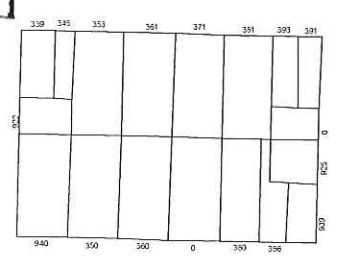
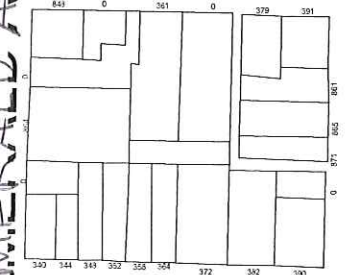
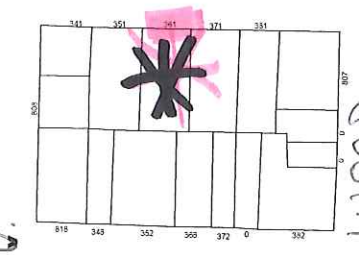
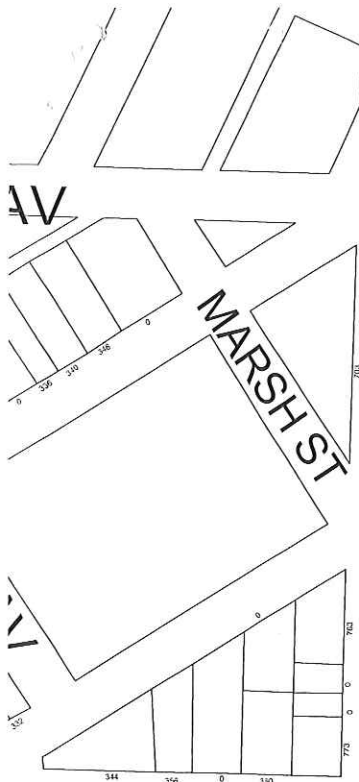
Budget action required: None

State Equalized value: \$6,250.00 (1970)

Estimated cost to repair: \$50,000.00

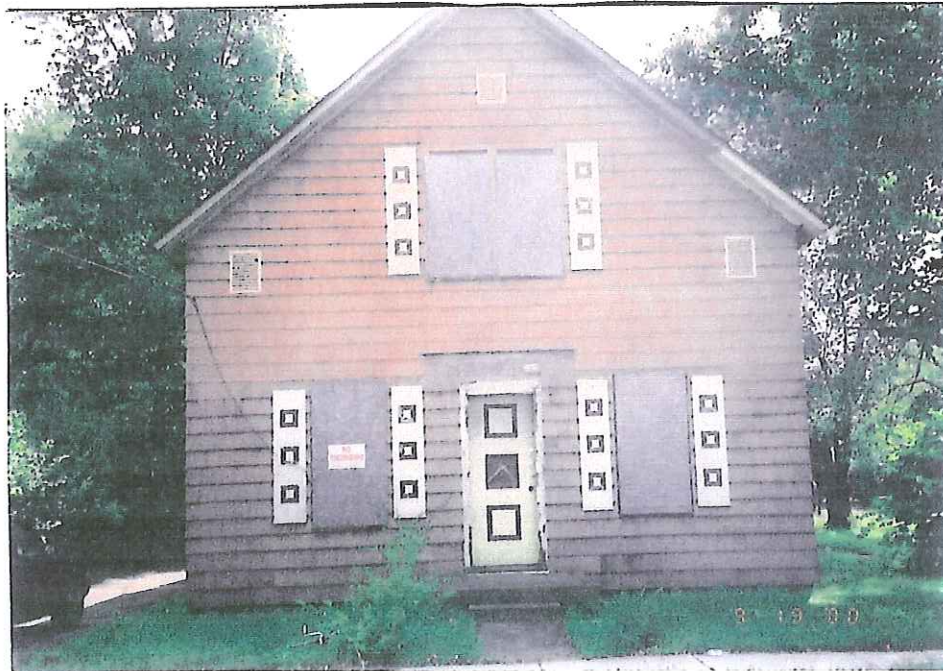
Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 26, 2001.



361 OAK

Census # 3



9/19/00



Harbor Title

955 West Broadway
Muskegon, MI 49441

361 OAK

Title Search

Case No.: 100119151
January 8, 2001

1. Beginning Date: November 10, 1969, at 8:00 A.M.

Please See Attached Liber 927, Page 791, 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 December 13, 2000, at 8:00 A.M.

Deeds:
927-791
3104-719

**Miscellaneous
Documents:**
1730-836

Mortgages:

Taxes:

Civil Infractions are unavailable at this time.

Payment of the Invoice Charges due and payable to the City of Muskegon Treasurer in the amount of \$86.00.

Payment of the Sidewalk Assessment due and payable to the City of Muskegon Treasurer in the amount of \$693.53, if paid by January 31, 2001.

Note:

Taxes are EXEMPT.

New Permanent Parcel No.: 61-24-205-202-0004-00.

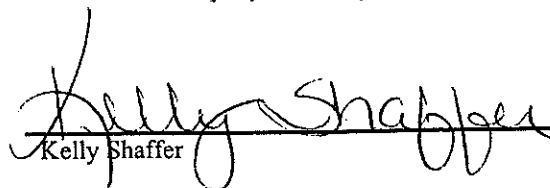
1970 State Equalized Value: \$6,250.00.

Note: Sidewalk Assessment Installment in the amount of \$137.56 is included in the 2000 Winter Tax Bill.

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

Muskegon Housing Commission, a Municipal Corporation

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

WARRANTY DEED
STATUTORY FORM
FOR CORPORATIONS

927-791

THE
MICHIGAN TITLE COMPANY

Rev. 17-60
KNOW ALL MEN BY THESE PRESENTS: That MUSKEGON AREA DEVELOPMENT CORPORATION
FOR HOUSING, a Michigan corporation,

whose address is 1065 Fourth Street, Muskegon, Michigan

Conveys and Warrants to CITY OF MUSKEGON, a Municipal corporation,

whose street number and postoffice address is 208 West Clay Avenue, Muskegon, Michigan

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

Lot Four (4) of Block Two Hundred Two (202) of
the Revised Plat (of 1903) of the City of
Muskegon

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1969 NOV 10 AM 11 59

together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise connected
for the sum of \$16,000.00
subject to

Signed and Sealed:
Dated this 31st day of October 19 69 MUSKEGON AREA DEVELOPMENT
CORPORATION FOR HOUSING

Signed and Sealed in presence of

Lucile D. Coughlin

Marguerite Robinson

by Robert T. Johnson

President

and John A. Chapman

Secretary

STATE OF MICHIGAN
COUNTY OF

On this 31st day of October 19 69 before me personally appeared
Robert T. Johnson and John A. Chapman
to me personally known, who being by me sworn, did (1)
each for himself
so that (2) they are respectively the President and Secretary of
MUSKEGON AREA DEVELOPMENT CORPORATION FOR HOUSING

the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of
said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and
said Robert T. Johnson and John A. Chapman acknowledged said instrument to be the
free act and deed of said corporation.

Note: If more than one officer acknowledges, insert at (1) "each
for himself," and (2) "they are respectively"

My commission expires October 5, A.D. 19 73

Marguerite Robinson
Notary Public, Muskegon County, Michigan

County Treasurer's Certificate
I, the undersigned, Treasurer of the County of Muskegon, do hereby certify that the within instrument is a true and correct copy of the original as the same appears from the records of the County of Muskegon.



After recording return to:

Recording Fee

U.S. Rev. Stamp

POPPEN, STREET & SORENSEN
210 Muskegon Bank Bldg.
Muskegon, Michigan
49440

City of Muskegon
Urban Renewal Dept. City Hall 3 361 Oct 2nd ST.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
INTERIOR
361 OAK
2/14/01

Electrical:

1. Electrical wiring exposed to drastic changes in environment and in an extremely deteriorated state.

Plumbing:

1. Plumbing fixtures broken or missing furnace needs replacing.
2. Water heater needs replacing.
3. Unable to inspect duct work due to instability of the building.
4. Unable to inspect waste, vent and water piping due to instability of building.

Building:

1. Structural damage to floor joists large holes in floor, rotted missing decking.
2. Damaged walls in home missing drywall large holes.
3. Ceiling damage structural, ceiling joists, rafters damaged from exposure to weather, large holes in ceiling drywall.
4. Flooring in home damaged throughout.
5. Broken out windows, damaged frames, damaged doors.
6. Attempted fire in bedroom.
7. Missing – broken bathroom fixtures.
8. Peeling paint, painting falling off walls, ceilings.
9. Floor system unstable, improper, collapsing support.

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 1668 Beidler, Muskegon, Michigan
383 Catherine, Muskegon, Michigan
284 Iona, Muskegon, Michigan
747 Marcoux, Muskegon, Michigan
361 Oak, Muskegon, Michigan
1950 Terrace, Muskegon, Michigan
214 Washington, Muskegon, Michigan
404 Washington, Muskegon, Michigan

Description of the Structure: The S 85 Feet of Lots 17 & 18 of Blck 436, aka, 1668 Beidler;
That part of Lot 5, Block 262, as described in Libver 3 of Plats, Page 71, aka, 383 Catherine; Lot
7, Block 236, aka, 284 Iona; Lots 7 & 8 of Blk 2 of Marcoux's Subd of Blk 38, aka, 747
Marcoux; Lot 4, Blk 202, aka, 361 Oak; Lot 14 & the S 2 ft of Lot 13 Blk 2 of Subd of lot 2 & 3
of Blk 1 R. P. Easto's Second Subd of part of Section 32, aka, 1950 Terrace; Lot 10 of Blk 398,
aka, 214 Washington; te E 50 Ft of Lot 9 & the W 50 Ft of Lot 9 blk 375, aka, 404 Washington.

TO: Muskegon Housing Commission, Mr. Kirbey D. Smith, Director, 1080 Terrace Street,
Muskegon, MI 49442
[Name & Address of Owner]

None known at this time

[Names Addresses of Other Interested Parties]

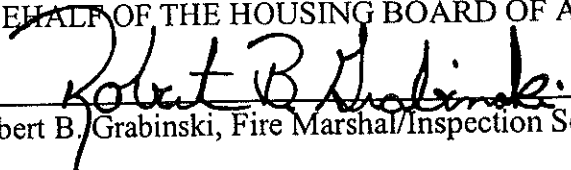
Please take notice that on Thursday, May 3, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

To discuss your plans for the properties listed above in this notice.

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, Fire Marshal/Inspection Services

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

361 OAK

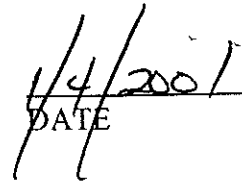
12/22/00

Inspection noted:

1. Structural damage to home foundation:
 - a. Missing sections of foundation wall.
 - b. Brick missing out of foundation wall.
 - c. Cracked foundation wall.
 - d. Rotted, missing sill plate.
2. Rotting, missing siding.
3. Home has been boarded up for over ten years.
4. Roof covering is missing, Rotted on roof system.
5. Broken gable vents.
6. Unprotected fascia and soffit.
7. Rotted trim, casing, doors and window frames.
8. Interior inspection is required by the City of Muskegon building, electrical, plumbing and mechanical inspectors before a certificate of occupancy and any necessary permits will be issued.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616•722•2647 • Fax 616•722•9503

TO: Janet Williams, Director
Community Neighborhood Services

FROM: McKinley V. Copeland, Executive Director *MVC*

DATE: June 5, 1997

SUBJECT: Turnkey 3 Unit Rehab - Home Funds

I am forwarding to you the rehab and lead based paint abatement numbers I have on the seven (7) Turnkey 3 homes the Housing Commission would like to renovate with Home Funds.

<u>Address</u>	<u>Rehabilitation Cost</u>	<u>L.B.Paint Abatement</u>	<u>Total Cost</u>
383 Catherine	\$52,000.00	\$10,522.50	\$62,522.50
284 Iona	34,751.00	2,846.25	37,597.25
517 Allen	18,253.00	NO L.B.P.	18,253.00
214 Washington	38,680.00	11,350.50	50,030.50
361 Oak	34,825.00	4,473.50	39,298.50
747 Marcoux	41,012.00	12,489.00	53,501.00
404 Washington	<u>25,106.00</u>	<u>6,026.00</u>	<u>31,132.00</u>
	<u>\$244,627.00</u>	<u>\$47,708.00</u>	<u>\$292,335.00</u>



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616•722•2647 • Fax 616•722•9503

Lead Based Paint Abatement Costs (1994 Quotes) 1994

1. 383 Catherine	$\$9,150.00 \times 15\% + \$1,372.50$	= <u>\$10,522.50</u>
2. 284 Iona	$2,475.00 \times 15\% + 371.00$	= <u>2,846.25</u>
3. 747 Marcoux	$10,860.00 \times 15\% + 1,629.00$	= <u>12,489.00</u>
4. 361 Oak	$3,890.00 \times 15\% + 583.50$	= <u>4,473.50</u>
5. 214 Washington	$9,870.00 \times 15\% + 1,480.50$	= <u>11,350.50</u>
6. 404 Washington	$5,240.00 \times 15\% + 786.00$	= <u>6,026.00</u>
7. 517 Allen	(No L. B. P.)	<u> </u>

Total Lead Based Paint Abatement Cost = \$47,707.75

Alternative 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

February 2, 2001

Housing Commission
Attn: Kirby Smith, Director
1080 Terrace Street
Muskegon MI 49441

Dear Mr. Smith:

As we discussed at our meeting on February 1, 2001, interior inspections have been scheduled for all the properties we talked about. The schedule is as follows:

Address	Date of inspection	Time of Inspection
1668 Beidler	02/07/01	9:00 am
383 Catherine	02/07/01	10:30 am
284 Iona	02/14/01	9:00 am
381 Oak	02/14/01	10:30 am
1950 Terrace	02/21/01	9:00 am
214 Washington	02/28/01	9:00 am
404 Washington	02/28/01	10:30 am

If you have any questions, please feel free to contact me at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

CITY OF MUSKEGON

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

DATE: 1/31/01

Address of the Property: 361 Oak, Muskegon, Michigan

Description of the Structure:

TO: Muskegon Housing Commission, 1080 Terrace St., Muskegon MI 49442
[Name & Address of Owner]

None Known at this time
[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.

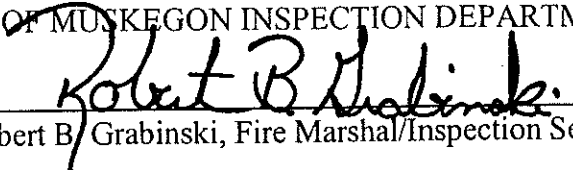
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **306 Oak**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(Please see attached inspection report)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By


Robert B. Grabinski, Fire Marshal/Inspection Services

Staff recommended to table the case until the July meeting to allow time for Mr. Wishart to complete all the repairs. If repairs are not complete, the case will be brought back for review at the July, 2001 meeting.

Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

Eight Housing Commission Properties – Mr. Kirby D. Smith, 1080 Terrace Street, Muskegon MI 49440; Attorney Ted William, Williams, Hughes, Corwin & Sinnger, LLP 120 W. Apple Ave. Muskegon, MI 49440

Mr. Smith came forward to the podium to present his case. Mr. Smith stated his name and title and introduced his attorney, Mr. Ted Williams. Mr. Smith explained that Mr. Williams helped him obtain a copy of the federal register that is published by the United States Government. He said when ever there is a question with the register he always brings a lawyer with him. Mr. Smith then stated that he has been in all of the eight homes in question with the inspectors of the City of Muskegon and had a meeting with Mr. Grabinski before and after the interior inspections.

Mr. Smith said that he had a fellow that has been consulting with real estate and contracting to help him try and figure, from the housing commission's point of view, what can become of these dwellings. He stated that he was quite surprised to find out what he did at the first house on this list. He stated that a guy from a few doors down came running down the street to talk with him and the inspectors. The neighbor was concerned and stated that he bought his house 20 years ago and after six months, this house at 404 Washington was boarded up and the boards haven't come off since. Mr. Smith said that he thought that the neighbor might have thought that Henry and Mr. Smith were going to tear off those boards and start to remodel the house on the spot. Subsequently, Henry, the other inspectors and Mr. Smith had a chance to hear stories from other neighbors. The neighbors were more than happy to see that they were not contractors and that something was going to finally be done with these properties.

Mr. Smith stated that he could appreciate that these homes have to be demolished or repaired. However, he also wanted to bring to the board members' attention that it was in August of 2000 that the Housing Commission separated from the City and prior to that these houses were titled to the City. Mr. Smith said he imagined that the City Commission which appointed these, share a little responsibility along with all the fellow's which proceeded him at the Housing Commission for those houses siting there but for one reason or another they haven't come down up to this point.

Mr. Smith said that after talking with the Fire Marshal and asking if he knew what the federal requirements were on demolishing properties, the Fire Marshal said he thought he had a good idea but he didn't have a copy of the federal register in front of him. Mr. Smith said he obtained a copy of the Federal Register and sent a copy to Mr. Grabinski and the City Manager. The register says that you must ask permission from HUD to demolish any HUD funded property, according to Mr. Williams, Mr. Smith's attorney, involves these eight properties. Mr. Smith didn't think that Bob or himself, when trying to negotiate how fast they could tear these homes down, realized that that was the case. He said that it was his understanding, after talking with the people at HUD who are responsible for giving the permission for something like this, that it would take them at least 120 days to come to a decision.

Attorney, Ted Williams stated that they don't have an option. He emphasized that, due to dealing with federal agencies, they anticipate it will take 120 days. Then again, with federal agencies, they are not certain they can guarantee the time and suggested that all they could guarantee is that they will start the process and hope the Federal Agency will respond by then. Mr. Williams insisted that they are sort of tied up in their ability to react to the Housing Board of Appeals decisions.

Mr. Smith said that it is somewhat embarrassing to him because he told Mr. Grabinski that with in two weeks he would be willing to demolish these homes or that there were a couple we could start rehab, but now he can't sell them for 120 days. He said that he has to apply for that and according to his understanding the City can not demolish them whether they are in a community block grant zone or not. Mr. Smith reiterated his belief that whether the homes would be demolished with City money or grant money, HUD's permission to do so is still required.

Mr. Smith stated where the Housing commission is at with this whole situation. He said that he wanted those houses either demolished or in good shape right away because they are blight on the City and as the Housing Commission Director, He is not interested with having a part of having properties that look like that. He would like to work with the City to demolish 214 Washington, 361 Oak, 284 Iona and 383 Catherine. He said that he wasn't going to tell the City what to do or how to do it, but will offer to write the grant application in order to get this

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibecker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that if staff turns this over to the police, he imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them whether they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, within the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we lose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he gets daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 7, 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 #: 00-94
Address: 383 Catherine

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 **383 Catherine, 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: 00-94, 383 Catherine, Muskegon, MI

Location and ownership: This dwelling is located on Catherine between Wood & Ambrosia Streets. This home is owned by the Housing Commission.

Staff Correspondence: Dangerous building reports dated 12/18/00 & 2/7/01, Notice of Hearing 4/20/01, letter dated 2/2/01, Notice & Order dated 1/23/01, Title search dated 1/8/01.

Owner Contact : Kirby Smith, Director, met with Grabinski on 2/1/01. An interior inspection was scheduled for 2/7/01.

Financial Impact: CDBG

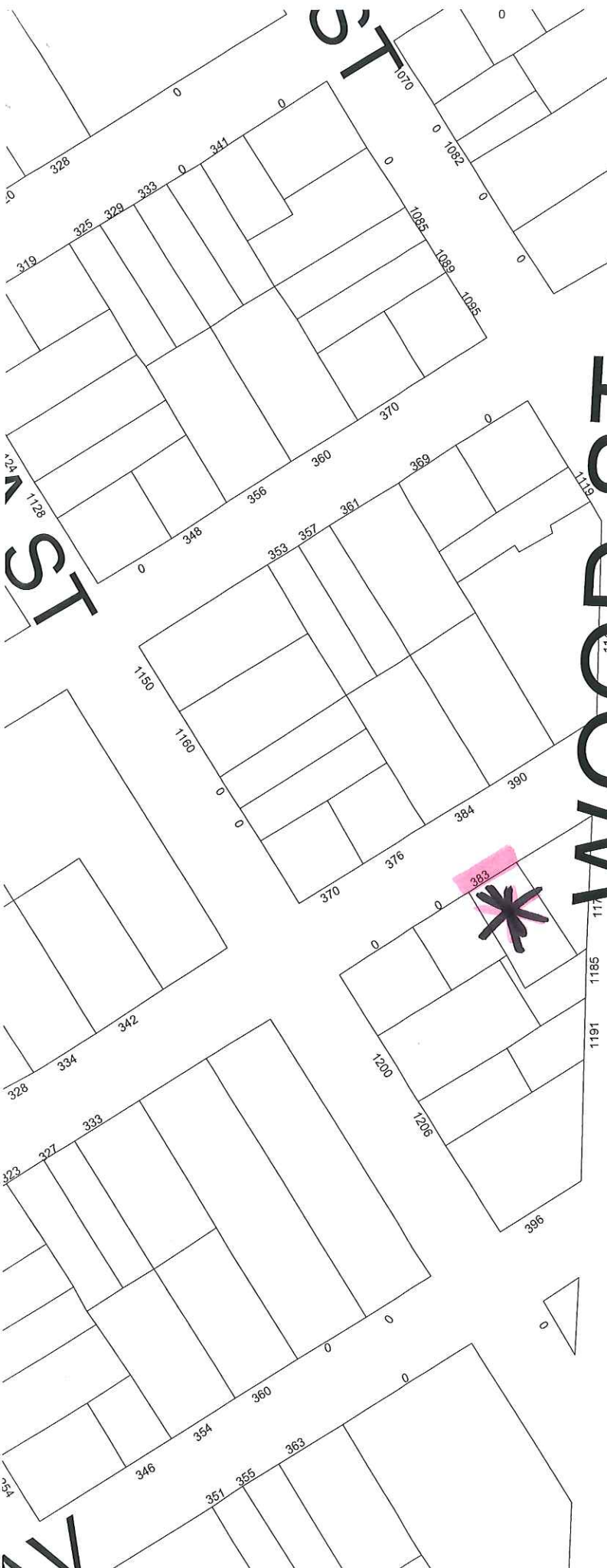
Budget action required: None

State Equalized value: \$4,100.00 (1966)

Estimated cost to repair: \$65,000.00

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, June 26, 2001.

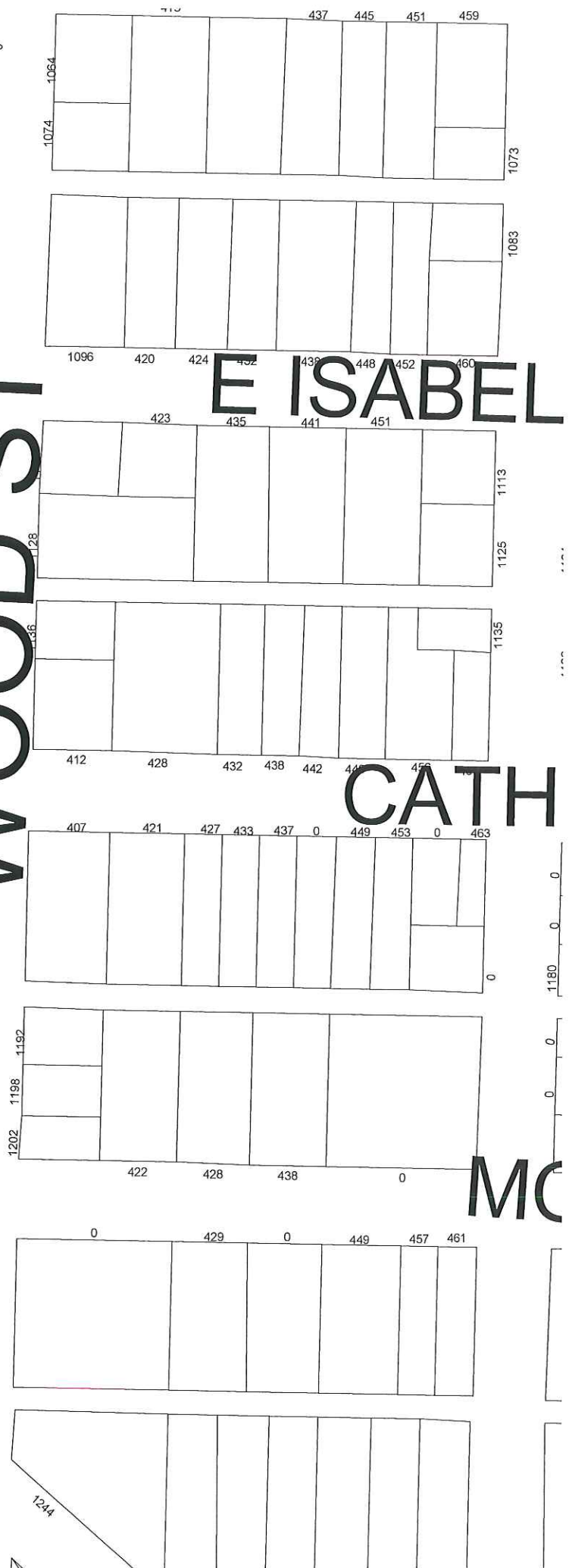


WOOD ST

E ISABEL

CATH

MC





383 Catherine

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

383 CATHERINE

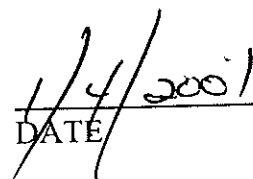
12/18/00

Inspection noted:

1. Home has been boarded up for over ten years.
2. Home is vandalized, has been constantly boarded and has graffiti.
3. Roofing system is in need of structural repair:
 - a. Deteriorated soffit.
 - b. Deteriorated fascia.
 - c. Deteriorated shingles.
 - d. Eave damage.
 - e. Sheathing and rafters must be inspected.
4. Siding is deteriorating on home.
5. Broken out windows and doors.
6. Front porch roof cover is collapsing.
7. Foundation wall on home is in need of repair. Missing mortar in block wall.
8. Interior inspection is required by building, electrical, mechanical and plumbing inspectors before a certificate of occupancy or any necessary permits will be issued.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON
INTERIOR INSPECTION REPORT

383 Catherine
2/7/01

Plumbing/Mechanical:

1. Heating system needs complete replacement.
2. Water piping needs replacement.
3. Waste and vent needs repair.
4. Unable to enter 2nd floor.
5. Unable to inspect 1st floor bathroom due to unsafe floor.

Building:

1. Severe structural damage to main girders, columns, floor joists. Near state of collapse of large section of home. Partial collapse has occurred.
2. Foundation walls failing.
3. Large holes in floors and walls.
4. Upstairs could not be accessed due to structural damage.
5. Furnace is collapsed.

Electrical:

1. Electrical system deteriorated due to exposure to weather.
2. Complete rewire of home required.

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 1668 Beidler, Muskegon, Michigan
383 Catherine, Muskegon, Michigan
284 Iona, Muskegon, Michigan
747 Marcoux, Muskegon, Michigan
361 Oak, Muskegon, Michigan
1950 Terrace, Muskegon, Michigan
214 Washington, Muskegon, Michigan
404 Washington, Muskegon, Michigan

Description of the Structure: The S 85 Feet of Lots 17 & 18 of Blk 436, aka, 1668 Beidler;
That part of Lot 5, Block 262, as described in Libver 3 of Plats, Page 71, aka, 383 Catherine; Lot
7, Block 236, aka, 284 Iona; Lots 7 & 8 of Blk 2 of Marcoux's Subd of Blk 38, aka, 747
Marcoux; Lot 4, Blk 202, aka, 361 Oak; Lot 14 & the S 2 ft of Lot 13 Blk 2 of Subd of lot 2 & 3
of Blk 1 R. P. Easto's Second Subd of part of Section 32, aka, 1950 Terrace; Lot 10 of Blk 398,
aka, 214 Washington; te E 50 Ft of Lot 9 & the W 50 Ft of Lot 9 blk 375, aka, 404 Washington.

TO: Muskegon Housing Commission, Mr. Kirbey D. Smith, Director, 1080 Terrace Street,
Muskegon, MI 49442.
[Name & Address of Owner]

None known at this time
[Names Addresses of Other Interested Parties]

Please take notice that on Thursday, 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.

To discuss your plans for the properties listed above in this notice.

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

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



February 2, 2001

Housing Commission
Attn: Kirby Smith, Director
1080 Terrace Street
Muskegon MI 49441

Dear Mr. Smith:

As we discussed at our meeting on February 1, 2001, interior inspections have been scheduled for all the properties we talked about. The schedule is as follows:

Address	Date of inspection	Time of Inspection
1668 Beidler	02/07/01	9:00 am
383 Catherine	02/07/01	10:30 am
284 Iona	02/14/01	9:00 am
381 Oak	02/14/01	10:30 am
1950 Terrace	02/21/01	9:00 am
214 Washington	02/28/01	9:00 am
404 Washington	02/28/01	10:30 am

If you have any questions, please feel free to contact me at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616•722•2647 • Fax 616•722•9503

TO: Janet Williams, Director
Community Neighborhood Services

FROM: McKinley V. Copeland, Executive Director *MVC*

DATE: June 5, 1997

SUBJECT: Turnkey 3 Unit Rehab - Home Funds

I am forwarding to you the rehab and lead based paint abatement numbers I have on the seven (7) Turnkey 3 homes the Housing Commission would like to renovate with Home Funds.

<u>Address</u>	<u>Rehabilitation Cost</u>	<u>L.B.Paint Abatement</u>	<u>Total Cost</u>
383 Catherine	\$52,000.00	\$10,522.50	\$62,522.50
284 Iona	34,751.00	2,846.25	37,597.25
517 Allen	18,253.00	NO L.B.P.	18,253.00
214 Washington	38,680.00	11,350.50	50,030.50
361 Oak	34,825.00	4,473.50	39,298.50
747 Marcoux	41,012.00	12,489.00	53,501.00
404 Washington	<u>25,106.00</u>	<u>6,026.00</u>	<u>31,132.00</u>
	<u>\$244,627.00</u>	<u>\$47,708.00</u>	<u>\$292,335.00</u>

CITY OF MUSKEGON

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

DATE: January 23, 2001

Address of the Property: 383 Catherine, Muskegon, Michigan

Description of the Structure:

TO: Muskegon Housing Commission, 1080 Terrace Street, Muskegon MI 49442
[Name & Address of Owner]

None known at this time
[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 383 Catherine, 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 Cathy Everett
Cathy Everett, Dept. Secretary

Dated: January 23, 2001



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100119149
January 8, 2001

1. Beginning Date: May 19, 1971, at 8:00 A.M.

Please See Attached Liber 960, Page 876, 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 December 13, 2000, at 8:00 A.M.

Deeds:
960-876
3104-719

**Miscellaneous
Documents:**
1730-836

Mortgages:

Taxes:

Civil Infractions are unavailable at this time.

Payment of the Invoice Charges due and payable to the City of Muskegon Treasurer in the amount of \$90.65, if paid by January 31, 2001.

Possible Sidewalk Assessment in the year 2002.

Note:

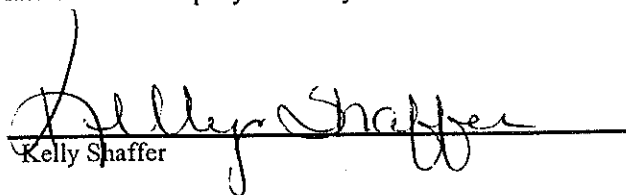
Taxes are EXEMPT.

New Permanent Parcel No.: 61-24-205-262-0005-00.

1966 State Equalized Value: \$4,100.00.

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

Muskegon Housing Commission, a Municipal Corporation
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

WARRANTY DEED
STATUTORY FORM FOR CORPORATION

LIBER 960 PAGE 876



KNOW ALL MEN BY THESE PRESENTS: That *lv. 22.00* MUSKEGON AREA DEVELOPMENT CORPORATION FOR HOUSING, a Michigan non-profit corporation, the address of which is 1065 Fourth Street, Muskegon, Michigan,

Conveys and Warrants to CITY OF MUSKEGON, a Municipal corporation, whose street number and postoffice address is 933 Terrace Street, Muskegon, Michigan,

the following described premises situated in the City of Muskegon, County of Muskegon, and State of Michigan, to-wit: That part of Lot 5 of Block 262 of the Revised Plat (of 1903) of the City of Muskegon, Muskegon County, Michigan described as follows: Commence at a point on the Northerly line of said Lot 5, 57 feet Easterly of the Northwesterly corner of said lot for point of beginning, thence Westerly along the Northerly line of said Lot 5 7 feet, thence Southeasterly along the Westerly line of said lot 8 feet, thence Easterly 44.5 feet to a point 91 feet southeasterly from the point of beginning, thence Northwesterly 91 feet to point of beginning,

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining for the sum of \$20,000.00

subject to

Dated this 19th day of May, 1971

Signed in the presence of:

Cyrus M. Popper
Cyrus M. Popper
Marguerite Robison
Marguerite Robison

Signed by:
MUSKEGON AREA DEVELOPMENT CORPORATION FOR HOUSING

John A. Chapman
John A. Chapman
Executive Vice-President
Robert T. Johnson
Robert T. Johnson
Assistant Secretary

STATE OF MICHIGAN
COUNTY OF MUSKEGON

On this 19th day of May, 1971 before me, a Notary Public in and for said County, personally appeared John A. Chapman and Robert T. Johnson

known, who, being by me duly sworn, did each for himself say that they are respectively the Executive Vice-President and Assistant Secretary of Muskegon Area Development Corporation for Housing the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by its board of directors; and said John A. Chapman and Robert T. Johnson acknowledged said instrument to be the free act and deed of said corporation.

Marguerite Robison
Marguerite Robison, Notary Public
Muskegon, Michigan

My Commission expires Oct. 5, 1973

NOTE—If more than one officer acknowledged insert at 1 "each for himself" and at 2 "they are respectively."

County Treasurer's Certificate
May 12, 1971
No. 1781

City Treasurer's Certificate

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1971 MAY 19 AM 11 04

MICHIGAN
COUNTY OF MUSKEGON
REGISTERED

John POPPER, STREET, SORENSEN & ENGLE
REGISTERED AT: 175 West Apple Avenue
Muskegon, Michigan 49443

Staff recommended to table the case until the July meeting to allow time for Mr. Wishart to complete all the repairs. If repairs are not complete, the case will be brought back for review at the July, 2001 meeting.

Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

Eight Housing Commission Properties – Mr. Kirby D. Smith, 1080 Terrace Street, Muskegon MI 49440; Attorney Ted William, Williams, Hughes, Corwin & Sinnger, LLP 120 W. Apple Ave. Muskegon, MI 49440

Mr. Smith came forward to the podium to present his case. Mr. Smith stated his name and title and introduced his attorney, Mr. Ted Williams. Mr. Smith explained that Mr. Williams helped him obtain a copy of the federal register that is published by the United States Government. He said when ever there is a question with the register he always brings a lawyer with him. Mr. Smith then stated that he has been in all of the eight homes in question with the inspectors of the City of Muskegon and had a meeting with Mr. Grabinski before and after the interior inspections.

Mr. Smith said that he had a fellow that has been consulting with real estate and contracting to help him try and figure, from the housing commission's point of view, what can become of these dwellings. He stated that he was quite surprised to find out what he did at the first house on this list. He stated that a guy from a few doors down came running down the street to talk with him and the inspectors. The neighbor was concerned and stated that he bought his house 20 years ago and after six months, this house at 404 Washington was boarded up and the boards haven't come off since. Mr. Smith said that he thought that the neighbor might have thought that Henry and Mr. Smith were going to tear off those boards and start to remodel the house on the spot. Subsequently, Henry, the other inspectors and Mr. Smith had a chance to hear stories from other neighbors. The neighbors were more than happy to see that they were not contractors and that something was going to finally be done with these properties.

Mr. Smith stated that he could appreciate that these homes have to be demolished or repaired. However, he also wanted to bring to the board members' attention that it was in August of 2000 that the Housing Commission separated from the City and prior to that these houses were titled to the City. Mr. Smith said he imagined that the City Commission which appointed these, share a little responsibility along with all the fellow's which proceeded him at the Housing Commission for those houses sitting there but for one reason or another they haven't come down up to this point.

Mr. Smith said that after talking with the Fire Marshal and asking if he knew what the federal requirements were on demolishing properties, the Fire Marshal said he thought he had a good idea but he didn't have a copy of the federal register in front of him. Mr. Smith said he obtained a copy of the Federal Register and sent a copy to Mr. Grabinski and the City Manager. The register says that you must ask permission from HUD to demolish any HUD funded property, according to Mr. Williams, Mr. Smith's attorney, involves these eight properties. Mr. Smith didn't think that Bob or himself, when trying to negotiate how fast they could tear these homes down, realized that that was the case. He said that it was his understanding, after talking with the people at HUD who are responsible for giving the permission for something like this, that it would take them at least 120 days to come to a decision.

Attorney, Ted Williams stated that they don't have an option. He emphasized that, due to dealing with federal agencies, they anticipate it will take 120 days. Then again, with federal agencies, they are not certain they can guarantee the time and suggested that all they could guarantee is that they will start the process and hope the Federal Agency will respond by then. Mr. Williams insisted that they are sort of tied up in their ability to react to the Housing Board of Appeals decisions.

Mr. Smith said that it is somewhat embarrassing to him because he told Mr. Grabinski that within two weeks he would be willing to demolish these homes or that there were a couple we could start rehab, but now he can't sell them for 120 days. He said that he has to apply for that and according to his understanding the City can not demolish them whether they are in a community block grant zone or not. Mr. Smith reiterated his belief that whether the homes would be demolished with City money or grant money, HUD's permission to do so is still required.

Mr. Smith stated where the Housing commission is at with this whole situation. He said that he wanted those houses either demolished or in good shape right away because they are blight on the City and as the Housing Commission Director, He is not interested with having a part of having properties that look like that. He would like to work with the City to demolish 214 Washington, 361 Oak, 284 Iona and 383 Catherine. He said that he wasn't going to tell the City what to do or how to do it, but will offer to write the grant application in order to get this

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibecker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that if staff turns this over to the police, he imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them whether they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, within the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we loose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he get daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 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.

DATE: June 7, 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 #:00-084, Address: 1950 Terrace, 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 1950 Terrace 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: 00-084, 1950 Terrace, Muskegon, MI

Location and ownership: This dwelling is located on Terrace St. near Keating. The Housing Commission is the owner.

Staff Correspondence: Dangerous inspection report dated 12/18/00 and 2/7/01. Title search report, letter dated 6/5/97. Regarding estimated costs of rehab, Notice of HBA hearing dated 4/20/01, letter dated 2/2/01 regarding interior inspections. Notice and Order to repair dated 1/23/01.

Owner Contact: Mr. Kirbey D. Smith met with Grabinski on 2/1/01 to discuss the properties, interior inspections were scheduled. Mr. Smith attended the HBA meeting on 5/3/01. See minutes attached to 1668 Beidler information.

Financial Impact: GENERAL FUNDS

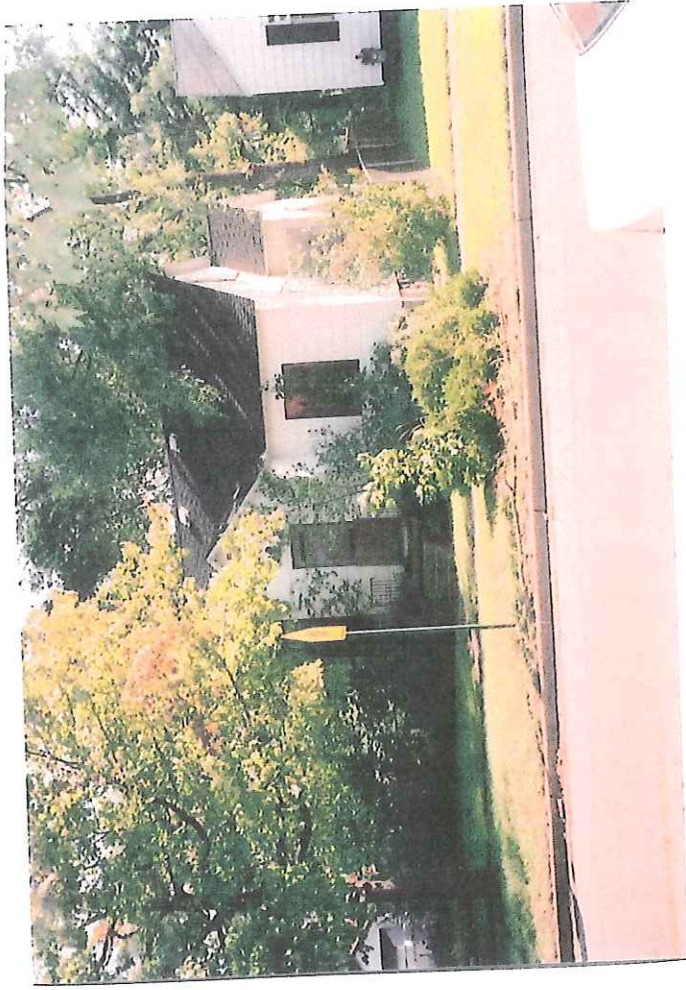
Budget action required: None

State Equalized value: Exempt

Estimated cost to repair: \$35,000.00

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, June 26, 2001.



1950 TERRACE

9/19/00



DANGEROUS BUILDING INSPECTION REPORT

**INTERIOR
1950 TERRACE
2/21/01**

Building:

1. Roof on north East Side of home is collapsing – structural damage to rafters, joists, sheathing, roof covering.
2. Northeast upper bedroom structural damage to floor joists and walls. Ceiling is caving in.
3. Furnace system rusted out, plumbing system needs to be brought up to code.
4. Walls and ceiling peeling large amounts of paint, drywall damaged.
5. Upper bath room structural ceiling, floor damaged and caving in.

Electrical:

1. Electrical wiring is exposed to drastic changes in environment and in an extremely deteriorated state.
2. Light fixtures missing or damaged throughout building.

DANGEROUS BUILDING INSPECTION

1950 Terrace

September 19, 2000

2 STORY WOOD FRAME UNOCCUPIED HOUSE.

1. Front porch is deteriorated.
2. Front porch handrail missing.
3. Siding Damaged.
4. Building is boarded up.
5. Building has graffiti on it.
6. Rear steps missing.
7. Roof appears to be leaking.
8. Rear of roof is rotted away.
9. Fascia on rear of house rotted.
10. Interior inspection required by building, plumbing, mechanical and electrical inspectors before any permits or certificates 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.


DON LABRENZ II, INSPECTOR

DATE 19-Sep-00

CONCURRED IN : _____
JERRY MCINTYRE, BUILDING OFFICIAL

For The Inspection Department
City of Muskegon

File #:412619

FROM CITY ASSESSOR'S RECORDS

OWNER: Housing Commission
PROPERTY: 1950 Terrace Street
PLATE #: 11487
DESCRIPTION: Sub Div of Lots 2-3 Blk 1 R P Eastons 2nd Sub Div
Part of Sec 32 Lot 14 & S 2 ft Lot 13 Blk 2

FROM RECORDS OF TRANSACTION TITLE

LIBER: 947
PAGE: 58
DATE OF DEED: September 8, 1970
GRANTOR: Muskegon Area Development Corporation for Housing
GRANTEE: City of Muskegon
LIENS OR MORTGAGES: Mortgage 1885/941; Financing Stmt 1885/847
DATE: September 25, 2000 at 8:00 AM

Abstracted by:



Diane M. Kroll
TRANSACTION TITLE INSURANCE COMPANY

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

File # 412619

TRANSNATION TITLE INSURANCE COMPANY**TAX REPORT**

Affecting land in Muskegon County, Michigan
Described as follows:

Lot 14 and the southerly 2 feet of Lot 13 of block 2 of Subdivision of Lots 2 and 3
Block 1, R.P. Easton's Second Subdivision of part of Section 32, City of Muskegon,
County of Muskegon, State of Michigan

Permanent Property No.: 61-24-763-002-0014-00

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

CITY OR VILLAGE TAXES

No 2000 City Tax

STATE OR COUNTY TAXES

1999 Winter tax paid in the amount of \$110.00 (said amount was a special assessment payment)

State Equalized Value - Exempt
Taxable Value - Exempt

NOTE: No Homestead filed

NOTE: Invoices, Infractions, Special Assessments and Water bills have not been checked. Contact the City Treasurer for this information.

BY


Diane M. Kroll

DATE: September 25, 2000 at 8:00AM

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

6/25/87

HOME
PURCHASE/REHAB/RESALE PROGRAM
CITY OF MUSKEGON

DEVELOPMENT SUMMARY

ADDRESS: 1950 TERRACE
PROJECT #:
GRANT #: M95-MC260215

EST. COSTS		ACTUAL COSTS	
Acquisition	\$0	Acquisition	\$0
Title work	\$500	Title work	\$0
Construction	\$29,500	Construction	\$0
Site work	\$1,200	Site work	\$0
Utilities	\$500	Utilities	\$0
Contingency	\$2,950	Contingency	\$0
Architectural	\$0	Architectural	\$0
Marketing	\$250	Marketing	\$0
Recording Fees	\$100	Recording Fees	\$0
Title Insurance	\$350	Title Insurance	\$0
Survey	\$575	Survey	\$0
Appraisal	\$250	Appraisal	\$0
Financing Costs	\$0	Financing Costs	\$0
LBP ABATEMENT			
EST. TOTAL	\$36,175	ACTUAL COSTS	\$0

DESCRIPTION:
41/8 BR, 3 BATH
2 STORY
1390 SQ. FEET
DOWN = 814
UP = 576 SQ. FT
EST. AFTER-REHAB VALUE: \$35,000

**HOME
CITY OF MUSKEGON
PURCHASE/REHAB/RESALE PROGRAM**

1950 Terrace

SCOPE OF WORK

I. EXTERIOR/SITEWORK

ITEM	COST
Tree trim - front yard	200
Porch concrete cap	300
Replace 2 storm doors	300
Replace 3 storm windows	200
Paint exterior	1500
Install lights-front & rear porch	150
Repair siding	300
TOTAL	2950

II. MAJOR SYSTEMS

ITEM	COST
Replace water Heater	300
Replace furnace	1500
Roof Repair	500
Electrical -GFI outlets	500
TOTAL	2800

III. STRUCTURAL

Foundation tuck	300
Replace floors-kitchen & bath	1050
Replace exterior doors (2)	500
TOTAL	1850
Chimney tuck point	200
Basement tuck point	100
Install 4 posts - basement	600
Replace 6 windows - basement	500
Insulation	500
TOTAL	5600

IV. INTERIOR

Clean & paint interior walls	1000
Replace bath fixtures	1500
Replace kitchen cabinets	3000
Replace kitchen fixtures	700
Replace light fixtures	500
Install handrails - stairway	100
Install smoke detectors	600
Replace 5 interior doors	1000
TOTAL	8400

MISCELLANEOUS

Sewer Line Service	80
Termite Inspection & Treatment	750
Landscaping	700
Extermination	700
TOTAL	2230

TOTAL REHAB COSTS

21980

**Homeownership Assistance/
Rental Housing
Project Set-Up Report**

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

HOME Program Cash & Management Information System

OMB Approval No. 2501-0013 (Exp. 6/30/93)

Public Reporting Burden for this collection of information is estimated to average 0.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2501-0013), Washington, D.C. 20503. Do not send this completed form to either of these addressees.

Note: Complete for all Homeownership Assistance/Rental Housing Projects prior to project set-up and send the completed form to: HOME PROGRAM, P.O. Box 23997, L'Enfant Plaza Station, Washington, D.C. 20026	Check the Appropriate Box: ☐ Original Submission ☐ Change Owners Address ☐ Ownership Transfer ☐ Revision
--	--

Part A: Call-In Part A must be called in to HUD to set up project accounts. This completed form must be submitted to HUD immediately after project set-up call.

1. Project Number:	2. Name of Participant <i>City of Muskegon</i>	6. HOME Funds for Project a. Total Funds Requested ⇒ \$ <i>36,500</i>	
3. Participant Tax ID Number: <i>38-600-4522</i>	4. CHDO Tax ID Number	b. Participant Number <i>mc260215</i>	c. Dollar Amount of Funds \$ <i>36,500</i>
5. Type of Project (3) ☐ Acquisition Only (5) ☐ Substantial Rehabilitation (4) ☒ Moderate Rehabilitation (6) ☐ New Construction			
8. Name & Phone Number (including Area Code) of Person Completing Form			
9. CHDO Loan (1) ☐ Yes (2) ☐ No			
<i>DRAFT</i>			
		7. Total Estimated Cost of Project: (HOME-assisted units, including other public/private funds) \$ <i>36,500</i>	

Part B: Project Information

1. Street Address of Project: <i>1950 Terrace</i>				
1a. City: <i>Muskegon</i>		1b. State: <i>MI</i>		1c. Zip Code: <i>49443</i>
2. Name of Owner <i>MHC</i>	2a. Last Name	2b. First Name		
3. Mailing Address of Owner: <i>1823 Commerce</i>				
3a. City: <i>Muskegon</i>		3b. State: <i>MI</i>		3c. Zip Code: <i>49443</i>
3d. Phone: (Include Area Code) <i>(616) 722-2647</i>	4. Name of Firm: (if applicable)	5. Total Units in Project Prior to Assistance <i>1</i>	6. Estimated Units Upon Completion <i>1</i>	7. Total HOME-Assisted Units Upon Completion: <i>1</i>
8. Type of Ownership: (Check one box) (1) ☐ Individual (4) ☐ Not-for-Profit (2) ☐ Partnership (5) ☒ Publicly-Owned (3) ☐ Corporation (9) ☐ Other		9. Tenure Type: (Check one box only) (1) ☐ Rental (2) ☒ Homeownership First-Time Buyer (3) ☐ Homeownership Rehabilitation		10. Complete for Community Housing Development Organization Projects: (Check one box) (1) ☐ Owned (2) ☐ Sponsored (3) ☐ Developed
11. County Code: (to be completed by Centralized States only)				

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 1668 Beidler, Muskegon, Michigan
383 Catherine, Muskegon, Michigan
284 Iona, Muskegon, Michigan
747 Marcoux, Muskegon, Michigan
361 Oak, Muskegon, Michigan
1950 Terrace, Muskegon, Michigan
214 Washington, Muskegon, Michigan
404 Washington, Muskegon, Michigan

Description of the Structure: The S 85 Feet of Lots 17 & 18 of Blck 436, aka, 1668 Beidler;
That part of Lot 5, Block 262, as described in Libver 3 of Plats, Page 71, aka, 383 Catherine; Lot
7, Block 236, aka, 284 Iona; Lots 7 & 8 of Blk 2 of Marcoux's Subd of Blk 38, aka, 747
Marcoux; Lot 4, Blk 202, aka, 361 Oak; Lot 14 & the S 2 ft of Lot 13 Blk 2 of Subd of lot 2 & 3
of Blk 1 R. P. Easto's Second Subd of part of Section 32, aka, 1950 Terrace; Lot 10 of Blk 398,
aka, 214 Washington; te E 50 Ft of Lot 9 & the W 50 Ft of Lot 9 blk 375, aka, 404 Washington.

TO: Muskegon Housing Commission, Mr. Kirbey D. Smith, Director, 1080 Terrace Street,
Muskegon, MI 49442
[Name & Address of Owner]

None known at this time
[Names Addresses of Other Interested Parties]

Please take notice that on Thursday, May 3, 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.

To discuss your plans for the properties listed above in this notice.

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

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

February 2, 2001

Housing Commission
Attn: Kirby Smith, Director
1080 Terrace Street
Muskegon MI 49441

Dear Mr. Smith:

As we discussed at our meeting on February 1, 2001, interior inspections have been scheduled for all the properties we talked about. The schedule is as follows:

Address	Date of inspection	Time of Inspection
1668 Beidler	02/07/01	9:00 am
383 Catherine	02/07/01	10:30 am
284 Iona	02/14/01	9:00 am
381 Oak	02/14/01	10:30 am
1950 Terrace	02/21/01	9:00 am
214 Washington	02/28/01	9:00 am
404 Washington	02/28/01	10:30 am

If you have any questions, please feel free to contact me at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

FILE COPY

CITY OF MUSKEGON

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

DATE: 11/7/00

Address of the Property: 1950 Terrace St., Muskegon, Michigan

Description of the Structure: Sub Div of Lots 2-3 B11: 1R P Eastons 2nd Sub Div Part of Sec 32
Lot 14 & S 2 Ft Lot 13 BLK 2

TO: Housing Commission
[Name of Owner]

1823 Commerce, Muskegon MI 49441
[Address of Owner]

NONE KNOWN

[Names of Other Interested Parties]

[Addresses]

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 1950 TERRACE ST, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(PLEASE SEE ATTACHED INSPECTION REPORT)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B Grabinski

Robert B Grabinski, Fire Marshal/Inspection Services
Position

Dated: 11/7/00

DANGEROUS BUILDING INSPECTION

1950 Terrace

September 19, 2000

2 STORY WOOD FRAME UNOCCUPIED HOUSE.

1. Front porch is deteriorated.
2. Front porch handrail missing.
3. Siding Damaged.
4. Building is boarded up.
5. Building has graffiti on it.
6. Rear steps missing.
7. Roof appears to be leaking.
8. Rear of roof is rotted away.
9. Fascia on rear of house rotted.
10. Interior inspection required by building, plumbing, mechanical and electrical inspectors before any permits or certificates 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.



DON LABRENZ II, INSPECTOR

DATE 19-Sep-00

CONCURRED IN : _____
JERRY MCINTYRE, BUILDING OFFICIAL

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibecker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that if staff turns this over to the police, he imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them whether they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, with in the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we loose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he get daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 7, 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 #:00-79, Address: 284 Iona, 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 **284 Iona**, 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: 00-79, 284 Iona, Muskegon, MI

Location and ownership: This dwelling is located on Iona near Ambrosia. The owner is the Housing Commission.

Staff Correspondence: A dangerous building inspection was conducted 9/14/00. An interior dangerous building inspection was conducted on 2/14/01. A letter dated 6/5/97 was sent regarding estimates for repair. A Notice of HBA hearing was sent 4/20/01. A letter dated 2/2/01 was sent regarding Interior inspection. A Notice and Order to repair was issued on 11/2/00.

Owner Contact: Mr. Kirbey Smith, Director of the Housing Commission, met with staff on 2/1/01. Interior inspection was scheduled for 2/14/01. Mr. Smith attended the HBA meeting on 5/3/01 with his lawyer, Ted Williams.

Financial Impact: CDBG

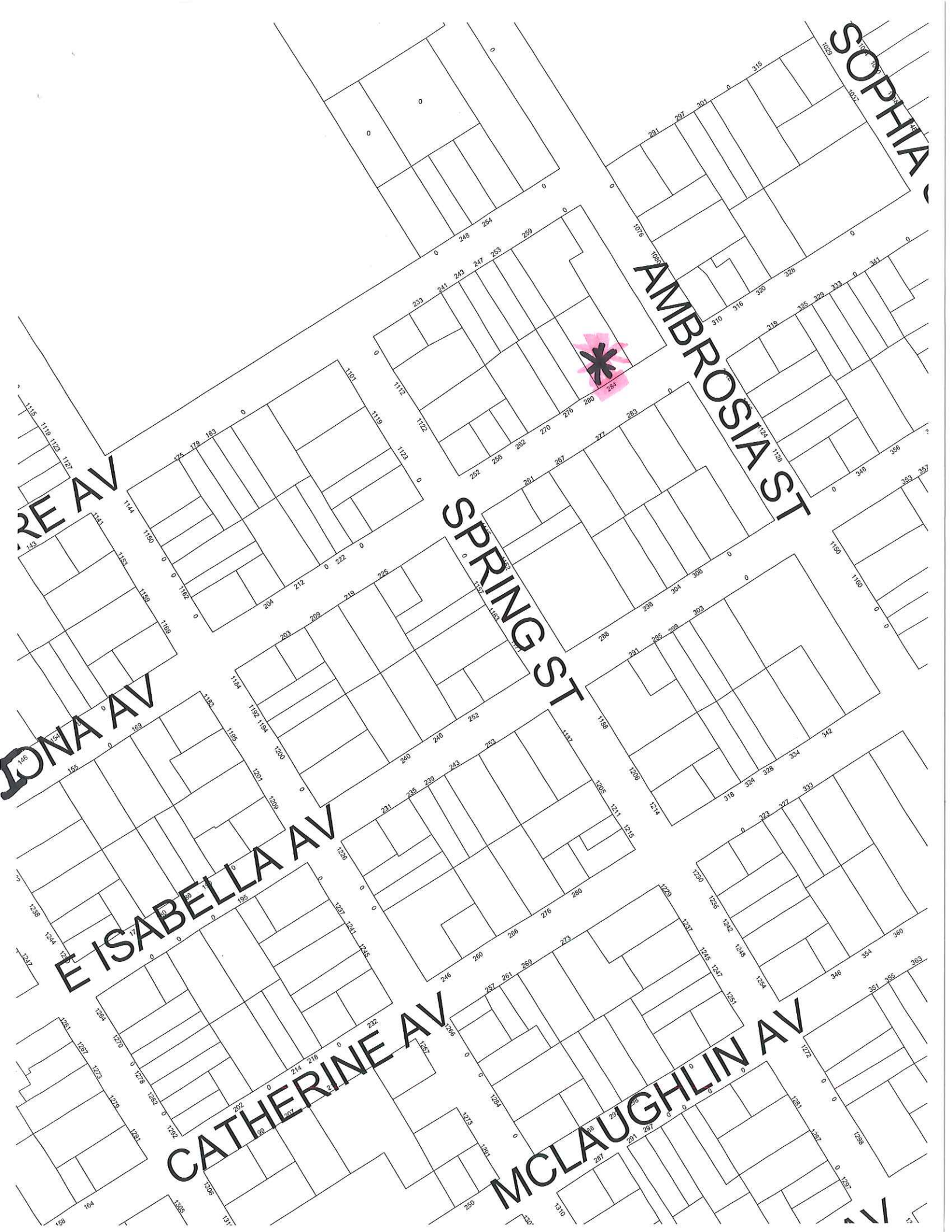
Budget action required: None

State Equalized value: \$0

Estimated cost to repair: \$55,000.00

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, June 26, 2001.





284 Iona

FILE NUMBER 12345

TRANSNATION TITLE INSURANCE COMPANY

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

Lot 7, Block 236, Revised Plat (of 1903) of the City of Muskegon, as
recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-236-0007-00

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

CITY OR VILLAGE TAXES

No 2000 Summer taxes.

STATE AND COUNTY TAXES

NOTE: 1999 Winter taxes are exempt. (A special assessment in the
amount of \$185.13 was paid.)

SPECIAL ASSESSMENTS

Special Assessments, invoices and infractions were not checked.

TAX SALES

None.

By Debra K. Netnas
Debra K. Netnas

Date - September 27, 2000 at 8:00 AM

DKN/jat

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

Form No. M867.6
(Previous No. T814)

For The Inspection Dept.
City of Muskegon

412597

FROM CITY ASSESSOR'S RECORDS

OWNER Muskegon Housing Commission
PROPERTY 284 Iona #
PLATE # 03596
DESCRIPTION Lot 7, Block 236

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 936

PAGE: 599

DATE OF DEED: April 17, 1970

GRANTOR NAME & ADDRESS: Muskegon Area Development Corporation For
Housing, 1065 Fourth St., Muskegon, MI

GRANTEE NAME & ADDRESS: City of Muskegon, 933 Terrace St.,
Muskegon, MI

LIENS OR MORTGAGES: Liber 1730, Page 836 Declaration of Trust

TODAY'S DATE: October 25, 2000

EFFECTIVE DATE: September 27, 2000 at 8:00 AM

ABSTRACTED BY: Debra K. Delias
TRANSNATION TITLE INSURANCE COMPANY

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

DANGEROUS BUILDING INSPECTION

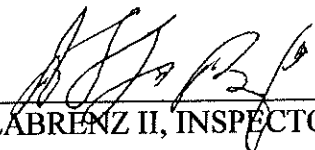
284 Iona

September 14, 2000

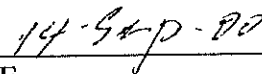
2 STORY WOOD FRAME UNOCCUPIED HOUSE.

1. Siding damaged and rotting.
2. Support post missing on front porch.
3. Rear porch roof sagging
4. Building is boarded up.
5. Building is open (Door kicked in).
6. Roof appears to be leaking.
7. Concrete for front porch is being undermined.
8. Interior inspection required by building, plumbing, mechanical and electrical inspectors before any permits or certificates 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.



DON LABRENZ II, INSPECTOR



DATE

CONCURRED IN : _____
JERRY MCINTYRE, BUILDING OFFICIAL

**DANGEROUS BUILDING INSPECTION
INTERIOR**

284 IONA

2/14/01

Plumbing:

1. Furnace missing.
2. Water pipe missing.
3. Water Heater is ruptured.
4. Ductwork is in state of disrepair.
5. Plumbing fixtures are broken or missing.
6. Waste and vent system in need of repair.
7. Gas pipes are missing or damaged.

Electrical:

1. Electrical wiring system is nonexistent.

Building:

1. Foundation walls severely bowed out 4-6 inches around entire perimeter of basement.
2. Floor joists in basement in need of structural repair.
3. Basement window frames rotted.
4. Large holes in ceilings and walls.
5. Flooring in the home in need of repair.
6. Bathroom fixtures missing, broke, ripped off walls.
7. Interior wall – ceiling repair needed through out.

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 1668 Beidler, Muskegon, Michigan
383 Catherine, Muskegon, Michigan
284 Iona, Muskegon, Michigan
747 Marcoux, Muskegon, Michigan
361 Oak, Muskegon, Michigan
1950 Terrace, Muskegon, Michigan
214 Washington, Muskegon, Michigan
404 Washington, Muskegon, Michigan

Description of the Structure: The S 85 Feet of Lots 17 & 18 of Blck 436, aka, 1668 Beidler;
That part of Lot 5, Block 262, as described in Libver 3 of Plats, Page 71, aka, 383 Catherine; Lot
7, Block 236, aka, 284 Iona; Lots 7 & 8 of Blk 2 of Marcoux's Subd of Blk 38, aka, 747
Marcoux; Lot 4, Blk 202, aka, 361 Oak; Lot 14 & the S 2 ft of Lot 13 Blk 2 of Subd of lot 2 & 3
of Blk 1 R. P. Easto's Second Subd of part of Section 32, aka, 1950 Terrace; Lot 10 of Blk 398,
aka, 214 Washington; te E 50 Ft of Lot 9 & the W 50 Ft of Lot 9 blk 375, aka, 404 Washington.

TO: Muskegon Housing Commission, Mr. Kirbey D. Smith, Director, 1080 Terrace Street,
Muskegon, MI 49442
[Name & Address of Owner]

None known at this time
[Names Addresses of Other Interested Parties]

Please take notice that on Thursday, 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.

To discuss your plans for the properties listed above in this notice.

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



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616•722•2647 • Fax 616•722•9503

TO: Janet Williams, Director
Community Neighborhood Services

FROM: McKinley V. Copeland, Executive Director *MVC*

DATE: June 5, 1997

SUBJECT: Turnkey 3 Unit Rehab - Home Funds

I am forwarding to you the rehab and lead based paint abatement numbers I have on the seven (7) Turnkey 3 homes the Housing Commission would like to renovate with Home Funds.

<u>Address</u>	<u>Rehabilitation Cost</u>	<u>L.B.Paint Abatement</u>	<u>Total Cost</u>
383 Catherine	\$52,000.00	\$10,522.50	\$62,522.50
284 Iona	34,751.00	2,846.25	37,597.25
517 Allen	18,253.00	NO L.B.P.	18,253.00
214 Washington	38,680.00	11,350.50	50,030.50
361 Oak	34,825.00	4,473.50	39,298.50
747 Marcoux	41,012.00	12,489.00	53,501.00
404 Washington	<u>25,106.00</u>	<u>6,026.00</u>	<u>31,132.00</u>
	<u>\$244,627.00</u>	<u>\$47,708.00</u>	<u>\$292,335.00</u>



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616-722-2647 • Fax 616-722-9503

Lead Based Paint Abatement Costs (1994 Quotes) 1994

1. 383 Catherine	$\$9,150.00 \times 15\% + \$1,372.50$	= <u>$\\$10,522.50$</u>
2. 284 Iona	$2,475.00 \times 15\% + 371.00$	= <u>2,846.25</u>
3. 747 Marcoux	$10,860.00 \times 15\% + 1,629.00$	= <u>12,489.00</u>
4. 361 Oak	$3,890.00 \times 15\% + 583.50$	= <u>4,473.50</u>
5. 214 Washington	$9,870.00 \times 15\% + 1,480.50$	= <u>11,350.50</u>
6. 404 Washington	$5,240.00 \times 15\% + 786.00$	= <u>6,026.00</u>
7. 517 Allen	(No L. B. P.)	<u> </u>

Total Lead Based Paint Abatement Cost = \$47,707.75

Alternative 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



February 2, 2001

Housing Commission
Attn: Kirby Smith, Director
1080 Terrace Street
Muskegon MI 49441

Dear Mr. Smith:

As we discussed at our meeting on February 1, 2001, interior inspections have been scheduled for all the properties we talked about. The schedule is as follows:

Address	Date of inspection	Time of Inspection
1668 Beidler	02/07/01	9:00 am
383 Catherine	02/07/01	10:30 am
284 Iona	02/14/01	9:00 am
381 Oak	02/14/01	10:30 am
1950 Terrace	02/21/01	9:00 am
214 Washington	02/28/01	9:00 am
404 Washington	02/28/01	10:30 am

If you have any questions, please feel free to contact me at (231) 724-6715.

Sincerely,

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: 284 Iona Muskegon, Michigan

Description of the Structure: Lot 7, Block 236

TO: Muskegon Housing Commission, 1080 Terrace Street, Muskegon MI 49442
[Name & Address of Owner]

None known at this time
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, February 2, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 PM, 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 11/2/00.

At the hearing on Thursday, February 2, 2001 at 5:30 PM, 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 Cathy Everett
Cathy Everett, Inspections Dept. Secretary

CITY OF MUSKEGON

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

Date: November 2, 2000

Address of the Property: 284 IONA, Muskegon, Michigan

Description of the Structure:

TO: Muskegon Housing Commission
[Name of Owner]

1823 Commerce, Muskegon MI 49441
[Address of Owner]

NONE KNOWN
[Names of Other Interested Parties] [Addresses]

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 284 IONA, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(PLEASE SEE ATTACHED INSPECTION REPORT)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
ROBERT B. GRABINSKI, Fire Marshal/Inspection Dept.
Position

Dated: 11/2/00

RECEIVED
APR 24
MUSKEGON HOUSING
COMMISSION

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 1668 Beidler, Muskegon, Michigan
383 Catherine, Muskegon, Michigan
284 Iona, Muskegon, Michigan
747 Marcoux, Muskegon, Michigan
361 Oak, Muskegon, Michigan
1950 Terrace, Muskegon, Michigan
214 Washington, Muskegon, Michigan
404 Washington, Muskegon, Michigan

Description of the Structure: The S 85 Feet of Lots 17 & 18 of Blk 436, aka. 1668 Beidler;
That part of Lot 5, Block 262, as described in Libver 3 of Plats, Page 71, aka. 383 Catherine; Lot
7, Block 236, aka. 284 Iona; Lots 7 & 8 of Blk 2 of Marcoux's Subd of Blk 38, aka. 747
Marcoux; Lot 4, Blk 202, aka. 361 Oak; Lot 14 & the S 2 ft of Lot 13 Blk 2 of Subd of lot 2 & 3
of Blk 1 R. P. Easto's Second Subd of part of Section 32, aka. 1950 Terrace; Lot 10 of Blk 398,
aka. 214 Washington; ie E 50 Ft of Lot 9 & the W 50 Ft of Lot 9 blk 375, aka. 404 Washington.

TO: Muskegon Housing Commission, Mr. Kirby D. Smith, Director, 1080 Terrace Street,
Muskegon, MI 49442
[Name & Address of Owner]

None known at this time
[Names Addresses of Other Interested Parties]

Please take notice that on Thursday, 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.

To discuss your plans for the properties listed above in this notice.

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

Staff recommended to table the case until the July meeting to allow time for Mr. Wishart to complete all the repairs. If repairs are not complete, the case will be brought back for review at the July, 2001 meeting.

Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

Eight Housing Commission Properties – Mr. Kirbey D. Smith, 1080 Terrace Street, Muskegon MI 49440; Attorney Ted William, Williams, Hughes, Corwin & Sinnger, LLP 120 W. Apple Ave. Muskegon, MI 49440

Mr. Smith came forward to the podium to present his case. Mr. Smith stated his name and title and introduced his attorney, Mr. Ted Williams. Mr. Smith explained that Mr. Williams helped him obtain a copy of the federal register that is published by the United States Government. He said when ever there is a question with the register he always brings a lawyer with him. Mr. Smith then stated that he has been in all of the eight homes in question with the inspectors of the City of Muskegon and had a meeting with Mr. Grabinski before and after the interior inspections.

Mr. Smith said that he had a fellow that has been consulting with real estate and contracting to help him try and figure, from the housing commission's point of view, what can become of these dwellings. He stated that he was quite surprised to find out what he did at the first house on this list. He stated that a guy from a few doors down came running down the street to talk with him and the inspectors. The neighbor was concerned and stated that he bought his house 20 years ago and after six months, this house at 404 Washington was boarded up and the boards haven't come off since. Mr. Smith said that he thought that the neighbor might have thought that Henry and Mr. Smith were going to tear off those boards and start to remodel the house on the spot. Subsequently, Henry, the other inspectors and Mr. Smith had a chance to hear stories from other neighbors. The neighbors were more than happy to see that they were not contractors and that something was going to finally be done with these properties.

Mr. Smith stated that he could appreciate that these homes have to be demolished or repaired. However, he also wanted to bring to the board members' attention that it was in August of 2000 that the Housing Commission separated from the City and prior to that these houses were titled to the City. Mr. Smith said he imagined that the City Commission which appointed these, share a little responsibility along with all the fellow's which proceeded him at the Housing Commission for those houses siting there but for one reason or another they haven't come down up to this point.

Mr. Smith said that after talking with the Fire Marshal and asking if he knew what the federal requirements were on demolishing properties, the Fire Marshal said he thought he had a good idea but he didn't have a copy of the federal register in front of him. Mr. Smith said he obtained a copy of the Federal Register and sent a copy to Mr. Grabinski and the City Manager. The register says that you must ask permission from HUD to demolish any HUD funded property, according to Mr. Williams, Mr. Smith's attorney, involves these eight properties. Mr. Smith didn't think that Bob or himself, when trying to negotiate how fast they could tear these homes down, realized that that was the case. He said that it was his understanding, after talking with the people at HUD who are responsible for giving the permission for something like this, that it would take them at least 120 days to come to a decision.

Attorney, Ted Williams stated that they don't have an option. He emphasized that, due to dealing with federal agencies, they anticipate it will take 120 days. Then again, with federal agencies, they are not certain they can guarantee the time and suggested that all they could guarantee is that they will start the process and hope the Federal Agency will respond by then. Mr. Williams insisted that they are sort of tied up in their ability to react to the Housing Board of Appeals decisions.

Mr. Smith said that it is somewhat embarrassing to him because he told Mr. Grabinski that within two weeks he would be willing to demolish these homes or that there were a couple we could start rehab, but now he can't sell them for 120 days. He said that he has to apply for that and according to his understanding the City can not demolish them whether they are in a community block grant zone or not. Mr. Smith reiterated his belief that whether the homes would be demolished with City money or grant money, HUD's permission to do so is still required.

Mr. Smith stated where the Housing commission is at with this whole situation. He said that he wanted those houses either demolished or in good shape right away because they are blight on the City and as the Housing Commission Director, He is not interested with having a part of having properties that look like that. He would like to work with the City to demolish 214 Washington, 361 Oak, 284 Iona and 383 Catherine. He said that he wasn't going to tell the City what to do or how to do it, but will offer to write the grant application in order to get this

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibecker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that if staff turns this over to the police, he imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them whether they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, within the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we loose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he get daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 7, 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 #: 01-001 Address: 404 Washington, 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 **404 Washington** 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: 01-001, 404 Washington, Muskegon, MI

Location and ownership: This dwelling is located on Washington between Park and Seventh St. The Housing Commission owns this house.

Staff Correspondence: Dangerous building inspection reports dated 2/28/01 & 1/31/01, Title search report dated 2/05/01, letter dated 6/5/97 regarding rehab cost estimates, Notice of hearing before the HBA on 5/3/01, letter dated 2/2/01 regarding interior inspection.

Owner Contact: Mr. Smith, director of the Housing Commission, met with Grabinski on 2/1/01 to discuss all eight properties. Interior inspections were scheduled. Mr. Smith attended the HBA meeting.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$0

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 26, 2001.

MONROE

MERRILL AV

MASON AV

WASHIN



404 Washington

Census # 6.02



9/13/00

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
(INTERIOR)

404 WASHINGTON
2/28/01

PLUMBING:

1. Water Heater needs replacement.
2. Furnace and ductwork is in need of repair and replacement.
3. Waste and vent in need of repair.
4. Water distribution in need of testing.

ELECTRICAL:

1. Electrical wiring is exposed to drastic changes in environment and in an extremely deteriorated state.
2. Light fixtures are missing or damaged through out the building.

BUILDING:

1. Basement Foundation walls in need of repair – tuck pointing block – missing mortar.
2. Ceiling and wall repair. Drywall missing, ceiling tile missing, falling off ceiling. Exposed lath.
3. Numerous broken out windows.
4. Door and window repair - replacement.

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

404 WASHINGTON

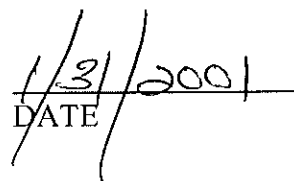
1/31/01

Inspection noted:

1. Home has been vacant, vandalized and boarded for over ten years.
2. Soffit, fascia and flashing on home are rotted, missing and falling off of home.
3. Siding is rotted and/or missing from home.
4. Home is in serious need of painting or siding to prevent further demise of exterior covering.
5. Numerous broken out windows.
6. Graffiti on home.
7. Roofing in need of repair.
8. Interior inspection required by trade inspectors for 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


DATE



Harbor Title

955 West Broadway
Muskegon, MI 49441

404 Washington

Title Search

Case No.: 100119332
February 5, 2001

1. Beginning Date: January 17, 2001, at 8:00 A.M.

Legal Description:

Parcel I: The East 50 feet of Lot 9, of Block 375, of the Revised Plat of the City of Muskegon, according to the recorded plat thereof as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

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 January 17, 2001, at 8:00 A.M.

Deeds:
998-615
3104-719

**Miscellaneous
Documents:**
1730-836

Mortgages:
None

Taxes:

Invoice Charges due and payable to the City of Muskegon in the amount of \$432.00.

Note:

Taxes are Exempt.

New Permanent Parcel No.: 61-24-205-375-0009-10.

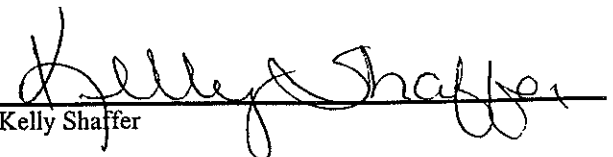
2000 State Equalized Value: \$0.

2000 Taxable Value: \$0.

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:

Muskegon Housing Commission
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



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616-722-2647 • Fax 616-722-9503

TO: Janet Williams, Director
Community Neighborhood Services

FROM: McKinley V. Copeland, Executive Director *MVC*

DATE: June 5, 1997

SUBJECT: Turnkey 3 Unit Rehab - Home Funds

I am forwarding to you the rehab and lead based paint abatement numbers I have on the seven (7) Turnkey 3 homes the Housing Commission would like to renovate with Home Funds.

<u>Address</u>	<u>Rehabilitation Cost</u>	<u>L.B.Paint Abatement</u>	<u>Total Cost</u>
383 Catherine	\$52,000.00	\$10,522.50	\$62,522.50
284 Iona	34,751.00	2,846.25	37,597.25
517 Allen	18,253.00	NO L.B.P.	18,253.00
214 Washington	38,680.00	11,350.50	50,030.50
	<u>34,825.00</u>	<u>4,473.50</u>	<u>39,298.50</u>
747 Marcoux	41,012.00	12,489.00	53,501.00
404 Washington	<u>25,106.00</u>	<u>6,026.00</u>	<u>31,132.00</u>
	<u>\$244,627.00</u>	<u>\$47,708.00</u>	<u>\$292,335.00</u>



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616-722-2647 • Fax 616-722-9503

Lead Based Paint Abatement Costs (1994 Quotes) 1994

1. 383 Catherine	$\$9,150.00 \times 15\% + \$1,372.50$	= <u>\$10,522.50</u>
2. 284 Iona	$2,475.00 \times 15\% + 371.00$	= <u>2,846.25</u>
3. 747 Marcoux	$10,860.00 \times 15\% + 1,629.00$	= <u>12,489.00</u>
4. 261 G-1	$2,899.00 \times 15\% + 583.50$	= <u>4,473.50</u>
5. 214 Washington	$9,870.00 \times 15\% + 1,480.50$	= <u>11,350.50</u>
6. 404 Washington	$5,240.00 \times 15\% + 786.00$	= <u>6,026.00</u>
7. 517 Allen	(No L. B. P.)	<u> </u>

Total Lead Based Paint Abatement Cost = \$47,707.75

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

NOTICE OF HEARING

Date: April 20, 2001

Address of the Property: 1668 Beidler, Muskegon, Michigan
383 Catherine, Muskegon, Michigan
284 Iona, Muskegon, Michigan
747 Marcoux, Muskegon, Michigan
361 Oak, Muskegon, Michigan
1950 Terrace, Muskegon, Michigan
214 Washington, Muskegon, Michigan
404 Washington, Muskegon, Michigan

Description of the Structure: The S 85 Feet of Lots 17 & 18 of Blck 436, aka, 1668 Beidler;
That part of Lot 5, Block 262, as described in Libver 3 of Plats, Page 71, aka, 383 Catherine; Lot
7, Block 236, aka, 284 Iona; Lots 7 & 8 of Blk 2 of Marcoux's Subd of Blk 38, aka, 747
Marcoux; Lot 4, Blk 202, aka, 361 Oak; Lot 14 & the S 2 ft of Lot 13 Blk 2 of Subd of lot 2 & 3
of Blk 1 R. P. Easto's Second Subd of part of Section 32, aka, 1950 Terrace; Lot 10 of Blk 398,
aka, 214 Washington; te E 50 Ft of Lot 9 & the W 50 Ft of Lot 9 blk 375, aka, 404 Washington.

TO: Muskegon Housing Commission, Mr. Kirbey D. Smith, Director, 1080 Terrace Street,
Muskegon, MI 49442
[Name & Address of Owner]

None known at this time
[Names Addresses of Other Interested Parties]

Please take notice that on Thursday, 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.

To discuss your plans for the properties listed above in this notice.

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

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

February 2, 2001

Housing Commission
Attn: Kirby Smith, Director
1080 Terrace Street
Muskegon MI 49441

Dear Mr. Smith:

As we discussed at our meeting on February 1, 2001, interior inspections have been scheduled for all the properties we talked about. The schedule is as follows:

Address	Date of inspection	Time of Inspection
1668 Beidler	02/07/01	9:00 am
383 Catherine	02/07/01	10:30 am
284 Iona	02/14/01	9:00 am
381 Oak	02/14/01	10:30 am
1950 Terrace	02/21/01	9:00 am
214 Washington	02/28/01	9:00 am
404 Washington	02/28/01	10:30 am

If you have any questions, please feel free to contact me at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibecker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that If staff turns this over to the police, he Imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them weather they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, with in the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we loose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he get daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 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.

DATE: June 7, 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 #: 00-95 Address: 214 Washington.

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 **214 Washington** 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: 00-95, 214 Washington, Muskegon, MI

Location and ownership: This dwelling is located on Washington between 5th & 6th Streets. The owner is the Housing Commission.

Staff Correspondence: Dangerous building inspection reports dated 2/28/01 & 12/18/00, title search report dated 1/8/01, letter dated 6/5/97 regarding cost estimates for rehab & Notice & Order dated 1/22/01.

Owner Contact: On 2/1/01 Mr. Kirby D. Smith, Director of the Housing Commission, met with Inspections Dept. and scheduled interior inspections for all eight properties. He also attended the HBA meeting on 5/3/01.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$4,200.00 (1966)

Estimated cost to repair: \$50,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 26, 2001.



MASON AV

STRONG AV

CAMPUS AV

WASHINGTON AV



214 Washington
Census # 6.02



DANGEROUS BUILDING INSPECTION REPORT

**Interior
214 Washington
2/28/01**

Electrical:

1. Electrical wiring exposed to drastic changes in environment and in an extremely deteriorated state.
2. Light fixtures missing or damaged throughout building.

Plumbing:

1. Furnace needs to be replaced.
2. Duct work needs to be replaced.
3. Wash and vent need repair and replacing.
4. Chimney needs lining.
5. Water heater needs replacing.

Building:

1. Foundation on home is near structural collapse. Missing foundation wall section.
2. Foundation walls are severely bowed and are at point of failure.
3. Walls and ceilings are in need of repair. Drywall and paint is missing.
4. Damaged flooring and decking.
5. Broken out windows and frames.
6. Kitchen cabinets have missing doors and drawers.
7. Debris left in home.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

214 WASHINGTON

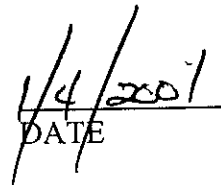
12/18/00

Inspection noted:

1. Home has been boarded up and vacant for over ten years.
2. Large sections of the foundation wall are missing. Foundation structural support is being effected.
3. Rotted and/or missing siding.
4. Roof system is deteriorated to the point of structural damage:
 - a. Needs new roof covering.
 - b. Needs new fascia.
 - c. Needs new soffit.
 - d. In need of chimney repair.
 - e. Sheathing and rafters need inspection.
5. Numerous broken out windows.
6. Graffiti on home.
7. Interior inspection is required by the City of Muskegon building, electrical, plumbing and mechanical inspectors before a certificate of occupancy and any necessary permits will be issued.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100119152
January 8, 2001

1. Beginning Date: June 28, 1971, at 8:00 A.M.

Please See Attached Liber 961, Page 614, 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 December 13, 2000, at 8:00 A.M.

Deeds:
961-614
3104-719

**Miscellaneous
Documents:**
1730-836

Mortgages:

Taxes:

Civil Infractions are unavailable at this time.

Note:

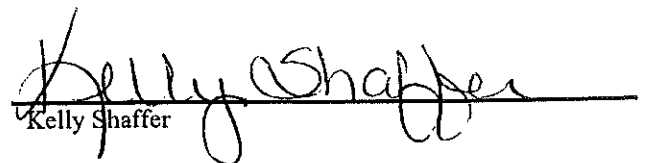
Taxes are EXEMPT.

New Permanent Parcel No.: 61-24-205-398-0010-00.

1966 State Equalized Value: \$4,200.00.

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

Muskegon Housing Commission, a Municipal Corporation
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



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616•722•2647 • Fax 616•722•9503

TO: Janet Williams, Director
Community Neighborhood Services

FROM: McKinley V. Copeland, Executive Director *MVC*

DATE: June 5, 1997

SUBJECT: Turnkey 3 Unit Rehab - Home Funds

I am forwarding to you the rehab and lead based paint abatement numbers I have on the seven (7) Turnkey 3 homes the Housing Commission would like to renovate with Home Funds.

<u>Address</u>	<u>Rehabilitation Cost</u>	<u>L.B.Paint Abatement</u>	<u>Total Cost</u>
383 Catherine	\$52,000.00	\$10,522.50	\$62,522.50
284 Iona	34,751.00	2,846.25	37,597.25
517 Allen	18,253.00	NO L.B.P.	18,253.00
214 Washington	38,680.00	11,350.50	50,030.50
361 Oak	34,825.00	4,473.50	39,298.50
747 Marcoux	41,012.00	12,489.00	53,501.00
404 Washington	<u>25,106.00</u>	<u>6,026.00</u>	<u>31,132.00</u>
	<u>\$244,627.00</u>	<u>\$47,708.00</u>	<u>\$292,335.00</u>



MUSKEGON HOUSING COMMISSION

1823 Commerce • Muskegon, MI 49441 • 616•722•2647 • Fax 616•722•9503

Lead Based Paint Abatement Costs (1994 Quotes) 1994

1. 383 Catherine	$\$9,150.00 \times 15\% + \$1,372.50$	= <u>\$10,522.50</u>
2. 284 Iona	$2,475.00 \times 15\% + 371.00$	= <u>2,846.25</u>
3. 747 Marcoux	$10,860.00 \times 15\% + 1,629.00$	= <u>12,489.00</u>
4. 361 Oak	$3,890.00 \times 15\% + 583.50$	= <u>4,473.50</u>
5. 214 Washington	$9,870.00 \times 15\% + 1,480.50$	= <u>11,350.50</u>
6. 404 Washington	$5,240.00 \times 15\% + 786.00$	= <u>6,026.00</u>
7. 517 Allen	(No L. B. P.)	<u> </u>

Total Lead Based Paint Abatement Cost = \$47,707.75

CITY OF MUSKEGON

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

DATE: January 22, 2001

Address of the Property: 214 Washington Ave, Muskegon, Michigan

Description of the Structure: LOT 10, Block 398

TO: Muskegon Housing Commission, 1080 Terrace Street, Muskegon MI 49442
[Name & Address of Owner]

None at this time

[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.

Staff recommended to table the case until the July meeting to allow time for Mr. Wishart to complete all the repairs. If repairs are not complete, the case will be brought back for review at the July, 2001 meeting.

Randy Mackie, supported by John Warner, made a motion to accept staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Fred Nielsen
Nick Kroes
Clint Todd

ABSENT:

The motion carried.

Eight Housing Commission Properties – Mr. Kirbey D. Smith, 1080 Terrace Street, Muskegon MI 49440; Attorney Ted William, Williams, Hughes, Corwin & Sinnger, LLP 120 W. Apple Ave. Muskegon, MI 49440

Mr. Smith came forward to the podium to present his case. Mr. Smith stated his name and title and introduced his attorney, Mr. Ted Williams. Mr. Smith explained that Mr. Williams helped him obtain a copy of the federal register that is published by the United States Government. He said when ever there is a question with the register he always brings a lawyer with him. Mr. Smith then stated that he has been in all of the eight homes in question with the inspectors of the City of Muskegon and had a meeting with Mr. Grabinski before and after the interior inspections.

Mr. Smith said that he had a fellow that has been consulting with real estate and contracting to help him try and figure, from the housing commission's point of view, what can become of these dwellings. He stated that he was quite surprised to find out what he did at the first house on this list. He stated that a guy from a few doors down came running down the street to talk with him and the inspectors. The neighbor was concerned and stated that he bought his house 20 years ago and after six months, this house at 404 Washington was boarded up and the boards haven't come off since. Mr. Smith said that he thought that the neighbor might have thought that Henry and Mr. Smith were going to tear off those boards and start to remodel the house on the spot. Subsequently, Henry, the other inspectors and Mr. Smith had a chance to hear stories from other neighbors. The neighbors were more than happy to see that they were not contractors and that something was going to finally be done with these properties.

Mr. Smith stated that he could appreciate that these homes have to be demolished or repaired. However, he also wanted to bring to the board members' attention that it was in August of 2000 that the Housing Commission separated from the City and prior to that these houses were titled to the City. Mr. Smith said he imagined that the City Commission which appointed these, share a little responsibility along with all the fellow's which proceeded him at the Housing Commission for those houses siting there but for one reason or another they haven't come down up to this point.

Mr. Smith said that after talking with the Fire Marshal and asking if he knew what the federal requirements were on demolishing properties, the Fire Marshal said he thought he had a good idea but he didn't have a copy of the federal register in front of him. Mr. Smith said he obtained a copy of the Federal Register and sent a copy to Mr. Grabinski and the City Manager. The register says that you must ask permission from HUD to demolish any HUD funded property, according to Mr. Williams, Mr. Smith's attorney, involves these eight properties. Mr. Smith didn't think that Bob or himself, when trying to negotiate how fast they could tear these homes down, realized that that was the case. He said that it was his understanding, after talking with the people at HUD who are responsible for giving the permission for something like this, that it would take them at least 120 days to come to a decision.

Attorney, Ted Williams stated that they don't have an option. He emphasized that, due to dealing with federal agencies, they anticipate it will take 120 days. Then again, with federal agencies, they are not certain they can guarantee the time and suggested that all they could guarantee is that they will start the process and hope the Federal Agency will respond by then. Mr. Williams insisted that they are sort of tied up in their ability to react to the Housing Board of Appeals decisions.

Mr. Smith said that it is somewhat embarrassing to him because he told Mr. Grabinski that with in two weeks he would be willing to demolish these homes or that there were a couple we could start rehab, but now he can't sell them for 120 days. He said that he has to apply for that and according to his understanding the City can not demolish them whether they are in a community block grant zone or not. Mr. Smith reiterated his belief that whether the homes would be demolished with City money or grant money, HUD's permission to do so is still required.

Mr. Smith stated where the Housing commission is at with this whole situation. He said that he wanted those houses either demolished or in good shape right away because they are blight on the City and as the Housing Commission Director, He is not interested with having a part of having properties that look like that. He would like to work with the City to demolish 214 Washington, 361 Oak, 284 Iona and 383 Catherine. He said that he wasn't going to tell the City what to do or how to do it, but will offer to write the grant application in order to get this

done. He said there has to be a grant application filled out for each one of the cases. There would be no reimbursement for that. He said that there has to be an environmental study done on each house. Mr. Smith was sure that some of staff has been through this at one time or another. He informed the Board that he got a guy from HUD, in a weak moment, to do the environmental studies for free and he said that he has staff to help him. He also said that if the Board wanted him too, he would draft up the grant applications requesting demolition and will share that with the board or with Mr. Grabinski, however the City wanted it done and if the City has other things in mind for it then Mr. Grabinski can do the City's part on it. Mr. Smith said that he would hate to see the Board settle the work in doing that.

The other properties, 1668 Beidler, 747 Marcoux, 1950 Terrace and 404 Washington. Mr. Smith said that his real estate and contracting consultant told him that they would package the other properties up and sell them to an investor. He said that from the type of the return he thinks he can make on these and he wasn't talking about one hundred thousands of dollars or even a hundred thousand dollars but there ought to be enough of a return to the Housing Commission to sell them. It would be up to the investor then to sell them or to rent them out.

Mr. Smith said that he had also talked to Mr. Grabinski who said that the City didn't want them sitting there. He said he could appreciate that. He informed the Board of how Grabinski said that he, of course, couldn't commit the Board. Mr. Smith said that they were kind of talking about telling a prospective buyer, and put it in a real-estate add, that they had six months to repair these homes. Or even if they were a new buyer that the Fire Marshal will more than likely bring them before the Housing Board of Appeals. Mr. Smith then asked Mr. Grabinski if that fairly represented their conversation.

Grabinski stated that it did represent their conversation but not what he agreed to. He told Mr. Smith that they would discuss it in a second.

Mr. Smith decided that they had not completely agreed. He reiterated that what he was saying is that he is interested in seeing half of the eight properties demolished and selling the other half to an investor to get them brought back up to code so that they would be useful to the City. He thought that it would be better than having those properties just vacant lots. Mr. Smith said that he has reason to believe that four of the eight houses are in good enough shape that that could happen. He said that he would need to ask, if he packaged them, and the board agrees to it, if he found an investor, it would probably take a mom and pop like operation longer than six months to bring all of the properties up to code at once because all the properties require extensive work. He suggested that he would need to ask for more time. However, he thought that if he sold each home to different buyers, that six months would probably be fine. However, he said that

he had not talked with Mr. Grabinski for a month or so and had never talked with this Board so he would like to hear something come back the other way.

Chairman Borgman said that, in fear, he heard what Mr. Smith was saying and that it may be his own fear, but what typically happens when investors buy homes, the structures get back in the poor condition they came to the Board in. That is the sad reality of it. Mr. Smith then asked what the board's experience is with homeowners. Mr. Warren said that typically they get in over their head. They look at homes like these and think that it would only take a few thousand dollars to fix it up and before they know it they are spending fifty thousand dollars on a ten thousand-dollar structure. Borgman said that it is true and what happens is that they go into it unadvised. If it were done with some sort of structure, perhaps things would be different but what they do is they go in and they start fixing it up and they end up here because they don't confer with the inspections department first and then they find out they are really over their head and have spent money in directions where they should not have yet they have been entered in this agreement unadvised.

Mr. Smith said that there are some things that he could do. For example, the realtor, who he has had look at the homes, is also a contractor. Mr. Smith said that he would contract with His realtor/contractor to spec out what it would take for each of these dwellings to conform to code as well as going to Mr. Grabinski or to Henry and get a sign off from the City on the specs. He said that they would then price it out. If he sold them one at a time to prospective homebuyers, which he would consider, it would be with these specs that would show a range of prospective costs. It would be with a caveat, if the Board wanted to do that, with the Fire Marshal saying that if you buy it and it is not done in six months then it would go back to the board under the recommendation of staff that it would be torn down. Mr. Smith said that he would agree to some of these things. The problem is that the Housing Commission owns these properties and the Housing Commission is in terrible financial shape. Fifty-five to Seventy-five thousand dollars would mean everything to us and we think we can nip at least that much from the sale of these properties.

Borgman said he had a quick question for Officer Stier who was in the audience as staff. Borgman said that it seemed he remembered some problems at 1668 Beidler. He then asked Mr. Stier if that was true. Officer Stier said that there were some problems there and he would look up the reports in the office right now if the Board wanted him to. Borgman said there have been problems going on for a long time. Mr. Smith wondered what the problems were and said he was unaware of this. Mr. Grabinski told Officer Stier that he did not have to pull reports due to some being in the file.

Grabinski said that he had some things he had to say. He had been out to every one of these structures today. When he was at 1950 Terrace, A 70 year old woman came running across the street and asked him if the City was really going

to tear it down. Grabinski said he told her that the City is looking at it and she said that "she had lived there all her life and for the last twenty years she has had to look at that boarded up piece of crap". Grabinski said those were her own words. He also said that he had the same response at 404 Washington only there, the lady said she was afraid to let her kids out to play due to the people that are entering after taking the boards off the basement windows. She said that she doesn't know what is going on over there. Grabinski stressed that he had similar reactions for every single one of the properties.

Grabinski told Mr. Smith that he could understand and can totally concur with the four that he wants to tear down however, after looking at them again today these structures are an imminent hazard to the Citizens of the City. Not only are they an imminent hazard, but because of the possibility and with the gang graffiti that is written on these buildings and the opening and entering of these buildings, a fire is going to happen. Grabinski said that if a fire started and if a firefighter is injured in there not only does he feel bad, but also there is some liability to this board and to us because of that issue.

Grabinski informed Mr. Smith of some letters that were found in the files of the four properties that he had sited that he wanted to keep. Grabinski said that in 1997, there was a letter forwarded from Mr. McKinley to Janet Williams regarding rehabilitation costs from these different properties. 747 Marcoux has rehabilitation cost in 1997 for \$41,012.00 plus abatement costs for lead based paint of \$12,000.00 for a total cost of \$55,000.00 for rehabilitation. Grabinski stressed that this was a rough figure. 404 Washington had a rehabilitation cost of \$25,106.00 and \$6,000.00 for the lead based paint for a little over \$31,000.00. 1950 Terrace listed out at \$21,009.00 and now the rear of that house the roof structure is gone. Attorney Williams asked which of the homes that was. Grabinski said 1950 Terrace street. Mr. Smith wondered if Grabinski said that there is a giant hole in that roof. Grabinski said yes and there is a draft of the rehab program for rental housing in the file that the total estimated cost of rehab of the project was \$36,000.00 at that time. Grabinski then stated that he didn't find anything on the other one. He said that he had a conversation with Attorney Shrier who has had conversation with Attorney Ted Williams's office. Grabinski stated that he thought it was with Doug Hughes. Grabinski said that Attorney John Shrier read the federal register and it is incumbent of you to get permission of demolition however, he does not see that it is possible that the City demolishing the properties because the City is not the property owner. Grabinski said that Attorney Shrier advised him to continue on parallel tracks and if in the process we meet to come up with a determination. The one thing Grabinski stated that he could not do is the four houses that Mr. Smith wants to package based on his contractors recommendation goes completely against what Grabinski's inspectors have told him and what they have showed in the photographs.

Grabinski then stated that it is staff's recommendation that all eight properties are declared substandard, unsafe, a public nuisance and forward to the City Commission for their concurrence.

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

Borgman said that a motion has been supported and asked if there was any more discussion: Attorney Williams said yes and that he was hoping to get to speak before the board had a motion on the floor. First of all, with all due respect to Mr. Shrier there is a fact is that this is not a problem. It's a long-term problem that we all want to correct. The difference is how best to accomplish it. The Housing Commission, absolutely, doesn't want to own substandard housing. Mr. Williams said that the worst problem of time constraints in applying for funds. We would like to at least have the opportunity to perhaps package these properties. Mr. Williams pressed to Grabinski the small point that the lead based paint issue is no longer an issue once it goes to private hands. He also stressed that the estimates that Grabinski gave are certainly substantial and in fact there may be more that the board might want them to handle. Mr. Williams then asked if there could be a motion for example articulated circumstances if in fact they are not sold with the condition that Mr. Smith has suggested and that staff would suggest that we would automatically go to commission at that point. He said that because they are looking at about 120 processes no matter what they do, hopefully only 120 day process either way they are looking at the later no matter what they do and the idea of a turn over of price is exactly what they had in mind. Mr. Williams wished to make a sort of self-executing motion and if it's not sold all of the City's requirements they will come down because we are proposing all eight properties at the same time.

Grabinski stated that the problem with that is and I express this to you and Mr. Smith, when I go out and I do a private property or a rental property that has been deteriorated, or somebody who is a home owner who has let a house go and we have actually removed the people out of them. The one thing that, of the last two years that I have been in this job, is thrown in my face is always, what about those eight houses that you own. The classic example is the one on Catherine Ave., when that house went down, the owner, still for the entire time complained about what about the one across the street. I don't know that we can afford to wait those extra six months plus what it is going to take a contractor to rehab. To do that I would rather see us work together to try and get the funds between the two entities to do the demolition of all eight properties.

Mr. Smith asked to make a comment he said he had a couple things that he would choose to call to the attention of the Housing Board, He wanted to kind of separate these problems out in a slightly different way than what they just heard. He said that he had a couple meetings with Chief Kleibecker of the Police Department, Officer Stier, a community policing person and two other Sargents

with the police force. He said that they have made some pretty substantial commitments not in terms of these condemned houses but to the Housing Commission for what they will do to help us clean up our facilities that have people living in them. That's not the part of the housing we are dealing with here. He said that he has considerable confidence in the new Police Chief and in his staff and would hope that this Board would as well. Mr. Smith believed that everyone needs to separate out what are policing problems requiring condemnation of property. The fact that there may be perpetrators of one kind or another getting in and out of those houses is a police matter. He said that If staff turns this over to the police, he Imagined that they will deal very promptly with anybody that is trespassing there or dealing drugs or doing anything else that is illegal. He said he has every confidence in the police department and would like to give them every opportunity to police those properties to protect the people who live in those neighborhoods from what's going on. Mr. Smith would like to give them a chance to do that regardless of what happens here.

Chairman Borgman commented to Mr. Smith that the police department has been so overwhelmed with these kinds of problems that they try to get one thing rectified and then they get houses that are vacant. Every one of them weather they are boarded up or not, in Borgman's mind they are harminors of crime. He reminded Mr. Smith that Muskegon is a known area for people to come over here and live in the abandoned houses. Officer Stier deals with them all the time and we don't want to see their lives in jeopardy any more than they have to be.

Mr. Smith said that Muskegon has a good police department. We as a Housing Commission are trying to team up with the City not only on the matter of these condemned properties but on policing the properties that have low income people living in them and I feel very comfortable on all fronts. The City is being very supportive of what we are trying to do. Mr. Smith wanted to call to the attention of the Board that the Housing Commission has had about 6, 7 to 8 months that these properties have belonged to them. For up to 20 years they were owned by the City and during that length of time, his predecessor, as far as he is concerned, was not brought up to the dock here and told that the properties were going to be demolished. Mr. Smith reiterated that the Housing Commission has been separated from the City just 6 or 8 months, his employer has just been the owner of the property for six months. Now, all of a sudden, the City is going to act immediately because of the risk to fire men and everybody else. Mr. Smith wondered why, for all these years while the City owned them, that risk didn't require them being demolished. Mr. Smith pleaded to be given an opportunity to do something. He said that he is working as hard as he can to bring these eight properties into code or demolished. He said that he was not saying that he doesn't care what happens to firemen or policemen because that's just not true. He said that he didn't think it's unreasonable for him to get a little time. He said Grabinski was recommending going down parallel tracks to try to bring us together on this.

Smith reminded the Board and offered again to write out the grant application in such a way, four of them for demolition and the other four for either demolition or disposition so that we can get HUD to approve that either way depending on how it comes out. He said that he is going to sources in the open market to find the value of this. He is confident that the contractors won't give him a bogus figure on whether these houses are commercially viable or not. There's no profit to them for that. Smith said that Grabinski has given some figures from 1997 that may have been valid but, with in the last 30 days, a professional has studied these properties and has come up with a figure of what it is going to take for half of them to be sold. Smith told the Board that if he could make a buck or two on these homes, which is what his employer, hired him for. To try to bring back in the fiscal solvency and if there's \$50,000.00 made on these properties it would help the Housing Commission very much and that's the kind of the position he is in.

Borgman stated that another factor he would like to interject at this point also is the topic of the safety of the firefighters and the police department. Then there are property owners that are so tired with the cause and effect of these situations on the value of their property and their safety. The history of houses that are in these conditions being bought by somebody and then there either as John Warner said, either they are not complied with or somebody else does get them. Then, when they do the minimal amount and they get in there, the same problem starts again and then we see them come back to this board. Borgman said that he has been on this board about 20 years and could write a book. He said that he is a resident of the City of Muskegon and is really getting tired of watching what goes on around him. He hears that people that keep their property up are really tired of that. Borgman stated to Mr. Smith that he has to understand the level of the frustration and the greater picture of living amongst blight, trying to rectify it and the over weightiness that the inspection Dept has. Borgman said that when the Board gets a chance to take some action on something and it falls through our fingers sometimes we loose the whole thing and we spin wheels.

Attorney Williams replied to Borgman saying that he could respect Borgman's feeling and obligations but wasn't so sure they were disagreeing with the City. Mr. Smith said he wasn't either. Attorney Williams said that they don't want these problems to go on but they do want to be able to deal with them. They are just trying to get a little leeway, which in the way they deal with it, and a few additional slots of possibilities that they may deal with it. (This part of the dictation tape is unclear). Mr. Williams said that Borgman was absolutely right regarding homeowners not wanting to live next to blight.

Mr. Grabinski stated that he would like to clarify a couple things. He said that by no means from his comments at all was anything against the police department. He said that he works with the police department and has a very good team relationship. They do a real good job and he get daily reports from them as to some of the properties and what's going on in them. As far as the City owning

these properties for the time that this has been going on, Grabinski told Mr. Smith that he was right and he inherited it six or eight months ago when he came on board and the Housing Commission separated. The problem was that the City was lead to believe up until Smith and Grabinski met that if the City took one of these houses down, they had to replace it one for one. Absolutely no questions asked that is what was led to be believed. That was led from whomever to the City Manager and he took that as the word because he doesn't have time to read every federal register either. So that was his fear, we couldn't do it; we didn't have the money for it. Grabinski said that he found out just prior to Mr. Smith coming here, that that is not the case anymore. Grabinski told Mr. Smith that he could ask any of the people in his office that one of the first things after he took this job almost two years ago was to take and clean up all of the housing, starting with our own. He said that he did it with the inspection portion were the Inspections Department started inspecting Hartford Terrace along with apartments as well as out there taking care of dangerous buildings.

Grabinski stated to Smith that as far as his professional, everybody is a professional. Every one of my people that sits over here and goes through those houses with you are professionals in their jobs also. My Inspector's may not be appraisers, but they know the construction and it is there opinion that these are dangerous buildings. Because of that, we have the recommendation that we have. Aside from that, there is, after today, the emotional issue. I wish you would have been there with me because I think you would have had the same reaction as I did after going through plus the fact along with that looking at it from a safety stand point three of those homes have been entered in since you guys left and boarded them back up again. It's an ongoing thing that we've got to deal with. I understand they have been there 20 years and your not asking for another year. However, to keep our process on track and there are ways to stop it at certain points. It's this recommendation that I made and that's why I made it. Our feeling as staff, is that these homes are beyond repair. I don't think anybody reasonable will go in and do what needs to be done to take care of them. We are talking about completely new electrical, completely new plumbing, new heating plus all the structural issues that are there.

Borgman stated that there is a motion on the floor that has been seconded. There was no further discussion.

Motion: Randy Mackie, supported by John Warner, made a motion to accept Staff's recommendation to declare all eight properties, 1668 Beidler, 383 Catherine, 284 Iona, 747 Marcoux, 361 Oak, 1950 Terrace, 214 Washington and 404 Washington, substandard, unsafe, a public nuisance and forward the cases 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.

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 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.