

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 22, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **INTRODUCTIONS/PRESENTATION**
- ❑ **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK
 - B. Fireworks Display – Nickelback Concert at the Muskegon Summer Celebration.
CITY CLERK
 - C. Annual Carriage License Renewal – Muskegon Carriage Co. CITY CLERK
 - D. Liquor License Request – GFB, LLC, 1920 Lakeshore. CITY CLERK
 - E. Liquor License Request – Opportunity, LLC, 978 Pine Street. CITY CLERK
 - F. Liquor License Request – RND Entertainment, Inc., 1635 Beidler. CITY CLERK
 - G. Liquor License Request – Billing Corporation, 2390 W. Sherman. CITY CLERK
 - H. Liquor License Request –Lakeview Market, LLC, 1930 Lakeshore Drive. CITY CLERK
 - I. Resolution to Allow Staff Approval of \$1 Lots. PLANNING & ECONOMIC DEVELOPMENT
 - J. Nine-Month Extension to Complete Construction of Home. PLANNING & ECONOMIC DEVELOPMENT
 - K. Establishment of Historic District Commission (HDC) Study Committee. PLANNING & ECONOMIC DEVELOPMENT
 - L. Sale of Non-Buildable Lot at 1660 Seventh Street. PLANNING & ECONOMIC DEVELOPMENT
 - M. Sale of Non-Buildable Lot at 1858 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT
 - N. Sale of Buildable Vacant Lot at 812 Murphy Street. PLANNING & ECONOMIC DEVELOPMENT

- O. Sale of Buildable Vacant Lot at 243 E. Walton Avenue. PLANNING & ECONOMIC DEVELOPMENT
- P. Purchase of 867 Williams. COMMUNITY & NEIGHBORHOOD SERVICES
- Q. Approval of Contract for Next Phase of Operation: At Long Last – AKA “Iona Home Sweet Home” 248 Iona. COMMUNITY & NEIGHBORHOOD SERVICES
- R. Approval of Quit Claim for the Purchase of City-Owned House at 361 Oak. COMMUNITY & NEIGHBORHOOD SERVICES
- S. Approval of Quit Claim for the Purchase of City-Owned House at 351 Erickson. COMMUNITY & NEIGHBORHOOD SERVICES
- T. Upgrade of Garage Ventilation System. PUBLIC WORKS
- U. Set Public Hearing for Amendments to Brownfield Plan – Terrace Lots Office Building, Northern Machine Tool, Art Works Apartments (Former Boiler Works Building). PLANNING & ECONOMIC DEVELOPMENT
- V. Agreement for Engineering Services. ENGINEERING

☐ **PUBLIC HEARINGS:**

☐ **COMMUNICATIONS:**

☐ **CITY MANAGER'S REPORT:**

☐ **UNFINISHED BUSINESS:**

- A. Rezoning Request for Property Located at 955 W. Laketon. PLANNING & ECONOMIC DEVELOPMENT

☐ **NEW BUSINESS:**

- A. Rezoning Request for Property Located at 407 Marquette Avenue (SE Corner of Marquette Ave. and Wood St.). PLANNING & ECONOMIC DEVELOPMENT
- B. Consumer's Energy Fencing. LEISURE SERVICES
- C. Intergovernmental Agreement; Muskegon Township; Harvey and Stebbins Rd; Watermain, Sewer and Streets. PUBLIC WORKS
- D. Request to Establish a Pay Range-Police Records Supervisor. PUBLIC SAFETY
- E. Consideration of Bids – Harvey St.-Stebbins, Marquette to Quarterline ENGINEERING

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION**

➤ *Reminder: Individuals who would like to address the City Commission shall do the following:*

➤ Fill out a request to speak form attached to the agenda or located in the back of the room.

➤ Submit the form to the City Clerk.

➤ Be recognized by the Chair.

➤ Step forward to the microphone.

➤ State name and address.

➤ Limit of 3 minutes to address the Commission.

➤ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ **ADJOURNMENT:**

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

Date: June 22, 2004
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 Special Commission Meeting that was held on Wednesday, June 2, 2004; the Commission Worksession that was held on Monday, June 7, 2004; and the Regular Commission Meeting that was held on Tuesday, June 8, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 22, 2004

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, June 22, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Julie Winklepleck from the Immanuel Lutheran Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Commissioner Stephen Gawron, Clara Shepherd, and Chris Carter (all were excused).

2004-56 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Special Commission Meeting that was held on Wednesday, June 2, 2004; the Commission Worksession that was held on Monday, June 7, 2004; and the Regular Commission Meeting that was held on Tuesday, June 8, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display – Nickelback Concert at the Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Stage & Effects Engineering is requesting approval of a fireworks display permit for June 25th for the Nickelback Concert at the Muskegon Summer Celebration. Fire Marshall Metcalf will inspect the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

C. Annual Carriage License Renewal – Muskegon Carriage Co. CITY CLERK

SUMMARY OF REQUEST: To approve the request to license two (2) carriages for operation in the City of Muskegon for the 2004-2005 licensing year. Sgt. Shirey has inspected the carriages and approves this request.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

D. Liquor License Request – GFB, LLC, 1920 Lakeshore. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from George F. Bailey to transfer ownership of the 2003 Class C-SDM Licensed Business with Dance Permit from Jimmy R. Benson; and to transfer location from 2805 Sixth Street, Muskegon Heights.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent upon final inspection.

E. Liquor License Request – Opportunity, LLC, 978 Pine Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Opportunity, LLC to transfer interest in the 2003 Class C-SDM Licensed Business with Dance-Entertainment Permit by adding Ann Marie Mahan-McAllister as a new member through transfer of 40% interest from existing member, Malachi F. Williams.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

F. Liquor License Request – RND Entertainment, Inc., 1635 Beidler. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Diana and Robert Schweifler to transfer ownership of the 2004 Class C Licensed Business with dance permit from Star 4, Inc., DBA Westside Inn, and request a new entertainment permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

G. Liquor License Request – Billing Corporation, 2390 W. Sherman. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Billing Corporation to transfer ownership of the 2003 SDD & SDM Licensed Business from Karamsar Corporation, DBA Super Stop Food.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

H. Liquor License Request – Lakeview Market, LLC, 1930 Lakeshore Drive. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Gary Samples and Laureen Felinski-Samples to transfer ownership of the 2003 SDM Licensed Business with gas pumps from Marilyn J. Felinski.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

I. Resolution to Allow Staff Approval of \$1 Lots. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In order to sell more City-owned lots, thus relieving the burden of maintaining the large number of tax-reverted property that the City has in its inventory, the City Commission approved the Dollar Lot Marketing Plan in late 2003. In the policy, final approval of sales is given to the City Commission. Staff approval of these lots would expedite the sale of these lots, as well as save time and manpower in the process. In unusual circumstances, approval would still be sought from City Commission.

FINANCIAL IMPACT: There would be a saving in staff time to process the sale of \$1 lots.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request to allow the Planning Department staff authority to finalize the \$1 lots sale, except in exceptional cases.

J. Nine-Month Extension to Complete Construction of Home. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a nine-month extension to allow Mr. Lartice

Jones extra time to complete construction of a single-family home at 1292 Ducey Avenue. The original agreement between the City and Mr. Jones stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Jones was recently laid off from his job and needs time to find another one. Since his 18 months isn't up until September, he feels that an additional nine months will allow him enough time to secure a job and move forward with constructing his home.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the resolution and deed.

K. Establishment of Historic District Commission (HDC) Study Committee.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To appoint a study committee to determine whether the buildings located at 1208 and 1204 Eighth Street should be designated as a historic district. This committee will perform the necessary research on the Boilerworks property, as well as the adjacent "yellow building" for the purpose of making a recommendation to the Michigan Historical Commission and State Historic Preservation Review Board (SHPO) regarding the establishment of an historic district.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution establishing a study committee for the Boilerworks property. Staff also recommends appointing Lonna Anguilm as staff to the study committee.

COMMITTEE RECOMMENDATION: Historic District Commission (HDC) recommends the creation of the study committee, as well as the appointment of the following persons to the study committee: Daniel Chambers, Annette Medema, and Jon Colburn.

L. Sale of Non-Buildable Lot at 1660 Seventh Street. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable (Parcel #24-205-440-0004-00) at 1660 Seventh Street to Theresa Strother, 1640 Seventh Street, Muskegon, MI. Approval of this sale will allow the owner to have a home located on a buildable lot and also to expand her current yard. This parcel is a portion of a larger lot composed of 3 combined lots and will be offered to Ms.

Strother for \$1 under the Dollar Lot Marketing Plan.

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

BUDGET ACTION REQUIRED: None.

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

M. Sale of Non-Buildable Lot at 1858 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-215-001-0009-00) at 1858 S. Getty Street to Rebecca Stout, owner of 1852 S. Getty Street and Lucille Homan, 1862 S. Getty Street, Muskegon, MI 49442. Approval of this sale will allow both property owners to own houses located on a buildable lot, as well as allowing both to expand their current yards. As is required by City policy, the subject parcel is being offered for \$1 to each property owner, and will be split between Ms. Stout and Ms. Homan under the Dollar Lot Policy.

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

BUDGET ACTION REQUIRED: None.

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

N. Sale of Buildable Vacant Lot at 812 Murphy Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 812 Murphy Street (Parcel #24-205-200-0006-00) to Neighborhood Investment Corporation (NIC) of 1115 Third Street, Muskegon, MI. The lot is 140 x 66ft. and is being offered to NIC for \$3,000. The lot will be combined with other private and City properties as part of the Farmer's Market Area Housing Development. The True Cash Value (TCV) for the property listed in the Assessor's office is \$4,000, so our price is set at \$3,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot, as well as two others, for construction of several new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

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

O. Sale of Buildable Vacant Lot at 243 E. Walton Avenue. PLANNING &

ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot a 243 E. Walton Avenue (Parcel #24-205-200-0001-00) to Neighborhood Investment Corporation (NIC), of 1115 Third Street, Muskegon, MI. The lot is 297 x 141 ft. and is being offered to NIC for \$6,000. The lot will be combined with other private and City properties as part of the Farmer's Market Area Housing Development. The True Cash Value (TCV) for the property listed in the Assessor's office is \$8,000, so our price is set at \$6,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot, as well as two others, for construction of several new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

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

P. Purchase of 867 Williams. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the property located at 867 Williams (City of Muskegon Revised Plat of 1903 Lot 15 Block 46) for the estate of Cornor White for the price of \$6,850. If the purchase is approved, the CNS Office will solicit bids to totally rehabilitate the structure at 867 Williams and then market the home to a qualified low/moderate-income family which will continue the City aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2002 HOME funding.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the sale.

Q. Approval of Contract for Next Phase of Operation: At Long Last – AKA "Iona Home Sweet Home" 284 Iona. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Top Notch Design 4740 Jensen, Fruitport for the amount of \$108,000 dollars for the construction of the new home at 284 Iona. The other contractors who submitted bids for this project were:

Bantam Group	962 Stonewood, Spring Lake	\$115,691
Wasco Construction	210 E. Broadway, Muskegon	\$113,350
Success Enterprise	5263 Apple Ave., Muskegon	\$116,000

The Iona project is the next phase of infill construction on the "old Turnkey Three"

sites that were finally demolished by the City last summer.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: Funding will come from 2002 HOME funding.

STAFF RECOMMENDATION: To approve the contract with Top Notch Design for the next At Long Last Project AKA Iona Home Sweet Home for \$108,000.

COMMITTEE RECOMMENDATION: The LRC approved this project.

T. Upgrade of Garage Ventilation System. PUBLIC WORKS

SUMMARY OF REQUEST: We propose to upgrade the existing vehicle garage ventilation system from continuous to on-demand operation. The newly installed heaters do not require ventilation so the only need is to vent vehicle exhaust fumes. Fume sensors would turn on ventilation as needed. The energy savings payback is estimated to be a little over 1 year. The low bid of three taken is \$28,157 from East Muskegon Roofing.

FINANCIAL IMPACT: This expense would be covered by the Public Service Building capital budget.

BUDGET ACTION REQUIRED: None needed.

STAFF RECOMMENDATION: Install the on-demand ventilation upgrade.

U. Set Public Hearing for Amendments to Brownfield Plan – Terrace Lots Office Building, Northern Machine Tool, Art Works Apartments (Former Boiler Works Building). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for amendments to the Brownfield Plan, and notify taxing jurisdictions of the Brownfield Plan Amendments, including the opportunity to express their views and recommendations regarding the proposed amendments at the public hearing. The amendments are for the inclusion of property owned by MSB II, LLC for the Terrace Lots Office Building (former Westwood Building); Steve Olsen, for Northern Machine Tool; and Boilerworks LLC for the Art Works Apartments (former Boiler Works Building), in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the projects in the Brownfield Plan, although the completion of the former Westwood building, which will be used for commercial space, the addition of the building to Northern Machine Tool for increased manufacturing and the redevelopment of the Boiler Works Building into Artists Lofts and Galleries, will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: NONE.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority approved the Brownfield Plan Amendment for Northern Machine Tool, Terrace Lots Office Building and Art Works Apartments and recommend that the City Commission set a public hearing on the Plan Amendments for July 13, 2004.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the Consent Agenda with the exception of items R, S, and V.

ROLL VOTE: Ayes: Larson, Spataro, Warmington, Davis

Nays: None

MOTION PASSES

2004-57 ITEMS REMOVED FROM THE CONSENT AGENDA:

R. Approval of Quit Claim for the Purchase of City-Owned House at 361 Oak. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the sale of the City-owned property at 361 Oak to Ms. Lisa Fox of 2147 7th St, a first-time homebuyer for the price of \$111,000 with a subsidy of \$26,000. The site at 361 Oak is the former site of an old Turnkey 3 home that was demolished last year during the Operation At Long Last AKA Shangaliwa Celebration.

The demolition of the former structure, the construction and sale of the new home is one more example of the City's aggressive efforts to revitalize our neighborhoods by eliminating blight and promoting homeownership.

FINANCIAL IMPACT: The City will receive approximately \$80,000 that will be deposited in the HOME account.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the sale and direct the Mayor and City Clerk to sign the Quit Claim.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the sale of City-owned property at 361 Oak to Ms. Lisa Fox.

ROLL VOTE: Ayes: Larson, Spataro, Warmington, Davis

Nays: None

MOTION PASSES

S. Approval of Quit Claim for the Purchase of City-Owned House at 351 Erickson. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the sale of 351 Erickson a totally rehabilitated home under the Jackson Hill Urban Renewal project #2 (We Got It Right This Time) for the amount of \$82,500 to Mr. Alvin Singleton of 1186 Jefferson a first-time homebuyer. The home was appraised at \$96,000 with a subsidy of \$13,500. The Erickson project is another fine example of the City of Muskegon

continuous efforts to upgrade its existing housing stock and to revitalize its neighborhoods.

FINANCIAL IMPACT: The City will receive approximately \$78,000 in program income that will be deposited in the HOME account.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the Mayor and City Clerk to sign the Quit Claim.

COMMITTEE RECOMMENDATION: Project was approved by the LRC.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the sale of 351 Erickson to Mr. Alvin Singleton.

ROLL VOTE: Ayes: Spataro, Warmington, Davis, Larson

Nays: None

MOTION PASSES

V. Agreement for Engineering Services. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Douglas V. Ericksen to provide assistant to the Engineering Department in the capacity of a Civil Engineer. As you may recall, Mr. Ericksen worked for the City for over 30 years until retiring in 2002 as a Civil Engineer. This short-term contract, if approved, is necessary to overcome the shortage in experienced staff needed to provide construction engineering for the most part.

Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the City.

FINANCIAL IMPACT: Approximately \$8,000 based on an estimated 400-hours of work.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to enter into an agreement with Mr. Ericksen.

Motion by Vice Mayor Larson, second by Commissioner Davis to enter into an agreement for engineering services with Douglas V. Ericksen.

ROLL VOTE: Ayes: Spataro, Warmington, Davis, Larson

Nays: None

MOTION PASSES

2004-58 UNFINISHED BUSINESS:

A. Rezoning Request for Property Located at 955 W. Laketon. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 955 W. Laketon, from B-4, General Business to RT, Two Family Residential.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 3/11 meeting and recommended that the City Commission ask the ZBA to reconsider the hardship application for this property. The denial request was approved with Commissioners S. Warmington, B. Smith, and T. Michalske voting nay. T. Johnson was absent.

Motion by Vice Mayor Larson, second by Mayor Warmington to approve the request to rezone the property located at 955 W. Laketon.

ROLL VOTE: Ayes: Warmington, Davis, Larson, Spataro

Nays: None

MOTION PASSES (REQUIRES A SECOND READING)

2004-59 NEW BUSINESS:

A. Rezoning Request for Property Located at 407 Marquette Avenue (SE Corner of Marquette Ave. and Wood St.). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 6/10 meeting. Commissioners S. Warmington and B. Smith voted against denial. Commissioner B. Mazade was absent.

Motion by Vice Mayor Larson, second by Commissioner Spataro to table this item until staff can work out details.

ROLL VOTE: Ayes: Davis, Larson, Spataro, Warmington

Nays: None

MOTION PASSES

B. Consumer's Energy Fencing. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to Outback Fencing to install a fence between the bike trail and Consumers Energy along the Causeway.

FINANCIAL IMPACT: Cost of \$24,960 to be split 50/50 with Consumers.

BUDGET ACTION REQUIRED: None, money to come from trail fund.

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Spataro, second by Vice Mayor Larson to award the contract to Outback Fencing to install the fence.

ROLL VOTE: Ayes: Larson, Spataro, Warmington, Davis

Nays: None

MOTION PASSES

C. Intergovernmental Agreement; Muskegon Township; Harvey and Stebbins Rd; Watermain, Sewer and Streets. PUBLIC WORKS

SUMMARY OF REQUEST: Request approval of an intergovernmental agreement with Muskegon Township for the construction of watermain, streets and sanitary sewer within Harvey Street (City of Muskegon) and Stebbins Road (Muskegon Township). These utilities will accommodate the construction of the new High Tech Center and Muskegon Township Water District improvements.

FINANCIAL IMPACT: To be financed from contributions from Muskegon Township and the Muskegon Area Intermediate School District.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the agreement subject to approval by the Township.

ROLL VOTE: Ayes: Larson, Spataro, Warmington, Davis

Nays: None

MOTION PASSES

D. Consideration of Bids – Harvey St.-Stebbins, Marquette to Quarterline ENGINEERING

SUMMARY OF REQUEST: Award to Jackson Merkey of Muskegon the contract (H-1573) to construct-reconstruct Harvey & Stebbins from Marquette to Quarterline along with a new water main and sanitary sewer for the TWP. Jackson Merkey Contractor was the lowest responsible bidder with a bid price of \$752,790.90.

Furthermore, it is respectfully requested that the award, if granted, be contingent upon the execution of agreements between the City-TWP & City-

MAISD. Those agreements are necessary to defray the project cost, which are expected no later than the end of June.

FINANCIAL IMPACT: Limited to the design cost.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Jackson Merkey Contractor.

Motion by Vice Mayor Larson, second by Commissioner Spataro to award the contract to Jackson Merkey contingent upon approval by MAISD and the Township.

ROLL VOTE: Ayes: Spataro, Warmington, Davis, Larson

Nays: None

MOTION PASSES

E. Intergovernmental Agreement; Muskegon Intermediate School District; Harvey and Stebbins Rd; Watermain and Streets. PUBLIC WORKS

SUMMARY OF REQUEST: Request approval of an intergovernmental agreement with MAISD for the construction of watermain and streets within Harvey Street (City of Muskegon) and Stebbins Road (Muskegon Township). These utilities will accommodate the construction of the new High Tech Center and Muskegon Township Water Districts improvements.

FINANCIAL IMPACT: To be financed from contributions from Muskegon Township and the Muskegon Area Intermediate School District.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Davis, second by Vice Mayor Larson to approve the agreement contingent upon approval of attorneys.

ROLL VOTE: Ayes: Spataro, Warmington, Davis, Larson

Nays: None

MOTION PASSES

F. Request to Establish a Pay Range-Police Records Supervisor. PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff request that the Commission consider our request for an increase in the pay grade for the Police Records Supervisor position. As a result of organizational changes within the department, the position of Administrative Aide was eliminated and has been replaced with that of Police Records Supervisor. The new job description has been approved by the Civil Service Commission. The requested pay-grade change is as follows:

Administrative Aide: \$27,538 - \$36,720

Police Records Supervisor:

\$33,698 - \$44,933

FINANCIAL IMPACT: As a result of salary savings from open positions, funds are available for this pay grade change.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the request to establish a pay range for the Police Records Supervisor.

ROLL VOTE: Ayes: Warmington, Davis, Larson, Spataro

Nays: None

MOTION PASSES

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
**RE: Fireworks Display – Nickelback Concert at the
Muskegon Summer Celebration**

SUMMARY OF REQUEST: Stage & Effects Engineering is requesting approval of a fireworks display permit for June 25th for the Nickelback Concert at the Muskegon Summer Celebration. Fire Marshall Metcalf will inspect the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

cc: Major

FM-32(12-88)

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

DATE OF APPLICATION

06/08/2004

1. TYPE OF DISPLAY:

☒ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

STAGE EFFECTS ENGINEERING

ADDRESS

24932 AVENUE KEARNY SUITE #1

AGE: Must be 21 or over

12-19-76

IF A CORPORATION: Name of President

ALYSSA Y. HEDSTRA

ADDRESS

VALENCIA, CA 91355

3. PYROTECHNIC OPERATOR

NAME

STEVEN JOSEPH

ADDRESS

4951 RIVER RD. JEFFERSON, LA 70121

AGE: Must be 21 or over

02-02-1964

EXPERIENCE:

NUMBER OF YEARS

18

NUMBER OF DISPLAYS

350

WHERE

PLEASE SEE ATTACHED

NAMES OF ASSISTANTS:

NAME

JASON JONES

ADDRESS

7432 WESTERN BAY DR. BUENA PARK, CA

AGE

07/03/1973

NAME

CASEY LAKE

ADDRESS

17600 CALIENTE PL. CERRITOS, CA 90701

AGE

07/25/1980

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

NICKELBACK CONCERT EVENT

MUSKEGON SUMMER CELEBRATION - 587 W. WESTERN AVE. 49440

DATE

06/25/2004

TIME

DEMO 4PM / ON STAGE 8:30PM

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

PLEASE SEE ATTACHED

1.4G CLOSE PROXIMITY PYROTECHNICS & PROPANE FLAME EFFECTS

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

D.O.T. / UN PACKAGING; TYPE 3 MAGAZINE IN DAY BOX

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

(to be set by municipality)

\$ 2 MILLION

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

DRAYTON INSURANCE BROKERS

ADDRESS

SUITE 301
2500 CENTER POINT RD. BIRMINGHAM, AL

(See other side for instructions)

2004-56(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: Stage & Effects Engineering

NAME Steven Joseph (Nickelback Concert Event)

ADDRESS 4851 River Rd, Jefferson, LA AGE 40

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Summer Celebration - Nickelback Concert Event

ADDRESS

587 W. Western Avenue, Muskegon, MI 49440

NUMBER & TYPES OF FIREWORKS:

1.4G Close Proximity Pyrotechnics & Propane Flame Effects

DISPLAY:

EXACT LOCATION

Heritage Landing

CITY, VILLAGE, TOWNSHIP

City of Muskegon

DATE

6-25-04

TIME

8:30 p.m.

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

(city, village, township)

of

MUSKEGON

(name of city, village, township)

on the 22nd day of June, 2004

Stephen J. Warmington, Mayor

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

231-724-4178



fax ok
to Kevin Meyer
517-267-8955

24932 Ave Kearny Suite #1, Valencia CA 91355
Office (661) 702-1367 Fax (661) 702-1368

Fax

To: LINDA From: ALYSIA HOFSTRA
Fax: 231-724-4178 Pages: 11 w/cover
Phone: 231-724-6705 Date: 06/08/2004
Re: Nickelback Concert CC:

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

• Comments:

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

DATE OF APPLICATION

06/08/2004

1. TYPE OF DISPLAY:

☒ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON STAGE 3 EFFECTS ENGINEERING	ADDRESS 34932 AVENUE KEARNY SUITE #1	AGE: Must be 21 or over 12-19-76
IF A CORPORATION: Name of President ALYSIA Y. HESTRA	ADDRESS VALENCIA, CA 91355	

3. PYROTECHNIC OPERATOR

NAME STEVEN JOSEPH	ADDRESS 4951 RIVER RD. JEFFERSON, LA 70121	AGE: Must be 21 or over 02-02-1964
EXPERIENCE:		
NUMBER OF YEARS 18	NUMBER OF DISPLAYS 350	WHERE PLEASE SEE ATTACHED

NAMES OF ASSISTANTS:

NAME JASON JONES	ADDRESS 7432 WESTERN BAY DR. BUENA PARK, CA	AGE 07/03/1973
NAME CASEY LAKE	ADDRESS 17600 CALENTE PL. CERRITOS, CA 90701	AGE 07/25/1980

4. NON-RESIDENT APPLICANT

NAME	ADDRESS	
Name of Michigan Attorney or Resident Agent	ADDRESS	TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

NICKELBACK CONCERT EVENT

MUSKEGON SUMMER CELEBRATION - 587 W. WESTERN AVE. 49440

DATE 06/25/2004	TIME DEMO 4PM / ON STAGE 8:30PM
--------------------	------------------------------------

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

PLEASE SEE ATTACHED

1.4G CLOSE PROXIMITY PYROTECHNICS & PROPANE FLAME EFFECTS

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

D.O.T. / UN PACKAGING; TYPE 3 MAGAZINE IN DAY BOX

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE
(to be set by municipality)

\$ 2 MILLION

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

DRAYTON INSURANCE BROKERS

ADDRESS

SUITE 301
2500 CENTER POINT RD. BIRMINGHAM, AL

(See other side for instructions)

STEVEN R. JOSEPH

4951 River Rd.
Jefferson, La. 70121
Phone: (504) 818-2179
Email: stevejpyro@aol.com

WORK EXPERIENCE

1999 to Present: Production manager and lead pyro shooter for the multi-platinum Texas band, Pantera. Since 1994 I have worked on and off with the band in various aspects. In 1999 through 2000 I did several tours with different jobs from assistant tour manager to production manager here in the United States, Europe, Mexico and Japan. In 2001 became the bands lead shooter for propane flame effects and stage pyrotechnics. I began serving my apprenticeship with JEM F/X Co. in Commerce, CA, and was later hired by the company for future touring needs for Pantera and other artists.

1998 to Present: Started my apprenticeship with Precision Pyrotechnics. I began designing, setting up and shooting outdoor shows, then indoor events. In June of 2000 received my Louisiana State Blasters License and continue to work for the company to date.

1997 to Present: Tour manager and United States manager for the English band Napalm Death. I have done multiple US and European tours with them, and handle their American management responsibilities.

1993 to 1997: Tour manager then became manager for the Pavement/BMG recording act Crowbar. I handled all touring needs, then handled all business affairs as their personal manager until 1997 when their label option was not picked up. I still do consulting work for them now and then.

1990 to 1993: Tour manager and assistant band manager for the MCA/IRS recording act Lillian Axe. I handled all their touring needs, then in 1992 was asked by their management company, Timeless Music (from Boston), to be a partner in personally managing the band. In 1993 the group stopped touring.

1984 to 1990: Played drums and managed the New Orleans based band Razor White. Besides playing in the group I handled all business affairs from bookings, sound production, travel arrangements, road crew, payroll, accounting, merchandising, promotions and designing the bands pyrotechnic stage show. The group disbanded in 1990 while Philip Anselmo went on to join the multi-platinum Texas band, Pantera. Philip and myself are currently business partners in New Orleans.

STEVEN R. JOSEPH
4951 River Rd.
Jefferson, La. 70121
Phone: (504) 818-2179
Email: stevejpyro@aol.com

ADDITIONAL TOURING EXPERIENCE

1993 TO Present: Organizer, Director of Operations and partner in the annual New Orleans Haunted House, The House of Shock. Since its conception in 1993 in a small backyard, it has grown to be the biggest and most intense haunted attraction in the south, with some 30,000 visitors in 15 days out of the month of October.

1998: Bus driver, Assistant tour and merchandising manager on the US tour for Megaforce Recording Artist Anthrax.

1997: The Hoard Tour. Bus driver for the Grammy award winner Paula Cole.

1996: Hollywood Records Artist Cool Bone. Bus driver and Band assistant.

1995: East West / Electra Artist Down. US tour manager.

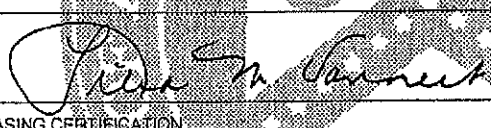
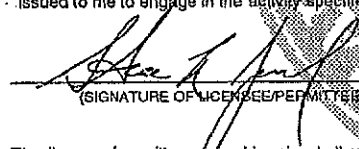
1990 to Present: Atlantic Artist Zebra. Tour manager for spot shows around the southern US.



DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

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 ATF CORRESPONDENCE TO	CHIEF, NATIONAL LICENSING CENTER ATF 2600 CENTURY PARKWAY, SUITE 400 Atlanta, GA 30345	LICENSE PERMIT NUMBER 5-LA-051-33-6M-00157
NAME	JOSEPH, STEVEN R	EXPIRATION DATE December 1, 2006
TYPE OF LICENSE OR PERMIT	33-USER OF HIGH EXPLOSIVES	Premises Address 4951 RIVER RD JEFFERSON, LA 70121-
CHIEF, NATIONAL LICENSING CENTER		
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-
 (SIGNATURE OF LICENSEE/PERMITTEE)		JOSEPH, STEVEN R 317 APPLE ST NORCO, LA 70079-
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 (8/89)



DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL TOBACCO AND FIREARMS

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 ATF
CORRESPONDENCE
TO

CHIEF, NATIONAL LICENSING CENTER
ATF
2600 CENTURY PARKWAY, SUITE 400
Atlanta, GA 30345

LICENSE
PERMIT
NUMBER

5-BL-19-7A-12724

EXPIRATION
DATE

January 1, 2007

NAME

JOSEPH, STEVEN R

Premises Address

317 APPLE ST
NOPCO, LA 70079

TYPE OF
LICENSE OR
PERMIT

19-MANUFACTURER OF THEATRICAL FLASH POWDER

CHIEF, NATIONAL
LICENSING CENTER

PURCHASING CERTIFICATION

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

(SIGNATURE OF LICENSEE/PERMITEE)

LICENSEE OR PERMITEE MAILING ADDRESS-

JOSEPH, STEVEN R
4951 RIVER RD
JEFFERSON, LA 70121

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.

DRAYTON INSURANCE BROKERS, INC.

2500 CENTER POINT ROAD, SUITE 301
BIRMINGHAM, ALABAMA 35215
TELEPHONE: (205) 854-5806

POST OFFICE BOX 94067
BIRMINGHAM, ALABAMA 35220
FAX: (205) 854-5899

CERTIFICATE OF INSURANCE NO. 493036

We certify that insurance as outlined below is afforded the Named Insured under policy CA000003209-14 issued by Admiral Insurance Company.

NAMED INSURED Stage & Effects Engineering, Inc.
24932 Avenue Kearny, Suite #1
Valencia, California 91355

PERIOD March 1, 2004 to February 28, 2005; Both days inclusive.

COVERAGE Fireworks Display Contractors Liability. Covering the legal liability of the Named Insured for Bodily Injury and/or Property Damage caused by or arising from the preparation for, the firing of, or the clearance following fireworks display(s), FIRED BY THE NAMED INSURED OR THE NAMED INSURED'S EMPLOYEES.

LIMIT OF LIABILITY \$2,000,000 each occurrence.
\$3,000,000 aggregate.
The addition of more than one insured does not serve to increase the above stated limit of liability.

RESTRICTION THIS POLICY APPLIES ONLY TO DISPLAYS WHICH COMPRISE SOLELY CLASS "C" FIREWORKS (EXPLOSIVES CLASSIFICATION 1.4), PYROTECHNICS SPECIAL EFFECTS (including indoor pyrotechnics), & PROPANE & OPEN FLAME EFFECTS. EXCLUDING THE USE OF CLASS "B" FIREWORKS (EXPLOSIVES CLASSIFICATION 1.3).

It is certified that the following SPONSORS AND/OR PROPERTYOWNERS AND/OR LICENSING AUTHORITIES are included as Additional Insured(s), but only in respect of the legal liability of such Additional Insured(s) for Bodily Injury or Property Damage sustained during the Period stated above and caused directly by the operations of the Named Insured in connection with the firing of the fireworks display(s) stated below BY THE NAMED INSURED OR THE NAMED INSURED'S EMPLOYEES. The insurance afforded any Additional Insured does not include coverage for any injury or damage arising from the failure of such Additional Insured to fulfill its obligations specified in its contract with the Named Insured.

**NAME & ADDRESS OF ADDITIONAL INSURED SPONSORS
PROPERTY OWNERS, LICENSORS**

City of Muskegon
933 Terrace Street
Muskegon, MI 49440
Heritage Park Landing; Michigan; County of Muskegon, Michigan; Muskegon Summer Celebration.; MMCS, Inc. d/b/a Meridian Entertainment Group; Heritage Park Landing

DISPLAY LOCATION

Heritage Park Landing - 587 West Western Avenue, Muskegon, MI 49440
Nickelback U.S. Tour 2004

DISPLAY DATE(S)
06/25/2004

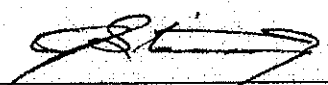
CONTRACT PRICE \$

This insurance applies automatically if the described display is fired on any alternative date because of cancellation on the date shown due to weather or other cause; however, IN NO EVENT WILL COVERAGE APPLY AFTER February 28, 2005.

This certificate is not an insurance policy and does not in any way amend, extend or alter the coverage afforded by the policy listed above. For particulars concerning the terms, exclusions and conditions of such policy each Additional Insured is referred to the policy documents in the possession of the Named Insured. Should the above described policy be cancelled before the expiration date thereof, the issuing company will mail 30 days' prior written notice to the above named Additional Insured.

DRAYTON INSURANCE BROKERS, INC.

06/08/2004
DATE OF ISSUE


A.J. STRINGER, PRESIDENT
CALIFORNIA LICENSE NO. 0A18664

MPASSOCIATES PRODUCT LIST (PER SHOW)
NICKELBACK TOUR 2004 – U.S.A.

<u>QTY</u>	<u>PRODUCT DESCRIPTION</u>
16	HELICOPTER HIT
4	MORTAR HIT TYPE III W/ NOISE
20	SMALL POPCORN
16	A/B SUPER FLASH CONCUSSION MIX
16	1-15 IGNITERS W/ 36" LEAD
30	KA 15 X 25FT WATERFALL
6	18" ELECTRIC BLACK TRAYS
6	FLASH DISCS – PURPLE & SILVER
16	TYPE I-A MINE – GOLD GLITTER
8	TYPE I-A MINE – SILVER
8	TYPE I-A MINE – WHITE
8	TYPE I-A MINE – VARIEGATED
8	TYPE I-A MINE – STROBE
8	TYPE I-A MINE – CRACKLE
4	TYPE I-A MINE – RED, BLUE & SILVER
4	TYPE I-A MINE – RED STROBE
4	TYPE I-A MINE – BLUE STROBE
4	TYPE I-A MINE – PURPLE CHARTRUSE
16	KA 20 X 20FT GERB – SILVER
30	KA 1/2 X 25FT GERB – SILVER
4	10-SHOT LASER COMET PLATE LOW SMOKE 20FT – GOLD

* ALL PRODUCT TO BE LOW SMOKE ITEMS

MP Associates Product Sizes

Nickelback Tour 2004 - U.S.A.

Device Confidential	Approximate Burn Time	Approximate Height	Approximate Width	Approximate Projection	Approximate Drop	Approximate Diameter
Helicopter Hit	N/A	10-15ft	5-10 ft	10-15ft	N/A	10-15ft
Mortar Hit Type III Series	N/A	10ft +/-2ft	5 ft+/- 2 ft	N/A	N/A	N/A
Small Popcorn	N/A	N/A	N/A	N/A	N/A	11 ft +/- 1
A/B Super fast flash concussion mix	N/A	N/A	N/A	N/A	N/A	N/A
I-15 Igniters w/ 36" lead	N/A	N/A	N/A	N/A	N/A	N/A
KA 15 x 25ft Waterfall	15 sec	N/A	N/A	N/A	25 ft	
18" Flash Tray	2 Sec.	7 ft.	4 ft.	N/A	N/A	N/A
Flash Disc	N/A	N/A	10-15ft/ 3ft deep	N/A	N/A	15-20 ft +/- 5
Type 1A Mine Series	N/A	25 - 35 ft	5 - 10 ft	N/A	N/A	N/A
KA-XT 20 x 20ft Gerbs - silver	20 sec	20 ft +/- 5 ft	N/A	N/A	N/A	N/A
KA 1/2 x 25ft Gerbs - silver	1/2 sec	25 ft +/- 5 ft	N/A	N/A	N/A	N/A
10 Shot Laser Comet Plate 20ft - gold	N/A	N/A	20 +/- 5 ft	N/A	N/A	N/A

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All measurements are approximate only.

All information herein is based upon data compiled by MP Associates (MPA) and/or recognized technical sources. While the information is believed to be accurate, MPA makes no representations as to its accuracy or sufficiency. Conditions of use are beyond MPA's control and therefore users are responsible to verify this data under their own operating conditions to determine whether the product is suitable for their particular purposes and they assume all risks of their use, handling, and disposal of the product, or from the publication or use of, or reliance upon, information contained herein. This information relates only to the product designated herein, and does not relate to its use in combination with any other material or in any other manner.

J.E.M. F/X INC.

SPECIAL EFFECTS & PYROTECHNICS

24932 AVENUE KEARNY SUITE #1
VALENCIA, CA 91355
(661) 702-1319 OFFICE
(661) 702-0908 FAX

The following shall further define flame effects equipment rental and engineering services provided by J.E.M. F/X Inc. to Nickelback Tour 2004 - U.S.A. This equipment has been designed & engineered for safe and reliable use on-stage and in close proximity to performers or audience. Similar portable effects of this size and larger have been provided by our firm to the industry for several years and have successfully been trooped worldwide. These flame effects have always performed, operated safely and without incident. All aspects for flame effects mounting and operation on-stage have been reviewed during the design phase of this project and their descriptions provided below:

Equipment Description.

There are a total of eleven individual flame effects that are to operate onstage during the performance. Each flame burner shall have one electronic ignition source and an individual LP rated gas solenoid valve fed by a hose and electrical control umbilical cable. Operation of the flame system relies on the effects technician to enable the "arm switch" that is assigned to the channel or channels in which are chosen for operation. The effects technician shall wait for ignition confirmation from the Honeywell Flame Safeguard controller and then can fire the effect with the pickle or electrical dead man buttons. If the effects technician chooses to disable or abort the flame effect operation at any time he may do so by depressing the E-Stop button (located on the main control panel, described below). This E-Stop button is a main power cut-off for the entire flame control system and there is NO by pass to the system so any over ride of the system is prohibited.

The following shall better describe each of the individual effects and there specifications:

- ✧ (8) Jet cube burners will be positioned and fired individually on the stage. Each burner will be placed 20' from the front of the stage, which is another 5' from the audience. The flame heads are capable of generating columns of flame one to twenty feet in height by one foot in diameter or flame balls two to five foot in diameter and rising up fifteen feet in height (Depending on clearance to personal combustibles). The effects technician can control variations between the two different looks by depressing the fire enable button for longer or shorter length in time.
- ✧ (3) Seven Foot Line Burners will be positioned on the front of the stage. One on each side facing the audience (please see plot plan). Each line burner will be controlled by the pyrotechnician. The flame height is adjustable from four to six feet and will be set based on the safety factors as judged by the authority having jurisdiction and the pyrotechnic crew chief. The maximum burn time will be ten seconds and will also be controlled by the pyrotechnician based on the safety factors. The burners will be set a minimum of twenty feet from the audience.
- ✧ (3) Portable gas storage accumulators, each with (4) gas rated solenoids, for distributing gas feed to all remotely mounted flame cubes. The accumulators shall need (2) 20lb LP gas bottles each (supplied by others) for filling of propane vapor. System gas pressure for filling of accumulators shall be controlled by use of LP rated solenoids interlocked with UL listed gas pressure switch.
- ✧ (1) Main electronic control box for operator interface to all devices in flame system.

J.E.M. F/X Inc.

SPECIAL EFFECTS & PYROTECHNICS

24932 Avenue Kearny Suite #1
Valencia, CA 91355
(661) 702-1319 Office
(661) 702-0908 Fax

- ✍ Rental package includes at least (400) feet of gas/ electrical umbilical feeds at twenty-five feet each length. Each umbilical has one electronic circuit for the ignition transformer, one circuit for gas solenoid, one circuit for flame sensor and one 1/2" diameter LP gas rated hose capable of withstanding 3000psi of pressure. Each hose end has quick disconnect fitting with seal-tight seats for quick removal of effect boxes, without gas leakage or purging necessary.
- ✍ (8) Flame safe-guard controllers for ignition system validation.

Flame Effects Technician and Operation:

J.E.M. F/X Inc. has trained and approved all technicians for operation and maintenance of all flame effects equipment provided by us for the production. The flame technician shall be responsible for overseeing the installation in each venue and setting the final flame effects height or duration. The flame technician shall be responsible for setting the final flame effects height or duration. He also has the unquestioned authority to not use the flames at any time if he or the Authority Having Jurisdiction determines it is unsafe to do so. The Crew Chief will also assist him.

During installation of flame effects equipment in any venue and before all shows, The Technician shall take responsibility for leak checking of all components and status check of all electrical devices.

All flame effects equipment and designs provided by J.E.M. F/X Inc. comply with NFPA 160 (Standards For Flame Effects Before an Audience, 1998 Edition) Group III. All of the equipment and components have been tested and cycled at our facility to ensure maximum reliability and performance prior to delivery.

Final placement or clearance issues shall have to be addressed by effects operator and Authority Having Jurisdiction on-site from venue to venue however. Our office has a 24-hour technical support telephone forwarding system, should any further questions or concerns arise. This support also extends to specific inquiries from Authority Having Jurisdiction or Local Promoters. If you have any questions or concerns, I can always be reached at our office or by mobile phone at any time (213) 276-9358.

Report Prepared By:
Elia P. Popov
CEO / J.E.M. F/X Inc.



City of Muskegon
City Clerk's Office
Gail A. Kunding, MMC
P.O. Box 536
933 Terrace Street
Muskegon, Michigan 49443
Phone: (231) 724-6705
Fax: (231) 724-4178

FAX COVER SHEET

To: Kevin Meyer From: Linda

Fax: _____ Pages (including cover) 2

Phone: _____ Date: 6-25-04

RE: _____ CC: _____

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

Kevin,

The Mayor has not been in to sign
the permit but it was approved at the 6-22-04
City Commission Meeting.

Thanks,
Linda

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
**RE: Annual Carriage License Renewal -
Muskegon Carriage Co.**

SUMMARY OF REQUEST: To approve the request to license two (2) carriages for operation in the City of Muskegon for the 2004-2005 licensing year. Sgt. Shirey has inspected the carriages and approves this request.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

APPLICATION FOR TAXICAB OPERATOR
in the
CITY OF MUSKEGON, MICHIGAN

Name of Company (d,b,a.) MUSKEGON CARRIAGE CO.

Address of Office 557 W. CLAY / Muskegon / 49440

Name & Residence of each person interested) SCOTT SIERADSKI Age 46
in or connected with the) _____ Age _____
above, individual, firm or) _____ Age _____
corporation.) _____ Age _____

Present Business of each person connected with the above application. OWNER

Give experience of applicant in taxicab business in this City or elsewhere. 15 YRS IN W. MICHIGAN

Number of cabs applicant proposes to use (2)

Are there any unpaid or unbonded judgments of record against the applicant NO

Have any of the persons connected with the above as individual, firm or corporation been charged with or convicted of any crime or misdemeanor, if so, state date and Court. NO

Name of insurance company with which applicant is insured and amount of coverage. CAPITAL INS

Name of local agent or representative. TAMMI MEAD

Is the above applicant the sole owner of all the automobiles proposed to be used? YES

State liens, mortgages or other encumbrances including conditional sales contracts on such taxicabs. NONE

Attached hereto is a list of the automobiles with name of make, body-style, year, serial and engine number, state license plate number, seating capacity, weight of car which is considered a part of this application.

The applicant's annual financial and profit and loss statements covering his operations during the last preceding fiscal year shall be attached to this application.

Signature Scott Sieradski

Subscribed and sworn to before me a Notary Public in and for Muskegon County, Michigan, this 10th day of June, 19 2004.

My commission expires 9-25-06

Linda B. Potter
Notary Public

Application Approved

Chief of Police

Potter, Linda

From: Shirey, Monica
Sent: Saturday, May 01, 2004 5:03 PM
To: Potter, Linda
Cc: Kunding, Gail
Subject: horse carriage inspections

Good morning Linda,

I inspected both of the horse carriages on Friday 4-30-04. They both passed inspection.

Have a nice day

Monica

*paid for license
on 6-10-04*



West Coast Carriage Co.
557 W. Clay • Muskegon, Mi 49440

1923

9-91
720 700

DATE 6/1/04

PAY
TO THE
ORDER OF

CITY OF MUSKEGON

\$ 50⁰⁰

DOLLARS



Money Order
No. 4
Exch. No. 100

Fifty & no/100

National City

National City Bank of Michigan/Illinois
Kalamazoo, Michigan

Sgt. J. J. [Signature]

FOR

⑈00001923⑈ ⑆072000915⑆ 4038045359⑈

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
GFB, LLC
1920 Lakeshore

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from George F. Bailey, to transfer ownership of the 2003 Class C-SDM Licensed Business with Dance Permit from Jimmy R. Benson; and to transfer location from 2805 Sixth Street, Muskegon Heights.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent upon final inspection.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C.N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

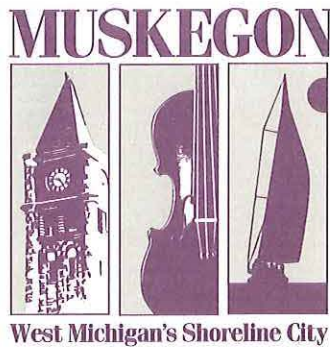
Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718



June 9, 2004

To: City Commission through the City Manager

From: Anthony L. Kleibecker
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 1920 Lakeshore Drive
Transfer of 2003 Class C-SDM License

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant George F. Bailey, representing GFB, LLC of 1920 Lakeshore Drive, Muskegon MI 49441.

Mr. Bailey requests to transfer ownership of 2003 Class C-SDM licensed business with dance permit from Jimmy R. Benson, and to transfer location (governmental unit) from 2805 Sixth Street in Muskegon Heights. Mr. Bailey's initial request was for a transfer to 1937 Lakeshore Drive, the old Harbor Theater, but the request has been changed to 1920 Lakeshore Drive, the property of Great Lakes Marina. There is also a request for outdoor service. Mr. Bailey plans to open a "tiki hut"-style bar at the docking site of the cross-lake ferry. He has no prior experience in the alcohol-serving industry but has been made aware of the Muskegon Police Department position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

ALK/dl

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

RESOLUTION

2004-56(d)

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

called to order by Mayor Warmington on June 22, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Davis

That the request from GFB, LLC TO TRANSFER OWNERSHIP OF 2003 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 2805 SIXTH, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY, FROM JIMMY R. BENSON; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 1920 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY.

be considered for Approval pending final inspection.
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 4

Yeas: _____

Nays: 0

Nays: _____

Absent: 3

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on 6-22-04
(Date)

SEAL

(Signed) Gail A. Kundergei
(Township, City or Village Clerk)
Gail A. Kundergei, City Clerk
933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

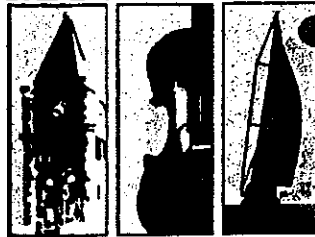
Public Works
(231)724-4100
FAX (231)722-4188

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

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

Water Filtration
(231)724-4106

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 2, 2004

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

REF: #238248
GFB, LLC
1920 Lakeshore
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, and the Local Law Enforcement Agency Report for GFB, LLC that was recommended for approval at the June 22, 2004, City Commission Meeting.

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

Sincerely,

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

Linda Potter
Deputy Clerk

Enc.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 238248

(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

K.C. 5-5-04

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

BUSINESS NAME AND ADDRESS: (include zip code)

GFB, LLC, 1937 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2003 CLASS C-SDM LICENSED BUSINESS WITH
DANCE PERMIT FROM JIMMY R. BENSON; AND TRANSFER LOCATION (GOVERNMENTAL UNIT)
(MCL 436.1531(1) FROM 2805 SIXTH, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY.

*AMENDED TO INCLUDE OUTDOOR SERVICE***Section 1.****APPLICANT INFORMATION**

APPLICANT #1:

GEORGE F. BAILEY - MEMBER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

1920 LAKESHORE DRIVE

MUSKEGON, MI 49441

H(231)780-2340/B(231)780-3722 *Fax*

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 10-3-49

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

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

Are gas pumps on the premises or directly adjacent? ☐ No ☒ Yes, explain relationship: Gas pumps for boats located
on the marina proper; applicant estimates distance to be 800' away from alcohol serving
location.

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

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

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

Section 4.**Recommendation**

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

x R. L. K. Schuler
Signature (Sheriff or Chief of Police)

4-9-04
Date

MUSKEGON HEIGHTS POLICE DEPARTMENT



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

REQ ID: 238248

K.C. 5-5-04

LOCAL LAW ENFORCEMENT AGENCY REPORT

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

GFB, LLC 759-8230
APPLICANT/LICENSEE PHONE NUMBER
1920 Lakeshore Dr. Muskegon Muskegon 49441
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

PERMITS REQUESTED: DANCE ☒ ENTERTAINMENT ☐ TOPLESS ACTIVITY ☐

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

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☐	NO	☐	N/A	☒
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☐	N/A	☒

REMARKS:

05-20-04

DATE SUBMITTED

R. L. Kleider
OFFICER'S SIGNATURE

G-8-04

Muskegon Police

(231) 724-6750

DEPARTMENT NAME

PHONE NUMBER

980 Jefferson St.

Muskegon

ADDRESS

CITY

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 05-20-04

Re: Liquor License Transfer

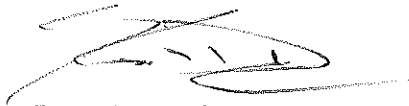
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant George F. Bailey, representing GFB, LLC. of 1920 Lakeshore Drive, Muskegon, MI. 49441.

Mr. Bailey is requesting to transfer ownership of 2003 Class C-SDM licensed business with Dance permit from Jimmy R. Benson; and transfer location (governmental unit) from 2805 Sixth St., Muskegon Heights, MI. 49444. Mr. Bailey's initial request was for transfer to 1937 Lakeshore Dr, the old Harbor Theater but this request is to 1920 Lakeshore Dr, the property of Great Lakes Marina. Mr. Bailey plans to open a Tiki Hut style bar at the docking site of the cross lake ferry boat. Mr. Bailey has had no experience in the alcohol service industry but has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a stylized flourish extending from the bottom left.

Det. Kurt Dykman

data/common/liquor/Bailey

LIQUOR LICENSE REVIEW FORM

New address
changed from
1937 Lakeshore

Business Name: GFB, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: George F. Bailey

Business Address: 1920 Lakeshore

Reason for Review: Requesting to transfer license + put in escrow.

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature G. A. Kundinger 6-8-04

Gail A. Kundinger, City Clerk

5-7-04

LIQUOR LICENSE REVIEW FORM

Business Name: GFB, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: George F. Bailey

Business Address: 1937 Lakeshore

Reason for Review:

from Musk. Hts.

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature B. L. Kleber 6-2-04

Gail A. Kundinger, City Clerk
Liquor License Coordinator

K.L. 5-5-04

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

LOCAL APPROVAL NOTICE

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

Req ID: 238248

Date: March 16, 2004

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

Applicant: GFB, LLC

Home Address And Phone No:
GEORGE F. BAILEY, 1920 LAKESHORE DRIVE, MUSKEGON, MI 49441 H(231)780-2340/B(231)780-3722

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

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

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

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

sfs

KC
5-5-04

Req ID # 238248

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

RESOLUTION

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

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from GFB, LLC TO TRANSFER OWNERSHIP OF 2003 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 2805 SIXTH, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY, FROM JIMMY R. BENSON; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 1937 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY.

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

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

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of _____)

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

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

meeting held on _____
(Date)

SEAL

(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)

LC-1800-04

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

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

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

Date: March 16, 2004
REF#: 238248

Chief Law Enforcement Officer

Applicant:

GFB, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2003 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 2805 SIXTH, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY, FROM JIMMY R. BENSON; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 1937 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY.

To Include OUTDOOR SERVICE

AMENDED

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

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

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

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

GREAT LAKES MARINA AND STORAGE LLC
1920 LAKESHORE DRIVE
MUSKEGON, MI 49441
(231) 759-8230

FIFTH THIRD BANK
MUSKEGON, MI 49445
74-5/724

22851

5/12/2004

PAY TO THE ORDER OF City of Muskegon

\$ **250.00

Two Hundred Fifty and 00/100*****

DOLLARS

City of Muskegon

GFB LLC

MEMO

⑈022851⑈ ⑆072400052⑆ 0000287412⑈

GREAT LAKES MARINA AND STORAGE LLC
City of Muskegon

Date	Type	Reference
05/12/200	Bill	GFB LLC

Original Amt.	250.00
---------------	--------

Balance Due	250.00
-------------	--------

5/12/2004

Check Amount

22851

Payment	250.00
250.00	

XXXXXXXXXXXXXXXXXXXX
YOUR RECEIPT
THANK YOU
CALL AGAIN
XXXXXXXXXXXXXXXXXXXX
LIQUOR 250.00
ITEM CT 1
CHECK
250.00
03:37PM 06-10-2004
3748 LINDA

GFB LLC

250.00

K.L. 5-5-04

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

LOCAL APPROVAL NOTICE

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

Req ID: 238248

Date: March 16, 2004

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

*transfer
& put in
esrow*

Applicant: GFB, LLC

Home Address And Phone No:
GEORGE F. BAILEY, 1920 LAKESHORE DRIVE, MUSKEGON, MI 49441 H(231)780-2340/B(231)780-3722

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

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

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

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

sfs

K.C.
5-5-09

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

RESOLUTION

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

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from GFB, LLC TO TRANSFER OWNERSHIP OF 2003 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 2805 SIXTH, MUSKEGON HEIGHTS, MI 49444, MUSKEGON COUNTY, FROM JIMMY R. BENSON; AND TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) TO 1920 LAKESHORE, MUSKEGON, MI 49441, MUSKEGON COUNTY.

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

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

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of _____)

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

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

meeting held on _____
(Date)

SEAL

(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)

LIQUOR LICENSE REVIEW FORM

New address
changed from
1937 Lakeshore

Business Name: GFB, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: George F. Bailey

Business Address: 1920 Lakeshore

Reason for Review: Requesting to transfer license + put in escrow.

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kunderinger, City Clerk

LIQUOR LICENSE REVIEW FORM

New address
changed from
1937 Lakeshore

Business Name: GFB, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: George F. Bailey

Business Address: 1920 Lakeshore

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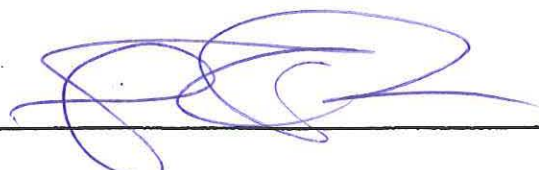
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kunderinger, City Clerk

LIQUOR LICENSE REVIEW FORM

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Operator/Manager's Name: George F. Bailey

Business Address: 1920 Lakeshore

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Other _____

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Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunderger, City Clerk

LIQUOR LICENSE REVIEW FORM

*New address
changed from
1937 Lakeshore*

Business Name: GFB, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: George F. Bailey

Business Address: 1920 Lakeshore

Reason for Review: Requesting to transfer license & put in escrow.

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Inspection required when
Building is available for inspection

Department Signature Maji Metel

Gail A. Kunderger, City Clerk

LIQUOR LICENSE REVIEW FORM

*New address
changed from
1937 Lakeshore*

Business Name: GFB, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: George F. Bailey

Business Address: 1920 Lakeshore

Reason for Review: Requesting to transfer license & put in escrow.

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects No building involved at this time.
No Issue.

Department Signature Robert B. Thibault 6/9/04

Gail A. Kunderger, City Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

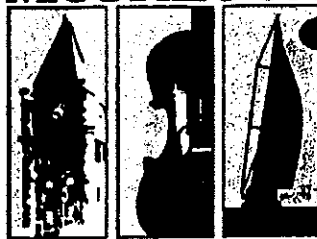
Public Works
(231)724-4100
FAX (231)722-4188

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

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

Water Filtration
(231)724-4106
FAX (231)755-5200

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

June 17, 2004

Mr. George Bailey
1920 Lakeshore Drive
Muskegon, MI 49441

Dear Mr. Bailey:

This letter is to inform you that your request to transfer ownership of the 2003 Class C-SDM License with dance permit will be presented to the City Commission on June 22, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

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

Assessor
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FAX (231)726-5181

Cemetery
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FAX (231)726-5617

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FAX (231)724-6768

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FAX (231)722-4301

Inspection Services
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FAX (231)728-4371

Leisure Services
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FAX (231)724-1196

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FAX (231)722-1214

Planning/Zoning
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FAX (231)724-6790

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

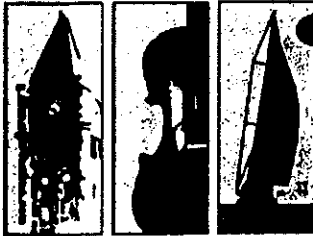
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(231)724-4106

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

June 17, 2004

Ms. Eloise Hieftje, President
Lakeside Neighborhood Association
1960 Cutler
Muskegon, MI 49441

Dear Eloise:

We have received three letters from the Liquor Control Commission reference the following requests:

1. George F. Bailey, to transfer ownership of the 2003 Class C-SDM licensed business with dance permit from Jimmy R. Benson and to transfer location from 2805 Sixth Street, Muskegon Hts. to 1920 Lakeshore.
2. Gary & Lauren Samples, to transfer ownership of the 2003 SDM licensed business with gas pumps from Marilyn J. Felinski, 1930 Lakeshore Drive.
3. Randhir & Shomatee Billing, to transfer ownership of the 2003 SDD & SDM licensed business from Karamsar Corporation, 2390 W. Sherman.

A Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. A SDM license permits the sale of beer and wine for consumption off the premises only. A SDD license permits the sale of alcoholic liquor, other than beer and wine, for consumption off the premises only. On Tuesday, June 22, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on June 22, 2004, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter
Deputy Clerk

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunder, City Clerk
RE: Liquor License Request
Opportunity, LLC
978 Pine Street

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Opportunity, LLC to transfer interest in the 2003 Class C-SDM Licensed Business with Dance-Entertainment Permit by adding Ann Marie Mahan-McAllister as a new member through transfer of 40% interest from existing member, Malachi F. Williams.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C.N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

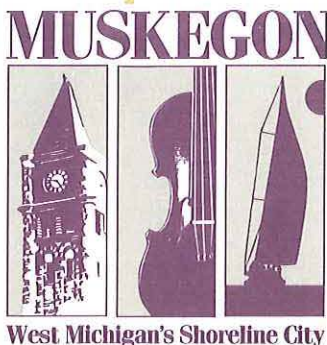
Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718



April 27, 2004

To: City Commission through the City Manager
From: Anthony L. Kleibecker
Anthony L. Kleibecker, Director of Public Safety
Re: Liquor License Request (Transfer) – 978 Pine Street

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Opportunity, LLC and Ann Marie Mahan-McAllister. Opportunity, LLC is requesting a transfer of interest in 2003 Class C-SDM Licensed Business with Dance-Entertainment Permit by adding Ms. McAllister as a new member through transfer of 40% interest from existing member, Malachi F. Williams.

The listed location is that of Dreamers at 978 Pine Street. This establishment has been in existence as Dreamers since early 2003. There have been periodic complaints of assaults and allegations of over-capacity crowds in the bar throughout 2003, but only one complaint showing the address of 978 Pine Street in 2004. The 2004 complaint is unrelated to bar activities.

A check of Muskegon Police Department records and a criminal history check show no reason to deny this transfer of interest request.

ALK/dl

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

KC.
4-22-04

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

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

Date: March 15, 2004
REF#: 240599

Chief Law Enforcement Officer

Applicant:

OPPORTUNITY, L.L.C. REQUESTS TO TRANSFER INTEREST IN 2003 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 978 PINE, MUSKEGON, MI 49442, MUSKEGON COUNTY, BY ADDING ANN MAHAN-MC ALLISTER AS NEW MEMBER THROUGH TRANSFER OF 40% INTEREST FROM EXISTING MEMBER, MALACHI F. WILLIAMS.

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

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

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

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

LC-1972 Rev. 9/17
4880-1658

sfs

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 4-26-04

Re: Transfer of Interest at 978 Pine St., Muskegon, MI. 49442

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Opportunity, L.L.C. for transfer of Interest in 2003 Class C-SDM Licensed business with Dance-Entertainment Permit by adding Ann Marie Mahan-McAllister as new member through transfer of 40% interest from existing member, Malachi F. Williams.

The listed location is that of Dreamers located at 978 Pine Street. This establishment has been in existence as Dreamers since early 2003. There have been periodic complaints of assaults and allegations of overcapacity crowds in the bar throughout 2003 but there has been only one complaint showing the address of 978 Pine Street in 2004; this 2004 complaint is unrelated to bar activities.

A search of MPD records as well as Criminal History Check show no reason to deny this request for Transfer of Interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a large, sweeping flourish extending from the end of the signature.

Det. Kurt Dykman

data/common/liquor/McAllister

Affirmative Action
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Police Department
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FAX (231)722-5140

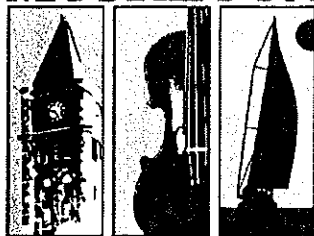
Public Works
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FAX (231)722-4188

Treasurer
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FAX (231)724-6768

Water Billing
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FAX (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 2, 2004

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

REF: #240599
Opportunity, L.L.C.
978 Pine
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, print card and check for Opportunity, L.L.C. that was recommended for approval at the June 22, 2004, City Commission Meeting.

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

Sincerely,

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

Linda Potter
Deputy Clerk

Enc.

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES Req Id#240599
LIQUOR CONTROL COMMISSION

RESOLUTION

2004-56(e)

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

called to order by Mayor Warmington on June 22, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Davis

That the request from Opportunity, L.L.C., 978 Pine, Muskegon, MI 49442, Muskegon County to transfer interest in 2003 Class C-SDM Licensed Business with Dance-Entertainment Permit by adding Ann Mahan-McAllister as new member through transfer of 40% interest from existing member, Malachi F. Williams

be considered for Approval

(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 4

Yeas:

Nays: 0

Nays:

Absent: 3

Absent:

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

Recommended

(Recommended or not Recommended)

for issuance

State of Michigan)

§

County of Muskegon)

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

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

meeting held on 6-22-04
(Date)

SEAL

(Signed) Gail A. Kunderger

(Township, City or Village Clerk)

Gail A. Kunderger, City Clerk
933 Terrace, Muskegon, MI 49440

(Mailing address of Township, City or Village)

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 240599

(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

K.K.
4-22-04

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

BUSINESS NAME AND ADDRESS: (include zip code)

OPPORTUNITY, L.L.C., 978 PINE, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER INTEREST IN 2003 CLASS C-SDM LICENSED BUSINESS WITH DANCE-
ENTERTAINMENT PERMIT BY ADDING ANN MAHAN-MC ALLISTER AS NEW MEMBER THROUGH
TRANSFER OF 40% INTEREST FROM EXISTING MEMBER, MALACHI F. WILLIAMS.

Section 1.**APPLICANT INFORMATION**

APPLICANT #1:

ANN MAHAN-MC ALLISTER – MEMBER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

2236 OAK AVENUE

MUSKEGON, MI 49442

H(231)773-5856/B(231)773-9200

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 5-23-58

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

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

Section 4.**Recommendation**

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

X *R. L. Blum*
Signature (Sheriff or Chief of Police)

4-27-04
Date

MUSKEGON POLICE DEPARTMENT

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

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

2. Article Number 7000 0520 0014 3747 7371
(Transfer from service label)**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1035

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here
7/22/01

7000 0520 0014 3747 7371

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, February 2000 See Reverse for Instructions

6-1-04

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 978 Pine

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other Add Ann Mahan-McAllister

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature Danette G

Gail A. Kundinger, City Clerk
Liquor License Coordinator

6-1-09

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 978 Pine

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other Add Ann Mahan-McAllister

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 978 Pine

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☒ New Entertainment Permit ☐Other Add Ann Mahan-McAllister

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☒ Owing ☐ Amount: _____Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature _____

6-1-09

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 978 Pine

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other Add Ann Mahan-McAllister

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Mari Metcalfe

Gail A. Kundinger, City Clerk
Liquor License Coordinator

6-1-09

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 978 Pine

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other Add Ann Mahan-McAllister

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☒ Remaining Defects _____
Services _____

Department Signature 

Gail A. Kundinger, City Clerk
Liquor License Coordinator

Affirmative Action
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(231)724-6701
FAX (231)722-1214

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

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

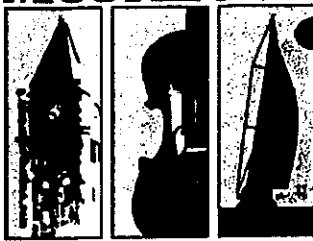
Public Works
(231)724-4100
FAX (231)722-4188

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

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

Water Filtration
(231)724-4106
FAX (231)724-5200

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

June 17, 2004

Ms. Ann Marie Mahan-McAllister
2236 Oak Avenue
Muskegon, MI 49442

Dear Ms. Mahan-McAllister:

This letter is to inform you that your request to transfer interest in the 2003 Class C-SDM License with dance entertainment permit will be presented to the City Commission on June 22, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Water Filtration
(231)724-4106



June 17, 2004

Ms. Norma DeYoung, President
Angell Neighborhood Association
511 E. Isabella
Muskegon, MI 49442

Dear Ms. DeYoung:

We have received a letter from the Liquor Control Commission reference a request from Opportunity, LLC, located at 978 Pine Street, to transfer interest in the 2003 Class C-SDM licensed business with dance-entertainment permit by adding Ann Mahan-McAllister as a new member through transfer of 40% interest from existing member, Malachi F. Williams. On Tuesday, June 22, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on June 22, 2004, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter
Deputy Clerk

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
RND Entertainment, Inc.
1635 Beidler

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Diana and Robert Schweifler to transfer ownership of the 2004 Class C Licensed Business with dance permit from Star 4, Inc., DBA Westside Inn, and request a new entertainment permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C. N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

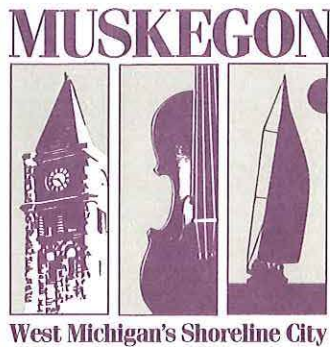
Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718



June 8, 2004

To: City Commission through the City Manager

From: Anthony L. Kleibeker
Anthony L. Kleibeker, Director of Public Safety

Re: Liquor License Request – 1635 Beidler (Westside Inn)
Transfer of 2004 Class C-SDM License & New Entertainment
Permit

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant RND Entertainment Inc. located at 1635 Beidler Street in Muskegon. RND is comprised of Robert and Diana Schweifler of 3200 Sandy Cove Court, Muskegon MI 49441.

RND Entertainment Inc. requests to transfer ownership of 2004 Class C-SDM licensed business with dance permit located at 1635 Beidler in Muskegon from Star 4 Inc. There is also a request for a new Entertainment Permit. The applicants have no prior experience in the alcohol-serving industry, but they have been made aware of the Muskegon Police Department position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

ALK/dl

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

Req ID # 240418

7/14 6/2/04

RESOLUTION

2004-56(f)

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

called to order by Mayor Warmington on June 22, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Davis

That the request from RND ENTERTAINMENT INC. TO TRANSFER OWNERSHIP OF 2004 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 1635 BEIDLER, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM STAR 4, INC.; AND REQUEST A NEW ENTERTAINMENT PERMIT.

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 4

Yeas: _____

Nays: 0

Nays: _____

Absent: 3

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on 6-22-04
(Date)

SEAL

(Signed) Gail A. Kunderinger
(Township, City or Village Clerk)
Gail A. Kunderinger, City Clerk
933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

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

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

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

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

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

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

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

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

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

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



West Michigan's Shoreline City
www.shorelinecity.com

July 2, 2004

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

REF: #240418
RND Entertainment Inc.
1635 Beidler
Muskegon, MI 49441

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0034 3747 7371

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

LCU
Postmark
Here
7/2/04

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No.; or PO Box No.

City, State, ZIP+ 4

PS Form 3800, February 2000

See Reverse for Instructions

POLICE INSPECTION REPORT ON L. OR LICENSE REQUEST

Req ID # 240418

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505 *240418*
7/11/04 6/2/04

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

BUSINESS NAME AND ADDRESS: (include zip code)

RND ENTERTAINMENT INC., 1635 BEIDLER, MUSKEGON, MI 49441, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2004 CLASS C-SDM LICENSED BUSINESS WITH
DANCE PERMIT FROM STAR 4, INC.; AND REQUEST A NEW ENTERTAINMENT PERMIT.**Section 1.****APPLICANT INFORMATION**

APPLICANT #1:

DIANA D. SCHWEIFLER – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

3200 SANDY COVE COURT

MUSKEGON, MI 49441

H(231)759-6261/B(231)740-4281

DATE OF BIRTH: *9-28-53*

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:Date fingerprinted: *6-7-04*

APPLICANT #2:

ROBERT A. SCHWEIFLER – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

3200 SANDY COVE COURT

MUSKEGON, MI 49441

H(231)759-6261/B(231)740-5005

DATE OF BIRTH: *6-18-56*

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:Date fingerprinted: *6-7-04***Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.**ARREST RECORD: ☐ Felony ☐ MisdemeanorEnter record of all arrests & convictions (attach a signed and dated
report if more space is needed).ARREST RECORD: ☐ Felony ☐ MisdemeanorEnter record of all arrests & convictions (attach a signed and dated
report if more space is needed)**Section 2.****Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws
and ordinances, if this license is granted? ☒ Yes ☐ No

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

Section 4.**Recommendation**

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

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

X B. L. Klenk
Signature (Sheriff or Chief of Police)*6-8-04*
Date

MUSKEGON POLICE DEPARTMENT



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

REQ ID: 240418

6/2/04 RND

LOCAL LAW ENFORCEMENT AGENCY REPORT

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

RND ENTERTAINMENT INC.

759-6261

APPLICANT/LICENSEE

PHONE NUMBER

1635 Beidler St.

Muskegon

Muskegon

49441

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP

1. The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐

2. Describe the type of entertainment applicant/licensee will provide: N/A ☐

Bands

3. Will this entertainment include topless activity? YES ☐ NO ☒ N/A ☐

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☐	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☐	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☐	N/A	☒

REMARKS

6-7-04

DATE SUBMITTED

R. L. Kleiderman
OFFICER'S SIGNATURE

Muskegon

231 724-6750

DEPARTMENT NAME

PHONE NUMBER

980 Jefferson St.

Muskegon

ADDRESS

CITY

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 06-08-04

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant RND Entertainment Inc. located at 1635 Beidler Street, Muskegon, MI. 49441.

RND Entertainment Inc. is comprised of both Diana and Robert Schweifler of 3200 Sandy Cove Court, Muskegon MI. 49441. They are requesting to transfer ownership of 2004 Class C-SDM licensed business with Dance Permit located at 1635 Beidler Street from Star 4, Inc. and requests a new Entertainment Permit. Both applicants have had no experience in the alcohol service industry but have been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a stylized flourish at the end.

Det. Kurt Dykman

data/common/liquor/Schweifler

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

LOCAL APPROVAL NOTICE
(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

240418
FMA 6/2/04
RECEIVED
JUN 4 2004
MUSKEGON
CITY MANAGER'S OFFICE

Req ID: 240418

Date: May 21, 2004

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

Applicant: RND ENTERTAINMENT INC.

Home Address And Phone No:

DIANA D. SCHWEIFLER, 3200 SANDY COVE COURT, MUSKEGON, MI 49441

H(231)759-6261/B(231)740-4281

ROBERT A. SCHWEIFLER, 3200 SANDY COVE COURT, MUSKEGON, MI 49441 H(231)759-6261/B(231)740-5005

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

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

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

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

sfs

RECEIVED
JUN 04 2004
Muskegon Police Dept.

Muskegon Police Dept.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 240418

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION
7150 Harris Drive 240418
P.O. Box 30005
Lansing, Michigan 48909-7505 6/2/04 THA

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

BUSINESS NAME AND ADDRESS: (include zip code)

RND ENTERTAINMENT INC., 1635 BEIDLER, MUSKEGON, MI 49441, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2004 CLASS C-SDM LICENSED BUSINESS WITH
DANCE PERMIT FROM STAR 4, INC.; AND REQUEST A NEW ENTERTAINMENT PERMIT.

Section 1.**APPLICANT INFORMATION**

APPLICANT #1:

DIANA D. SCHWEIFLER – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

3200 SANDY COVE COURT

MUSKEGON, MI 49441

H(231)759-6261/B(231)740-4281

DATE OF BIRTH: 9-28-53

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-7-04

APPLICANT #2:

ROBERT A. SCHWEIFLER – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

3200 SANDY COVE COURT

MUSKEGON, MI 49441

H(231)759-6261/B(231)740-5005

DATE OF BIRTH: 6-18-56

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

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-7-04

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**

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

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

Section 4.**Recommendation**

From your investigation:

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

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

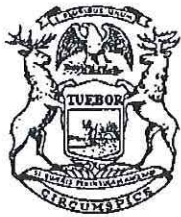
☒ Yes ☐ No

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

Signature (Sheriff or Chief of Police)

Date

MUSKEGON POLICE DEPARTMENT



LOCAL LAW ENFORCEMENT AGENCY REPORT

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

RND ENTERTAINMENT INC.

759-6261

APPLICANT/LICENSEE

PHONE NUMBER

1635 Beidler St. Muskegon Muskegon 49441
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

PERMIT(S) REQUESTED: DANCE ☒ ENTERTAINMENT ☒ TOPLESS ACTIVITY ☐

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

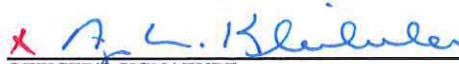
LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☐	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☐	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☐	N/A	☐

REMARKS:

6-7-04

DATE SUBMITTED


OFFICER'S SIGNATURE

Muskegon

231 724-6750

DEPARTMENT NAME

PHONE NUMBER

980 JeffersonSt.

Muskegon

ADDRESS

CITY

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

240418
MMA 6/2/04

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

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

Date: May 21, 2004
REF#: 240418

Chief Law Enforcement Officer

Applicant:

RND ENTERTAINMENT INC. REQUESTS TO TRANSFER OWNERSHIP OF 2004 CLASS C-SDM
LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 1635 BEIDLER, MUSKEGON, MI 49441,
MUSKEGON COUNTY, FROM STAR 4, INC.; AND REQUESTS A NEW ENTERTAINMENT PERMIT.

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

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

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

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

LC-1972 Rev. 9/17
4880-1658

sfs

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

240418
THAT 6/2/04

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

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

Date: May 21, 2004
REF#: 240418

Chief Law Enforcement Officer

Applicant:

RND ENTERTAINMENT INC. REQUESTS TO TRANSFER OWNERSHIP OF 2004 CLASS C-SDM
LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 1635 BEIDLER, MUSKEGON, MI 49441,
MUSKEGON COUNTY, FROM STAR 4, INC.; AND REQUESTS A NEW ENTERTAINMENT PERMIT.

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

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

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

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

LC-1972 Rev. 9/17
4880-1658

sfs

Robert A. Schweifler
Diana D. Schweifler
DL #S146745071467 DL #S146143135749
3200 Sandy Cove Court 231-759-6261
Muskegon, MI 49441

2197

6-7 20 09/720

Pay To The City of Muskegon \$ 250.00
Order Of Two hundred Fifty and no/100 Dollars ☒ Pay to the order of the payee's bank

Comerica Bank
Muskegon, Michigan

ALL THINGS ARE POSSIBLE THROUGH GOD

For RND INVESTIGATION

ROSSIE
PAGE
QUTMAN

⑆072000096⑆ 6814651052⑈ 2197

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LIQUOR LICENSE REVIEW FORM

Business Name: RND Entertainment

AKA Business Name (if applicable): _____

Operator/Manager's Name: Diana + Robert Schweifler

Business Address: 1635 Beidler

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Kenneth J.

Gail A. Kunding, City Clerk

LIQUOR LICENSE REVIEW FORM

Business Name: RND Entertainment

AKA Business Name (if applicable): _____

Operator/Manager's Name: Diana + Robert Schweifler

Business Address: 1635 Beidler

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: 

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature _____

Gail A. Kundering, City Clerk

LIQUOR LICENSE REVIEW FORM

RECEIVED

JUN 7 2004

CITY OF MUSKEGON
PLANNING DEPARTMENT

Business Name: RND Entertainment

AKA Business Name (if applicable): _____

Operator/Manager's Name: Diana + Robert + Schweifler

Business Address: 1435 Beidler

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Compliance ☐ Remaining Defects _____
Services _____

Department Signature Phil Carter

Gail A. Kunding, City Clerk

LIQUOR LICENSE REVIEW FORM

Business Name: RND Entertainment

AKA Business Name (if applicable): _____

Operator/Manager's Name: Diana + Robert Schweifler

Business Address: 1635 Beidler

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: haven't seen any

Fire/Inspection Compliance ☐ Remaining Defects new B.R. yet
Services Westside paid

Department Signature _____

Gail A. Kunding, City Clerk

LIQUOR LICENSE REVIEW FORM

Business Name: RND Entertainment

AKA Business Name (if applicable): _____

Operator/Manager's Name: Diana + Robert Schweifler

Business Address: 1635 Beidler

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

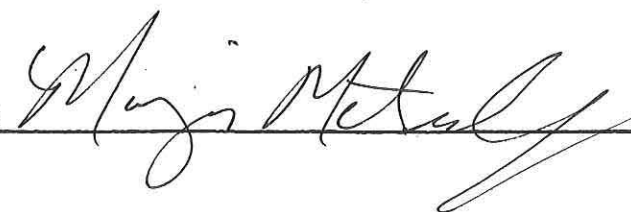
Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature



Gail A. Kunder, City Clerk

LIQUOR LICENSE REVIEW FORM

Business Name: RND Entertainment

AKA Business Name (if applicable): _____

Operator/Manager's Name: Diana + Robert + Schweifler

Business Address: 1635 Beidler

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Healy 6/7/04

Gail A. Kunding, City Clerk

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

LOCAL APPROVAL NOTICE
(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))



Req ID: 240418

Date: May 21, 2004

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

Applicant: RND ENTERTAINMENT INC.

Home Address And Phone No:

DIANA D. SCHWEIFLER, 3200 SANDY COVE COURT, MUSKEGON, MI 49441
H(231)759-6261/B(231)740-4281

ROBERT A. SCHWEIFLER, 3200 SANDY COVE COURT, MUSKEGON, MI 49441 H(231)759-6261/B(231)740-5005

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

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

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

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

sfs

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

Req ID # 240418

RND 6/2/04

RESOLUTION

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

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from RND ENTERTAINMENT INC. TO TRANSFER OWNERSHIP OF 2004 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 1635 BEIDLER, MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM STAR 4, INC.; AND REQUEST A NEW ENTERTAINMENT PERMIT.

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

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

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of _____)

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

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

meeting held on _____
(Date)

SEAL

(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Water Filtration
(231)724-4106
FAX (231)726-5200



June 17, 2004

Diana & Robert Schweifler
3200 Sandy Cove Court
Muskegon, MI 49441

Dear Diana & Rob:

This letter is to inform you that your request to transfer ownership of the 2004 Class C-SDM License with dance permit will be presented to the City Commission on June 22, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Billing Corporation
2390 W. Sherman

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Billing Corporation to transfer ownership of the 2003 SDD & SDM Licensed Business from Karamsar Corporation, DBA Super Stop Food.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C.N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

Planning/Zoning
724-6702

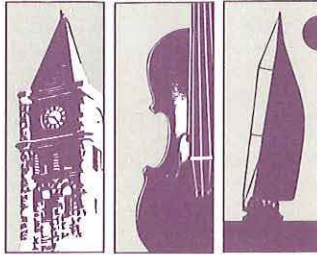
Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718

MUSKEGON



West Michigan's Shoreline City

June 9, 2004

To: City Commission through the City Manager

From: *Anthony L. Kleibecker*
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 2390 W. Sherman Boulevard
Transfer of 2003 SDD & SDM Licensed Business ("Super Stop"
convenience store)

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Billing Corporation located at 2390 W. Sherman Blvd. in Muskegon.

Billing Corporation is comprised of Randhir and Shomatee Billing of 605 Lake Forest Lane #G3, Muskegon MI 49441. They request to transfer ownership of 2003 SDD & SDM licensed business from Karamsar Corporation. The applicants have experience in the alcohol service industry and have been made aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

ALK/dl

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE

[Authorized by MAC 436.1105 (2d)(3)]

March 30, 2004

Request ID: 258528

Muskegon City Council
Attn: Clerk
933 Terrace St.
PO Box 536
Muskegon, MI 49443-0536

The Liquor Control Commission has received an application from: Billing Corporation, requesting transfer ownership 2003 SDD & SDM licensed business, located at 2390 Sherman, Muskegon, MI 49441 in Muskegon County, from Karamsar Corporation.

Stockholders:

Randhir Singh Billing, 605 Lake Forest Lane #3-Z, Muskegon, MI 49441 (231) 780-1342
Shomatee Billing, 605 Lake Forest Lane #3-Z, Muskegon, MI 49441 (231) 780-1342

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

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

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

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

PLEASE RETURN YOUR RESPONSE TO:

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

SR

LC-3104 Rev. 6/90
4880-2068

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

Req ID #258528

RESOLUTION

2004-56(g)

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

called to order by Mayor Warmington on June 22, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Davis

That the request from Billing Corporation, 2390 Sherman, Muskegon, MI 49441,
Muskegon County to transfer ownership of the 2003 SDD & SDM Licensed
Business from Karamsar Corporation

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 4

Yeas: _____

Nays: 0

Nays: _____

Absent: 3

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on 6-22-04
(Date)

SEAL

(Signed) Gail A. Kunderger
(Township, City or Village Clerk)
Gail A. Kunderger, City Clerk
933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 06-08-04

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Billing Corporation located at 2390 Sherman, Muskegon, MI. 49441.

Billing Corporation is comprised of both Randhir and Shomatee Billing of 605 Lake Forest Lane, Apartment G3, Muskegon MI. 49441. They are requesting to transfer ownership of 2003 SDD & SDM licensed business from Karamsar Corporation. Both applicants have had experience in the alcohol service industry and have been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a stylized flourish at the end.

Det. Kurt Dykman

data/common/liquor/Billing

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

KAR
4-27-04

POLICE INVESTIGATION REQUEST

(Authorized by MCL 436.1(4))

March 30, 2004

Request ID#: 258528

Muskegon Police Department
Attn: Chief of Police
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536
Chief Law Enforcement Officer

Applicant: Billing Corporation, requests transfer ownership 2003 SDD & SDM licensed business, located at 2390 Sherman, Muskegon, MI 49441 in Muskegon County, from Karamsar Corporation.

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

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

- (2) Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

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

sr

LC-1972 Rev 01/02
4880-1658

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

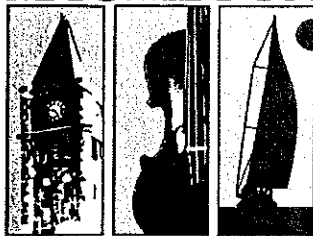
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 2, 2004

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

REF: #258528
Billing Corporation
2390 Sherman
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, print cards and check for Billing Corporation that was recommended for approval at the June 22, 2004, City Commission Meeting.

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

Sincerely,

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

Linda Potter
Deputy Clerk

Enc.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSIONDEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

SF

RID: 258528

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**BUSINESS NAME AND ADDRESS: (include zip code) Billing Corporation
2390 Sherman, Muskegon 49441 Muskegon County (616) 696-2800

REQUEST FOR: Transfer ownership 2003 SDD & SDM licensed business from Karamsar Corporation.

Section 1.**APPLICANT INFORMATION**APPLICANT #1:
Randhir Singh BillingAPPLICANT #2:
Shomatee BillingHOME ADDRESS AND AREA CODE/PHONE NUMBER:
605 Lake Forest Lane #3-Z
Muskegon, MI 49441
(231) 780-1342HOME ADDRESS AND AREA CODE/PHONE NUMBER:
Same

DATE OF BIRTH: 11-1-54

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

☐ Does the applicant have permanent Resident Alien status?
☒ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 5-27-04

DATE OF BIRTH: 5-15-65

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

☐ Does the applicant have permanent Resident Alien status?
☒ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-7-04

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated
report if more space is needed)ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated
report if more space is needed)**Section 2.****Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws
and ordinances, if this license is granted? ☒ Yes ☐ No

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

Section 4.**Recommendation**

From your investigation:

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

X *[Signature]*
Signature (Sheriff or Chief of Police)
Muskegon Police Department

6-8-04
Date

4-2-04

LIQUOR LICENSE REVIEW FORM

Business Name: Billing Corp.

AKA Business Name (if applicable): Super Stop Food Store

Operator/Manager's Name: Randhir + Shamatee Billing

Business Address: 2390 W. Sherman
Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature B. L. Klebner 4-8-04

Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Billing Corp.AKA Business Name (if applicable): Super Stop Food StoreOperator/Manager's Name: Randhir + Shamatee BillingBusiness Address: 2390 W. Sherman
Muskegon, MI 49441

Reason for Review:

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

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☒ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

_____Department Signature Shamatee Billing

LIQUOR LICENSE REVIEW FORM

Business Name: Billing Corp.AKA Business Name (if applicable): Super Stop Food StoreOperator/Manager's Name: Randhir + Shamatee BillingBusiness Address: 2390 W. Sherman
Muskegon, MI 49441

Reason for Review:

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

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☒ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

_____Department Signature  _____

4-2-04

LIQUOR LICENSE REVIEW FORM

Business Name: Billing Corp.AKA Business Name (if applicable): Super Stop Food StoreOperator/Manager's Name: Randhir + Shamatee BillingBusiness Address: 2390 W. Sherman
Muskegon, MI 49441

Reason for Review:

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

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☒ Owing ☐ Amount: _____Zoning Approved ☒ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

_____Department Signature Mike CananGail A. Kunderger, City Clerk
Liquor License Coordinator

4-2-04

LIQUOR LICENSE REVIEW FORM

Business Name: Billing Corp.

AKA Business Name (if applicable): Super Stop Food Store

Operator/Manager's Name: Randhir + Shamatee Billing

Business Address: 2390 W. Sherman
Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunderger, City Clerk
Liquor License Coordinator

4-2-04

LIQUOR LICENSE REVIEW FORM

Business Name: Billing Corp.

AKA Business Name (if applicable): Super Stop Food Store

Operator/Manager's Name: Randhir + Shamatee Billing

Business Address: 2390 W. Sherman
Muskegon, MI 49441

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Majin M. [Signature]

Gail A. Kundering, City Clerk
Liquor License Coordinator

4-2-04

LIQUOR LICENSE REVIEW FORM

Business Name: Billing Corp.

AKA Business Name (if applicable): Super Stop Food Store

Operator/Manager's Name: Randhir + Shamatee Billing

Business Address: 2390 W. Sherman
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Reason for Review:

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Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

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Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Dabinski

Gail A. Kunderger, City Clerk
Liquor License Coordinator

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

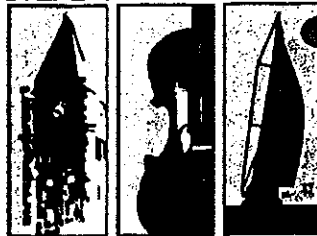
Public Works
(231)724-4100
FAX (231)722-4188

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

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

Water Filtration
(231)724-4106

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

June 17, 2004

Randhir & Shomatee Billing
605 Lake Forest Lane, #G3
Muskegon, MI 49441

Dear Randhir & Shomatee:

This letter is to inform you that your request to transfer ownership of the 2003 SDD & SDM licensed business will be presented to the City Commission on June 22, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter
Deputy Clerk

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

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FAX (231)726-5181

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FAX (231)724-6790

Police Department
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FAX (231)722-5140

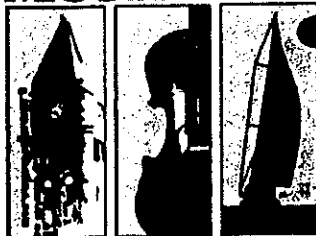
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FAX (231)722-4188

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FAX (231)724-6768

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(231)724-6718
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Water Filtration
(231)724-4106

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

June 17, 2004

Ms. Eloise Hieftje, President
Lakeside Neighborhood Association
1960 Cutler
Muskegon, MI 49441

Dear Eloise:

We have received three letters from the Liquor Control Commission reference the following requests:

1. George F. Bailey, to transfer ownership of the 2003 Class C-SDM licensed business with dance permit from Jimmy R. Benson and to transfer location from 2805 Sixth Street, Muskegon Hts. to 1920 Lakeshore.
2. Gary & Laureen Samples, to transfer ownership of the 2003 SDM licensed business with gas pumps from Marilyn J. Felinski, 1930 Lakeshore Drive.
3. Randhir & Shomatee Billing, to transfer ownership of the 2003 SDD & SDM licensed business from Karamsar Corporation, 2390 W. Sherman.

A Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. A SDM license permits the sale of beer and wine for consumption off the premises only. A SDD license permits the sale of alcoholic liquor, other than beer and wine, for consumption off the premises only. On Tuesday, June 22, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on June 22, 2004, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Lakeview Market, LLC
1930 Lakeshore Drive

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Gary Samples and Laureen Felinski-Samples to transfer ownership of the 2003 SDM Licensed Business with gas pumps from Marilyn J. Felinski

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705

Engineering
724-6707

Finance
724-6713

Fire Dept.
724-6792

C.N. Services
724-6717

Inspections
724-6715

Leisure Service
724-6704

Manager's Office
724-6724

Mayor's Office
724-6701

Planning/Zoning
724-6702

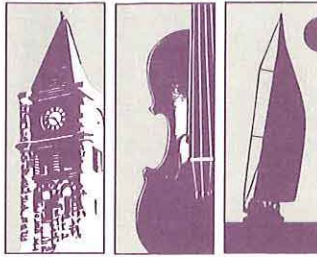
Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718

MUSKEGON



West Michigan's Shoreline City

June 9, 2004

To: City Commission through the City Manager

From: Anthony L. Kleibecker
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 1930 Lakeshore Drive
Transfer of 2003 SDM Licensed Business with Gas Pumps

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Lakeview Mart LLC, comprised of Gary Samples and Laureen Felinski-Samples of 634 Churchill Drive in Muskegon.

Lakeview Mart, LLC requests to transfer ownership of 2003 SDM licensed business with gas pumps located at 1930 Lakeshore Drive from Marilyn J. Felinski. Laureen and Gary Samples have experience in the alcohol service industry and are aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records and criminal history showed no reason to deny this request.

ALK/dl

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

Req ID# 237517

RESOLUTION

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

called to order by Mayor Warmington on June 22, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Davis

That the request from Lakeview Mart, LLC, 1930 Lakeshore, Muskegon, MI 49441, Muskegon County, to transfer ownership of the 2003 SDM Licensed Business with Gas Pumps from Marilyn J. Felinski

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 4

Yeas:

Nays: 0

Nays:

Absent: 3

Absent:

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan)

§

County of Muskegon)

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

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

meeting held on 6-22-04
(Date)

SEAL

(Signed) Gail A. Kunderger
(Township, City or Village Clerk)
Gail A. Kunderger, City Clerk
933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

March 11, 2004

Request ID: 257517

Muskegon City Council
Attn: Clerk
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

The Liquor Control Commission has received an application from: Lakeview Market, LLC, requesting transfer ownership 2003 SDM licensed business with Gas Pumps, located at 1930 Lakeshore, Muskegon, MI 49441 in Muskegon County, from Marilyn J. Felinski.

Members: Laureen Felinski-Samples, 634 Churchill, Muskegon, MI 49441 (231) 798-3189
Gary W. Churchill, 634 Churchill, Muskegon, MI 49441 (231) 798-3189

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

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

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

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

PLEASE RETURN YOUR RESPONSE TO:

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

SR

LC-3104 Rev. 6/90
4880-2068

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 6-3-04

Re: Liquor License Transfer

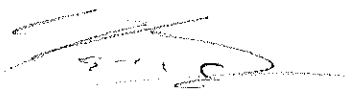
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Lakeview Mart, LLC for transfer of license located at 1930 Lakeshore Street, Muskegon, MI. 49441.

Lakeview Mart, LLC is comprised of Laureen and Gary Samples, of 634 Churchill Drive, Muskegon MI. 49441. Lakeview Mart, LLC is requesting to transfer ownership of 2003 SDM licensed business from Marilyn J. Felinski. Laureen and Gary Samples have experience in the alcohol service industry and are aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kurt Dykman", with a long horizontal flourish extending to the left.

Det. Kurt Dykman

data/common/liquor/Samples

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LC
5-19-04

POLICE INVESTIGATION REQUEST

(Authorized by MCL 436.1(4))

March 11, 2004

Request ID#: 257517

Muskegon Police Department
Attn: Chief of Police
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536
Chief Law Enforcement Officer

Applicant: Lakeview Market, LLC, requests transfer ownership 2003 SDM licensed business with Gas Pumps, located at 1930 Lakeshore, Muskegon, MI 49441 in Muskegon County, from Marilyn J. Felinski.

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

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

- (2) Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

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

sr

LC-1972 Rev 01/02
4880-1658

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

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

Cemetery
(231)724-6783
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City Manager
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Civil Service
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Clerk
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Finance
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Fire Department
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FAX (231)724-6768

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FAX (231)722-4301

Inspection Services
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FAX (231)728-4371

Leisure Services
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FAX (231)724-1196

Mayor's Office
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FAX (231)722-1214

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

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

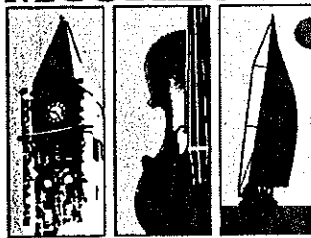
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 2, 2004

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

REF: #237517
Lakeview Mart, LLC
1930 Lakeshore
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, print cards and check for Lakeview Mart, LLC that was recommended for approval at the June 22, 2004, City Commission Meeting.

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

Sincerely,

Linda Potter
Deputy Clerk

Enc.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
(Authorized by MCL 436.1217)

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

SF

RID: 237517

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

BUSINESS NAME AND ADDRESS: (include zip code) Lakeview Mart, LLC
1930 Lakeshore, Muskegon 49441 Muskegon County (231) 759-8624

REQUEST FOR: Transfer ownership 2003 SDM licensed business with Gas Pumps from Marilyn J. Felinski.

Section 1.

APPLICANT INFORMATION

APPLICANT #1:
Laureen Felinski-Samples

APPLICANT #2:
Gary W. Samples

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
634 Churchill
Muskegon, MI 49441
(231) 798-3189

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
Same

DATE OF BIRTH: 11-11-58

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

☐ Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-9-04

DATE OF BIRTH: 2-26-54

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

☐ Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: 6-9-04

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

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

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

Section 2.

Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

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

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

Gas station/Convenience store

Section 3.

Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4.

Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No

2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No

3. Should the Commission grant this request? ☒ Yes ☐ No

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

X B. L. Klebani
Signature (Sheriff or Chief of Police)
Muskegon Police Department

6-8-04
Date

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Market, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Laureen Felinski - Samples
Gary W. Churchill

Business Address: 1930 Lakeshore

Reason for Review:

New License ☐ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning **Approved** ☐ **Denied** ☐ **Pending ZBA** ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services **Compliance** ☐ **Remaining Defects** _____

Department Signature B. L. Khelani 6-8-04

Gail A. Kunding, City Clerk
Liquor License Coordinator

3-26-04

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Market, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Laureen Felinski - Samples
Gary W. Churchill

Business Address: _____
1930 Lakeshore

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

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Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Laureen D. Samples

3-26-04

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Market, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Laureen Felinski - Samples
Gary W. Churchill

Business Address: _____
1930 Lakeshore

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

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Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kunding, City Clerk
Liquor License Coordinator

3-26-04

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Market, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Laureen Felinski - Samples
Gary W. Churchill

Business Address: _____
1930 Lakeshore

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

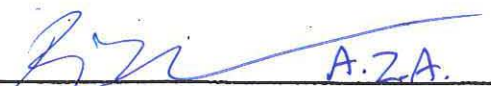
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature  A. Z.A.

Gail A. Kunding, City Clerk
Liquor License Coordinator

3-26-04

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Market, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Laureen Felinski - Samples
Gary W. Churchill

Business Address: _____
1930 Lakeshore

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: 4.1.4 registered

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunding, City Clerk
Liquor License Coordinator

3-26-04

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Market, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Laureen Felinski - Samples
Gary W. Churchill

Business Address: _____
1930 Lakeshore

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Gail A. Kundinger

Gail A. Kundinger, City Clerk
Liquor License Coordinator

3-26-04

LIQUOR LICENSE REVIEW FORM

Business Name: Lakeview Market, LLC

AKA Business Name (if applicable): _____

Operator/Manager's Name: Laureen Felinski - Samples
Gary W. Churchill

Business Address: _____
1930 Lakeshore

Reason for Review:

New License ☐ Transfer of Ownership ☒ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Binko 4/5/04

Gail A. Kunding, City Clerk
Liquor License Coordinator

LAKEVIEW MART
634 CHURCHILL DR.
MUSKEGON, MI 49441
231-798-3189, Fax 231-798-3275



74-347/724

6/8/2004

13741

PAY
TO THE
ORDER OF

City of Muskegon

\$ **250.00

Two Hundred Fifty and 00/100*****

DOLLARS

City of Muskegon

Muskegon, MI 49443-0536

MEMO

Transfer of SDM License

AUTHORIZED SIGNATURE

⑈013741⑈ ⑆072403473⑆ 01171115438⑈

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Water Filtration
(231)724-4106

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

June 17, 2004

Gary & Laureen Samples
634 Churchill Drive
Muskegon, MI 49441

Dear Gary & Laureen:

This letter is to inform you that your request to transfer ownership of the 2003 SDM licensed business with gas pumps will be presented to the City Commission on June 22, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Affirmative Action
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Police Department
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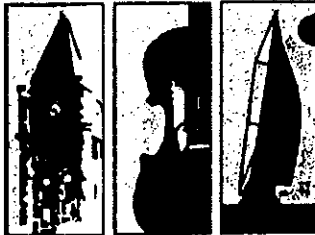
Public Works
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FAX (231)722-4188

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

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

Water Filtration

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

June 17, 2004

Ms. Eloise Hieftje, President
Lakeside Neighborhood Association
1960 Cutler
Muskegon, MI 49441

Dear Eloise:

We have received three letters from the Liquor Control Commission reference the following requests:

1. George F. Bailey, to transfer ownership of the 2003 Class C-SDM licensed business with dance permit from Jimmy R. Benson and to transfer location from 2805 Sixth Street, Muskegon Hts. to 1920 Lakeshore.
2. Gary & Laureen Samples, to transfer ownership of the 2003 SDM licensed business with gas pumps from Marilyn J. Felinski, 1930 Lakeshore Drive.
3. Randhir & Shomatee Billing, to transfer ownership of the 2003 SDD & SDM licensed business from Karamsar Corporation, 2390 W. Sherman.

A Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. A SDM license permits the sale of beer and wine for consumption off the premises only. A SDD license permits the sale of alcoholic liquor, other than beer and wine, for consumption off the premises only. On Tuesday, June 22, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on June 22, 2004, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter
Deputy Clerk

Commission Meeting Date: June 22, 2004

Date: June 8, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Resolution to Allow Staff Approval of \$1 Lots

SUMMARY OF REQUEST:

In order to sell more City-owned lots, thus relieving the burden of maintaining the large number of tax-reverted property that the City has in it's inventory, the City Commission approved the Dollar Lot Marketing Plan in late 2003. In the policy final approval of sales is given to the City Commission. Staff approval of these lots would expedite the sale of these lots, as well as save time and manpower in the process. In unusual circumstances, approval would still be sought from City Commission.

FINANCIAL IMPACT:

There would be a saving in staff time to process the sale of \$1 lots.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends approval of the request to allow the Planning Department staff authority to finalize the \$1 lots sale, except in exceptional cases.

COMMITTEE RECOMMENDATION:

RESOLUTION NO. 2004-56 (i)

MUSKEGON CITY COMMISSION

**RESOLUTION TO ALLOW STAFF APPROVAL UNDER THE DOLLAR LOT
MARKETING PLAN**

WHEREAS, the City of Muskegon owns many non-buildable/marginal lots and wishes to sell these lots to adjoining property owners to expand their yards; and

WHEREAS, the Dollar Lot Marketing Plan allows for sale of these non-buildable/marginal lots for \$1 under certain conditions; and

WHEREAS, the City of Muskegon wishes to place these lots into private ownership in the most expeditious manner; and

WHEREAS, allowing staff approval of \$1 lot under the Dollar Lot Marketing Plan would save the City time and manpower.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby grants the City Planning Department the authority to approve the sale of lots under the Dollar Lot Marketing Plan and to authorize the Mayor and Clerk to sign the necessary deeds.

Adopted this 22nd day of June, 2004.

Ayes: Larson, Spataro, Warmington, Davis

Nays: None

Absent: Gawron, Shepherd, Carter

By


Stephen J. Warmington
Mayor

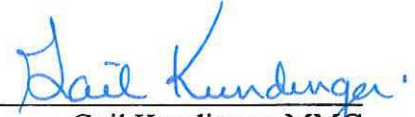
Attest


Gail A. Kunding, MMC
City Clerk

2004-56 (i)
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 22, 2004.

By: _____


Gail Kunding, MMC
City Clerk

Commission Meeting Date: June 22, 2004

Date: June 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Nine-Month Extension to Complete Construction of Home

SUMMARY OF REQUEST:

To approve a nine-month extension to allow Mr. Lartice Jones extra time to complete construction of a single-family home at 1292 Ducey Avenue. The original agreement between the City and Mr. Jones stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Jones was recently laid off from his job and needs time to find another one. Since his 18 months isn't up until September, he feels that an additional nine months will allow him enough time to secure a job and move forward with constructing his home..

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the attached resolution and deed.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2004-56(j)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING NINE MONTH EXTENSION TO COMPLETE
CONSTRUCTION OF A SINGLE-FAMILY HOME ON DUCEY AVENUE**

WHEREAS, Lartice Jones has submitted a request for a time extension; and

WHEREAS, Lartice Jones has shown a commitment to complete construction of his home; and

WHEREAS, the completion of the new home will further enhance the ambiance of the City's residential area.

NOW THEREFORE BE IT RESOLVED, that Lartice Jones be granted an additional nine months to complete construction of his single-family home at 1292 Ducey Avenue.

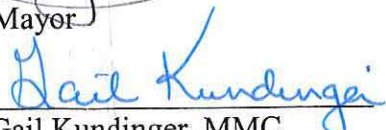
Adopted this 22nd day of June 2004.

Ayes: Larson, Spataro, Warmington, Davis

Nays: None

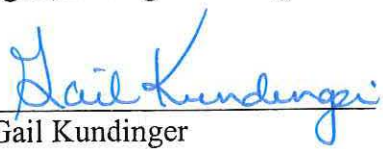
Absent Gawron, Shepherd, Carter

By: 
Stephen J. Warmington
Mayor

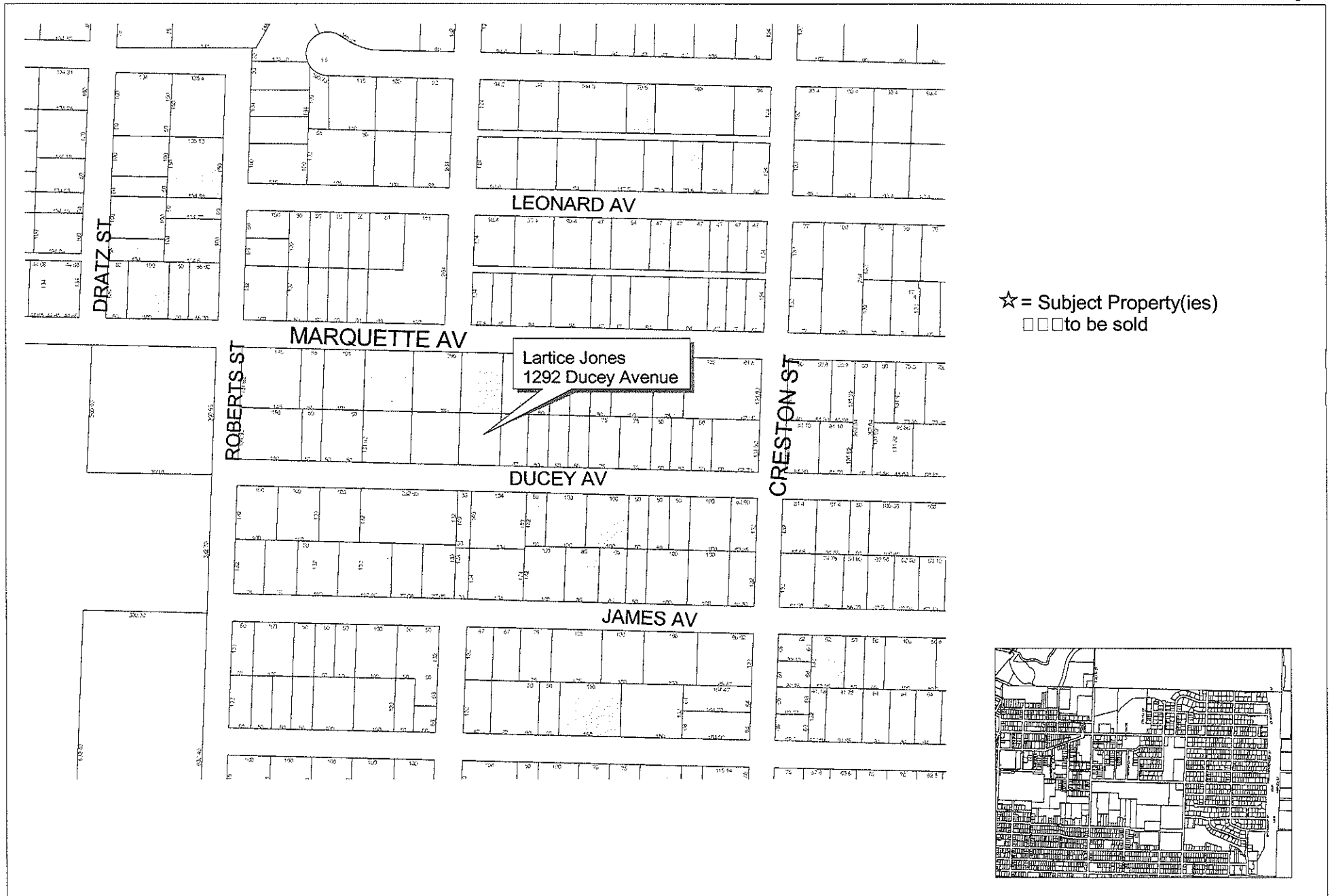
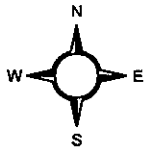
Attest: 
Gail Kunderinger, MMC
Clerk

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 22, 2004.

By: 
Gail Kunderinger
Clerk

Former City-Owned Lot 1292 Ducey Avenue



Commission Meeting Date: June 22, 2004

Date: June 14, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Establishment of Historic District Commission (HDC)
Study Committee**

SUMMARY OF REQUEST:

To appoint a study committee to determine whether the buildings located at 1208 and 1204 Eighth Street should be designated as a historic district. This committee will perform the necessary research on the Boilerworks property, as well as the adjacent "yellow building" for the purpose of making a recommendation to the Michigan Historical Commission and State Historic Preservation Review Board (SHPO) regarding the establishment of an historic district.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution establishing a study committee for the Boilerworks property. Staff also recommends appointing Lonna Anguilm as staff to the study committee.

COMMITTEE RECOMMENDATION:

Historic District Commission (HDC) recommends the creation of the study committee, as well as the appointment of the following persons to the study committee: Daniel Chambers, Annette Medema, and Jon Colburn.

Resolution No. 2004-56 (k)

MUSKEGON CITY COMMISSION
RESOLUTION TO CREATE A STUDY COMMITTEE AND APPOINT MEMBERS TO THE
STUDY COMMITTEE TO PERFORM RESEARCH AND REPORTS AS A
REQUIREMENT FOR ESTABLISHING AN HISTORIC DISTRICT

WHEREAS, the resources located at CITY OF MUSKEGON REVISED PLAT 1903 LOTS 9 THRU 13 BLK 317 (formerly known as Boilerworks) and CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 7 & 8 BLK 317 (referred to as "the yellow building"); and

WHEREAS, a historic district designation allows the use of historic preservation tax credits; and

WHERE AS, the historic preservation tax credits can only apply to rehabilitation of historic structures located within an established historic district; and

WHEREAS, under state statute in establishing an historic district (section 399.203 of Public Act 169), the local legislative body shall appoint an historic district study committee, which shall be charged to conduct basic research, inventory, and determine the historic significance of a resource or resources within a proposed historic district; and

WHEREAS, the study committee shall perform the basic research and reports to meet the requirements of the state statute; and shall be charged to perform one specific project and then dissolved.

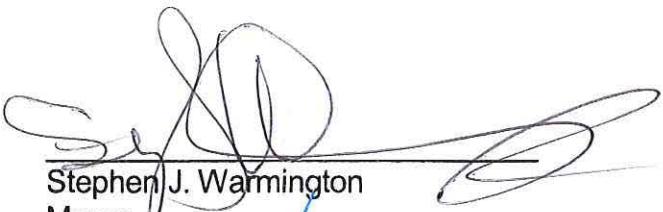
NOW THEREFORE BE IT RESOLVED, that a study committee be created to consider this specific proposed historic district.

Adopted this 22nd day of June, 2004.

Ayes: Larson, Spataro, Warmington, Davis

Nays: None

Absent: Gawron, Shepherd, Carter

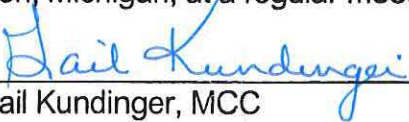

Stephen J. Warmington
Mayor


Gail Kunderinger, MMC
City Clerk

CERTIFICATION

2004-56 (k)

I attest that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on June 22, 2004.



Gail Kunding, MCC
Clerk

Commission Meeting Date: June 22, 2004

Date: June 4, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 1660 Seventh Street

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable (Parcel #24-205-440-0004-00) at 1660 Seventh Street to Theresa Strother, 1640 Seventh Street, Muskegon, MI. Approval of this sale will allow the owner to have a home located on a buildable lot and also to expand her current yard. This parcel is a portion of a larger lot composed of 3 combined lots and will be offered to Ms. Strother for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004-56(1)

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

WHEREAS, the City of Muskegon has received \$1 from Theresa Strother, 1640 Seventh Street, Muskegon MI 49441 for the purchase of a vacant, non-buildable, City-owned lot located adjacent to her property at 1640 Seventh Street, Muskegon (parcel #24-205-440-0004-00); and

WHEREAS, this lot is considered non-buildable under the City's Dollar Lot Marketing Plan; and

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

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Dollar Lot Marketing Plan.

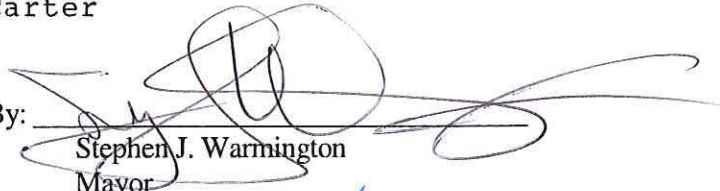
NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 440 LOT 4 be sold to Theresa Strother for \$1.

Resolution adopted this 22nd day of June, 2004.

Ayes: Larson, Spataro, Warmington, Davis

Nays: None

Absent: Gawron, Shepherd, Carter

By: 
Stephen J. Warmington
Mayor

Attest: 
Gail A. Kunding, MMC
Clerk

2004-56(1)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on June 22, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

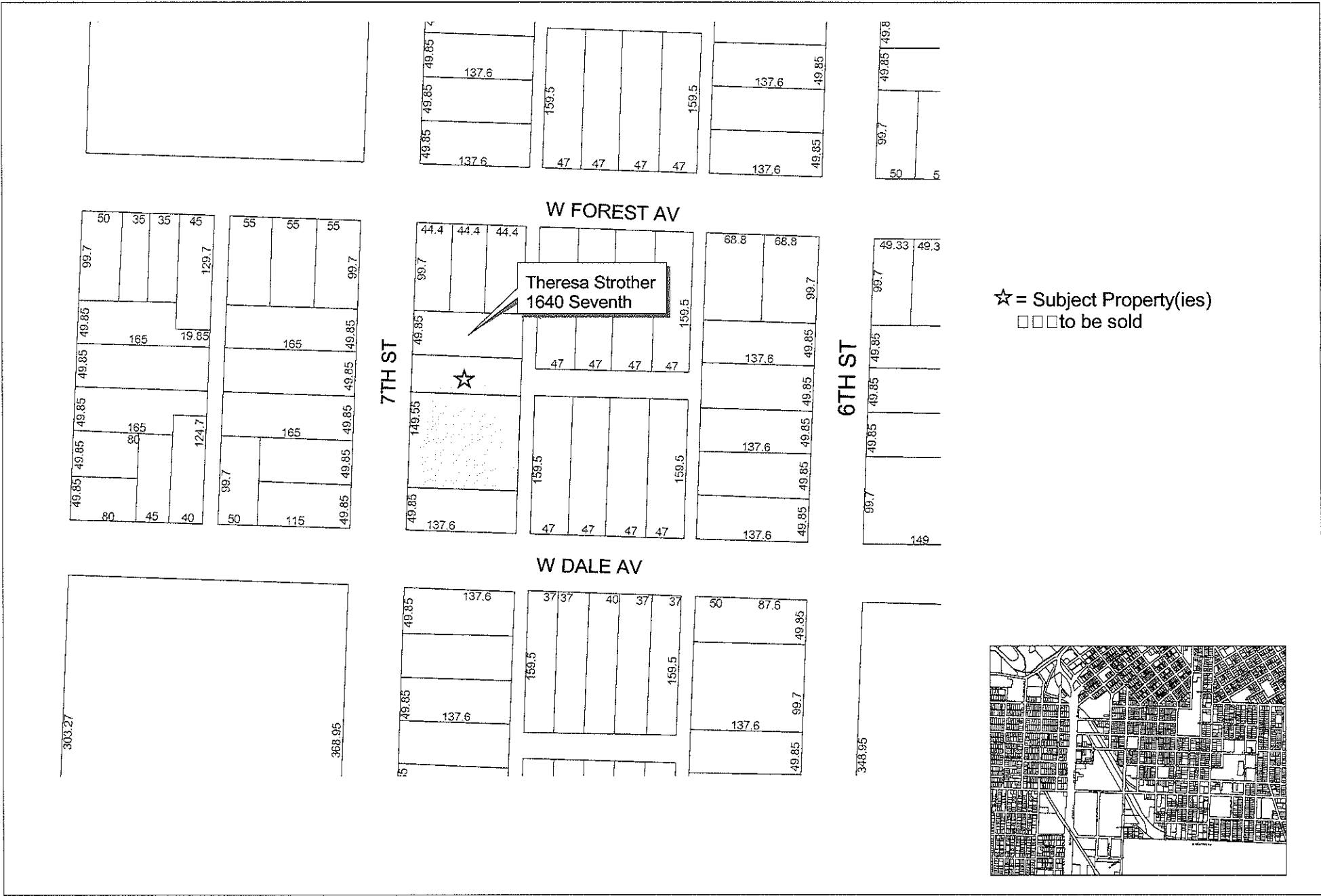
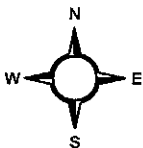
CITY OF MUSKEGON

By



Gail A. Kunderinger, MMC
Clerk

Vacant Non-Buildable City-Owned Lot
1660 Seventh Street



QUIT-CLAIM DEED

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

QUIT CLAIMS to **THERESA STROTHER**, of 1640 7th Street, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 440 LOT 4

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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

Dated this 6th day of July, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on July 6, 2004 by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: June 22, 2004

Date: June 14, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Non-Buildable Lot - 1858 S. Getty Street

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-215-001-0009-00) at 1858 S. Getty Street to Rebecca Stout, owner of 1852 S. Getty Street and Lucille Homan, 1862 S. Getty Street, Muskegon, MI 49442. Approval of this sale will allow both property owners to own houses located on a buildable lot, as well as allowing both to expand their current yards. As is required by City policy, the subject parcel is being offered for \$1 to each property owner, and will be split between Ms. Stout and Ms. Homan under the Dollar Lot Policy.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION # 2004-56 (m)

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

WHEREAS, the City of Muskegon has received \$1 each from Rebecca Stout, 3895 Lake Harbor, Muskegon, MI 49441 and Lucille J. Homan, Et Al, 1862 S. Getty Street, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to their properties at 1858 S. Getty Street (parcel #24-215-001-0009-00); and

WHEREAS, this lot is considered non-buildable under the City's Zoning Ordinance; and

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

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City for non-buildable lots.

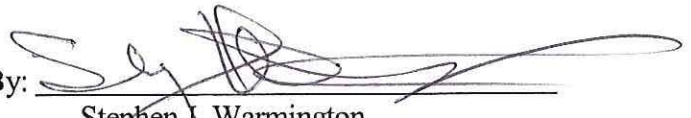
NOW, THEREFORE BE IT RESOLVED, CITY OF MUSKEGON CONTINENTAL ADD LOT 9 BLK 1 be sold to Rebecca Stout and Lucille J. Homan, Et Al for \$1 each.

Resolution adopted this 22nd day of June, 2004.

Ayes: Larson, Spataro, Warmington, Davis

Nays: None

Absent: Gawron, Shepherd, Carter

By: 
Stephen J. Warmington
Mayor

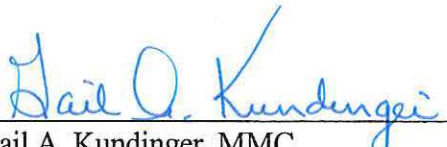
Attest: 
Gail A. Kunderger, MMC
Clerk

2004-56(m)
CERTIFICATION

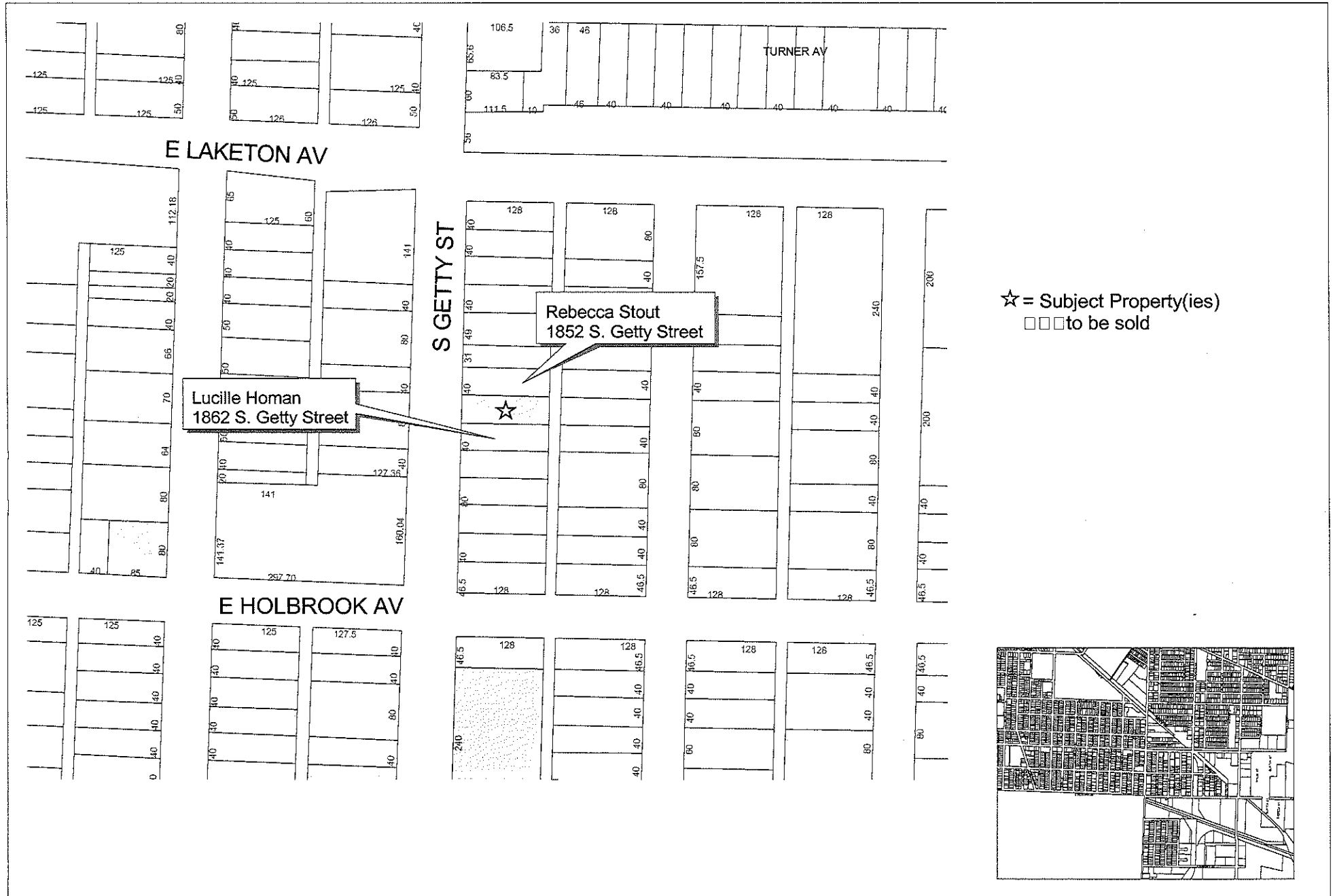
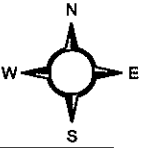
This resolution was adopted at a regular meeting of the City Commission, held on June 22 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, MMC
Clerk

Vacant Non-Buildable City-Owned Lot 1858 S. Getty Street



QUIT-CLAIM DEED

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

QUIT CLAIMS to **LUCILLE J. HOMAN, ET AL**, of 1862 S. Getty Street, Muskegon, Michigan 49451,

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

CITY OF MUSKEGON CONTINENTAL ADD S ½ LOT 9 BLK 1

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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

Dated this 6th day of July, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Kruckowski
Jo Ann Kruckowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunding
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 6th day of July, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

QUIT-CLAIM DEED

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

QUIT CLAIMS to **REBECCA STOUT**, of 3895 Lake Harbor, Muskegon, Michigan 49441,

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

CITY OF MUSKEGON CONTINENTAL ADD N ½ LOT 9 BLK 1

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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

Dated this 6th day of July, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krokowski
Jo Ann Krokowski

CITY OF MUSKEGON

By Stephen J. Warmington, Its Mayor

and Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 6th day of July, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: June 22, 2004

Date: June 8, 2004

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department *CBC*

RE: Sale of Buildable Vacant Lot - 812 Murphy Street

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 812 Murphy Street (Parcel #24-205-200-0006-00) to Neighborhood Investment Corporation (NIC), of 1115 Third Street, Muskegon, MI. The lot is 140 x 66 ft. and is being offered to NIC for \$3,000. The lot will be combined with other private and City properties as part of the Farmer's Market Area Housing Development. The True Cash Value (TCV) for the property listed in the Assessor's office is \$4,000, so our price is set at \$3,000 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot, as well as two others, for construction of several new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Resolution No. 2004-56 (n)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 812 MURPHY STREET IN ANGELL NEIGHBORHOOD FOR \$3,000.

WHEREAS, Neighborhood Investment Corporation has placed a \$400 deposit for the parcel designated as parcel number 24-205-200-0006-00, located at 812 Murphy Street; and

WHEREAS, the price for parcel number 24-205-200-0006-00 is set by the City at \$3,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-200-0006-00, located at 812 Murphy Street be sold to Neighborhood Investment Corporation for \$3,000.

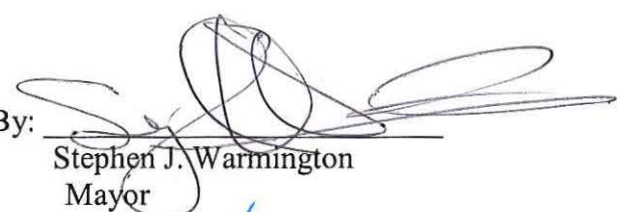
CITY OF MUSKEGON REVISED PLAT OF 1903 ENTIRE LOT 6 BLK 200

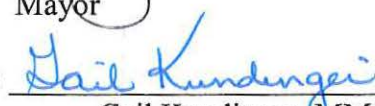
Adopted this 22nd day of June, 2004

Ayes: Larson, Spataro, Warmington, Davis

Nays: None

Absent Gawron, Shepherd, Carter

By: 
Stephen J. Warmington
Mayor

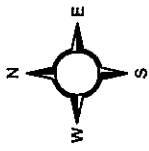
Attest: 
Gail Kunding, MMC
City Clerk

2004-56 (n)
CERTIFICATION

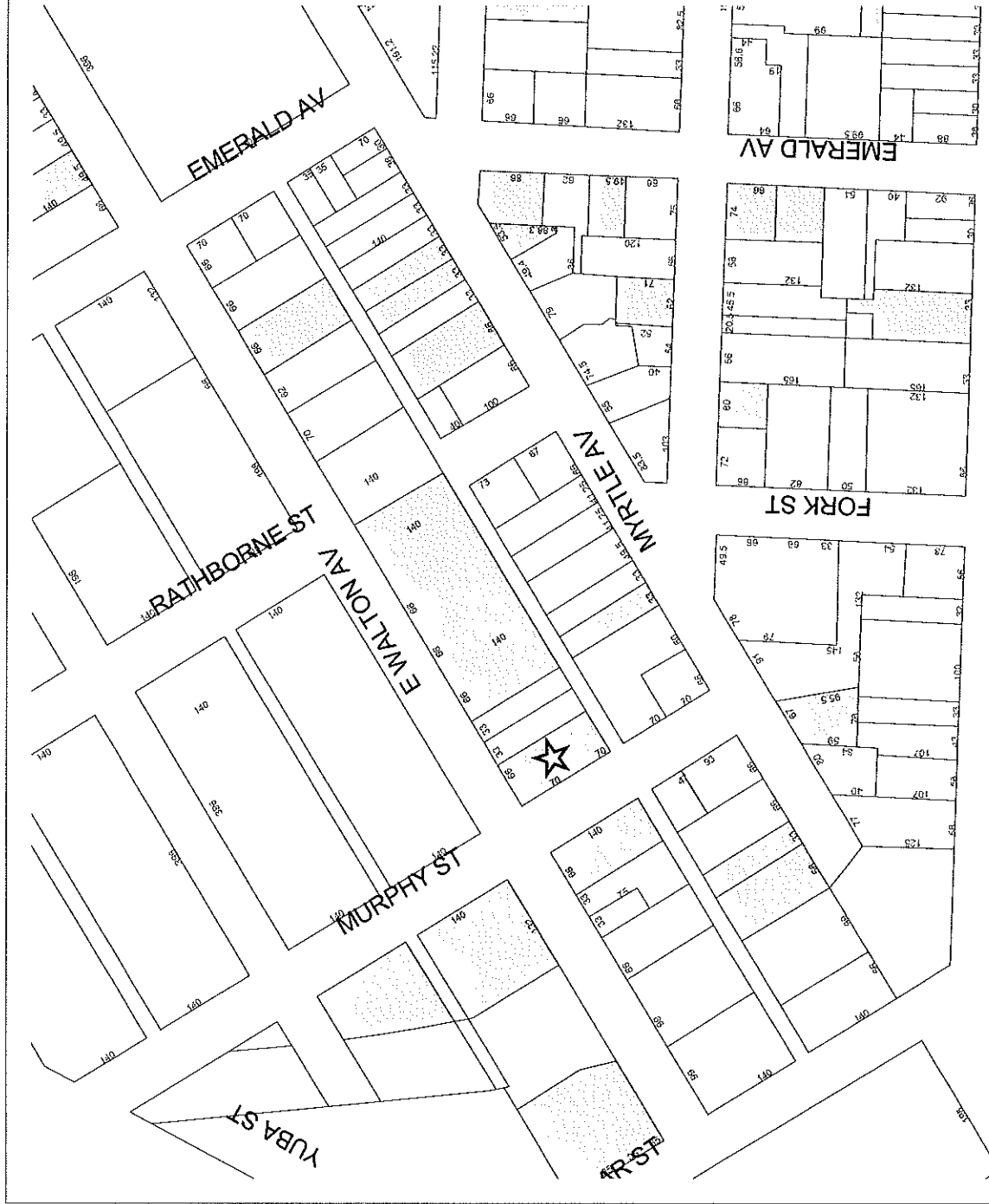
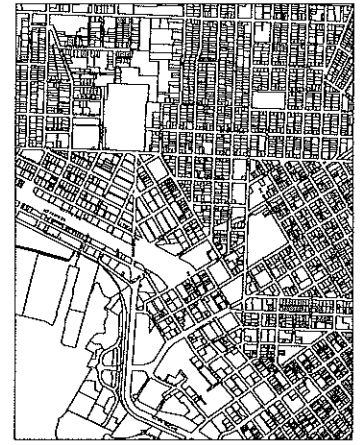
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 22, 2004.

By: Gail Kunding
Gail Kunding, MMC
City Clerk

Vacant Buildable City-Owned Lot 812 Murphy Street



☆ = Subject Property(ies)
☐ ☐ to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **NEIGHBORHOOD INVESTMENT CORPORATION**, of 1115 Third Street, Muskegon, Michigan 49441,

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

CITY OF MUSKEGON REVISED PLAT OF 1903 ENTIRE
LOT 6 BLOCK 200 (COMMON ADDRESS: 812 Murphy Street)

for the sum of: Three Thousand Dollars (\$3,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Deputy Director of Public Safety, substantial completion of the dwelling described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 6th day of July, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

John Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and [Signature]
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on July 6, 2004 by
STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and Clerk, respectively, of the CITY
OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made _____, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **NEIGHBORHOOD INVESTMENT CORPORATION**, 1115 Third Street, Muskegon, Michigan 49441 ("Buyer").

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

CITY OF MUSKEGON REVISED PLAT OF 1903 ENTIRE LOT 6 BLOCK 200
(COMMON ADDRESS: 812 MURPHY STREET)

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Three Thousand Dollars (\$3,000.00).

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and driveway. The home shall be substantially completed within eighteen (18) months and, in the

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

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

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

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

9. **Closing.** The closing date of this sale shall be on or before _____, 200__ ("Closing"). The Closing shall be conducted at Land America Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Linda S. Potter
Linda S. Potter

ToAnn Krukowski
ToAnn Krukowski

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, Mayor

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

BUYER:

[Signature]

[Signature]
EIN No.: 38 307 6893

PREPARED BY:

John C. Schrier (P36702)
PARMENTER O'TOOLE
175 W. Apple Avenue
Muskegon, Michigan 49440
Phone: (231) 722-1621

Clerk
6-22-04
2004-56(n)

Policy or Policies issued pursuant to this commitment are underwritten by:

First American Title Insurance Company

SCHEDULE A

Commitment No.: 22729
2202

January 07, 2005

1. Commitment Date: December 02, 2004 @ 8:00 AM

2. Policy or Policies to be issued:
(a) Residential Title Insurance Policy

Policy Amount
\$3,000.00

Proposed Insured:
Neighborhood Investment Corporation, a Michigan

Policy or Policies to be issued:
(b) ALTA Loan Policy (10-17-92)

Policy Amount

Proposed Insured:

3. The Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:
City of Muskegon

4. The land referred to in this Commitment, situated in the County of Muskegon, City of Muskegon, State of Michigan, is described as follows:

Lot(s) 6, Block 200, Revised Plat (of 1903) of the City of Muskegon according to the recorded plat thereof.

812 Murphy Street



Issuing Agent: Metropolitan Title Company
America's Premier Title Agency

For questions regarding this commitment contact your local
Metropolitan Title Company (231) 733-6201 or fax to (231) 733-5418
3044 Glade St., Muskegon, MI 49444

Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444

Schedule B – Section I REQUIREMENTS

Commitment No.: 22729

General Requirements

The following requirements must be met:

- (a) Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
- (b) Payment of the full consideration to, or for the account of, the grantors or mortgagors should be made.
- (c) Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable should be made.
- (d) Pay us the premiums, fees and charges for the policy.
- (e) You must tell us in writing the name of anyone not referred to in this Commitment who will receive an interest in the land or who will make a loan on the land. We may make additional requirements or exceptions.
- (f) Submit completed Owner's Estoppel/Affidavit/ALTA Statement on the form provided by this company and signed by or on behalf of all owners.

Specific Requirements

- 1. RECORD WARRANTY DEED FROM CITY OF MUSKEGON TO NEIGHBORHOOD INVESTMENT CORPORATION, A MICHIGAN.
- 2. PROVIDE SATISFACTORY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MUSKEGON AUTHORIZING THE PROPOSED SALE AND DIRECTING THE PROPER INDIVIDUAL TO EXECUTE DOCUMENTS ON BEHALF OF THE CITY OF MUSKEGON.

Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444

Schedule B – Section II EXCEPTIONS

Commitment No.: 22729

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Defects, liens encumbrances adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

General Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown on the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.

Specific Exceptions

1. Taxes are exempt. Tax Item No. 61-24-205-200-0006-00

Commitment for Title Insurance

FIRST AMERICAN TITLE INSURANCE COMPANY.

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A
- The Requirements in Schedule B-Section I.
- The Exceptions in Schedule B-Section II.
- The Conditions below.

This Commitment is not valid without Schedule A and Sections I and II of Schedule B.

Conditions:

1. Definitions:

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting the title according to the state statutes where the land is located.

2. Later Defects

The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all the Requirements (a) and (c) of Schedule B- Section I are met. We shall have no liability to you because of this amendment.

3. Existing Defects

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. Limitation of Our Liability

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

- comply with the Requirements shown in Schedule B - Section I OR
- eliminate with our written consent any Exceptions shown in Schedule B - Section II

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. Claims must be based on this Commitment

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.

Issued by: **First American Title Insurance Company** through its agent:

Metropolitan Title Company

3044 Glade St.

Muskegon, Michigan 49444

Ph: (231) 733-6201 or Fax to: (231) 733-5418

EXHIBIT A
LEGAL DESCRIPTION

Land situated in the City of Muskegon, County of Muskegon, State of Michigan, is described as follows:

Lot(s) 6, Block 200, Revised Plat (of 1903) of the City of Muskegon according to the recorded plat thereof.

Tax Parcel Number(s): 61-24-205-200-0006-00



Metropolitan Title Company
America's Premier Title Agency

File Number: 22729



Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444
Phone: (231) 733-6201 / Fax: (231) 733-5418

PR: METRO

Ofc: 2202

Invoice

To: Muskegon City Treasurer
933 Terrace St., P.O. Box 536
Muskegon, MI 49443

Invoice No.: 2802238
Date: 12/10/2004
Our File No.: 22729
Title Officer: /
Escrow Officer: /
Customer ID: 60033

Attention: Mr. Griffin

Your Reference No.:

RE: **Property:**
812 Murphy Street, Muskegon, MI 49442

Liability Amounts
Owners: \$3,000.00
Lenders:

Buyers: Neighborhood Investment Corporation
Sellers: City of Muskegon

Description of Charge	Invoice Amount
Owners Premium	\$190.00

INVOICE TOTAL **\$190.00**

Comments: CC to:
Muskegon City Treasurer
Neighborhood Investment Corp.

No Reissue Credit

Thank you for your business!

*To assure proper credit, please send a copy of this Invoice and Payment to:
Attention: Accounts Receivable Department*

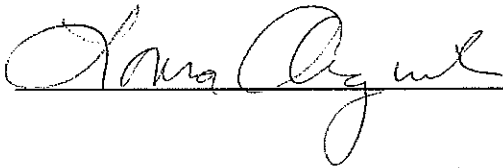
"DUE-ON-SALE" DISCLOSURE AND ACKNOWLEDGMENT

File Number: 22729
Date: January 18, 2005
Property Address: 812 Murphy Street, Muskegon, MI 49442

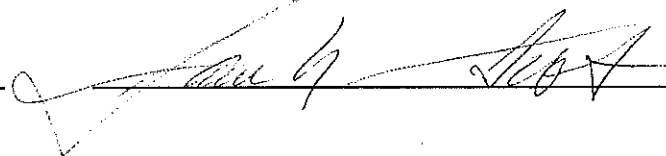
By signing this statement the undersigned acknowledge the following:

1. That all closing documents prepared by Metropolitan Title Company are prepared at the direction and request of the parties to the transaction, their real estate agent(s)/broker(s) or their attorney(s).
2. That **Metropolitan Title Company is not acting as my/our agent, attorney, representative or fiduciary**, at this real estate closing.
3. That Metropolitan Title Company's employee who has attended this closing represents only Metropolitan Title Company.
4. That Metropolitan Title Company's employee has identified certain documents to me/us as he/she has presented them to me/us for signing, but **has not given me/us legal advice as to the meaning or effect of the documents**. I/We understand that any of his/her statements about the documents are not legal advice to me/us. If I/we have an attorney, that attorney is my/our only attorney in this transaction.
5. That the mortgage presently affecting the property contains a "due-on-sale" clause which permits the lender to call the loan immediately due and payable upon a sale or transfer by the original borrowers.
6. That the Seller(s) and Purchaser(s) understand and assume all risks involved with the sale of the property without paying off the underlying mortgage or obtaining a waiver of the due on sale clause, and Seller(s) and Purchaser(s) hereby hold harmless Metropolitan Title Company from any claim or loss relating thereto.
7. That the Seller(s) and Purchaser(s) hereby acknowledge that said mortgage may be in default and are willing to proceed with this transaction. Furthermore, both Seller(s) and Purchaser(s) agree to hold harmless Metropolitan Title Company from any claim or loss relating thereto.
8. That the title policy, when issued, will contain all of the exceptions titled noted on the commitment, unless such exceptions are removed to the satisfaction of Metropolitan Title Company at closing.
9. That I/we have either read all of the closing documents or are responsible for our own failure to have read them. **I/We understand that Metropolitan Title Company is not responsible for explaining to me/us the effect of the documents I/we have signed.**
10. **That I/we have read this statement and understand it.**

Seller(s):



Purchaser(s):



Metropolitan Title Company
America's Premier Title Agency

File Number: 22729

OWNER'S AFFIDAVIT/ESTOPPEL CERTIFICATE

(To be executed by all parties shown as vested owners in the commitment for title insurance.)

Affiant makes the representations contained herein to induce the purchaser and/or lender to consummate the transaction referenced in the commitment, to obtain the proceeds of the sale or loan, and to induce Metropolitan Title Company to issue a policy(s) of title insurance on behalf of the underwriter named in the commitment. Affiant further agrees that in the event it is determined there are unpaid charges which were due and payable prior to and including the date of closing, and which are the responsibility and obligation of the Affiant, that the Affiant shall pay any and all amounts so charged and shall provide proof of payment of same to Metropolitan Title Company. Affiant further agrees and covenants, if requested by Metropolitan Title Company to fully cooperate and adjust for clerical errors in any closing documents, including but not limited to, repayment of any overpayments and executing duplicate closing documents.

The undersigned, being first duly sworn, deposes and says as follows:

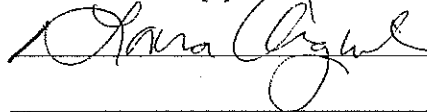
1. That Affiant is 18 years of age or older, is a citizen of the United States, has not married or divorced since purchasing the real estate, and has not used or been known by any other name;
2. That Affiant is the owner of certain premises described in Commitment No. 22729, and has not filed, nor is subject to any bankruptcy, receivership, or insolvency proceedings;
3. That the Affiant is in possession of said property and there are no other parties in possession or claiming rights of possession; (NONE, unless noted) _____
4. That Affiant has no knowledge of any unrecorded water, mineral, gas or oil rights unrecorded easements or claims of easements, boundary line disputes or claims of such grants or rights relative thereto; (NONE, unless noted) _____
5. That there are no proceedings instituted or undertaken by anyone which will result in a lien or special assessment upon the premises. There are no delinquent taxes, special assessments, water bills, utility bills, or Homeowner's Association fees covering subject property; (NONE, unless noted) _____
6. That there have been no improvements made nor labor or materials furnished to the premises within the last 90 days; (NONE, unless noted) _____
7. That Affiant has no knowledge of any other matters affecting the title including but not limited to: mortgages, liens, land contracts, options or other encumbrances other than those which are being paid from the sale or loan proceeds. (NONE, unless noted) _____

Subscribed and sworn to before me this

19th of January, 2005
Vicki L. Anderson

Notary Public: VICKI L. ANDERSON
County in Michigan : Notary Public, Muskegon County, MI
Commission Expires: My Commission Expires 11-15-2006
Acting In Muskegon County

Vested Owner(s):



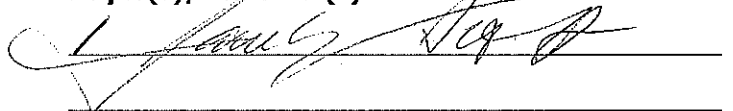
To induce Metropolitan Title Company to issue a policy of title insurance on behalf of the underwriter named in the above Commitment No. 22729 insuring the mortgage and the title to the land described therein, the undersigned mortgagor(s) acknowledge that incident to the closing of the mortgage upon the lands, the mortgagee(s) caused the full sum of \$ the amount secured thereby, to be paid to the undersigned or for the benefit of and by the direction of the undersigned. The undersigned further certify that, unless otherwise indicated, the property is owned and occupied exclusively by them on the date hereof. The undersigned further certify that they are 18 years of age or older. The undersigned borrower(s), for and in consideration of, Lender, this date funding the closing of the above referenced property more fully described in the commitment agrees, if requested by Lender or Closing Agent for Lender, to fully cooperate and adjust for clerical errors in any loan closing documents, including but not limited to, repayment of any overpayments and executing duplicate loan documents. The Undersigned borrower(s) do hereby so agree and covenant in order to assure that the loan documentation executed this date will conform and be acceptable in the market place in the instance of transfer, sale or conveyance by Lender of its interest in and to said loan documentation.

Subscribed and sworn to before me this

19th of January 2005
Vicki L. Anderson

Notary Public: VICKI L. ANDERSON
County in Michigan : Notary Public, Muskegon County, MI
Commission Expires: My Commission Expires 11-15-2006
Acting In Muskegon County

Buyer(s)/Borrower(s):



NOTICE OF YOUR FINANCIAL PRIVACY RIGHTS

We want you to know that the privacy and confidentiality of your personal information is very important to Metropolitan Title Company. We value your business and we want to retain your trust. In the course of providing products and services to you, we may obtain nonpublic personal information about you. We are required by law to provide you with this notice in order to inform you how Metropolitan Title Company collects, uses and safeguards your nonpublic personal information. This notice also tells you how you can limit our disclosure of personal information about you.

What Information Do We Collect

We may obtain nonpublic personal information about you from the following sources:

- Information we receive from you from applications or other forms;
 - Information about your transaction with us from our files or from our affiliates;
 - Information about your transaction with nonaffiliated third parties such as your real estate agent or lender;
- The information we obtain includes, but is not limited to, your name, address, social security number, employer, income, account information from financial institutions, parties to a transaction and credit card usage.

What Information Do We Disclose

To meet your needs with quality products and services we may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

AFFILIATES

Our affiliates are the family of companies controlled by Metropolitan Title Company or under common control with another company. We may share the types of information described above, as permitted by law, with our affiliates for purposes of marketing or market research.

NON-AFFILIATES

Nonaffiliated third parties are those not part of the family of companies controlled by Metropolitan Title Company or not under common control with another company.

Service Providers, Contractors

Any service providers or contractors used by Metropolitan Title Company are required to follow the terms of our Privacy Policy. Access to your nonpublic personal information by a service provider or contractor is restricted to the purpose for which they have been retained by Metropolitan Title Company.

Joint Marketing

We may disclose your personal information to a nonaffiliated third party that we have an agreement with to perform joint marketing of products or services that we feel may interest you.

Other Non-Affiliates

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

METROPOLITAN TITLE COMPANY DOES NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT THEIR CUSTOMERS OR FORMER CUSTOMERS EXCEPT, AS PERMITTED OR REQUIRED BY LAW.

The Confidentiality and Security of Your Nonpublic Personal Information

Metropolitan Title Company restricts the access to your nonpublic personal information to those employees who need to know the information in order to provide products and/or services to you. Our employees are required to maintain the confidentiality and privacy of our customers. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Changes to this policy

We may amend this policy at any time, and we will inform you of any changes as required by law.

Your Privacy Choices

The law allows us to share with our affiliates your personal information and information about our transactions or experiences with you. The law also allows us to share your personal information with our contractors and service providers.

If you prefer that we not disclose information about you to nonaffiliated third parties, you may direct us not to share this information by calling the Corporate Office at 1-800-848-5375 or by writing to us at 622 East Grand River, Howell, Michigan 48843. Please provide your name, address including city and state of the property and our file number.

TAX PRORATION AGREEMENT/ACKNOWLEDGEMENT

File Number: 22729
Date: January 18, 2005
Reference: /
Property Address: 812 Murphy Street, Muskegon, MI 49442

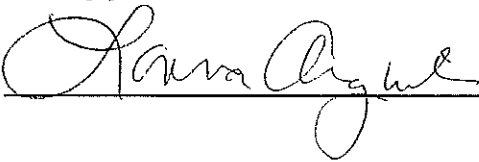
Seller and Purchaser Acknowledge and Agree as Follows:

1. That the parties hereto have settled the proration of taxes and assessments by the method reflected on the settlement statements signed at the closing, and these statements constitute **final** settlement. Any prior agreement between parties shall be deemed as modified hereby.
2. **The Purchaser acknowledges and agrees:**
 - a) that all real estate taxes billed on or after this date are the sole responsibility of the **Purchaser**.
 - b) that the **Purchaser** shall make any necessary arrangements to obtain all future tax bills. Purchaser acknowledges it is **not** the responsibility of Metropolitan Title Company to notify any Treasurer of change in ownership.
3. **The Seller acknowledges and agrees:**
 - a) that the Seller **represents and warrants** to the Purchaser and Metropolitan Title Company and its underwriter that all outstanding taxes and assessments including but not limited to all sewer and water charges, road paving, maintenance charges, trash collection charges, weed charges, association dues, penalties, and administration fees have been paid in full by the Seller.

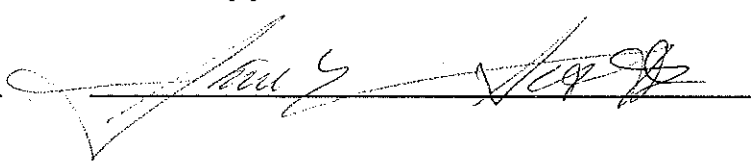
or

 - b) that, if not previously paid by the Seller, all outstanding taxes and assessments including but not limited to all above said items shall be deducted from the Sellers proceeds as reflected on the settlement statement.
 - c) that the Seller has not received any notification of any future assessments and has no knowledge of any improvement or maintenance undertaken by any municipality or association.
 - d) that the Seller will immediately pay any taxes and assessments including but not limited to the above said items (Paragraph 3a) which may subsequently be discovered to have been a lien on the property or incurred prior to the date of closing.
4. **Seller and Purchaser acknowledge and agree:**
 - a) That any settlement to the proration of taxes or assessments is a matter entirely between the Seller and Purchaser, and that neither the Seller nor the Purchaser is relying on advice from Metropolitan Title Company in determining method of statement.
 - b) That Metropolitan Title Company is relying on the agreement of the Seller and Purchaser as reflected in the settlement statements in order to disburse funds.
 - c) That, except for the failure of Metropolitan Title Company to properly account for the funds provided to it, Seller and Purchaser jointly and severally agree to indemnify Metropolitan Title Company for any loss or damage, including but not limited to reasonable attorney fees incurred as a result of failure to comply with this agreement.
 - d) That Seller and Purchaser acknowledge Metropolitan Title Company and its underwriter are relying on the representations made herein for the purpose of closing the real estate transaction referenced herein and are disbursing funds based on upon such reliance.

Seller(s):



Purchaser(s):





CLOSING AGREEMENT

File Number: 22729

Date: January 18, 2005

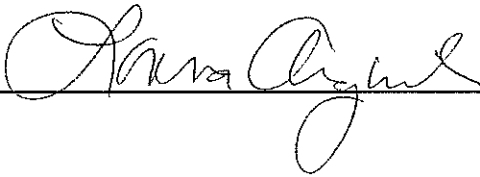
Property Address: 812 Murphy Street, Muskegon, MI 49442

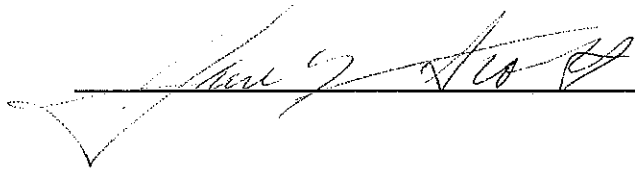
It is agreed, between the Purchaser(s) and Seller(s) of this property that all contingencies and addendums to the Offer to Purchase thereto, dated 4-22-05 have been met or are hereby resolved or removed to the satisfaction of the parties concerned.

Purchaser(s) understand and acknowledged that he/she/they are buying the property in an "As Is" condition and that neither the Seller(s) nor Realtor(s) make any warranties as to the land and structure purchased or the condition.

Seller(s):

Purchaser(s):







Metropolitan Title Company
America's Premier Title Agency

File Number: 22729

A. Settlement Statement Metropolitan Title Company Final Statement		B. Terms of Loan 1-5. Loan Type Conv. Unins. 6. File Number 22729 7. Loan Number 8. Mortgage Insurance Case Number	
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C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown, items marked "(POC)" were paid outside this closing; they are shown here for informational purposes and are not included in the totals.

D. Name of Borrower: Neighborhood Investment Corporation
1115 Third St, Muskegon, MI 49441

E. Name of Seller: City of Muskegon
933 Terrace St. Muskegon, MI 49440

F. Name of Lender:

G. Property Location: 812 Murphy Street, Muskegon, MI 49442

H. Settlement Agent: Metropolitan Title Company Address: 3044 Glade St., Muskegon, MI 49444 Place of Settlement Address: 3044 Glade St., Muskegon, MI 49444	I. Settlement Date: 01/18/2005 Print Date: 01/19/2005, 10:40 AM Disbursement Date: 01/18/2005
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J. Summary of Borrower's Transaction 100. Gross Amount Due From Borrower 101. Contract Sales Price 102. Personal Property 103. Settlement charges to borrower (line 1400) 104. 105. Adjustments for items paid by seller in advance 106. City/town taxes 107. County taxes 108. Assessments 109. 110. 11. 12. 13. 14. 15. 20. Gross Amount Due From Borrower 00. Amounts Paid By Or In Behalf of Borrower 01. Deposit or earnest money 02. Principal amount of new loan(s) 03. Existing loan(s) taken subject 04. 05. 06. 07. 08. 09. Adjustments for items unpaid by seller 10. City/town taxes 11. County taxes 12. Assessments 13. 14. 15. 16. 17. 18. 19. 30. Total Paid By/For Borrower 40. Cash At Settlement From/To Borrower 41. Gross amount due from Borrower (line 120) 42. Less amounts paid by/for Borrower (line 220) 43.	K. Summary of Seller's Transaction 400. Gross Amount Due To Seller 401. Contract Sales Price 3,000.00 402. Personal Property 403. Total Deposits 404. 405. Adjustments for items paid by seller in advance 406. City/town taxes 407. County taxes 408. Assessments 409. 410. 411. 412. 413. 414. 415. 420. Gross Amount Due To Seller 3,000.00 500. Reductions In Amount Due to Seller 501. Excess deposit (see instructions) 502. Settlement charges (line 1400) 340.00 503. Existing loan(s) taken subject to 504. Payoff of first mortgage loan 505. Payoff of second mortgage loan 506. 507. 508. 509. Adjustments for items unpaid by seller 510. City/town taxes 511. County taxes 512. Assessments 513. Buyer Deposit 400.00 514. 515. 516. 517. 518. 519. 520. Total Reduction Amount Due Seller 740.00 600. Cash At Settlement To/From Seller 601. Gross amount due to Seller (line 420) 3,000.00 602. Less reductions in amounts due to Seller (line 520) 740.00 603. Cash (X To) (From) Seller 2,260.00
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I hereby certify that the HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent: *Vicki Anderson* Date: 1-19-05

* See Supplemental Page for details.

L. Settlement Charges		
700. Total Sales/Broker's Commission based on price \$3,000.00 @ 0.0000% = \$0.00		
Division of Commission (line 700) as follows		
	Paid From	Paid From
	Borrower's	Seller's
701.		
702.		
703. Commission paid at Settlement		
704.		
800. Items Payable in Connection with Loan		
801. Loan Origination Fee		
802. Loan Discount		
803. Appraisal Fee		
804. Credit Report		
805. Lender's Inspection Fee		
806. Mortgage Insurance Application Premium		
807. Assumption Fee		
808.		
809.		
810.		
811.		
812.		
813.		
814.		
Supplemental Summary		
900. Items Required by Lender to be Paid in Advance		
901. Interest		
902.		
903. Hazard Insurance Premium for		
904.		
905.		
Supplemental Summary		
1000. Reserves Deposited with Lender		
1001. Hazard Insurance		
1002. Mortgage Insurance		
1003. City Property Taxes		
1004. County Property Taxes		
1005. Annual assessments		
1006.		
1007.		
1008. Aggregate Accounting Adjustment		
1100. Title Charges		
1101. Settlement or closing fee - Metropolitan Title Company		150.00
1102. Abstract or title search		
1103. Title examination		
1104. Title Insurance Binder		
1105. Document Fee		
1106. Notary Fee		
1107. Attorney Fee		
(includes above item numbers:)		
1108. Title Insurance - See supplemental page for breakdown of individual fees and payees		190.00
(includes above item numbers:)		
1109. Lender's coverage \$0.00		
1110. Owner's coverage \$3,000.00 Premium: \$190.00		
1111. Recording Processing Fee - Metropolitan Title Company		
1112.		
1113.		
1114.		
1115.		
1116.		
1117.		
1200. Government Recording and Transfer Charges		
1201. *Recording fees: Deed \$18.00 Mortgage \$0.00 Release \$0.00		
1202. City/county tax/stamps:		
1203. State tax/stamps:		
1204.		
1205.		
1206.		
1300. Additional Settlement Charges		
1301. Survey to		
1302. Pest Inspection to		
1303.		
1304.		
1305.		
1306.		
1307.		
1308.		
1309.		
1310.		
1311.		
1312.		
1313.		
1314.		
Supplemental Summary		
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)		340.00

* See Supplemental Page for details.

Supplemental Page HUD-1 Settlement Statement	File No. 22729
Metropolitan Title Company Final Statement	Loan No.
	Settlement Date: 01/18/2005
Borrower Name & Address: Neighborhood Investment Corporation 1115 Third St, Muskegon, MI 49441	
Seller Name & Address: City of Muskegon 933 Terrace St. Muskegon, MI 49440	

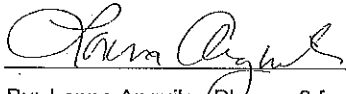
Section I. Settlement Charges continued	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
1108. Supplemental Summary	190.00	
a) Owners Premium - Metropolitan Title Company		190.00
1201. Supplemental Summary	18.00	
a) Deed Recording Fee - Register of Deeds		

The following Section is restated from the Settlement Statement Page 1			
300. Cash At Settlement From/To Borrower	600. Cash At Settlement To/From Seller		
301. Gross amount due from Borrower (line 120)	601. Gross Amount due to Seller (line 420)		3,000.00
302. Less amounts paid by/for Borrower (line 220)	601. Less reductions in amounts due to Seller (line 520)		740.00
303.	603. Cash (X To) (From) Seller		2,260.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and distributions made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

SELLER(S):

City of Muskegon


By: Lonna Anguilm, Planner 3 for City of Muskegon

QUIT-CLAIM DEED

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

QUIT CLAIMS to **NEIGHBORHOOD INVESTMENT CORPORATION**, of 1115 Third Street, Muskegon, Michigan 49441,

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

CITY OF MUSKEGON REVISED PLAT OF 1903 ENTIRE
LOT 6 BLOCK 200 (COMMON ADDRESS: 812 Murphy Street)

for the sum of: Three Thousand Dollars (\$3,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Deputy Director of Public Safety, substantial completion of the dwelling described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 19 day of January, 2005.

Signed in the presence of:

Linda S. Potter
Linda S. Potter
Gail A. Kunderger

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on July 6, 2004 by
STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY
OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-28-06

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: June 22, 2004

Date: June 8, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Buildable Vacant Lot - 243 E. Walton Ave.

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 243 E. Walton Avenue (Parcel #24-205-200-0001-00) to Neighborhood Investment Corporation (NIC), of 1115 Third Street, Muskegon, MI. The lot is 297 x 141 ft. and is being offered to NIC for \$6,000. The lot will be combined with other private and City properties as part of the Farmer's Market Area Housing Development. The True Cash Value (TCV) for the property listed in the Assessor's office is \$8,000, so our price is set at \$6,000 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot, as well as two others, for construction of several new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Resolution No. 2004-56(o)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 243 E WALTON AVENUE IN ANGELL NEIGHBORHOOD FOR \$6,000.

WHEREAS, Neighborhood Investment Corporation has placed a \$400 deposit for the parcel designated as parcel number 24-205-200-0001-00, located at 243 E. Walton Avenue; and

WHEREAS, the price for parcel number 24-205-200-0001-00 is set by the City at \$6,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-200-0001-00, located at 243 E. Walton Avenue be sold to Neighborhood Investment Corporation for \$6,000.

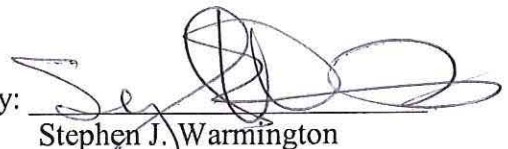
**CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 THRU 4 ALSO WLY
½ VAC RATHBORNE ST LYING NELY AND ADJ TO LOT 1 ALL BLK 200**

Adopted this 22nd day of June, 2004

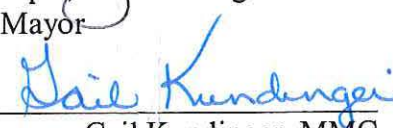
Ayes: Larson, Spataro, Warmington, Davis

Nays: None

Absent Gawron, Shepherd, Carter

By: 

Stephen J. Warmington
Mayor

Attest: 

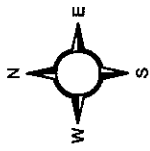
Gail Kunding, MMC
City Clerk

2004-56(o)
CERTIFICATION

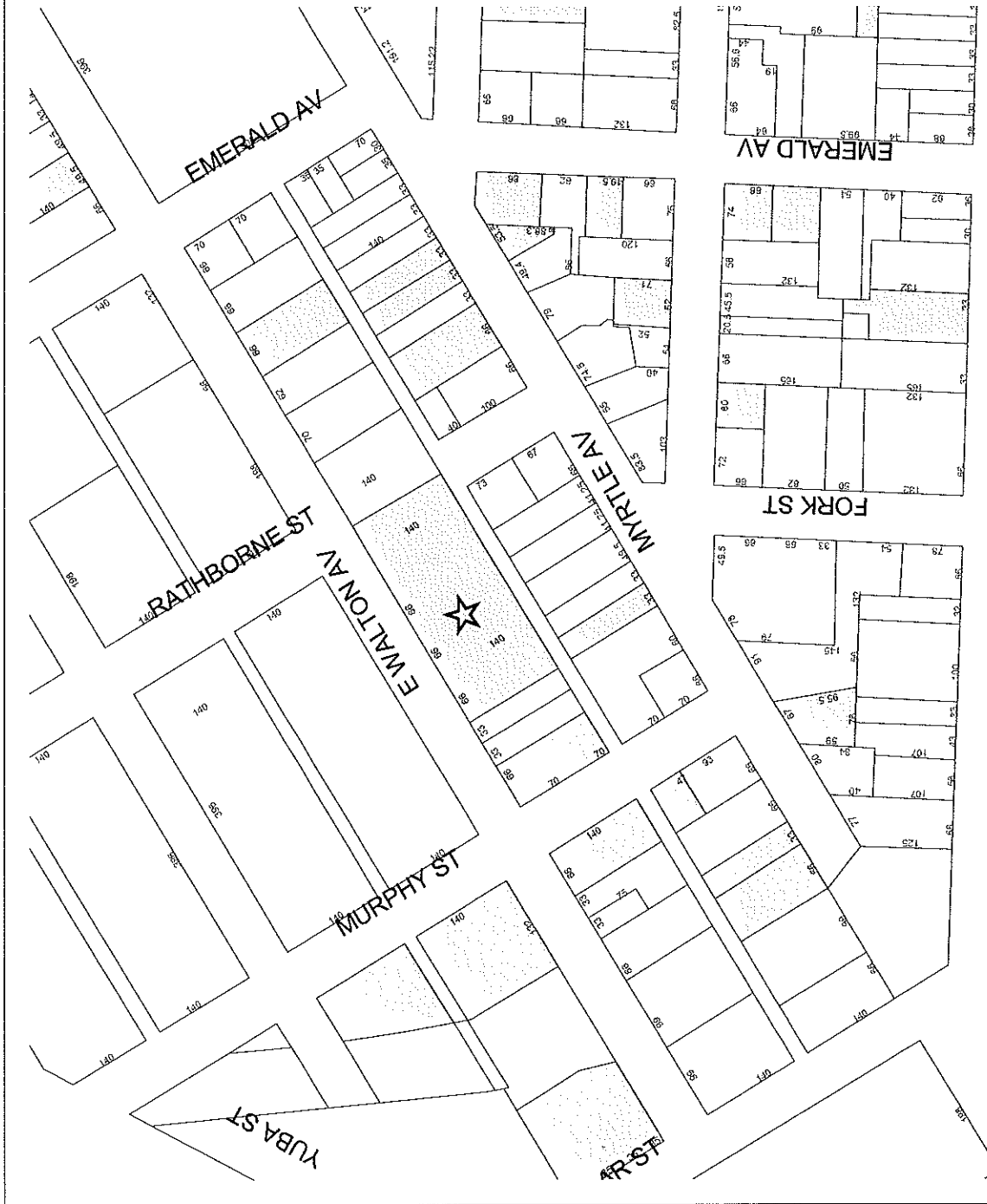
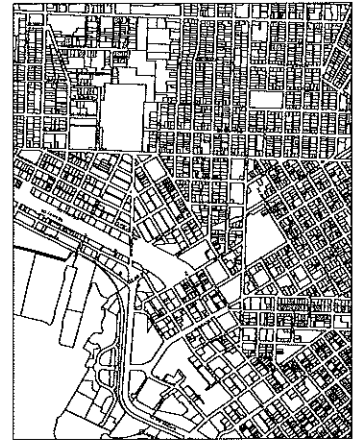
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 22, 2004.

By: Gail Kunding
Gail Kunding, MMC
City Clerk

**Vacant Buildable City-Owned Lot
243 E. Walton Avenue**



☆ = Subject Property(ies)
□ □ □ to be sold



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made _____, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **NEIGHBORHOOD INVESTMENT CORPORATION**, of 1115 Third Street, Muskegon, MI 49441 ("Buyer").

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

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 THRU 4
ALSO WLY ½ VAC RATHBORNE ST LYING NELY AND ADJ
TO LOT 1 ALL BLK 200 (COMMON ADDRESS: 243 E. Walton Avenue)

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Six Thousand Dollars (\$6,000.00).

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

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

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

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

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

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

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

9. **Closing.** The closing date of this sale shall be on or before _____, 200__ ("Closing"). The Closing shall be conducted at Land America Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Linda S. Potter
Linda S. Potter

JoAnn Kruskowski

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

Gail A. Kundergei
Gail A. Kundergei, MMC, Clerk

BUYER:

[Signature]

[Signature]
EIN No.: 38 307 6893

PREPARED BY:

John C. Schrier (P36702)
PARMENTER O'TOOLE
175 W. Apple Avenue
Muskegon, Michigan 49440
Phone: (231) 722-1621

QUIT-CLAIM DEED

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

QUIT CLAIMS to **NEIGHBORHOOD INVESTMENT CORPORATION**, of 1115 Third Street, Muskegon, Michigan 49441,

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

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 THRU
4 ALSO WLY ½ VAC RATHBORNE ST LYING NELY AND ADJ
TO LOT 1 ALL BLK 200 (COMMON ADDRESS: 243 E. Walton Avenue)

for the sum of: Six Thousand Dollars (\$6,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Deputy Director of Public Safety, substantial completion of the dwelling described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 6th day of July, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krutowski
JoAnn Krutowski

CITY OF MUSKEGON

By Stephen J. Warrington
Stephen J. Warrington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on July 6, 2004 by STEPHEN J. WARRINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

6-22-04
2004-56 (0)

Policy or Policies issued pursuant to this commitment are underwritten by:

First American Title Insurance Company

SCHEDULE A

Commitment No.: 22661
2202
December 22, 2004

12/02/04
1. Commitment Date: November 08, 2004 @ 8:00 AM

2. Policy or Policies to be issued:
(a) Residential Title Insurance Policy

Policy Amount
\$6,000.00

Proposed Insured:
Neighborhood Investment Corporation

727-0809

Policy or Policies to be issued:
(b) ALTA Loan Policy (10-17-92)

Policy Amount

Proposed Insured:

3. The Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:
The City of Muskegon

4. The land referred to in this Commitment, situated in the County of Muskegon, City of Muskegon, State of Michigan, is described as follows:

Lot(s) 1, 2, 3 and 4, Block 200, Revised Plat of the City of Muskegon 1903, according to the recorded plat thereof.

243 E Walton Avenue



Issuing Agent: Metropolitan Title Company
America's Premier Title Agency

For questions regarding this commitment contact your local
Metropolitan Title Company (231) 733-6201 or fax to (231) 733-5418
3044 Glade St., Muskegon, MI 49444

Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444

Schedule B – Section I REQUIREMENTS

Commitment No.: 22661

General Requirements

The following requirements must be met:

- (a) Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
- (b) Payment of the full consideration to, or for the account of, the grantors or mortgagors should be made.
- (c) Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable should be made.
- (d) Pay us the premiums, fees and charges for the policy.
- (e) You must tell us in writing the name of anyone not referred to in this Commitment who will receive an interest in the land or who will make a loan on the land. We may make additional requirements or exceptions.
- (f) Submit completed Owner's Estoppel/Affidavit/ALTA Statement on the form provided by this company and signed by or on behalf of all owners.

Specific Requirements

1. RECORD WARRANTY DEED FROM THE CITY OF MUSKEGON TO NEIGHBORHOOD INVESTMENT CORPORATION.

Taxes Exempt

Metropolitan Title Company
3044 Glade St.
Muskegon, MI 49444

Schedule B – Section II EXCEPTIONS

Commitment No.: 22661

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Defects, liens encumbrances adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

General Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown on the public records.
5. Taxes or special assessments which are not shown as existing liens by the public records.

Specific Exceptions

1. Oil, gas, mineral, and aboriginal antiquities reserved by the State of Michigan, and the terms, covenants and provisions contained in instrument recorded in Liber 1827, page 475, as to Lot 1.
2. Oil, gas, mineral, and aboriginal antiquities reserved by the State of Michigan, and the terms, covenants and provisions contained in instrument recorded in Liber 3109, page 30, as to Lot 2.
3. Oil, gas, mineral, and aboriginal antiquities reserved by the State of Michigan, and the terms, covenants and provisions contained in instrument recorded in Liber 2039, page 500, as to Lot 3.
4. Oil, gas, mineral, and aboriginal antiquities reserved by the State of Michigan, and the terms, covenants and provisions contained in instrument recorded in Liber 1135, page 186, as to Lot 3.
5. Oil, gas, mineral, and aboriginal antiquities reserved by the State of Michigan, and the terms, covenants and provisions contained in instrument recorded in Liber 2257, page 813, as to Lot 4.
6. Taxes are exempt. Tax Item Number 61-24-205-200-0001-00.

Commitment for Title Insurance
FIRST AMERICAN TITLE INSURANCE COMPANY.

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A
- The Requirements in Schedule B-Section I.
- The Exceptions in Schedule B-Section II.
- The Conditions below.

This Commitment is not valid without Schedule A and Sections I and II of Schedule B.

Conditions:

1. Definitions:

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting the title according to the state statutes where the land is located.

2. Later Defects

The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all the Requirements (a) and (c) of Schedule B- Section I are met. We shall have no liability to you because of this amendment.

3. Existing Defects

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. Limitation of Our Liability

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

- comply with the Requirements shown in Schedule B - Section I OR
- eliminate with our written consent any Exceptions shown in Schedule B - Section II

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. Claims must be based on this Commitment

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.

Issued by: **First American Title Insurance Company** through its agent:

Metropolitan Title Company

3044 Glade St.

Muskegon, Michigan 49444

Ph: (231) 733-6201 or Fax to: (231) 733-5418

**EXHIBIT A
LEGAL DESCRIPTION**

Land situated in the City of Muskegon, County of Muskegon, State of Michigan, is described as follows:

Lot(s) 1, 2, 3 and 4, Block 200, Revised Plat of the City of Muskegon 1903, according to the recorded plat thereof.

Tax Parcel Number(s): 61-24-205-200-0001-00



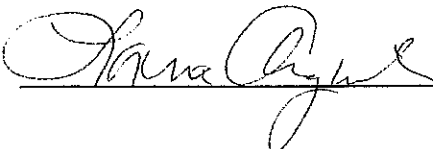
"DUE-ON-SALE" DISCLOSURE AND ACKNOWLEDGMENT

File Number: 22661
Date: January 19, 2005
Property Address: 243 E Walton Avenue, Muskegon, MI 49442

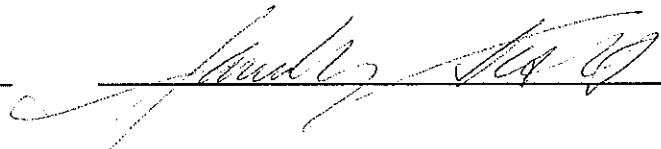
By signing this statement the undersigned acknowledge the following:

1. That all closing documents prepared by Metropolitan Title Company are prepared at the direction and request of the parties to the transaction, their real estate agent(s)/broker(s) or their attorney(s).
2. That **Metropolitan Title Company is not acting as my/our agent, attorney, representative or fiduciary**, at this real estate closing.
3. That Metropolitan Title Company's employee who has attended this closing represents only Metropolitan Title Company.
4. That Metropolitan Title Company's employee has identified certain documents to me/us as he/she has presented them to me/us for signing, but **has not given me/us legal advice as to the meaning or effect of the documents**. I/We understand that any of his/her statements about the documents are not legal advice to me/us. If I/we have an attorney, that attorney is my/our only attorney in this transaction.
5. That the mortgage presently affecting the property contains a "due-on-sale" clause which permits the lender to call the loan immediately due and payable upon a sale or transfer by the original borrowers.
6. That the Seller(s) and Purchaser(s) understand and assume all risks involved with the sale of the property without paying off the underlying mortgage or obtaining a waiver of the due on sale clause, and Seller(s) and Purchaser(s) hereby hold harmless Metropolitan Title Company from any claim or loss relating thereto.
7. That the Seller(s) and Purchaser(s) hereby acknowledge that said mortgage may be in default and are willing to proceed with this transaction. Furthermore, both Seller(s) and Purchaser(s) agree to hold harmless Metropolitan Title Company from any claim or loss relating thereto.
8. That the title policy, when issued, will contain all of the exceptions titled noted on the commitment, unless such exceptions are removed to the satisfaction of Metropolitan Title Company at closing.
9. That I/we have either read all of the closing documents or are responsible for our own failure to have read them. **I/We understand that Metropolitan Title Company is not responsible for explaining to me/us the effect of the documents I/we have signed.**
10. **That I/we have read this statement and understand it.**

Seller(s):



Purchaser(s):





Metropolitan Title Company
America's Premier Title Agency

File Number: 22661

OWNER'S AFFIDAVIT/ESTOPPEL CERTIFICATE

(To be executed by all parties shown as vested owners in the commitment for title insurance.)

Affiant makes the representations contained herein to induce the purchaser and/or lender to consummate the transaction referenced in the commitment, to obtain the proceeds of the sale or loan, and to induce Metropolitan Title Company to issue a policy(s) of title insurance on behalf of the underwriter named in the commitment. Affiant further agrees that in the event it is determined there are unpaid charges which were due and payable prior to and including the date of closing, and which are the responsibility and obligation of the Affiant, that the Affiant shall pay any and all amounts so charged and shall provide proof of payment of same to Metropolitan Title Company. Affiant further agrees and covenants, if requested by Metropolitan Title Company to fully cooperate and adjust for clerical errors in any closing documents, including but not limited to, repayment of any overpayments and executing duplicate closing documents.

The undersigned, being first duly sworn, deposes and says as follows:

1. That Affiant is 18 years of age or older, is a citizen of the United States, has not married or divorced since purchasing the real estate, and has not used or been known by any other name;
2. That Affiant is the owner of certain premises described in Commitment No. 22661, and has not filed, nor is subject to any bankruptcy, receivership, or insolvency proceedings;
3. That the Affiant is in possession of said property and there are no other parties in possession or claiming rights of possession; (NONE, unless noted) _____
4. That Affiant has no knowledge of any unrecorded water, mineral, gas or oil rights unrecorded easements or claims of easements, boundary line disputes or claims of such grants or rights relative thereto; (NONE, unless noted) _____
5. That there are no proceedings instituted or undertaken by anyone which will result in a lien or special assessment upon the premises. There are no delinquent taxes, special assessments, water bills, utility bills, or Homeowner's Association fees covering subject property; (NONE, unless noted) _____
6. That there have been no improvements made nor labor or materials furnished to the premises within the last 90 days; (NONE, unless noted) _____
7. That Affiant has no knowledge of any other matters affecting the title including but not limited to: mortgages, liens, land contracts, options or other encumbrances other than those which are being paid from the sale or loan proceeds. (NONE, unless noted) _____

Subscribed and sworn to before me this

Vested Owner(s):

19th of January 2003, Karna Aguil
Vicki L. Anderson

Notary Public:

County in Michigan :

Commission Expires:

VICKI L. ANDERSON
Notary Public, Muskegon County, MI
My Commission Expires 11-15-2006
Acting In Muskegon County

To induce Metropolitan Title Company to issue a policy of title insurance on behalf of the underwriter named in the above Commitment No. **22661** insuring the mortgage and the title to the land described therein, the undersigned mortgagor(s) acknowledge that incident to the closing of the mortgage upon the lands, the mortgagee(s) caused the full sum of \$ the amount secured thereby, to be paid to the undersigned or for the benefit of and by the direction of the undersigned. The undersigned further certify that, unless otherwise indicated, the property is owned and occupied exclusively by them on the date hereof. The undersigned further certify that they are 18 years of age or older. The undersigned borrower(s), for and in consideration of, Lender, this date funding the closing of the above referenced property more fully described in the commitment agrees, if requested by Lender or Closing Agent for Lender, to fully cooperate and adjust for clerical errors in any loan closing documents, including but not limited to, repayment of any overpayments and executing duplicate loan documents. The Undersigned borrower(s) do hereby so agree and covenant in order to assure that the loan documentation executed this date will conform and be acceptable in the market place in the instance of transfer, sale or conveyance by Lender of its interest in and to said loan documentation.

Subscribed and sworn to before me this

Buyer(s)/Borrower(s):

19th of January, 2003
Vicki L. Anderson

[Signature]

Notary Public:

County in Michigan:

Commission Expires:

VICKI L. ANDERSON
Notary Public, Muskegon County, MI
My Commission Expires 11-15-2006
Acting In Muskegon County

NOTICE OF YOUR FINANCIAL PRIVACY RIGHTS

We want you to know that the privacy and confidentiality of your personal information is very important to Metropolitan Title Company . We value your business and we want to retain your trust. In the course of providing products and services to you, we may obtain nonpublic personal information about you. We are required by law to provide you with this notice in order to inform you how Metropolitan Title Company collects, uses and safeguards your nonpublic personal information. This notice also tells you how you can limit our disclosure of personal information about you.

What Information Do We Collect

We may obtain nonpublic personal information about you from the following sources:

- Information we receive from you from applications or other forms;
- Information about your transaction with us from our files or from our affiliates;
- Information about your transaction with nonaffiliated third parties such as your real estate agent or lender;

The information we obtain includes, but is not limited to, your name, address, social security number, employer, income, account information from financial institutions, parties to a transaction and credit card usage.

What Information Do We Disclose

To meet your needs with quality products and services we may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

AFFILIATES

Our affiliates are the family of companies controlled by Metropolitan Title Company or under common control with another company. We may share the types of information described above, as permitted by law, with our affiliates for purposes of marketing or market research.

NON-AFFILIATES

Nonaffiliated third parties are those not part of the family of companies controlled by Metropolitan Title Company or not under common control with another company.

Service Providers, Contractors

Any service providers or contractors used by Metropolitan Title Company are required to follow the terms of our Privacy Policy. Access to your nonpublic personal information by a service provider or contractor is restricted to the purpose for which they have been retained by Metropolitan Title Company .

Joint Marketing

We may disclose your personal information to a nonaffiliated third party that we have an agreement with to perform joint marketing of products or services that we feel may interest you.

Other Non-Affiliates

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

METROPOLITAN TITLE COMPANY DOES NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT THEIR CUSTOMERS OR FORMER CUSTOMERS EXCEPT, AS PERMITTED OR REQUIRED BY LAW.

The Confidentiality and Security of Your Nonpublic Personal Information

Metropolitan Title Company restricts the access to your nonpublic personal information to those employees who need to know the information in order to provide products and/or services to you. Our employees are required to maintain the confidentiality and privacy of our customers. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Changes to this policy

We may amend this policy at any time, and we will inform you of any changes as required by law.

Your Privacy Choices

The law allows us to share with our affiliates your personal information and information about our transactions or experiences with you. The law also allows us to share your personal information with our contractors and service providers.

If you prefer that we not disclose information about you to nonaffiliated third parties, you may direct us not to share this information by calling the Corporate Office at 1-800-848-5375 or by writing to us at 622 East Grand River, Howell, Michigan 48843. Please provide your name, address including city and state of the property and our file number.

TAX PRORATION AGREEMENT/ACKNOWLEDGEMENT

File Number: 22661
Date: January 19, 2005
Reference: /
Property Address: 243 E Walton Avenue, Muskegon, MI 49442

Seller and Purchaser Acknowledge and Agree as Follows:

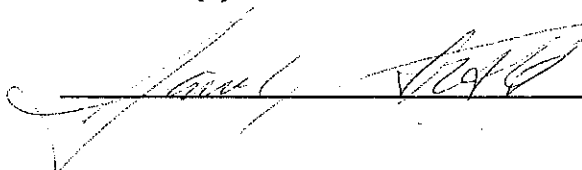
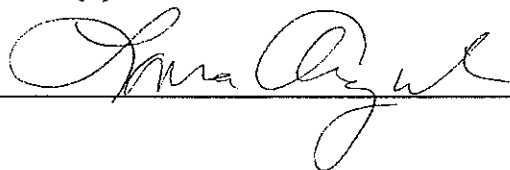
1. That the parties hereto have settled the proration of taxes and assessments by the method reflected on the settlement statements signed at the closing, and these statements constitute **final** settlement. Any prior agreement between parties shall be deemed as modified hereby.
2. **The Purchaser acknowledges and agrees:**
 - a) that all real estate taxes billed on or after this date are the sole responsibility of the **Purchaser**.
 - b) that the **Purchaser** shall make any necessary arrangements to obtain all future tax bills. Purchaser acknowledges it is **not** the responsibility of Metropolitan Title Company to notify any Treasurer of change in ownership.
3. **The Seller acknowledges and agrees:**
 - a) that the Seller **represents and warrants** to the Purchaser and Metropolitan Title Company and its underwriter that all outstanding taxes and assessments including but not limited to all sewer and water charges, road paving, maintenance charges, trash collection charges, weed charges, association dues, penalties, and administration fees have been paid in full by the Seller.

or

 - b) that, if not previously paid by the Seller, all outstanding taxes and assessments including but not limited to all above said items shall be deducted from the Sellers proceeds as reflected on the settlement statement.
 - c) that the Seller has not received any notification of any future assessments and has no knowledge of any improvement or maintenance undertaken by any municipality or association.
 - d) that the Seller will immediately pay any taxes and assessments including but not limited to the above said items (Paragraph 3a) which may subsequently be discovered to have been a lien on the property or incurred prior to the date of closing.
4. **Seller and Purchaser acknowledge and agree:**
 - a) That any settlement to the proration of taxes or assessments is a matter entirely between the Seller and Purchaser, and that neither the Seller nor the Purchaser is relying on advice from Metropolitan Title Company in determining method of statement.
 - b) That Metropolitan Title Company is relying on the agreement of the Seller and Purchaser as reflected in the settlement statements in order to disburse funds.
 - c) That, except for the failure of Metropolitan Title Company to properly account for the funds provided to it, Seller and Purchaser jointly and severally agree to indemnify Metropolitan Title Company for any loss or damage, including but not limited to reasonable attorney fees incurred as a result of failure to comply with this agreement.
 - d) That Seller and Purchaser acknowledge Metropolitan Title Company and its underwriter are relying on the representations made herein for the purpose of closing the real estate transaction referenced herein and are disbursing funds based on upon such reliance.

Seller(s):

Purchaser(s):



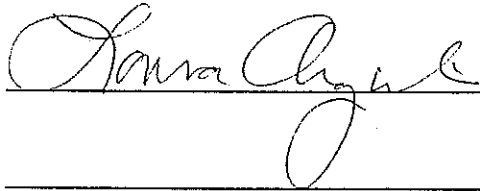
CLOSING AGREEMENT

File Number: 22661
Date: January 19, 2005
Property Address: 243 E Walton Avenue, Muskegon, MI 49442

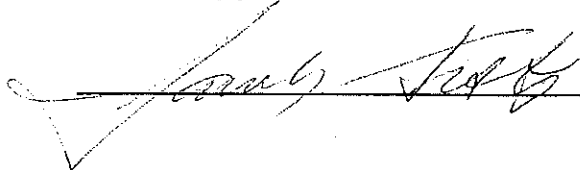
It is agreed, between the Purchaser(s) and Seller(s) of this property that all contingencies and addendums to the Offer to Purchase thereto, dated 06-22-2004 have been met or are hereby resolved or removed to the satisfaction of the parties concerned.

Purchaser(s) understand and acknowledged that he/she/they are buying the property in an "As Is" condition and that neither the Seller(s) nor Realtor(s) make any warranties as to the land and structure purchased or the condition.

Seller(s):



Purchaser(s):





Metropolitan Title Company
America's Premier Title Agency

File Number: 22661

Metropolitan Title Company Final Statement		B. Type of Loan 1-5. Loan Type Conv. Unins. 6. File Number 22661 7. Loan Number 8. Mortgage Insurance Case Number	
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown, items marked "(POC)" were paid outside this closing; they are shown here for informational purposes and are not included in the totals.			
D. Name of Borrower: Neighborhood Investment Corporation, a Michigan Corporation 1115 Third St, Muskegon, MI 49441			
E. Name of Seller: The City of Muskegon 933 Terrace St Muskegon, MI 49440			
F. Name of Lender:			
G. Property Location: 243 E Walton Avenue, Muskegon, MI 49442			
H. Settlement Agent: Metropolitan Title Company Address: 3044 Glade St., Muskegon, MI 49444		I. Settlement Date: 01/19/2005	
Place of Settlement Address: 3044 Glade St., Muskegon, MI 49444		Print Date: 01/19/2005, 10:52 AM	
		Disbursement Date: 01/19/2005	
J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due From Borrower		400. Gross Amount Due To Seller	
101. Contract Sales Price		401. Contract Sales Price	6,000.00
102. Personal Property		402. Personal Property	
103. Settlement charges to borrower (line 1400)		403. Total Deposits	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
113.		413.	
114.		414.	
115.		415.	
120. Gross Amount Due From Borrower		420. Gross Amount Due To Seller	
			6,000.00
200. Amounts Paid By Or In Behalf of Borrower		500. Reductions in Amount Due to Seller	
201. Deposit or earnest money		501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges (line 1400)	355.00
203. Existing loan(s) taken subject		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213.		513. Buyers Deposit	400.00
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
20. Total Paid By/For Borrower		520. Total Reduction Amount Due Seller	
			755.00
00. Cash At Settlement From/To Borrower		600. Cash At Settlement To/From Seller	
01. Gross amount due from Borrower (line 120)		601. Gross amount due to Seller (line 420)	6,000.00
02. Less amounts paid by/for Borrower (line 220)		602. Less reductions in amounts due to Seller (line 520)	755.00
03.		603. Cash (X To) (From) Seller	5,245.00

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Settlement Agent: *Wendy L. Johnson*

Date: 1-19-05

* See Supplemental Page for details.

Settlement Charges		
00. Total Sales/Broker's Commission based on price \$6,000.00 @ 0.0000% = \$0.00		
Division of Commission (line 700) as follows	Paid From	Paid From
	Borrower's	Seller's
01.		
02.		
03. Commission paid at Settlement		
04.		
00. Items Payable in Connection with Loan		
01. Loan Origination Fee		
02. Loan Discount		
03. Appraisal Fee		
04. Credit Report		
05. Lender's Inspection Fee		
06. Mortgage Insurance Application Premium		
07. Assumption Fee		
08.		
09.		
10.		
11.		
12.		
13.		
14.		
Supplemental Summary		
00. Items Required by Lender to be Paid In Advance		
01. Interest		
02.		
03. Hazard Insurance Premium for		
04.		
05.		
Supplemental Summary		
00. Reserves Deposited with Lender		
01. Hazard Insurance		
02. Mortgage Insurance		
03. City Property Taxes		
04. County Property Taxes		
05. Annual assessments		
06.		
07.		
08. Aggregate Accounting Adjustment		
00. Title Charges		
01. Settlement or closing fee - Metropolitan Title Company		150.00
02. Abstract or title search		
03. Title examination		
04. Title Insurance Binder		
05. Document Fee		
06. Notary Fee		
07. Attorney Fee		
(includes above item numbers:)		
08. Title Insurance - See supplemental page for breakdown of individual fees and payees		190.00
(includes above item numbers:)		
09. Lender's coverage \$0.00		
10. Owner's coverage \$6,000.00 Premium; \$190.00		
11. Tax Fee - Metropolitan Title Company		15.00
12. Recording Processing Fee - Metropolitan Title Company		
13.		
14.		
15.		
16.		
17.		
00. Government Recording and Transfer Charges		
01. *Recording fees: Deed \$18.00 Mortgage \$0.00 Release \$0.00		
02. City/county tax/stamps:		
03. State tax/stamps:		
04.		
05.		
06.		
00. Additional Settlement Charges		
01. Survey to		
02. Pest Inspection to		
03.		
04.		
05.		
06.		
07.		
08.		
09.		
10.		
11.		
12.		
13.		
14.		
Supplemental Summary		
0. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)		355.00

Supplemental Page HUD-1 Settlement Statement	File No. 22661
Metropolitan Title Company Final Statement	Loan No.
	Settlement Date: 01/19/2005
Borrower Name & Address: Neighborhood Investment Corporation, a Michigan Corporation 1115 Third St, Muskegon, MI 49441	
Seller Name & Address: The City of Muskegon 933 Terrace St Muskegon, MI 49440	

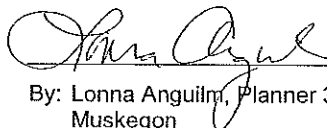
Section L. Settlement Charges continued	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
1108. Supplemental Summary	190.00	
a) Owners Premium - Metropolitan Title Company		190.00
1201. Supplemental Summary	18.00	
a) Deed Recording Fee - Register of Deeds		

The following Section is restated from the Settlement Statement Page 1			
300. Cash At Settlement From/To Borrower	600. Cash At Settlement To/From Seller		
301. Gross amount due from Borrower (line 120)	601. Gross Amount due to Seller (line 420)		6,000.00
302. Less amounts paid by/for Borrower (line 220)	601. Less reductions in amounts due to Seller (line 520)		755.00
303.	603. Cash (X To) (From) Seller		5,245.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and distributions made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

SELLER(S):

The City of Muskegon



By: Lonna Anguilo, Planner 3 for City of
Muskegon

QUIT-CLAIM DEED

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

QUIT CLAIMS to NEIGHBORHOOD INVESTMENT CORPORATION, of 1115 Third Street, Muskegon, Michigan 49441,

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

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 THRU
4 ALSO WLY ½ VAC RATHBORNE ST LYING NELY AND ADJ
TO LOT 1 ALL BLK 200 (COMMON ADDRESS: 243 E. Walton Avenue)

for the sum of: Six Thousand Dollars (\$6,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Deputy Director of Public Safety, substantial completion of the dwelling described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 19 day of January, 2005

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krutowski
JoAnn Krutowski

CITY OF MUSKEGON

By Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on July 6, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

(NOTARY SEAL)

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: June 22, 2004

Date: June 15, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Purchase of 867 Williams

SUMMARY OF REQUEST: To approve the purchase of the property located at 867 Williams (City of Muskegon Revised Plat of 1903 Lot 15 Block 46) for the estate of Cornor White for the price of \$6,850.

If the purchase is approved the CNS office will solicit bids to totally rehabilitate the structure at 867 Williams and then market the home to a qualified low/moderate-income family which will continue the City aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2002 HOME funding

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the sale.

COMMITTEE RECOMMENDATION: None

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is effective June 22, 2004, by and between the estate of Cornor White 2609 Begole Street Flint, Michigan 48504 ("Seller") and the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer"),

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property located at 867 Williams in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

[City of Muskegon Revised Plat 1903 Lot 15 Block 46]

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

2. **Consideration and Manner of Payment.** In exchange for a warranty deed from Seller to Buyer, Buyer shall pay \$6,850.00 at closing and shall take the property

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

4. **Title Insurance.** Buyer shall obtain a commitment for title insurance issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment are, in the sole discretion of Buyer, deemed unreasonable, Seller shall have thirty (30) days from the date Seller is notified, in writing, of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owners title policy shall be paid by Seller.

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

6. **Personal Property Fixtures.** All personal property and fixtures, which seller wishes to remove, shall be removed on or before Closing. Any personal property left on the Premises has be the property of Buyer, who may dispose of same.

7. **Environmental Matters.** Seller represents and warrants to Buyer that Seller has not disposed of any hazardous or toxic substances on or in the Premises. Such representation and warranty shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands liabilities, costs, expenses, penalties, damages, and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranty set for the in this paragraph, which representation and warranty shall survive the Closing.

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR

EXPRESS WARRANTIES CONTAINED IN THIS AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND UNDERSTANDS THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER, EXCEPT FOR EXPRESS WARRANTIES.

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

10. **Closing.** The closing date of this sale shall be on or before 30 days following the effective date of this Agreement ("Closing"). The Closing shall be conducted at the closing facilities of Transnation Title Insurance 570 Seminole Road, Ste. 102, Muskegon, MI 49444 or at such other place as may be mutually agreed upon between the parties.

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

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

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

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

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

William Grant

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

SELLER:

By Welton Wright

Seller – Estate of Cornor White/Welton Wright

Buyer: City of Muskegon

By Stephen J. Warmington
Stephen J. Warmington, Mayor

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

Drafted by:
City of Muskegon
Community and Neighborhood Services

Business Address:
933 Terrace St., PO Box 536
Muskegon, Michigan 49443-0536



Commission Meeting Date: June 22, 2004

Date: June 15, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Approval of Contract for Next Phase of Operation:
At Long Last – AKA “Iona Home Sweet Home”
284 Iona**

SUMMARY OF REQUEST: To approve the contract with Top Notch Design 4740 Jensen, Fruitport for the amount of \$108,000 dollars for the construction of the new home at 284 Iona. The other contractors who submitted bids for this project were:

Bantam Group	962 Stonewood, Spring Lake	\$115,691
Wasco Construction	210 E. Broadway, Muskegon	\$113,350
Success Enterprise	5263 Apple Ave, Muskegon	\$116,000

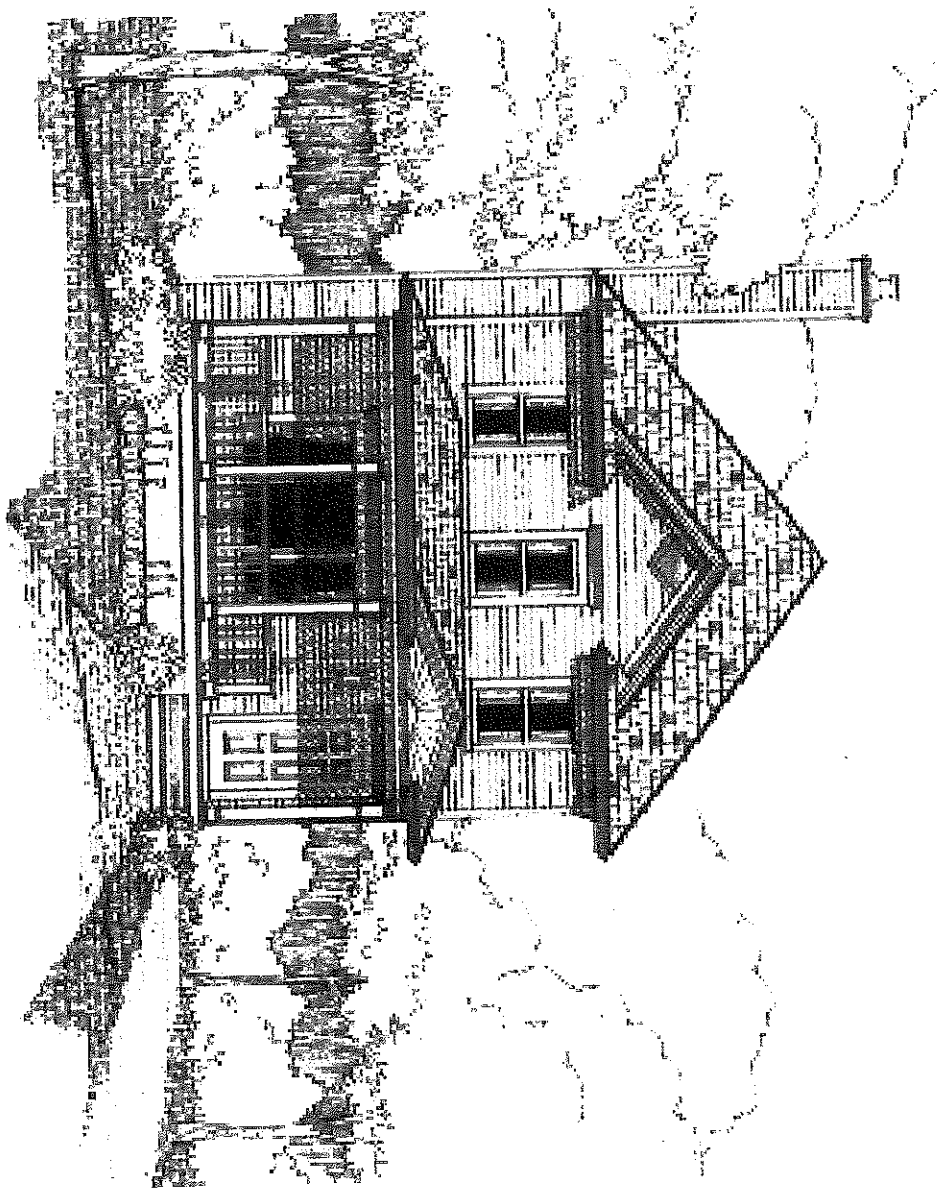
The Iona project is the next phase of infill construction on the “old Turnkey Three” sites that were finally demolished by the City last summer

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: Funding will come from 2002 HOME funding.

STAFF RECOMMENDATION: To approve the contract with Top Notch Design for next At Long Last Project AKA Iona Home Sweet Home for \$108,000.

COMMITTEE RECOMMENDATION: The LRC approved this project



Date: June 22, 2004
To: Honorable Mayor and Commissioners
From: Public Works
RE: Upgrade of Garage Ventilation System

SUMMARY OF REQUEST:

We propose to upgrade the existing vehicle garage ventilation system from continuous to on-demand operation. The newly installed heaters do not require ventilation so the only need is to vent vehicle exhaust fumes. Fume sensors would turn on ventilation as needed. The energy savings payback is estimated to be a little over 1 year. The low bid of three taken is \$28,157 from East Muskegon Roofing.

FINANCIAL IMPACT:

This expense would be covered by the Public Service Building capital budget.

BUDGET ACTION REQUIRED:

None needed.

STAFF RECOMMENDATION:

Install the on-demand ventilation upgrade.

Memo

To: Robert Kuhn, Public Works Director
From: Bob Fountain, Special Operations Supervisor
CC: Mohammed Al-Shatel, Deputy Public Works Director
Date: June 9, 2004
Re: Vehicle Garage Ventilation Control

I recommend that we upgrade the ventilation control in the vehicle garage at the Public Service Building. We have 5 large exhaust fans which continuously pull fresh air to this space through 4 large vents located near the ceiling of the garage. The system was designed for continuous ventilation because the original pad-type heaters released exhaust gas directly to the room and the fans were needed to convey fumes and water vapor outside. Now that we have replaced all the original heaters with tube-type radiant heaters that are individually vented to the outside, we have no more need of continuous ventilation. The only time ventilation would be needed is when vehicle engines are running and generating exhaust fumes. This occurs during a relatively small time period daily. A great deal of heat is lost through the present ventilation system and electricity consumed to operate fans. We have an estimate that the heat loss and electrical usage from continuous fan operation costs us about \$24,000 per year in natural gas purchase and about \$1600 per year in electricity purchase for a total of \$25,600 per year in energy costs at current rates.

To upgrade the ventilation system, 3 contractors have submitted quotations. Motorized low leak dampers would be installed on the vents and be interlocked with the exhaust fans. The fans would be controlled with individual diesel and gasoline engine fume sensors. Both kinds of sensors would be provided for each fan so that only the needed fan and damper would be operated to relieve vehicle emissions levels. All electrical controls for the system are included.

These bids were received from Muskegon-based contractors:

East Muskegon Roofing	28,157.00
Bauer Sheet Metal	28,611.00
Shoreline Metal Fabricators	32,000.00

Based on the low bid price of \$28,157, we would recover this expense in energy savings payback in a little more than 1 year. I recommend the low bid of \$28,157 from East Muskegon Roofing.

We have \$52,000 allocated in the Public Service Building Budget for capital expenditures. I am reserving \$17,000 for computer-related expenses, so the remainder of \$35,000 will cover this expense.

ROOFING SPECIALISTS
INDUSTRIAL
COMMERCIAL - RESIDENTIAL
HOT ROOFS
COLD ROOFS
SHINGLES



1685 HOLTON ROAD
MUSKEGON, MI 49446-1498
PHONE (231) 744-2461
FAX (231) 744-8156

SHEET METAL
INDUSTRIAL COMMERCIAL
BLOW PIPE - AIR POLLUTION
ARCHITECTURAL SHEET METAL
METAL DECKS & SIDING
AIR CONDITIONING

To: City of Muskegon
Public Services Building

06-04-04
Page 3

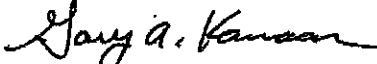
To summarize the approximate calculated gas and electrical energy savings are as follows:

Gas Savings = \$ 23,936.00 / year

Electrical Savings = \$ 1,585.00 / year

Total Energy Savings = \$ 25,521.00 / year

This shows a payback of a little more than 1 year when comparing to our quotation of \$ 28,157.00. Even if our calculations are off by 50% the pay back would be approximately 2 1/4 years which is still a good investment. I hope this will help in making your decision on whether to proceed or not with our quoted modifications. Please let me know if we can help any further.


Gary A. Kandaar - Project Manager

0000

EAST MUSK RFG SM

06/04/04 FRI 11:09 FAX 2317448156

Addendum
Commission Meeting June 22, 2004

Agenda Item: Upgrade of (Public Works) Garbage Ventilation System

Bids were received from Muskegon-based contractors:

East Muskegon Roofing, 1665 Holton Road

Bauer Sheet Metal, 1550 Evanston Avenue

Shoreline Metal Fabricators, 1880 Park Street

Commission Meeting Date: June 22, 2004

Date: June 14, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Set Public Hearing for Amendments to Brownfield Plan – Terrace Lots Office Building, Northern Machine Tool, Art Works Apartments (Former Boiler Works Building)

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for amendments to the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendments, including the opportunity to express their views and recommendations regarding the proposed amendments at the public hearing. The amendments are for the inclusion of property owned by MSB II, LLC for the Terrace Lots Office Building (former Westwood Building); Steve Olsen, for Northern Machine Tool; and Boilerworks LLC for the Art Works Apartments (former Boiler Works Building), in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the projects in the Brownfield Plan, although the completion of the former Westwood building, which will be used for commercial space, the addition of the building to Northern Machine Tool for increased manufacturing and the redevelopment of the Boiler Works Building into Artists Lofts and Galleries, will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on June 21, 2004 and will provide their recommendation to the City Commission. In addition, the Brownfield Redevelopment Authority will recommend that the Muskegon City Commission set a public hearing on the Plan Amendments for July 13, 2004.

2004-56(u)
RESOLUTION NOTIFYING TAXING UNITS
AND CALLING PUBLIC HEARING REGARDING
APPROVAL OF AMENDMENTS TO THE BROWNFIELD PLAN OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 22nd day of June, 2004, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Davis, Larson, Spataro, Warmington

ABSENT:

Members Gawron, Shepherd, Carter

The following preamble and resolution were offered by Member Spataro and supported by Member Davis:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved Brownfield Plan Amendments to include the Northern

Machine Tool Expansion, Terrace Lots Office Building, and Art Works Apartments,
and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendments to the City Commission requesting its approval of the Brownfield Plan Amendments and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendments as required by Act 381; and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendments from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendments to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendments [after the public hearing described below].

2. A public hearing is hereby called on the 13th day of July, 2004 at 5:30 p.m., prevailing Eastern Time, in the City Hall to consider adoption by the City Commission of a resolution approving the Brownfield Plan Amendments.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the City, twice before the public hearing. The first publication of the notice shall be not less than 20 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

4. The notice of the hearing shall be in substantially the following form:

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON THREE BROWNFIELD PLAN AMENDMENTS OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on Tuesday, the 13th day of July, 2004, at 5:30 p.m., prevailing Eastern Time in the City Hall located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving three Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The properties to which the proposed Brownfield Plan Amendment applies are:

Terrace Lots Office Building
700 Terrace St.
Muskegon, Michigan

Northern Machine Tool
2380 - 2390 Henry St.
Muskegon, Michigan

Art Works Apartments (Former Boilerworks)
1204 - 1208 Eighth Street
Muskegon, Michigan

Copies of the proposed Brownfield Plan Amendments are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendments will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.


City Clerk

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

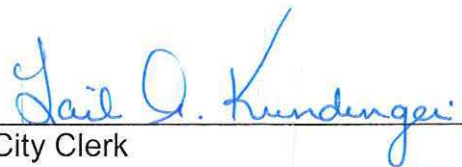
AYES:

Members Larson, Spataro, Warmington, Davis

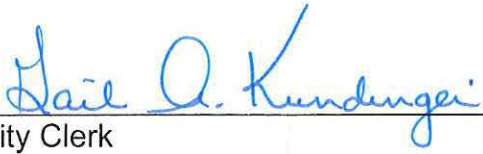
NAYS:

Members None

RESOLUTION DECLARED ADOPTED.


City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on June 22, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


City Clerk

**CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY**

BROWNFIELD PLAN AMENDMENT

Northern Machine Tool Expansion
Terrace Lots Office Building
Art Works Apartments

Original Plan Approved by the Board of the City of Muskegon Brownfield Redevelopment Authority on **February 23, 1998**, with amendments approved August 10, 1998, June 13, 2000, April 15, 2003, July 7, 2003, and April 20, 2004.

Original Plan Approved by the City Commission of the City of Muskegon on **April 14, 1998**, with amendments approved August 11, 1998; July 11, 2000; May 27, 2003, August 12, 2003, and May 25, 2004.

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN

INDEX

- I. INTRODUCTION
- II. GENERAL PROVISIONS
 - A. Costs of the Brownfield Plan
 - B. Maximum Amount of Indebtedness
 - C. Duration of the Brownfield Plan
 - D. Displacement/Relocation of Individuals on
Eligible Properties
 - E. Local Site Remediation Revolving Fund
- III. SITE SPECIFIC PROVISIONS
 - A. Kirksey/Anaconda Property (Approved 4/14/98)
 - B. Dilesco Corporation Property (Approved 8/11/98)
 - C. Beacon Recycling (Approved 7/11/00)
 - D. Verplank Dock Company (Approved 5/27/03)
 - E. Gillespie Development Property (Approved 8/12/03))
 - F. Loft Properties, LLC Property (Approved 8/12/03)
 - G. Parmenter O'Toole Property (Approved 8/12/03)
 - H. "The WaterMark" Project (Approved 5/25/04)
 - I. Northern Machine Tool (Approved _____)
 - J. Terrace Lots Office Building (Approved _____)
 - K. Art Works Apartments (Approved _____)

I. INTRODUCTION

In order to promote the revitalization of commercial, industrial, and residential properties within the boundaries of the City of Muskegon (the "City"), the City established the City of Muskegon Brownfield Redevelopment Authority (the "Authority") pursuant to Act 381, Public Acts of Michigan, as amended ("Act 381"), and a resolution adopted by the Muskegon City Commission on February 10, 1998.

The major purpose of this Brownfield Plan ("Plan") is to promote the redevelopment of *eligible properties* within the City that are impacted by the presence of hazardous substances in concentrations that exceed Michigan's Part 201 Generic Cleanup Criteria Criteria ("*facilities*") or that have been determined to be Functionally Obsolete or Blighted. Inclusion of property within this Plan can facilitate financing of environmental response activities, infrastructure improvements, demolition, lead or asbestos abatement, and site preparation activities at *eligible properties*; and may also provide tax incentives to eligible taxpayers willing to invest in revitalization of *eligible properties*. By facilitating redevelopment of underutilized *eligible properties*, the Plan is intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

This plan is intended to be a living document, which can be amended as necessary to achieve the purposes of Act 381. It is specifically anticipated that properties will be continually added to the Plan as new projects are identified. The Plan contains general provisions applicable to each site included in the Plan, as well as property-specific information for each project. The applicable Sections of Act 381 are noted throughout the Plan for reference purposes.

This Brownfield Plan contains the information required by Section 13(1) of Act 381, as amended. Additional information is available from the City Manager.

II. GENERAL PROVISIONS

A. Costs of the Brownfield Plan (Section 13(1)(a))

Any site-specific costs of implementing this Plan are described in the site-specific section of the Plan. Site-specific sources of funding may include tax increment financing revenue generated from new development on eligible brownfield properties, state and federal grant or loan funds, and/or private parties. Where private parties finance the costs of eligible activities under the Plan, tax increment revenues may be used to reimburse the private parties. The initial costs related to preparation of the Brownfield Plan were funded by the City's general fund. Subsequent amendments to the Plan are funded by the person requesting inclusion of a project in the Plan.

The Authority intends to pay for administrative costs and all of the things necessary or convenient to achieve the objectives and purposes of the Authority including, but not limited to:

- i) the cost of financial tracking and auditing the funds of the Authority,
- ii) costs for amending and/or updating this Plan, including legal fees, and
- iii) costs for Plan implementation

with any eligible tax increment revenues collected pursuant to the Plan. However, at this time, there are no properties included in this plan that will utilize tax increment financing and therefore there are currently no tax increment revenues to pay for these costs. As noted above, most costs related to the preparation of Plan amendments are borne by the person requesting inclusion of a project within the Plan.

B. Method for Financing Costs of Plan (Section 13(1)(d) and (e))

The Authority does not intend at this time to incur debt, such as through the issuance of bonds or other financing mechanisms. In the future, the City or Brownfield Authority may incur some debt on a site-specific basis. Please refer to the site-specific section of this Plan for details on any debt to be incurred by the City or Authority. When a property proposed for inclusion in the Plan is in an area where tax increment financing is a viable option, the Authority intends to enter into Development Agreements with the property owners/developers of a properties included in the Plan to reimburse them for the costs of eligible activities undertaken pursuant to this Plan. Financing arrangements will be specified in the Development Agreement, and also identified in the Site Specific section of the Plan.

C. Duration of the Brownfield Plan (Section 13(1)(f))

The Plan, as it applies to a specific eligible property, shall be effective up to five (5) years after the year in which the total amount of any tax increment revenue captured is equal to the total costs of *eligible activities* attributable to the specific *eligible property*, or thirty (30) years from the date of approval of the Plan as it relates to an individual site, whichever is less. The total costs of *eligible activities* include the cost of principal and interest on any note or obligation issued by the Authority to pay for the costs of *eligible activities*, the reasonable costs of a work plan or remedial action plan, the actual costs of the Michigan Department of Environmental Quality's or Michigan Economic Growth Authority's review of the work plan or remedial action plan, and implementation of the *eligible activities*.

D. Displacement/Relocation of Individuals on *Eligible Properties* (Section 13(1)(i, j, k, l))

At this time, *eligible properties* identified in this Plan do not contain residences, nor are there any current plans or intentions by the City for identifying *eligible properties* that will require the relocation of residences. Therefore the provisions of Section 13(1)(i-l) are not applicable at this time.

E. Local Site Remediation Revolving Fund (Section 8; Section 13(1)(m))

At the time this Plan includes a property for which taxes will be captured through the increment financing authority provided by Act 381, it is the Authority's intent to establish a Local Site Remediation Revolving Fund ("Fund"). The Fund will consist of tax increment revenues that exceed the costs of eligible activities incurred on an eligible property, as specified in Section 13(5) of Act 381. Section 13(5) authorizes the capture of tax increment revenue from an eligible property for up to 5 years after the time that capture is required for the purposes of paying the costs of eligible activities identified in the Plan. It is the intention of the Authority to continue to capture tax increment revenues for 5 years after eligible activities are funded from those properties identified for tax capture in the Plan. The amount of school operating taxes captured for the Revolving Fund will be limited to the amount of school operating taxes captured for eligible activities under this Plan. It may also include funds appropriated or otherwise made available from public or private sources.

The Revolving Fund may be used to reimburse the Authority, the City, and private parties for the costs of eligible activities at *eligible properties* and other costs as permitted by Act 381. It may also be used for eligible activities on *eligible properties* for which there is no ability to capture tax increment revenues. The establishment of this Revolving Fund will provide additional flexibility to the Authority in facilitating redevelopment of brownfield properties by providing another source of financing for necessary eligible activities.

SITE SPECIFIC PROVISIONS

I. Northern Machine Tool Expansion

Eligibility and Project Summary (Sec. 13(1)(h))

Triple O Enterprises, LLC, intends to acquire property located at 2380/2390 Henry Street in Muskegon, Parcel #24-131-300-0034-00 ("Property"). The Property is considered a "facility" pursuant to Part 201. A Phase I and II Environmental Assessment, Baseline Environmental Assessment, and Due Care Plan were conducted on behalf of Triple O Enterprises and Northern Machine Tool. Over \$33,000 in Muskegon Site Assessment Fund grant monies were used to conduct the Phase II ESA, BEA, and Due Care Plan. This property is, therefore, considered a "facility" pursuant to Part 201, and is therefore an *eligible property* pursuant to Act 381. This *eligible property* includes all personal property.

The Property is rectangular in shape and consists of approximately 0.6 acres. Triple O Enterprises will construct an 8000 square foot building and lease the completed facility to Northern Machine Tool Company (NMT). NMT will undertake all operations and equipment purchases. NMT, a supplier to the automotive, furniture and aerospace industries, has been located in Muskegon since 1946. It specializes in progressive stamping dies, CNC machining and horizontal boring millwork. NMT needs to expand its operation to address specific testing and quality assurance needs that have been identified by existing customers. This expansion will create 3 new skilled labor jobs and retain 45 jobs in the City of Muskegon, and will involve private investment of over \$800,000.

At this time, the existing NMT building on Alberta Avenue is too small to house the needed equipment to perform these services. By adding a new building on the adjacent property, the applicant could expand the company, install new equipment and increase services without relocating. Conducting these testing services on site would be much more efficient than current practices and would expand its manufacturing capabilities and hopefully customer base by upgrading the level of service it can provide. It is also hoped that new building will accommodate additional manufacturing operations in the future, which would add more jobs at this location.

A sister company that performs manufacturing services at this time for NMT's operation, as well as other industries in west Michigan will also be impacted by this expansion. This sister company would also be able to expand and add more manufacturing jobs should business levels increase at NMT. Unfortunately, due to current dependencies of this business on NMT and vice versa, this business would also be relocated, if expansion is not feasible at this location.

The plan for this project includes job retention in the current manufacturing operation of Northern Machine Tool. This will retain an estimated 45 jobs and add two to three more in the immediate future. It is hoped that new services that will be available with this expansion will result in new business for the company and possibly more jobs in the future. In addition, increased business at Northern Machine Tool will potentially project more jobs at the sister company as well as local suppliers and others who do business with Northern Machine Tool and its employees.

These jobs are located in the middle of the City, promoting and maintaining the health of other City businesses and residents. The retained jobs are skilled labor jobs (machinists, CNC operators, etc.). A new Industrial Trades and Skills Center is being built in Muskegon, following the passage of a bond issue by County residents, to train young people in the types of technical skills that these manufacturing jobs require.

The expansion project will also be integrated with various green space areas and landscaping to enhance the functionality of the property, and meet environmental restrictions applicable to the property. This will be an aesthetic improvement to the existing structures and property, with landscaping and structures that must be maintained as exposure barriers for the contamination that is present on the site. As noted above, all plans and response activity has been approved by the Michigan Department of Environmental Quality. This will also improve the visual aesthetics along Henry Street, a well traveled commercial corridor through the middle of the City of Muskegon.

Eligible Activities, Financing, Cost of Plan (Sec. 13(1)(a), (b), (c), (d), (g))

Eligible activities that have been conducted on the property include conducting a Phase I and II Environmental Site Assessment, a Baseline Environmental Assessment, and a Due Care Plan on behalf of NMT and Triple O Enterprises. As a result of the findings of the ESA's, the following Due Care Response Activities have been identified, and will be undertaken by NMT and Triple O Enterprises:

- An exposure barrier of clean fill will be placed over the existing contamination. This area will be landscaped or covered with pavement or concrete to serve as engineering controls to reduce exposure in the isolation zone.
- Storm and municipal sewers constructed in the contaminated area will utilize piping with sealed joints to prevent transport of the material off site via these utility corridors.
- All buildings constructed on this site will have concrete floors with sealed joints, holes or penetrations.

City of Muskegon Brownfield Plan Amendment
July 2004

- *All hazardous substances used on this property in the future will be managed and stored properly to prevent exacerbation of the existing contamination*
- *Work practice precautions, barricade fences, and plastic sheeting and other activities will be employed by contractors to mitigate inhalation and direct contact exposures during the demolition and construction.*
- *As part of its due care responsibilities, the applicant will conduct periodic inspections of floors/sub grade structures/paved areas/surface soils and sides to assess and repair any breaches to the exposure barriers.*

NMT and Triple O Enterprises will finance these activities; no *eligible activities* are proposed to be financed with Brownfield tax increment revenues. As such, there are no costs to the City of Muskegon or its taxing jurisdictions as a result of the WaterMark Project being included in this Plan, and therefore no note or bonded indebtedness to be incurred by the City.

Single Business Tax Credit

The expansion of Northern Machine Tool is included in the Plan to enable "*qualified taxpayers*" as defined by Act 228 of 1975, as amended, to avail themselves of eligibility for a credit against their Michigan single business tax liability for "*eligible investments*" as defined by P.A. 228. "*Eligible investments*" include demolition, construction, restoration, alteration, renovation, or improvement of buildings or site improvements on *eligible property* and the addition of machinery, equipment, and fixtures to *eligible property* after the effective date of this Plan Amendment.

Effective Date of Inclusion in Brownfield Plan

The Northern Machine Tool Expansion was added to this Plan on _____2004.

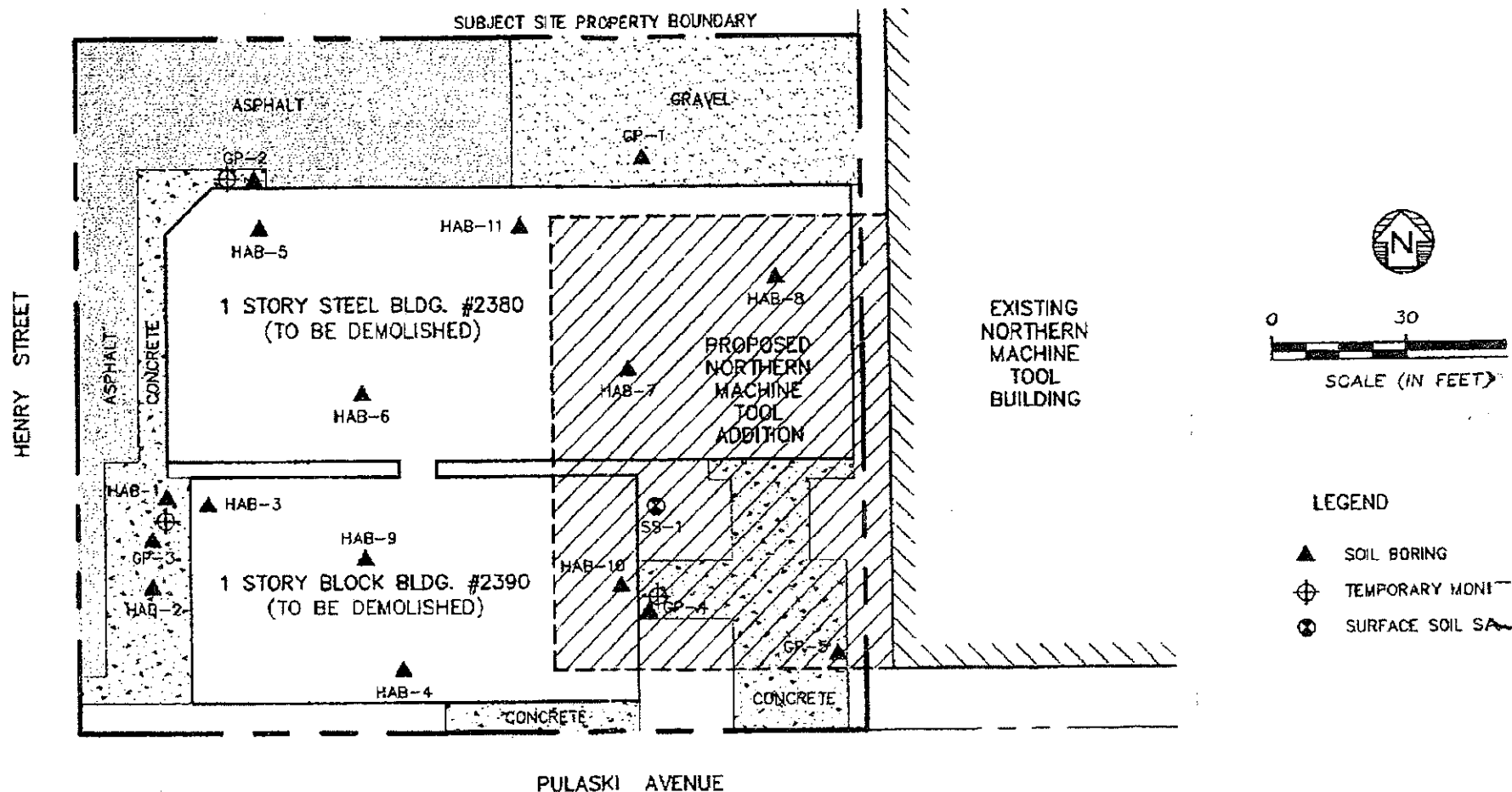
ATTACHMENT I-1

**SITE MAP, LEGAL DESCRIPTION
NORTHERN MACHINE TOOL EXPANSION
MUSKEGON, MICHIGAN**

NORTHERN MACHINE TOOL LEGAL DESCRIPTION

Furnished Description:

The north 153.12 feet of the south 178.87 feet of the west 209 feet of the northwesterly fractional $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 31, Town 10 north, Range 16 west, the west 33 feet thereof used for street purposes.



Drawn By GML
CADD Review RMK
Date Drawn/Rev'd 01/26/04



ERM.

NORTHERN MACHINE TOOL

2380/2390 HENRY STREET
MUSKEGON, MICHIGAN

Environmental Resources Management

SITE SPECIFIC PROVISIONS

J. Terrace Lots Office Building

Eligibility and Project Summary (Sec. 13(1)(h))

The Terrace Lots Office Building project is located on 2.26 acres in downtown Muskegon, 700 Terrace Street, Parcel #24-205-562-0001-00 ("Property"). This Property was formerly part of the Teledyne Continental Motors facility. The City of Muskegon acquired the Property in the late 1970's, at which time the former Teledyne buildings were removed and parking lots were created. In the summer of 2002, The Westwood Group acquired the Property, in part through assistance from the City of Muskegon's Site Assessment Fund Grant, which provided \$23,000 to conduct Phase I and II Environmental Site Assessments, a Baseline Environmental Assessment, and a Due Care Plan. As such, the Property is considered a "facility" pursuant to Part 201 of NREPA, and is therefore an *eligible property* pursuant to Act 381. The current owner, MSB II, LLC, is currently in the process of having its own BEA conducted.

The project is an office building at the center of the redevelopment of the central business district of the City of Muskegon. MSB II, LLC is a company comprised of several construction lien claimants who provided about \$650,000 in unpaid materials & labor to The Westwood Group to build this partially completed office building on the property. MSB II, LLC acquired fee title to the property as of June 2, 2004 when The Westwood Group failed to redeem it after foreclosure of the construction liens. It is the intent of MSB II, LLC to sell the property to a developer who will complete the project. Current estimates indicate that an additional \$3.4 million in private investment will be needed to complete the building.

National City Bank, the proposed tenant for whom the first story of the two-story, 22,000 square foot building was being constructed, is still interested in leasing approximately 40-50% of the available space for use as a branch bank. The remaining space would be available for commercial or business use.

The length of time that National City Bank is willing to wait for completion of the building by a qualified developer is unknown. Therefore, time is of the essence. As much economic incentive as is possible is necessary to motivate a developer to take over and complete the project. In light of the well-known history of this project, the public would undoubtedly benefit from simply having a completed office structure

Eligible Activities, Financing, Cost of Plan (Sec. 13(1)(a), (b), (c), (d), (g))

Eligible activities that have been conducted on the property include conducting a Phase I and II Environmental Site Assessment (ESA), a Baseline Environmental Assessment, and a Due Care Plan, paid for with over \$23,000 from Muskegon Site Assessment Fund grant monies. The current owner is in the process of having these documents completed on their behalf, pursuant to Part 201. MSB II LLC will finance these *eligible activities*; no *eligible activities* are proposed to be financed with Brownfield tax increment revenues. As such, there are no costs to the City of Muskegon or its taxing jurisdictions as a result of the Terrace Lots Office Building being included in this Plan, and therefore no note or bonded indebtedness to be incurred by the City.

Single Business Tax Credit

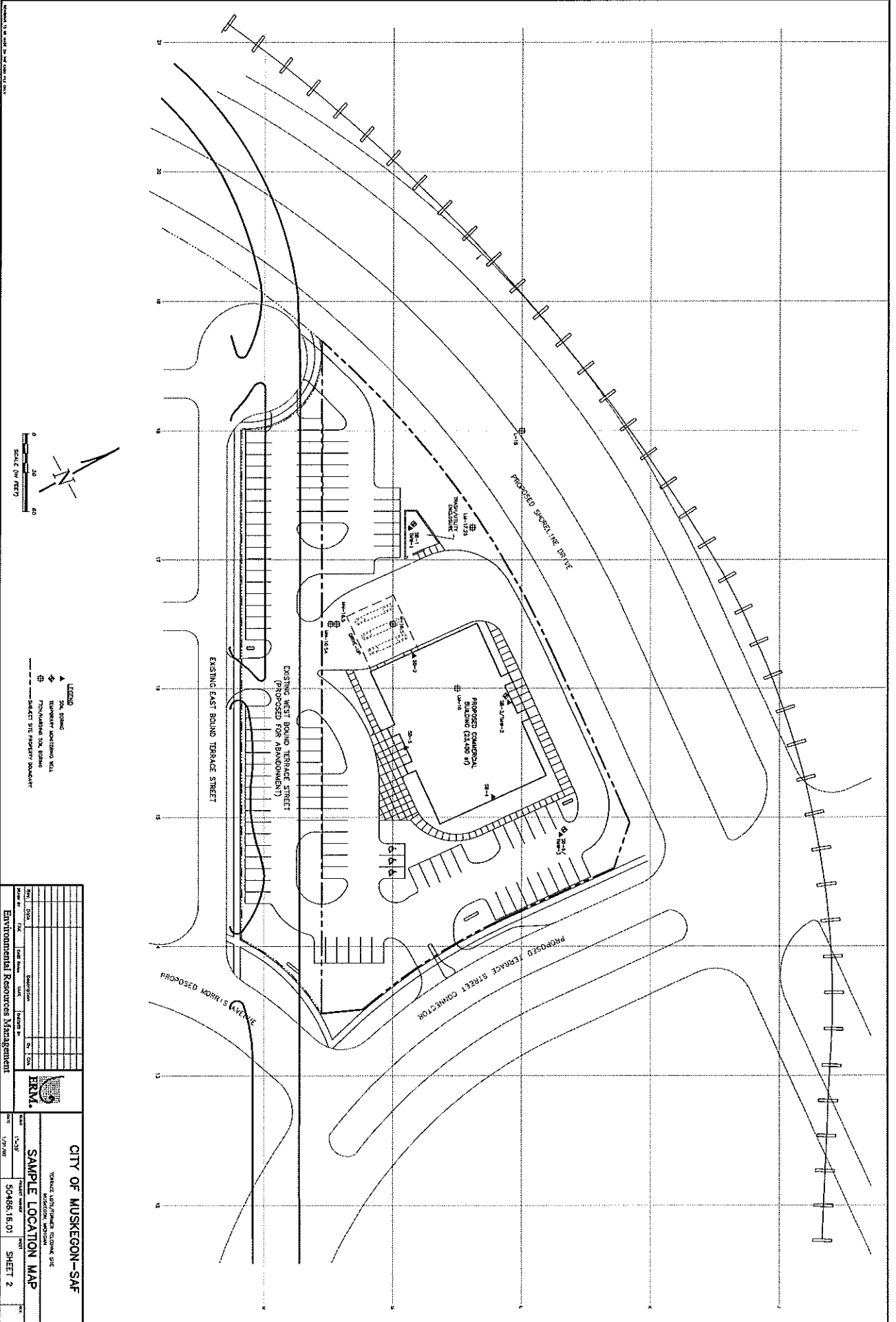
The Terrace Lots Office Building is included in the Muskegon Brownfield Plan to enable "*qualified taxpayers*" as defined by Act 228 of 1975, as amended, to avail themselves of eligibility for a credit against their Michigan single business tax liability for "*eligible investments*" as defined by P.A. 228. "*Eligible investments*" include demolition, construction, restoration, alteration, renovation, or improvement of buildings or site improvements on *eligible property* and the addition of machinery, equipment, and fixtures to *eligible property* after the effective date of this Plan Amendment.

Effective Date of Inclusion in Brownfield Plan

The Terrace Lots Office Building was added to this Plan on _____ 2004.

ATTACHMENT J-1

**SITE MAP, LEGAL DESCRIPTION
TERRACE LOTS OFFICE BUILDING
MUSKEGON, MICHIGAN**



CITY OF MUSKEGON-SAF			
TOWN OF MUSKEGON-SAF			
SAMPLE LOCATION MAP			
DATE	BY	REVISION	DESCRIPTION
7/27/22	5046816.01		
SHEET 2			

by: WESTWOOD

2317229960;

08/09/02 10:37AM; Jelfax #213; Page 2.

Terrace Development - Legal Description

DESCRIPTION OF SURVEY

"A"

THAT PART OF LOTS 1, 2, AND 3 OF BLOCK 558, BEING PART OF VACATED WATER STREET, AND PART OF BLOCK 567 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH MOST CORNER OF BLOCK 556;

THENCE NORTH 61 DEGREES 13 MINUTES 00 SECONDS WEST (DEED=N82°44'00"W) ALONG THE NORTHEASTERLY LINE OF TERRACE STREET, AS EXTENDED, A DISTANCE OF 730.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 61 DEGREES 13 MINUTES 00 SECONDS WEST ALONG SAID NORTHEASTERLY LINE OF TERRACE STREET, A DISTANCE OF 518.89 FEET;

THENCE NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT, A DISTANCE OF 2.49 FEET, (SAID CURVE DATA BEING: DELTA=00°28'15", R=302.48', L.C.B.=N81°27'09"W, A DISTANCE OF 2.49 FEET TO A POINT BEING LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF SHORE LINE DRIVE);

THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SHORE LINE DRIVE, ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 300.51 FEET, (SAID CURVE DATA BEING: DELTA=24°19'04", R=708.05', L.C.B.=N82°07'41"E, L.C.=298.82') TO A POINT OF TANGENCY;

THENCE SOUTH 85 DEGREES 42 MINUTES 47 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SHORELINE DRIVE, A DISTANCE OF 147.28 FEET;

THENCE SOUTH 42 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 37.54 FEET;

THENCE SOUTH 04 DEGREES 17 MINUTES 13 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY OF TERRACE STREET CONNECTOR, A DISTANCE OF 91.77 FEET;

THENCE SOUTHEASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY OF TERRACE STREET CONNECTOR, ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 132.23 FEET, (SAID CURVE DATA BEING: DELTA=16°28'11", R=460.02', L.C.B.=S03°56'55"E, L.C.=131.78');

THENCE SOUTH 23 DEGREES 17 MINUTES 55 SECONDS WEST, A DISTANCE OF 32.58 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS 1.83 ACRES MORE OR LESS.

"B"

(VACATED PORTION OF TERRACE)

ALSO TOGETHER WITH THE FOLLOWING VACATED PORTION OF TERRACE STREET LYING ADJACENT TO PART OF BLOCKS 558 AND 557 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, AS DESCRIBED IN LIBER 3 OF PLATS OF PAGE 71, MUSKEGON COUNTY, MICHIGAN, AND PART OF VACATED WATER STREET DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH MOST CORNER OF BLOCK 558 FOR THE POINT OF BEGINNING;

THENCE NORTH 61 DEGREES 13 MINUTES 00 SECONDS WEST (DEED=N62°44'00"W), ALONG THE NORTHEASTERLY LINE OF TERRACE STREET, AS EXTENDED, A DISTANCE OF 730.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 69 DEGREES 51 MINUTES 52 SECONDS WEST ALONG THE NORTHERLY LINE OF MORRIS STREET CONNECTOR, A DISTANCE OF 19.43 FEET;

THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT, BEING THE NORTHERLY RIGHT-OF-WAY OF MORRIS STREET CONNECTOR, AN ARC DISTANCE OF 60.98 FEET (SAID CURVE DATA BEING: DELTA=12°57'22", R=269.66', L.C.B.=S63°23'11"W, L.C.=60.85');

THENCE NORTH 61 DEGREES 12 MINUTES 04 SECONDS WEST, A DISTANCE OF 384.34 FEET;

THENCE NORTH 28 DEGREES 47 DEGREES 56 SECONDS EAST, A DISTANCE OF 64.63 FEET;

THENCE SOUTH 61 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE NORTHEASTERLY LINE OF TERRACE STREET AS EXTENDED, A DISTANCE OF 431.64 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.60 ACRES MORE OR LESS.

Sent by: WESTWOOD

2317229980;

08/09/02 10:38AM; JetFax #213; Page 4/4

"C"
(VACATED PORTION OF TERRACE STREET)

ALSO TOGETHER WITH THE FOLLOWING VACATED PORTION OF TERRACE STREET LYING ADJACENT TO PART OF BLOCKS 558 AND 557 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, AS DESCRIBED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY, MICHIGAN, AND PART OF VACATED WATER STREET DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH MOST CORNER OF BLOCK 556 FOR THE POINT OF BEGINNING;

THENCE NORTH 81 DEGREES 13 MINUTES 00 SECONDS WEST (DEED=N62°44'00"W), ALONG THE NORTHEASTERLY LINE OF TERRACE STREET, AS EXTENDED, A DISTANCE OF 1161.64 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 28 DEGREES 47 MINUTES 58 SECONDS WEST, A DISTANCE OF 64.63 FEET;

THENCE NORTH 00 DEGREES 08 MINUTES 13 SECONDS EAST, A DISTANCE OF 73.64 FEET;

THENCE SOUTH 61 DEGREES 13 MINUTES 00 SECONDS WEST, A DISTANCE OF 35.32 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.03 ACRES MORE OR LESS.

SITE SPECIFIC PROVISIONS

K. ART WORKS APARTMENTS

Eligibility and Project Summary (Sec. 13(1)(h))

The former Muskegon Boilerworks property is located at 1204 8th Street, parcel #61-24-921-010-0013-00, and is described as: Lots 9-13, Block 317, Revised Plat of the City of Muskegon, according to the recorded plat thereof as recorded in Liber 3 of Plats, Page 71 ("Property"). The Property is characterized as a "facility" pursuant to Part 201 due to the identification of various heavy metals and polynuclear aromatic hydrocarbons (PNAs) in site soil samples at concentrations that exceed MDEQ Generic Residential Cleanup Criteria. As such, a Baseline Environmental Assessment and Due Care Plan were prepared on behalf of Artworks Muskegon, LLC and submitted to the MDEQ for a determination of adequacy. The MDEQ affirmed the adequacy of the BEA on March 11, 2004. This Property is therefore, an *eligible property* pursuant to Act 381. This *eligible property* includes all real and personal property.

The project, Art Works Apartments, involves the renovation and conversion of the 139 year-old former Muskegon Boilerworks industrial building into 26 units of affordable housing plus over 2,000 square feet of community space to be used primarily for the creation and exhibition of the works of art produced by the resident of Art Works. Each of the 26 apartments will be a one-story, two-bedroom, two-bathroom unit. The population to be served by this development is anticipated to be one and two person households. Development costs to transform this former industrial building to apartments are estimated at over \$5.6 million.

Eligible Activities, Financing, Cost of Plan (Sec. 13(1)(a), (b), (c), (d), (g))

Recent *eligible activities* that have been conducted on the property include conducting a Phase I Environmental Site Assessment (ESA), a Baseline Environmental Assessment, and a Due Care Plan, paid for with over \$7,000 from Muskegon Site Assessment Fund grant monies. Previous *eligible activities* conducted in 2002 on the Property with use of Muskegon Site Assessment Fund grant monies included a Phase I and II ESA and BEA conducted on behalf of the Westwood Group, at a cost of over \$23,000. As such, there are no *eligible activities* proposed to be financed with Brownfield tax increment revenues, therefore there are no costs to the City of Muskegon or its taxing jurisdictions as a result of the Art Works Apartments being included in this Plan, and therefore no note or bonded indebtedness to be incurred by the City.

Single Business Tax Credit

The Art Works Apartments Property is included in the Muskegon Brownfield Plan to enable "*qualified taxpayers*" as defined by Act 228 of 1975, as amended, to avail themselves of eligibility for a credit against their Michigan single business tax liability for "*eligible investments*" as defined by P.A. 228. "*Eligible investments*" include demolition, construction, restoration, alteration, renovation, or improvement of buildings or site improvements on *eligible property* and the addition of machinery, equipment, and fixtures to *eligible property* after the effective date of this Plan Amendment.

Effective Date of Inclusion in Brownfield Plan

The Art Works Apartments Property was added to this Plan on
_____2004.

ATTACHMENT K-1

**SITE MAP, LEGAL DESCRIPTION
ART WORKS APARTMENTS
MUSKEGON, MICHIGAN**

SEVENTH STREET

R=300' M=300.15' C=300.75'

ORNAMENTAL
TREE

ORNAMENTAL
TREE

M=149.88' R=150.00'

M=222.95'

SITE 1

L.B.

R=396.00' M=395.47'

R=330.00' M=332.89'

BRICK 2-ST.
BUILDING

WOG 'A'

2 STORY
ALONG 'B'

M=149.88' R=150.00'

R=300.00' M=300.26'

165' R.O.W.
CLAY AVENUE

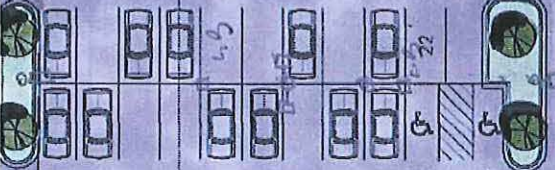
DATE 10/21/09

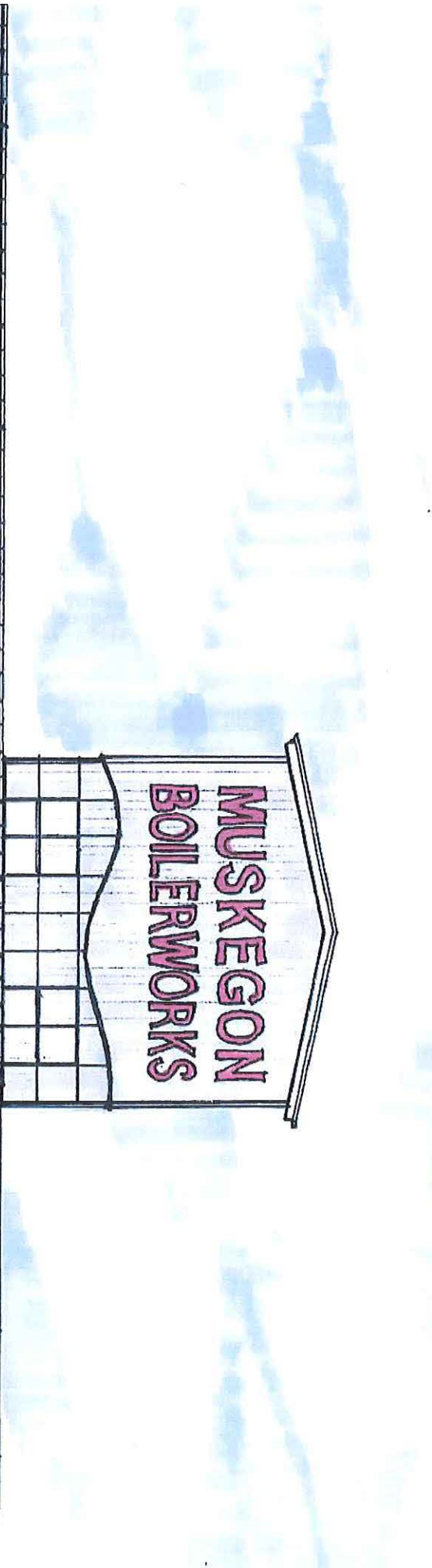
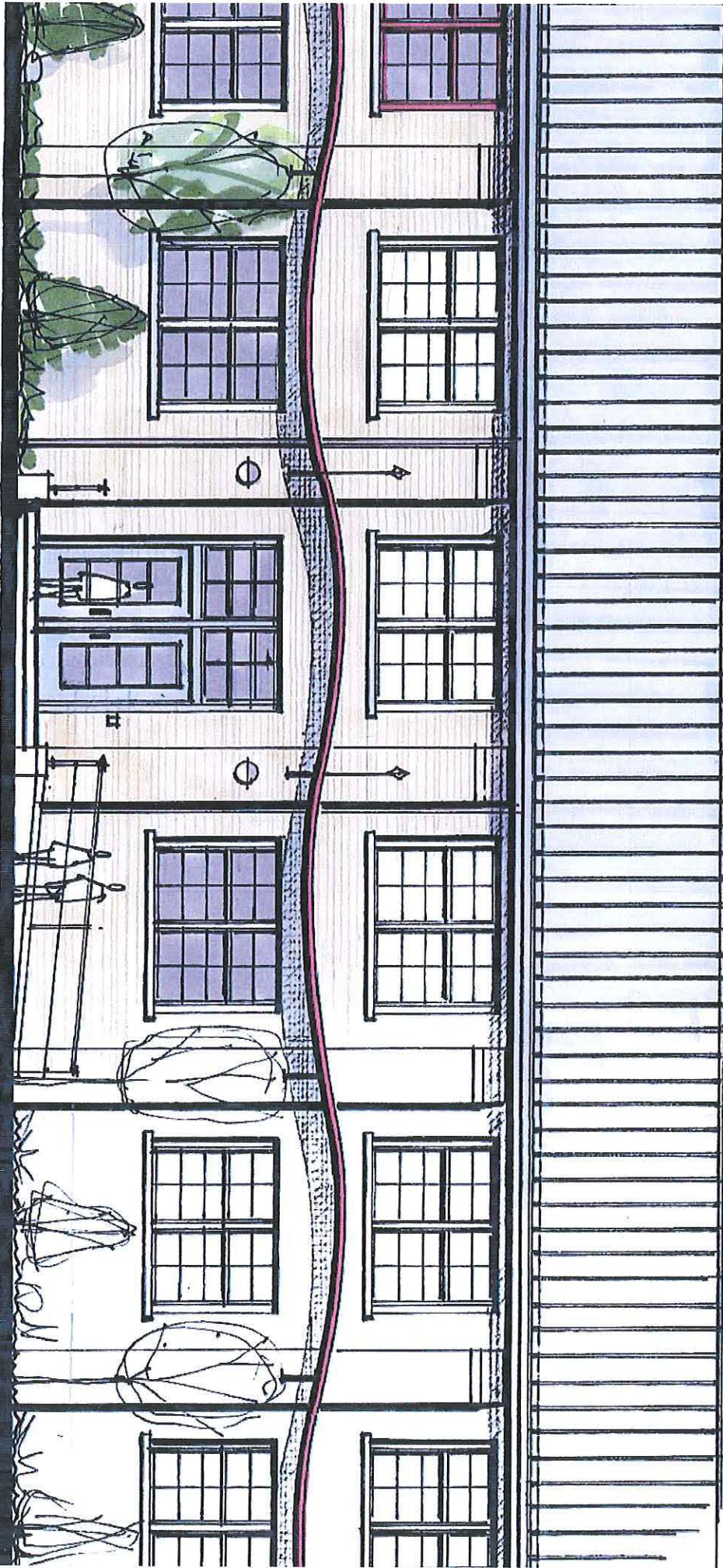
ONE STORY
BRICK BUILDING

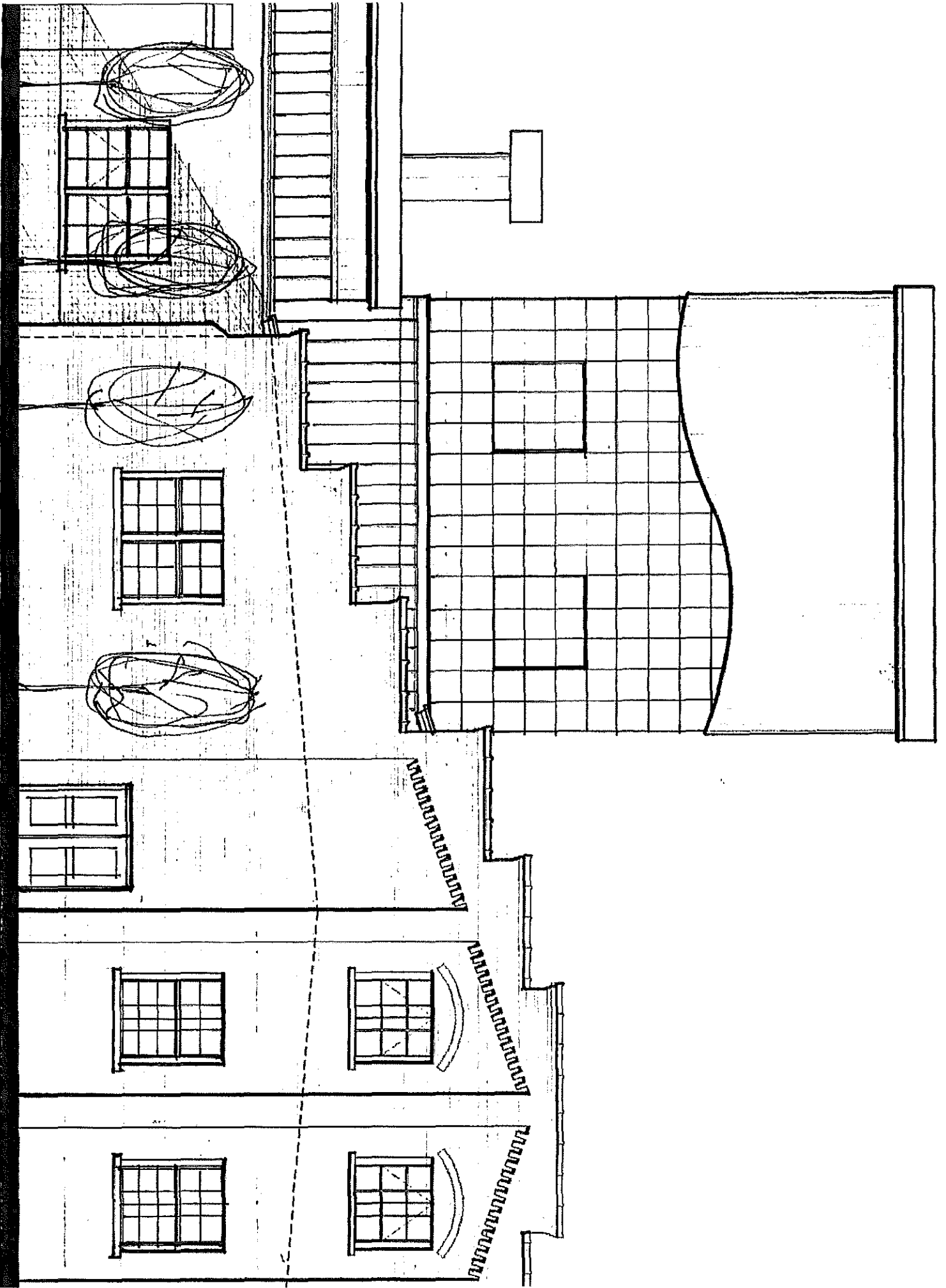
WOG 'C'

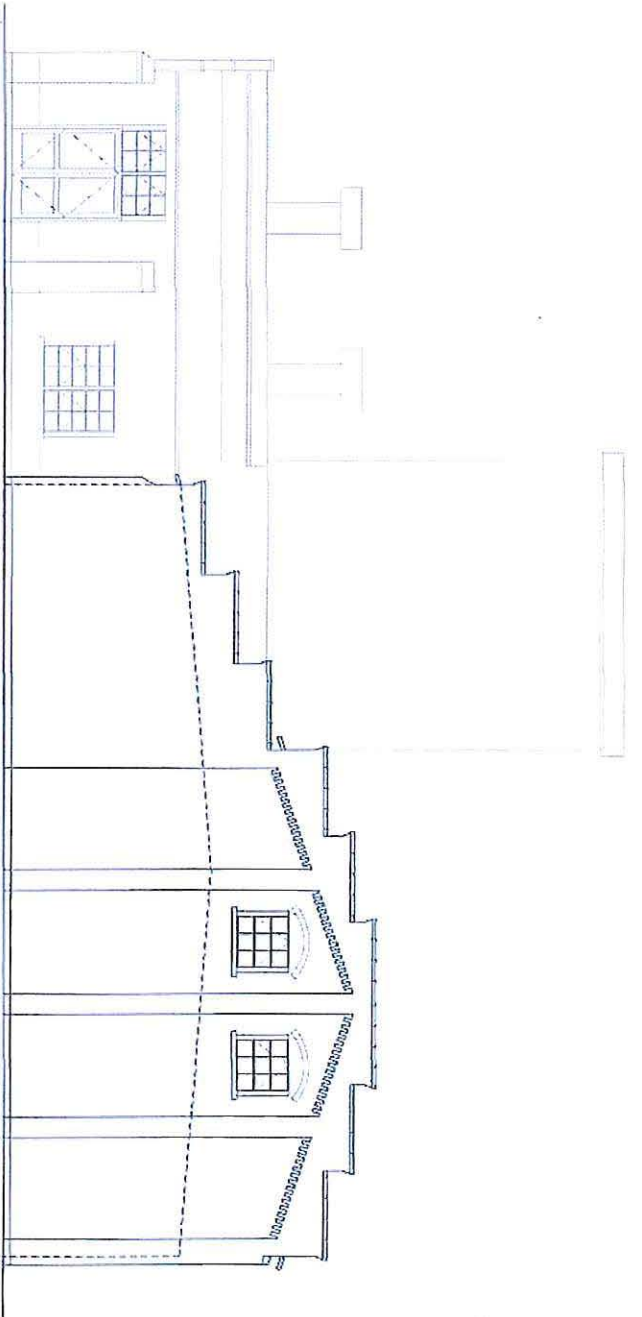
15

22

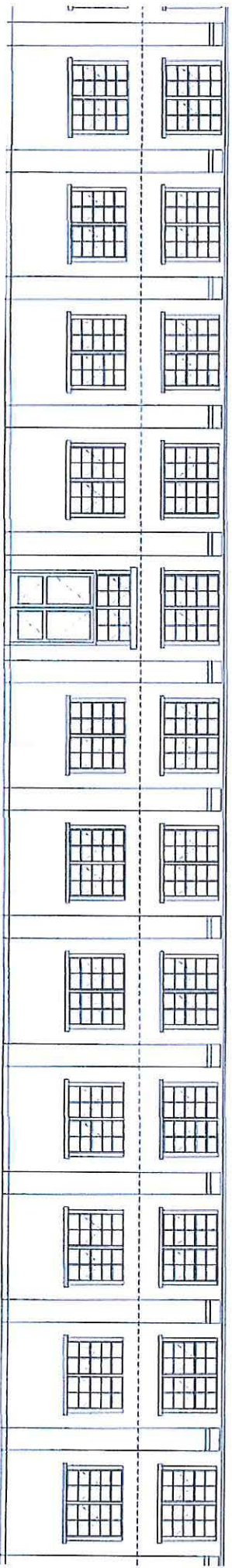




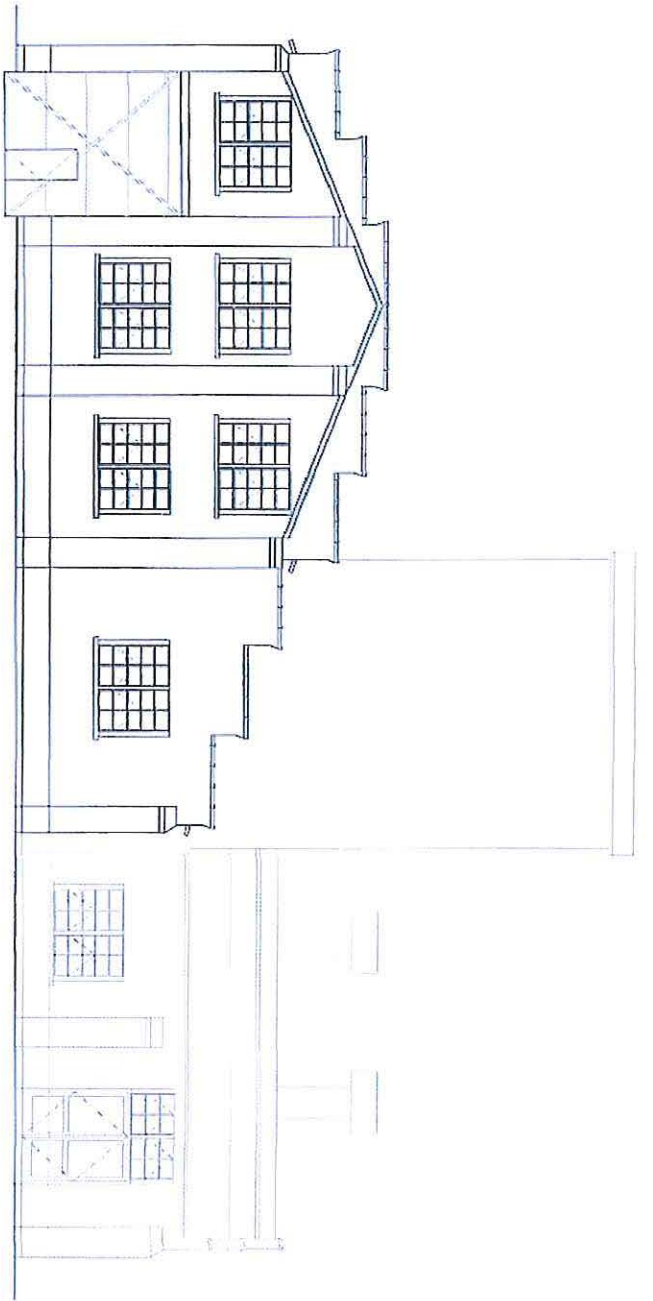




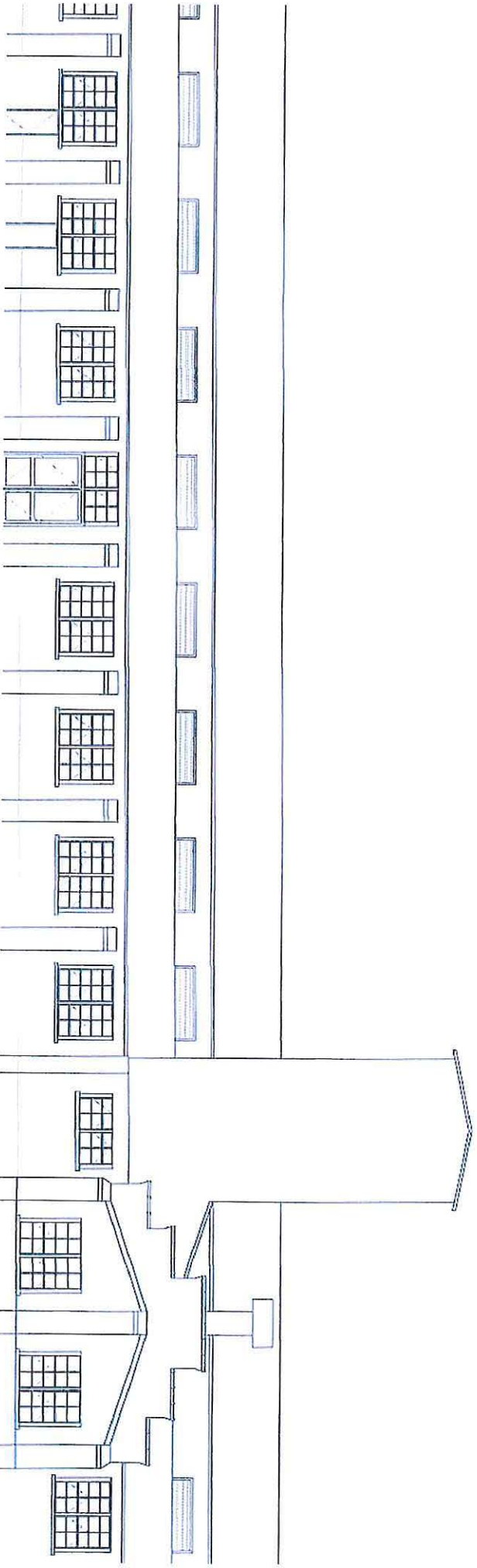
NORTHEAST EXTERIOR ELEVATION
Scale 1/8" = 1'-0"



MUSKEGON
BOILERWORKS



SOUTHWEST EXTERIOR ELEVATION
SCALE 1/4" = 1'-0"



**Legal Description
The Art Works Apartments**

City of Muskegon, northwest $\frac{1}{4}$, of the northwest $\frac{1}{4}$, of Section 30, T.10N,
R.16W.

Commission Meeting Date: June 22, 2004

Date: June 15, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Sale of City-Owned Property – 361 Oak

SUMMARY OF REQUEST: To approve the sale of the City-owned property at 361 Oak to Ms. Lisa Fox of 2147 7th St, a first-time homebuyer for the price of \$111,000 with a subsidy of \$26,000. The site at 361 Oak is the former site of an old Turnkey 3 home that was demolished last year during the Operation At Long Last AKA Shangaliwa Celebration.

The demolition of the former structure, the construction and sale of the new home is one more example of the City's aggressive efforts to revitalize our neighborhoods by eliminating blight and promoting homeownership.

FINANCIAL IMPACT: The City will receive approximately \$80,000 that will be deposited in the HOME account

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the sale and direct the Mayor and City Clerk to sign the Quit Claim

COMMITTEE RECOMMENDATION: None

MUSKEGON CITY COMMISSION

2004-57(r)

RESOLUTION TO APPROVE THE SALE OF
CITY-OWNED PROPERTY AT 361 OAK

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

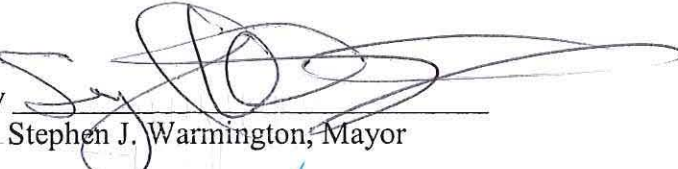
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approved the sale of the totally new construction home for \$111,000 which is located at 361 Oak to be used as a single family owner-occupied home to Lisa Fox with a subsidy of \$26,000.

Adopted this 22nd day of June, 2004

Ayes: Larson, Spataro, Warmington, Davis

Nays: None

By


Stephen J. Warmington, Mayor

By

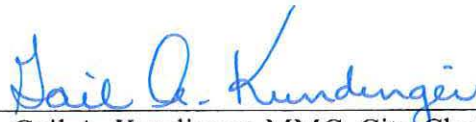

Gail A. Kunderger, MMC City Clerk

CERTIFICATION
2004-57(r)

This resolution was adopted at a regular meeting of the City Commission, held on June 22, 2004. 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, MMC, City Clerk



QUIT-CLAIM DEED

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

QUIT CLAIMS TO Lisa Fox of 2147 Seventh, Muskegon Heights, Michigan 49444,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:
361 Oak *deed re-recorded to correct dollar amount on previously recorded deed L-3614 P-972*
City of Muskegon revised plat of 1903 Lot 4 Block 202

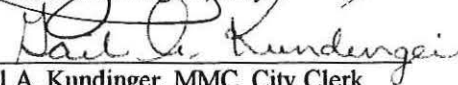
for the sum of One Hundred and Eleven thousand and no/100 Dollars (\$ 111,000.00)

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

Dated this 18th day of August, 200 4.

CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunderger, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of August, 200 4, by Stephen J. Warmington and Gail A. Kunderger, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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


Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-06

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



Mark Fairchild, Muskegon Co ROD D02

5115298
L-3614 P-972
08/12/2004 11:47A
Page: 1 of 1

QUIT-CLAIM DEED

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

QUIT CLAIMS TO Lisa Fox of 2147 Seventh, Muskegon Heights, Michigan 49444,

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

City of Muskegon revised plat of 1903 Lot 4 Block 202

for the sum of **One Hundred and Eleven and no/100 Dollars (\$ 111,000.00)**

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

Dated this 6th day of July, 2004.

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

and [Signature]
Gail A. Kundering, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 6th day of July, 2004, by Stephen J. Warmington and Gail A. Kundering, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

[Signature]
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-06

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

Commission Meeting Date: June 22, 2004

Date: June 15, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Approval of Quit Claim for the Purchase of City-
Owned House at 351 Erickson**

SUMMARY OF REQUEST: To approve the sale of 351 Erickson a totally rehabilitated home under the Jackson Hill Urban Renewal project #2 (We Got It Right This Time) for the amount of \$82,500 to Mr. Alvin Singleton of 1186 Jefferson a first-time homebuyer. The home was appraised at \$96,000 with a subsidy of \$13,500. The Erickson project is another fine example of the City of Muskegon continuous efforts to upgrade its existing housing stock and to revitalize its neighborhoods.

FINANCIAL IMPACT: The City will receive approximately \$78,000 in program income that will be deposited in the HOME account.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and direct the Mayor and City Clerk to sign the Quit Claim

COMMITTEE RECOMMENDATION: Project was approved by the LRC

MUSKEGON CITY COMMISSION

2004-57(s)

RESOLUTION TO APPROVE THE SALE OF
CITY-OWNED PROPERTY AT 351 ERICKSON

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

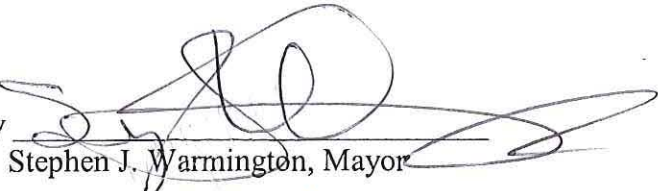
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approved the sale of the totally rehabilitated home for \$96,000 which is located at 351 Erickson to be used as a single family owner-occupied home to Alvin Singleton with a subsidy of \$13,500 in its current rehabilitated condition.

Adopted this 22nd day of June, 2004

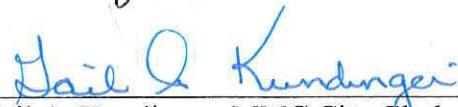
Ayes: Spataro, Warmington, Davis, Larson

Nays: None

By


Stephen J. Warmington, Mayor

By


Gail A. Kunderinger, MMC City Clerk

CERTIFICATION
2004-57(s)

This resolution was adopted at a regular meeting of the City Commission, held on June 22, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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



QUIT-CLAIM DEED

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

QUIT CLAIMS TO Alvin Singleton of 1186 Jefferson, Muskegon, Michigan 49441,

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

City of Muskegon revised plat of 1903 S ¼ Lot 10 Block 137

for the sum of 96,000 and no/100 Dollars (\$ 96,000.00)

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

Dated this 6th day of July, 2004.

CITY OF MUSKEGON

By

Stephen J. Warmington Mayor

and

Gail A. Kunding MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 6th day of July, 2004, by Stephen J. Warmington and Gail A. Kunding, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

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

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-06

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

Date: June 22, 2004

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Agreement for Engineering Services

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement, copy of which is attached, with Douglas V. Ericksen to provide assistant to the engineering department in the capacity of a Civil Engineer. As you may recall, the Mr. Ericksen worked for the City for over 30-years until retiring in 2002 as a Civil Engineer. This short term contract, if approved, is necessary to overcome the shortage in experienced staff needed to provide construction engineering for the most part.

Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the city.

FINANCIAL IMPACT:

Approximately \$8,000 based on an estimated 400-hours of work.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To authorize staff to enter into an agreement with Doug.

COMMITTEE RECOMMENDATION:

Memo

To: Mayor & Commissioner
From: Mohammed Al-Shatel *MSA*
CC: B. Mazade
B. Kuhn
L. Slaughter
K. Scholle
Date: 06/22/04
Re: Revised Engineering Services Agreement

Please replace the Engineering Services Agreement for Mr. Ericksen (in the Commission packet for the meeting of June 22, 2004) with the attached. The revisions are all in section 1.1 to clarify Mr. Ericksen's responsibilities.

AGREEMENT FOR PROFESSIONAL SERVICES
(REVISED 6/22/04)

This agreement is made between the CITY OF MUSKEGON ("City"), and DOUGLAS V. ERICKSEN ("Ericksen") concerning professional personnel related services.

THE PARTIES AGREE AS FOLLOWS:

1.0 CONCERNING PROFESSIONAL SERVICES

- 1.1 Ericksen agrees to perform, under the general direction of the City Engineer and the administrative supervision of the City Manager, the **TASKS OUTLINED IN THE CIVIL ENGINEER DESCRIPTION**. Ericksen agrees to perform the Civil Engineer's duties as outlined in the job description for such classification.
- 1.2 By this agreement Ericksen is appointed, for its term, as a Civil Engineer for the City of Muskegon.
- 1.3 Ericksen will perform said services at such times that are reasonably necessary as directed by the City Engineer to carry out his commitments, obligations and services contracted for.

2.0 COMPENSATION FOR SERVICES

- 2.1 The City will compensate Ericksen \$18.00 per hour. Ericksen shall invoice the City for time spent and City shall pay Ericksen based upon that invoice.

3.0 TERM AND TERMINATION

- 3.1 This agreement is effective 06/28/2004, and will continue until 10/01/2004 unless terminated earlier.

Renewals or extensions may occur on mutually acceptable terms.

- 3.2 The City reserves the right to terminate this agreement upon a two week written notice to Ericksen.

4.0 GENERAL AND SPECIFIC CONDITIONS

- 4.1 Ericksen agrees that he is an independent contractor. He is required by this contract only to render services at such times and on such schedules as agreed upon between Ericksen and the City Engineer. Ericksen acknowledges that he is not an employee, that he has no rights to continuing benefits, withholding of FICA contributions, tax withholding, unemployment, workers compensation, additional pension credits, insurance for active employees or other employment fringe rights or benefits, and that his compensation is limited to the hourly compensation set forth above. This acknowledgment does not affect any benefits Ericksen may have as a retiree of the City.

- 4.2 Ericksen agrees to exercise his best effort to avoid representation of any person, party, or entity in any cause contrary to the interest of the City. He will also desist from representing any person, party, or entity on any matter in which the City is or may become an opposing party.

IN WITNESS WHEREOF, the parties execute this agreement this 23rd day
of June, 2004.

By Bryon Mazade
Bryon Mazade, City Manager

Douglas V. Ericksen 6/23/04
Douglas V. Ericksen

Commission Meeting Date: March 23, 2004

Date: March 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at 955 W. Laketon.

SUMMARY OF REQUEST:

Request to rezone property located at 955 W. Laketon, from B-4, General Business to RT, Two Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 3/11 meeting and recommended that the City Commission ask the ZBA to reconsider the hardship application for this property. The denial request was approved with Commissioners S. Warmington, B. Smith, and T. Michalski voting nay. T. Johnson was absent.

CALL/ACTION SHEET

2004-32 (b)

SENT	NAME	ACTION	AYES	NAYS	COMMENT
	Commissioner Davis		✓		
	Commissioner Gawron		✓		
	Vice Mayor Larson	M	✓		hold table request
	Commissioner Shepherd				
	Commissioner Spataro		✓		refer back to ZBA
	Mayor Warmington		✓		to consider hardship
	Commissioner Carter	S	✓		+ pay no ^{add.} fees. passes

5-4-04
Has to go back
to ZBA in June.

Unfinished
Business

CITY OF MUSKEGON

RESOLUTION #2004-

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 955W. Laketon, from B-4, General Business to RT, Two Family Residential was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on March 11, 2004, and;

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

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

Adopted this 23rd day of March, 2004.

Ayes:

Nays:

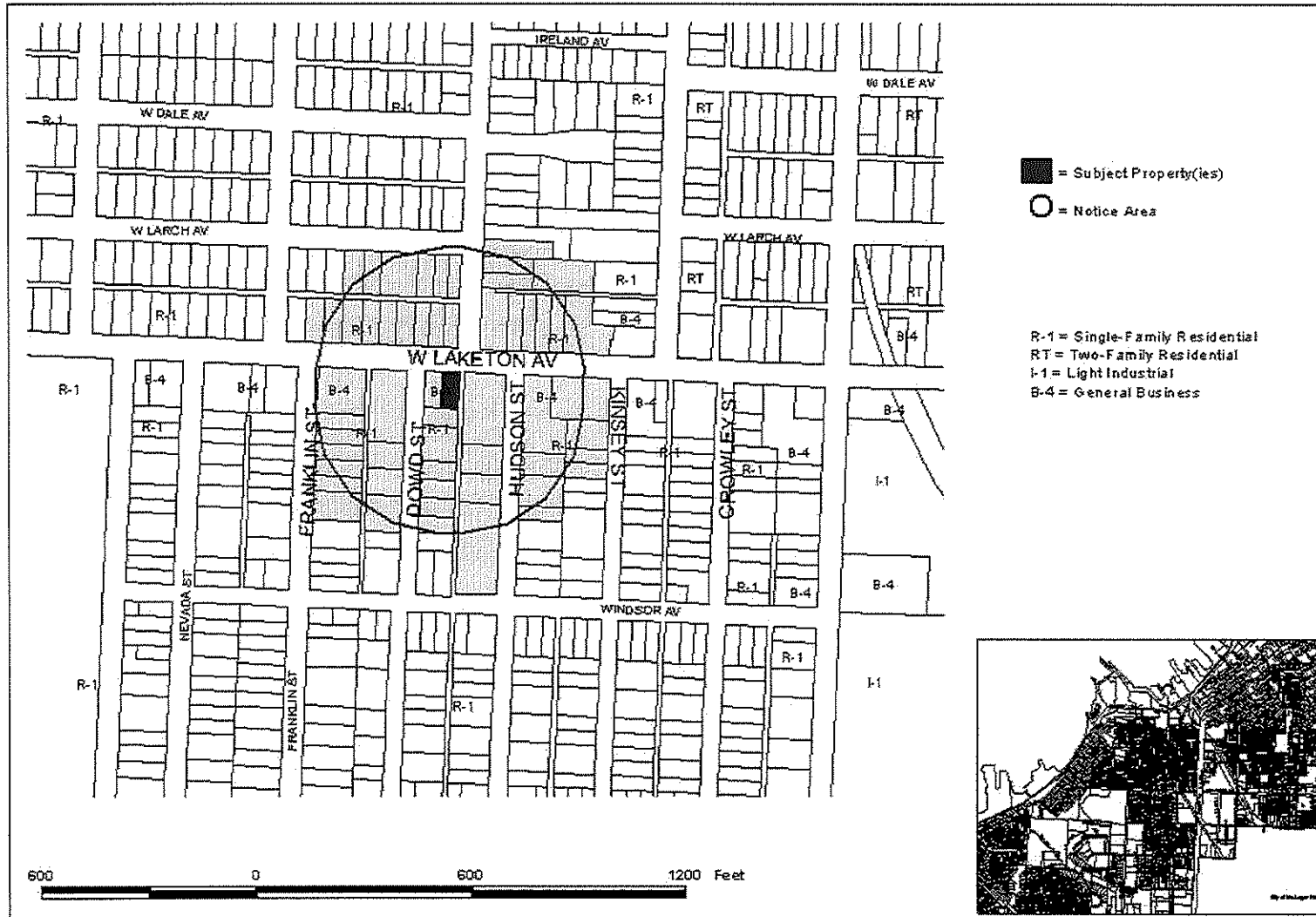
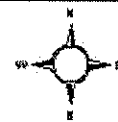
Absent:

By: _____
Stephen J. Warmington, 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 March 23, 2004.

Gail A. Kunding, MMC, City Clerk

**City of Muskegon
Planning Commission
Case # 2004-08**



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
March 11, 2004

Case 2004-8: Request to rezone the property located at 955 W. Laketon from B-4, General Business to RT, Two Family Residential, by Michael and Caterina Holt.

BACKGROUND

Applicant: Michael and Caterina Holt, 160 John Avenue, Muskegon, MI 49441

Address/Location of Subject Property: 955 W. Laketon

Current Use: Single Family Residential

Current Zoning: B-4, General Business

Proposed Zoning: RT, Two Family Residential

STAFF OBSERVATIONS

1. The subject property is located near the intersection of Hudson and Laketon Avenue. It is Zoned B-4, General Business. The properties to the East and West are also zoned B-4. The properties located to the North and South are zoned R-1, Single Family. This property is located across the street from the southern edge of Area 12.
2. This case is a result of an enforcement action and went before the ZBA twice for a Use Variance request to allow the property to be rented as a 2-unit apartment building in The B-4, General Business District as Case 2003-10 and 2004-02. In both instances, the ZBA denied the request. See excerpts of ZBA minutes provided below.
3. Background excerpted from ZBA Staff report. The Housing Inspector brought the situation to staff's attention. The entire south side of Laketon Ave., from Seaway Dr. to Barclay St. is zoned B-4, including the subject property. From the subject property eastward on this side of Laketon is almost entirely commercial, with only one other residential property. The property was historically a legal nonconforming two-unit apartment building, with the first floor being owner-occupied by Edward Mikos. However, since at least 1996 the upper apartment had been vacant. The previous property owner had participated in the City's paint program in 1996, which allows financial assistance for paint only for single-family homes. In order to qualify for the program, the homeowner agreed not to rent out the upper apartment, and signed agreements to that effect in 1996, 1997 and 2000. Mr. Mikos has since passed away and the property has been sold. The Housing Inspector became aware that the new owners are renting out both units and alerted staff to the situation. Staff wrote an enforcement letter to the current owners apprising them of the

situation and explaining that the upper apartment has lost its nonconforming status since it had been vacant for more than 2 years.

4. The proposed use of the property is for a 2 – unit apartment building. Former Zoning staff gave the applicant several options after the variance was denied, these included: Conversion of a portion of the building to office use. The building could be used as a single family residential unit as a legal non-conforming use. Rezone the property. Finally the illegal upstairs unit could be closed off and left vacant.
5. The Future Land-Use Map shows the subject property as Commercial.
6. The subject property is located in Sub-Area 6: Barclay Street Sub-Area:
 - ◆ It is the goal of the Master Plan to retain the mixed-use character of Sub-Area 6 and to demonstrate how varying land uses may co-exist, as well as compliment each other.
 - ◆ Sub-Area issue: Commercial activity may also be found along Laketon Avenue, between Barclay Street and Seaway Drive. Commercial uses are situated in strip fashion along the roadway and include a variety of local retail and service facilities.
 - ◆ Sub-Area issue: Commercial development along Laketon Avenue has been restricted to the area between Seaway Drive and Barclay Street. Pressure may result to extend commercial uses farther west due to the large population concentration in this area.
 - ◆ Master Plan Recommendation: Restrict commercial development along Laketon Avenue to Barclay Street.
7. Public Comments:
 - Planning Staff received a phone call from Bob Ferris from Dowd street who is against having a 2-family home there, but when he learned what could be allowed under the current zoning, he would rather have the 2-family home there.
 - Planning Staff received a phone call from Robert Mooney of 1848 Dowd who said that he is opposed to the zoning. He stated that there are already enough problems in the neighborhood without rezoning the structure to a 2-family. He added that there are already 2 families living there.

ZBA Minutes:

Hearing, Case 2003-10: Use Variance request to allow 955 W. Laketon Ave. to be rented as a 2-unit apartment building in the B-4, General Business, zoning district, by Michael and Caterina Holt. D. Steenhagen presented the staff report. This case is the result of an enforcement action. The Housing Inspector brought the situation to staff's attention. The entire south side of Laketon Ave., from Seaway Dr. to Barclay St. is zoned B-4, including the subject property. From the subject property eastward on this side of Laketon is almost entirely commercial, with only one other residential property. The property was historically a legal nonconforming two-unit apartment building, with the first floor being owner-occupied by Edward Mikos. However, since at least 1996 the upper apartment had been vacant. The previous property owner had participated in the City's paint program in 1996, which allows financial assistance for paint only for single-family homes. In order to qualify for the program, the homeowner agreed not to rent out the upper apartment, and signed agreements to that effect in 1996, 1997 and 2000. Mr. Mikos has since passed away and the property has been sold. The Housing Inspector became aware that the new owners are renting out both units and alerted staff to the situation. Staff wrote an enforcement letter to the current owners apprising them of the situation and explaining that the upper apartment has lost its nonconforming status since it had been vacant for more than 2 years. The current owners had three choices,

either to cease renting out the upper apartment and leaving the property as an existing non-conforming single-family building, to apply for a use variance to allow a 2-unit apartment building in the B-4 district, or to apply to have the property rezoned to a district which would allow a 2-unit apartment building. The owners have since made this use variance request. The Housing Inspector conducted an inspection of the property in May. There were several code violations found in both apartment units. If the use variance is approved, the property will still be required to have a Certificate of Compliance from the Inspections Department before the upper unit can legally be rented out. The zoning ordinance requires that all residential uses have 2 paved, off-street parking spaces per unit. If the use variance is approved and this property is used as a 2-unit, there would have to be four paved spaces provided. There is a paved driveway on the property and also a second access off of the alley, which is graveled, and leads to a graveled area behind the home, which appears to also be used for parking. Any parking area for the property needs to be paved. Staff has received a phone call from Bob Ferris, speaking for his mother Josephine who lives in the area. He was not sure which property would be affected but is opposed to the request because there are too many drifters in the area now and rental properties are not being kept up. Staff has also received a voice mail from Steve Gawron who is opposed to the request unless they are looking at all the zoning along Laketon Ave.

R. Hilt asked how long the home had to be single family in order to participate in the paint program. D. Steenhagen stated that the program required it be single-family at the time of the service. J. Clingman-Scott asked about the agreement not to rent. D. Steenhagen stated that the agreement was with the inspections department. R. Hilt asked when the property lost its non-conforming status after 2 years of not being used, and once the property is sold, were the new owners notified. D. Steenhagen stated that the purchaser should have been informed of this by the previous owner or the realtor. C. Holt provided members with pictures of the home and a type written response to staff's concerns and answers to the findings of fact. She stated that they are responsible landlords. When an inspection is performed, the repairs that need to be made are completed before the next visit. She has already made some of the requested repairs that the Inspections Department had listed from their visit this year. R. Schweifler asked how many entrances there were to the upstairs apartment. C. Holt stated that there is a common area at the rear for both apartments that contains a door to each of the apartments plus a door in front to the lower unit. C. Kufta asked why the applicant wasn't trying to utilize the lower apartment for commercial use, such as a realtor's office. C. Holt stated that there wouldn't be enough parking in the rear of the property that a business would require. C. Kufta asked how many parking spaces she thought there were on the property. C. Holt stated that there was about 4 spaces with an allowance for maneuvering. One of them may be parking on the grass a little. The way the property is set up is that you would pull in the driveway from the street and park in the back. You could leave the property by continuing to drive to the alley. R. Hilt asked if she was informed by the realtor or owner that the property had lost its non-conforming status. C. Holt stated that she wasn't informed of this. The realtor knew her intention was for this to be a 2 unit rental property. R. Hilt asked if she had spoken to the realtor since she found this out. C. Holt stated that she has. They found out the plumbing was faulty and the realtor told her that the property was sold "as is". The owner had passed away and his 4 children were the ones selling the property. R. Hilt stated that he felt the ordinance wasn't the problem. The fact that the applicant wasn't notified that the property had lost its non-conforming status is the problem. C. Kufta asked what the square footage of the home was. C. Holt stated that the main floor was just over 1,000 sq. ft. The upper apartment was about the same or just under that.

A motion to close the public hearing was made by R. Schweifler, supported by R. Hilt and unanimously approved.

C. Kufta stated that he couldn't get past the fact that this is in a commercial zoning and he felt that it wasn't proven that it couldn't be a commercial use. D. Steenhagen stated that B-4 is the most intensive use and almost any commercial use would be allowed there. C. Kufta asked how many parking spaces would be required for a commercial/retail space. D. Steenhagen stated that it would probably be 1 space per 300 or 400 sq. ft. of useable space depending on the use. R. Schweifler stated that the ordinance would allow for the lower apartment to be rented to a commercial use and residential for the upper apartment. He felt the ordinance is the problem and the building probably outdates the ordinance. He feels this is an appropriate use for the area and would support this variance. J. Clingman-Scott asked how the surrounding properties were zoned, such as on Dowd St. D. Steenhagen stated that it is zoned single family. C. Kufta stated that they would also need to look at what is compatible with the over all area since there is single family behind it. He has a couple of issues. The first is whether a multi-family residential would be compatible with the area. The second is whether this could be utilized with commercial located in the lower with residential in the upper. D. Steenhagen stated that in general, staff considers busier streets to be more compatible with multi-family residential. R. Hilt stated that the plight is that the applicant probably wouldn't have purchased the property if they knew the property couldn't be used as a two family

residential. He felt it was the realtor's responsibility to know this. R. Schweifler agreed. There would need to be some extensive rehabbing to make this compliant with ADA codes to make this into a commercial use building. He felt the house lends itself to be a 2-unit home. C. Kufta stated that he is sympathetic with the plight of the applicant. When looking at the findings of fact, he doesn't feel that it was proven that this couldn't be used for commercial. J. Clingman-Scott stated that it could be made into commercial, but it would be costly. It would be easier to convert it to a single-family dwelling. Her preference would be to have it a single family home. R. Hilt stated that he is concerned with the number of exits for each apartment. D. Steenhagen stated that if there had been a problem, the Inspections Department would have probably noted it in their inspection report. C. Kufta stated that he felt it wasn't proven that this couldn't be used for commercial. R. Schweifler asked what the uses are for a B-4 zoning. S. Schiller read them to the commission members. R. Schweifler stated that he couldn't see this property being used for the uses that were read. C. Kufta added that B-2 zoning uses could also be allowed. He read them to the commission members. R. Schweifler asked what the parking requirements would be for the uses. D. Steenhagen stated that it would depend on the use. She gave some examples. R. Schweifler felt they should look at what is allowable and use reasonable judgement. It would be hard to use this home for the allowable uses under the zoning.

A motion that to deny the request because no proof was provided that the property at 955 W. Laketon Ave. couldn't be put to a reasonable use allowed in the B-4 zoning district was made by C. Kufta, supported by R. Hilt with discussion continuing on the motion.

R. Schweifler suggested that it may be more appropriate to table this and allow for the owner to prove that this couldn't be put to a reasonable use permitted in the zoning district instead of making the owner wait a year to try to get a variance then.

A motion to table the request was made by R. Schweifler, supported by J. Clingman-Scott and approved with S. Schiller voting nay.

Case 2003-10: Use Variance request to allow 955 W. Laketon Ave. to be rented as a 2-unit apartment building in the B-4, General Business, zoning district, by Michael and Caterina Holt (tabled). C. Holt provided the commission members with a quote from a general contractor for the conversion of the bathroom and back entrance so they would be handicap accessible. The quote was also for the flattening and paving of the rear portion of the property for parking. The quote came to \$37,000. There would be additional costs involved with this to cater to any business that would locate there. She provided and explained pictures of the interior of the first floor apartment to the commission members.

D. Newsome arrived at 4:11 p.m.

R. Hilt asked if she had any further contact with the realtor. C. Holt stated that she had, but it didn't help the situation any. The home was sold to her "as is". R. Hilt felt realtors need to do their job and explain everything to a prospective purchaser. He felt the applicant had explained her intent for the property to the realtor and it was the realtor's job to make sure it would be okay. He stated that the realtor is at fault and not the City codes. J. Clingman-Scott asked if the applicant had investigated the possibility of a commercial use for the property. C. Holt stated that she doesn't own any commercial properties and wouldn't know how to go about doing this. She only owns residential properties. C. Kufta asked if the applicant was willing to use the home as a single family home. C. Holt stated that by doing this she would be required to perform renovations to the home. The stairway located in the common area would need to be refigured which would make the upstairs bathroom unusable. The area would also need to be insulated and drywalled. C. Kufta stated that his opinion hasn't changed. He felt that no proof was provided showing that the home couldn't be put to a reasonable use under the current zoning. R. Schweifler asked staff what would be required to convert this into a commercial use. D. Steenhagen stated that it would need to be brought up to commercial building code requirements. R. Schweifler added that it would also need to be ADA compliant, etc. He felt the quote the applicant had provided was expensive. J. Clingman-Scott stated that there had been no attempt to market the property as a commercial use. R. Hilt stated that he would like to see realtor do better research on properties prior to selling them. Especially if they know the intent of the purchaser is.

S. Schiller stated that only the members who were present when this case was first heard last month should be voting on this.

A motion to deny the request because no proof was provided that the property at 955 W. Laketon Ave. couldn't be put to a reasonable use allowed in the B-4 zoning district was made by C. Kufta, supported by J. Clingman-Scott and unanimously approved with E. Fordham and D. Newsome abstaining.

Hearing, Case 2004-2: Use Variance request to allow 955 W. Laketon Ave. to be rented as a 2-unit apartment building in the B-4, General Business, zoning district, by Michael and Caterina Holt. D. Steenhagen presented the staff report. This case came before the ZBA in June and July of last year. At that time the use variance was denied, an excerpt of the minutes from the previous two meetings was provided to the commission members. The Zoning Ordinance requires that if a variance is denied, the applicant must either wait a year before re-applying or must provide new evidence to the satisfaction of the Zoning Administrator. The applicant in this case has provided new evidence. Since the time of the variance denial, staff has worked with the applicant on the original enforcement case. The applicant understands that the options, if the variance were to be denied again, are to either convert the structure to a single-family residence, to convert the main floor to a commercial use with a residential apartment upstairs, or to leave the upstairs apartment vacant and only rent out the main floor apartment. The applicant has provided additional information which was provided to the commission members. At the previous meetings, it was stated that the ZBA did not feel that an attempt had been made to either market or rent out the main floor for a commercial use, to comply with the existing zoning. The applicant has provided letters from two commercial realtors addressing the potential marketing or use of the structure for commercial purposes. The applicant has also provided a survey of the other existing uses along this portion of Laketon Ave., as well as quotes for converting the structure into either a single-family structure or a commercial structure (main floor). In order to convert the structure into a single-family home, staff had indicated to the applicant that there would need to be one, common entrance to the home, and that the stairway must be opened up to be accessible only from the first floor living space. The meters must also be consolidated. The residence would have to be rented to a single family and would have to function as a single-family home. Staff has received one e-mail which was provided to the commission members regarding this case. Staff has also received 2 phone calls. The first was from Bob Ferris of 1832 Dowd. He is opposed to this request because he felt it's hard to get good tenants in multi-unit dwellings. The second was from Randy Kyle of 936 W. Laketon who had questions and stated that it seemed like a nice house. He gave no opinion.

B. Larson asked if the variance were approved, does it remain with the applicant or stay with the property. D. Steenhagen stated that it would stay with the property. C. Holt went over the history of the home. She has owned the home for almost a year. She purchased the home with the intention of renting it as a duplex. She stated that there are other commercial buildings along Laketon that are currently vacant. The commercial buildings look commercial and not like a home. She felt that this duplex would be better served as a 2 unit since that is the way it was originally set up. J. Clingman-Scott asked how the property is currently being used. C. Holt stated that she has 1 family that is renting it, but they are using both parts of the home. D. Steenhagen added that structurally, this is a 2 unit home. R. Hilt asked why the request is for a variance to use the home as a 2 unit if both units are being used by 1 family now. C. Holt stated that she is breaking the rules now because both units are being used.

A motion to close the public hearing was made by R. Hilt, supported by B. Larson and unanimously approved.

B. Larson stated that he drives past this home almost daily. He went over a few of the currently vacant commercial buildings in this area. He stated that the green building by the Sand Bar is vacant and has been since it went up for sale over 3 years ago. He felt that since this is a home, it should be allowed to be residential and not be converted into a commercial site. J. Clingman-Scott stated that whether a commercial area is marketable or not doesn't have much to do with the zoning ordinance. Whether a commercial area is desirable or not doesn't have anything to do with the zoning application. It is obviously rentable as a single family home because there is a single family living in it. There are always costs when rehabilitation is involved. She felt that the estimate of \$14,000 was reasonable to convert this to as single family dwelling and there are ways to finance it that are affordable. She didn't see it as an impediment to make it a viable property for the owners. R. Hilt stated that this is not a zoning issue, but a realtor one. He added that the reason it had been used as a single family dwelling was because the previous owner had wanted to participate in the paint program the City offered. In order for him to do that, the home had to be single family. He felt that the realtor should be held liable for this.

A motion that the use variance to permit a 2-unit apartment building at 955 W. Laketon Ave., be denied, because it wasn't proven that the cost of rehabbing the home to single family was cost prohibitive, there weren't unique circumstances peculiar to this property, and the property hasn't proven to not be marketable since it is being rented by a single family currently, was made by J. Clingman-Scott, supported by C. Kufta, with discussion on the motion continuing.

B. Larson stated that he was inclined to support the variance request. D. Steenhagen added that if the applicant puts the money into converting the home into a single family dwelling and it ends up being destroyed more than 50% or the bottom unit to be vacant more than 2 years, it would lose its nonconforming status. Should the building be destroyed, she wouldn't be allowed to rebuild the home. The property would need to conform with the current zoning requirements for the zoning district. She also knows of cases where owners haven't been able to get a loan on property that is nonconforming due to the fact that it wouldn't be able to be rebuilt if it is destroyed more than 50%. J. Clingman-Scott stated that with that information she would be inclined to approve the variance also because she encountered that portion of the zoning ordinance with a project she was involved with. Her original way of thinking was that \$14,000 isn't much of an investment for a house, but if the home were destroyed then the money couldn't be recouped because of the nonconforming status.

A motion to rescind the motion to deny was made by J. Clingman-Scott, supported by C. Kufta and unanimously approved.

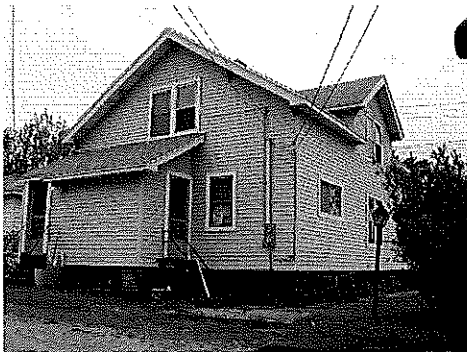
C. Kufta stated that the applicant did do a great job of doing some homework, but he doesn't feel that this variance should be granted. The commission members are to take the ordinance they have in front of them and apply the facts that are given. The fact still remains that it wasn't persuasive. The purpose of both of the apartments to be occupied creates a return on the investment. He could sympathize with the applicant. The applicant does have the ability to still rent 1 of the apartments. J. Clingman-Scott stated that it is cost prohibitive to convert this home to commercial or to a single family dwelling which they may not be able to get financing for or insurance on or 1/2 of the benefit of the income that could be produced from the house. She questions if this would be an unfair burden to put on the applicant. C. Kufta stated that they would also need to look at what would be fair to the rest of the neighborhood. The reason for zoning is so people would have an idea of what they are getting into when they purchase property in any area.

The following findings of fact were offered: The property could not be used (put to a reasonable use) for the purposes permitted in that zone district because it would be cost prohibitive and not marketable per commercial realtors. The plight is due to unique circumstances peculiar to the property and is not to general neighborhood conditions because the house wasn't constructed to be commercial or to receive clients on a daily basis. The home was constructed as a 2-unit. The proposed use would not alter the essential character of the area and will not materially impair the purposes of this ordinance or the public interest because there are already other residential homes in the area. The alleged hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner because the marketability of the building is affected negatively. By maintaining this zoning it will cause the home to be vacant and more prone to vandalism. The alleged hardship is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner because it will help maintain the appearance and functionality of the property. The requested variance is the minimum action required to eliminate the hardship because this would be the most effective use for the property. The use variance does not permit a use specifically identified by this Ordinance as a use excluded from the particular zone in which requested because the use of a duplex isn't specifically listed as not being allowed under the current zoning. The extent to which the ordinance protect users or neighbors from threats to health, safety and welfare shall be considered. A use that seriously threatens the health of future residents or neighbors is not a beneficial or allowable use. The proposed use is not considered to be a threat to health, safety or welfare of future residents or neighbors because the properties to the rear of this are residential. In no case shall a use that is a nuisance per se, or a use, which in that particular location constitutes a nuisance, be granted as a use variance. Such uses are not legal uses of the land. The proposed use is not considered a nuisance it would better coincide this the neighboring residential neighborhood.

A motion that the findings of fact determined by the Zoning Board of Appeals be adopted and that the use variance to permit a 2-unit apartment building at 955 W. Laketon Ave., be approved, based on the findings of fact, with the following conditions: 1) The variance is recorded with the deed to keep record of it in the future. 2) The property owner must work on

the existing code violations and obtain a Certificate of Compliance from the Inspections Dept. 3) Four paved, off-street parking spaces must be provided for the building, was made by B. Larson, supported by E. Fordham and failed with R. Hilt, S. Schiller, C. Kufta, and J. Clingman-Scott voting nay.

PHOTOS



RECOMMENDATION

Staff recommends denial of the request due to non compliance with the Master Plan and Future Land use Map.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

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

DETERMINATION

The following motions are offered for consideration:

I move that the request to rezone property at 955 W. Laketon, from **B-4, General Business** to **RT, Two Family Residential** be recommended for (approval/denial) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (compliance/lack of compliance) with the intent of the City Master Land Use Plan and zoning district intent.

Commission Meeting Date: June 22, 2004

Date: June 15, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Rezoning request for property located at 407 Marquette Ave.
(SE corner of Marquette Ave. and Wood St.)

SUMMARY OF REQUEST:

Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 6/10 meeting. Commissioners S. Warmington and B. Smith voted against denial. Commissioner B. Mazade was absent.

CITY OF MUSKEGON

RESOLUTION #2004-

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 407 Marquette Ave., at SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on June 10, 2004, and;

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

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

Adopted this 22nd day of June, 2004.

Ayes:

Nays:

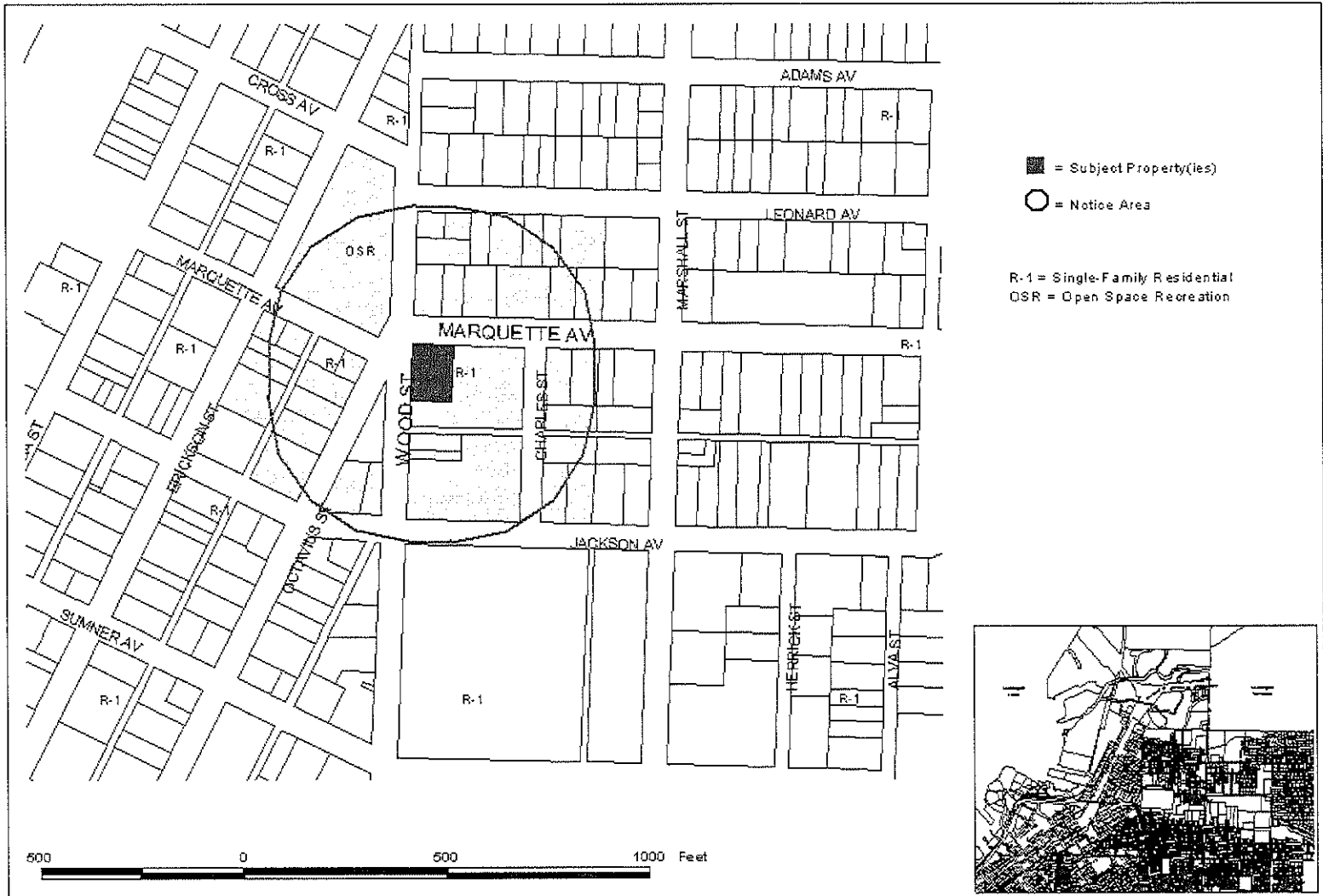
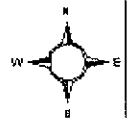
Absent:

By: _____
Stephen J. Warmington, 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 22, 2004.

Gail A. Kunderinger, MMC, City Clerk

**City of Muskegon
Planning Commission
Case # 2004-24**



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
June 10, 2004

Hearing; Case 2004-1: Request to rezone the property located at 407 Marquette Ave. from R-1, Single-Family Residential to B-1, Limited Business, by Ray Reasonover.

BACKGROUND

This is a case that was heard by the Planning Commission during the regular January meeting. Due to unforeseen circumstances, the City Commission has asked staff to restart the rezoning process with the Planning Commission. Minutes from the January meeting are provided at the end of this case for your reference.

1. This request includes the property at the southeast corner of Marquette Ave. and Wood St. The property currently contains a small 'corner store' type of mini-mart and additional vacant space. There are two special use permits in place on this property – one for the mini-mart and a second for a youth recreational center which has never materialized.
2. The subject property is currently zoned R-1, Single-Family Residential. The Zoning Ordinance was amended several years ago to allow existing previously nonconforming commercial structures in residential districts to be used for various low-scale commercial uses. This language is how the special use permits on the subject property were approved. The intent of this language is to allow some practical use for these buildings which would not likely be either renovated or torn down for residential uses and would otherwise sit vacant. The language also allows small scale, low intensity uses, similar to those allowed in the B-1, Limited Business zoning district, in or near neighborhoods. This helps to promote the idea of 'neighborhood businesses'.
3. When the language was included that allowed these commercial buildings to be used commercially in residential zones, several conditions were also included. One of these conditions is that certain types of uses are prohibited under this language, "*Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; uses serving or selling alcohol, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.*"
4. When the Special Use Permit was approved for the mini-mart in August of 2001, one of the conditions of the permit reinforced the prohibition against selling alcohol on the site. At the time, the property owner stated that he had no intention of selling alcohol in the store. However, since

that time the property has changed hands and the store has a new owner/operator. The current owner would like to sell alcohol in the store.

5. As the sale of alcohol is prohibited on this site both by the ordinance language allowing the property to be re-used commercially and by the approved Special Use Permit for this property, the applicant is asking that the property be rezoned to a commercial designation. The prohibition against alcohol sales does not appear in the B-1 district language – it was added specifically to the special use permit language for commercial buildings in residential districts. If the property were to be rezoned to B-1 and the Special Use Permit were dissolved (since the use of the property as a store would be allowed in the B-1 district by right, the Special Use Permit would no longer be necessary), then the applicant would be free to seek a liquor license in order to sell alcohol on the property.
6. The City owns several vacant parcels of property directly adjacent to the subject property. This corner is a somewhat busy one since Marquette Ave. and Wood St. each carry a heavier load of traffic than a minor residential street. To the south of the subject property is an existing church. Although this general area is entirely zoned for single-family residential, this particular block does not contain any existing homes. However, given the recent level of increased interest in the Jackson Hill neighborhood for single-family building projects, there is a good likelihood that the City-owned parcels may be in demand in the near future for single-family residential purposes.
7. The closest area to the subject property which is already currently zoned for commercial use is at the corner of Marquette Ave. and Getty St., where there is some B-1 zoning. There is not much commercial zoning existing within the Jackson Hill neighborhood. The subject property is located at probably the busiest corner in this neighborhood. If any commercial zoning were to be located in this neighborhood, the subject property would probably be the most practical spot for it. However, the zoning ordinance does permit small scale commercial use on this property without it needing to be rezoned, and the special use permit language is even more restrictive than the B-1 district, which helps to further protect the surrounding neighborhood.
8. The Future Land Use Map shows the subject property as “Single & Two-Family”.
9. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening, fashion.
 - ◆ Single-family homes are found throughout the sub-area including many new homes located in the Marquette neighborhood. They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area.
10. The Master Plan recommends for this sub-area:
 - ◆ Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4.
11. Staff received the following email on 5-31-04

City of Muskegon Planning Commission
P.O. Box 536
Muskegon, MI 49443

Dear Sir/Madam:

I am writing in opposition to the zoning request to change 401 Marquette to Limited Business.

This corner is in the midst of the Jackson Hill neighborhood. As you are well aware, the Jackson Hill area is making a turn-around and becoming a safe and pleasant neighborhood for families again. A number of homes have been fixed up and there are more and more homeowners in the area.

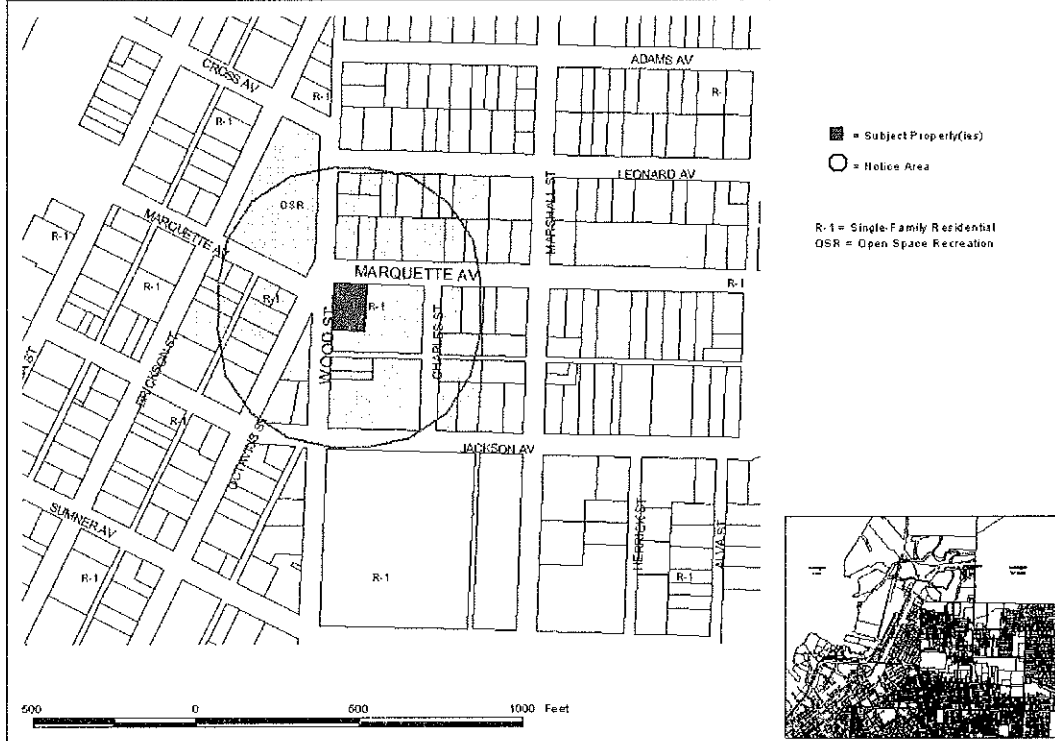
The corner proposed for changing to limited business is directly across from a neighborhood park, where children walk to play and families have picnics. The neighborhood park reinforces the residential feel of the neighborhood and the family oriented atmosphere.

The business that is currently located on that corner is an eyesore. Instead of increasing its presence, it should be removed.

Sincerely,

Cathy Simons
455 Leonard Street

City of Muskegon
Planning Commission
Case # 2004-24



PHOTOS



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 occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]

...
2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

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: [amended 2/02]

...
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.

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

...

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

...

ARTICLE X - B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

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

1. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker,

tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.

3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

The following area, 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 are no external changes made to the buildings or properties.

1. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
...
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS

...

SECTION 1003: AREA AND BULK REQUIREMENTS [amended 4/00]

...

Excerpt minutes from the January 15 Planning Commission Meeting]

Hearing: Case 2004-1: Request to rezone the property located at 407 Marquette Ave. from R-1, Single-Family Residential to B-1, Limited Business, by Ray Reasonover. D. Steenhagen presented the staff report. This request includes the property at the southeast corner of Marquette Ave. and Wood St. The property currently contains a small 'corner store' type of mini-mart and additional vacant space. There are two special use permits in place on this property – one for the mini-mart and a second for a youth recreational center, which has never materialized. The subject property is currently zoned R-1, Single-Family Residential. The Zoning Ordinance was amended several years ago to allow existing previously nonconforming commercial structures in residential districts to be used for various low-scale commercial uses. This language is how the special use permits on the subject property were approved. The intent of this language is to allow some practical use for

these buildings which would not likely be either renovated or torn down for residential uses and would otherwise sit vacant. The language also allows small scale, low intensity uses, similar to those allowed in the B-1, Limited Business zoning district, in or near neighborhoods. This helps to promote the idea of 'neighborhood businesses'. When the language was included that allowed these commercial buildings to be used commercially in residential zones, several conditions were also included. One of these conditions is that certain types of uses are prohibited under this language, "*Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; uses serving or selling alcohol, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.*" When the Special Use Permit was approved for the mini-mart in August of 2001, one of the conditions of the permit reinforced the prohibition against selling alcohol on the site. At the time, the property owner stated that he had no intention of selling alcohol in the store. However, since that time the property has changed hands and the store has a new owner/operator. The current owner would like to sell alcohol in the store. As the sale of alcohol is prohibited on this site both by the ordinance language allowing the property to be re-used commercially and by the approved Special Use Permit for this property, the applicant is asking that the property be rezoned to a commercial designation. The prohibition against alcohol sales does not appear in the B-1 district language – it was added specifically to the special use permit language for commercial buildings in residential districts. If the property were to be rezoned to B-1 and the Special Use Permit were dissolved (since the use of the property as a store would be allowed in the B-1 district by right, the Special Use Permit would no longer be necessary), then the applicant would be free to seek a liquor license in order to sell alcohol on the property. The City owns several vacant parcels of property directly adjacent to the subject property. This corner is a somewhat busy one since Marquette Ave. and Wood St. each carry a heavier load of traffic than a minor residential street. To the south of the subject property is an existing church. Although this general area is entirely zoned for single-family residential, this particular block does not contain any existing homes. However, given the recent level of increased interest in the Jackson Hill neighborhood for single-family building projects, there is a good likelihood that the City-owned parcels may be in demand in the near future for single-family residential purposes. The closest area to the subject property which is already currently zoned for commercial use is at the corner of Marquette Ave. and Getty St., where there is some B-1 zoning. There is not much commercial zoning existing within the Jackson Hill neighborhood. The subject property is located at probably the busiest corner in this neighborhood. If any commercial zoning were to be located in this neighborhood, the subject property would probably be the most practical spot for it. However, the zoning ordinance does permit small scale commercial use on this property without it needing to be rezoned, and the special use permit language is even more restrictive than the B-1 district, which helps to further protect the surrounding neighborhood. The Future Land Use Map shows the subject property as "Single & Two-Family". The Master Land Use Plan states: It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening, fashion. Single-family homes are found throughout the sub-area including many new homes located in the Marquette neighborhood. They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area. The Master Plan recommends for this sub-area: Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4. B-1 is intended as a 'neighborhood' commercial zoning designation, and only allows small scale, low intensity commercial uses. The square footage of most permitted uses in the B-1 district is limited to 2,500 square feet. If the Planning and City Commissions were inclined to approve a rezoning for this property to a commercial designation, staff would feel most comfortable with the B-1 district there. However, since the existing ordinance language and special use permit do allow small scale commercial uses (including the current use) at this site without a rezoning, staff would recommend denial of this request.

D. Steenhagen stated that in 1997 a use variance was issued, but not used. One of the conditions was that alcohol wouldn't be sold. In 1999 there was a request to rezone the property to B-2, which was denied.

The commission members were provided with a copy of a signed petition in favor of this request by the applicant. T. Michalski asked if there were any laws governing a liquor license within the proximity of a church. D. Steenhagen stated that State law doesn't allow it within 500 ft. of a church or school. B. Smith asked about the youth center. D. Steenhagen stated that the applicant for the youth center was still interested in pursuing this, it hadn't happened yet. T. Johnson asked if the grocery store was currently operating at the location. D. Steenhagen stated that it was. R. Reasonover stated that he is

the owner of the property. He also owns the grocery store. He explained what his intentions were for the store. He would like to help people in the neighborhood by having grocery delivery for senior citizens. He would like to be able to offer the things that the people in the neighborhood could purchase, as many of them don't have a vehicle. He has had many requests from his patrons who would like to be able to purchase beer and wine. J. Aslakson asked if the applicant was aware of the condition that no alcohol could be sold on the property when he purchased it. R. Reasonover stated that he was. B. Smith asked if he had spoken to anyone from the Jackson Hill Church. R. Reasonover stated that he hadn't, but his son had spoken to some of the members. They weren't as concerned about the sale of beer and wine as they were about the possibility of the sale of lotto and loitering. P. Sartorius asked if staff had heard from the neighborhood association. D. Steenhagen stated that she hadn't. R. Reasonover stated that he had spoken to them. P. Sartorius asked if there were any other stores in this area. R. Reasonover stated that there aren't. T. Johnson asked if the neighborhood association had any concerns. R. Reasonover stated that he had spoken to the president of the neighborhood association. They discussed some of the concerns and the president had told him that they didn't have any problem with this request as long as the concerns were addressed. Some of the concerns were patrons loitering around the building and trash not being disposed of properly. He stated that he would be adding more lighting to the exterior and if he needed to; he would hire a security guard. P. Sartorius read the petition that the applicant had provided. He stated that there were 6 1/3 pages of signatures.

A motion to close the public hearing was made by J. Aslakson, supported by B. Smith and unanimously approved.

B. Mazade and S. Warmington arrived at 4:19 p.m.

J. Aslakson stated that it would be more profitable to have beer and wine on the premises. He would have a problem with approving this request. The first problem is that there are vacant lots near this site and there has been a lot of new construction in the area. He felt that it may be more difficult for the new construction to continue for the vacant lots around the market if it were to sell beer and wine. Another problem he has is that SUP's stay with the property. Should Mr. Reasonover sell the property later on, it doesn't mean that the new owner would continue with the service that Mr. Reasonover would like to provide. D. Steenhagen added that if the property were to be rezoned, any special use permits as well as their conditions, would be moot. L. Spataro stated that he is also uncomfortable with approving this request. He named off other stores that were close to this neighborhood that already sell beer and wine.

A motion that the request the property at 407 Marquette Ave. as described in the public notice, from R-1, Single-Family Residential to B-1, Limited Business be recommended for denial to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of lack of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by J. Aslakson, supported by L. Spataro and approved with B. Smith and T. Michalski voting nay and B. Mazade and S. Warmington abstaining.

RECOMMENDATION

B-1 is intended as a 'neighborhood' commercial zoning designation, and only allows small scale, low intensity commercial uses. The square footage of most permitted uses in the B-1 district is limited to 2,500 square feet. If the Planning and City Commissions were inclined to approve a rezoning for this property to a commercial designation, staff would feel most comfortable with the B-1 district there. However, since the existing ordinance language and special use permit do allow small scale commercial uses (including the current use) at this site without a rezoning, staff would recommend denial of this request.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

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

DETERMINATION

The following motions are offered for consideration:

I move that the request the property at 407 Marquette Ave. as described in the public notice, from R-1, Single-Family Residential to B-1, Limited Business be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

Date: June 9, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: Consumer's Energy Fencing

SUMMARY OF REQUEST:

To award a contract to Outback Fencing to install a fence between the bike trail and Consumers Energy along the Causeway

FINANCIAL IMPACT:

Cost of \$24,960 to be split 50/50 with Consumers

BUDGET ACTION REQUIRED:

None, money to come from trail fund

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Date: June 9, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
Re: Consumer's Energy Fencing

Consumer's Energy is requesting that we put up a 7' fence between the trail and their property along the Causeway. It has long been our policy to put up fencing between parkland and private property at the request of the private property owners. We did not do the fencing as a part of the original project as Consumer's did not think it would be a problem. However, they are having a lot of people access their property for fishing because of the trail.

Four bid were solicited and three were received. The bid tabulation is attached. Staff is recommending that you award the bid to Outback Fencing of Comstock Park for \$24,960, as they are the low bidder. We will not be putting in a gate, which reduces the bid by \$800.

Funding for the project will be split 50-50 with Consumer's Energy. The City funds will come from the Trail fund.

Thank you for your consideration.

CONSUMERS ENERGY FENCE BIDS

CONTRACTOR	ADDRESS	BASE BID	GATE	GRADING	TOTAL
Vallier Fence Co	1945 Pontaluna Rd. Spring Lake	\$ 32,547	\$ 769	\$ 300	\$ 33,616
Reliable Fence	304 W. Delano Muskegon	\$ 25,765	\$ 397	\$ 775	\$ 26,937
Outback Fencing	4050 West River Dr. Comstock Park	\$ 22,847	\$ 800	\$ 2,113	\$ 25,760
AAA Fencing		no bid			

CITY OF MUSKEGON
MUSKEGON AREA INTERMEDIATE SCHOOL DISTRICT
INTERGOVERNMENTAL AGREEMENT
STEBBINS ROAD AND HARVEY STREET IMPROVEMENTS

The City of Muskegon located at 933 Terrace Street, Muskegon, Michigan ("City") and the Muskegon Area Intermediate School District located at 630 Harvey Street, Muskegon, Michigan ("MAISD") hereby agree to:

Recitals

A. The City of Muskegon pursuant to its operation of a water system, has deemed that it is in its best interest to extend water service on Harvey Street, just North of Marquette, to Stebbins Road and from the corner of Stebbins Road and Harvey to Quarterline.

B. MAISD deems it in its best interest to cooperate with the City in the construction of said waterlines because MAISD needs water at a facility under construction, which presently does not have city water.

C. The City and MAISD deems it in their best interest to mill and repave Harvey Street and to pave Stebbins Road as part of this project to meet the needs of development of the MAISD.

NOW, THEREFORE, THE PARTIES AGREE:

1. Scope of Work.

- 1.1 Watermains. A watermain shall be constructed on Harvey Street from approximately sixty-seven feet North of Marquette to the intersection of Harvey Street and Stebbins and from the intersection of Harvey Street and Stebbins Road to Quarterline Road. The waterline shall be a 16 inch watermain. The existing system, proposed system, and location of connections are reflected in attached Exhibit A.
- 1.2 Streets. Harvey Street from Marquette Avenue to Stebbins Road shall be milled and repaved. Stebbins Road from Harvey Street to Quarterline shall be constructed, consistent with Muskegon County Road Commission standards as per attached approved plans.
- 1.3 Construction Contract. A contract between City of Muskegon and Jackson-Merkey will be executed and which describes the waterline, sewer and road construction projects. An unexecuted copy is attached as Exhibit B.

2. City Obligations.

- 2.1 Contractor for Watermain and Road Construction. The City has obtained bids for the watermain and road construction. The low qualified bidder was Jackson-Merkey. The City will execute a contract with Jackson-Merkey for the construction of the proposed waterlines as indicated in Exhibit A, milling and repaving of Harvey Street from Marquette Avenue to Stebbins Road and construction of Stebbins Road from Harvey Street to Quarterline, upon satisfactory financial commitments from all interested parties. City shall administer the water and road construction contract with Jackson-Merkey.
- 2.2 Administration. City shall administer contracts contemplated in paragraph 2.1. City shall provide engineering oversight, review payment requests, and authorize same. The MAISD share of such costs will be added to the amount paid by MAISD.
- 2.3 Change Orders. City shall not make any change orders without the prior approval of Kevin Donovan. City agrees, however, that it shall not reduce the size of the waterlines below 16 inches.
- 2.4 Ownership of Water Line. MAISD agrees that the waterlines shall be owned and maintained by City.
- 2.5 City Acting On Behalf of MAISD. The parties have determined that cost savings are being accomplished by acting simultaneously on the water and street projects. The City has acted on behalf of the MAISD in obtaining bids and letting the contract and will act on behalf of the MAISD in administering the construction contract and overseeing the construction. The MAISD shall be a third party beneficiary of the construction contract but shall not be involved in the administration and documentation thereof.
- 2.6 Payment to City. City shall prepare request for progress payments from Jackson-Merkey and shall pay such as authorized by the project engineer. MAISD will pay or reimburse the City its share of each progress payment and final payment within 30 days of being provided a request for payment. MAISD's failure to pay or reimburse the City its share of each progress payment shall give the City the right to terminate the contract with Jackson-Merkey.

3. MAISD's Obligations.

- 3.1 Allocation of Costs. The MAISD shall be responsible for one-half of the cost of the water project. MAISD shall be responsible for the full cost of milling and repaving of Harvey Street from Marquette Avenue to Stebbins Road and construction of Stebbins Road from Harvey Street to

Quarterline. The City shall allocate all costs among all projects based on the line items listed within the bid proposals, and shall include any administrative and oversight costs related to those line items. MAISD shall pay or reimburse City within 30 days of being presented with a request from City for reimbursement for payments to Jackson-Merkey. MAISD's obligation will not exceed \$517,000, except as modified by approved change orders authorized by MAISD's representative. In no event will MAISD's obligation under this contract exceed \$600,000.

4. Arbitration. Any controversy or claim arising out of or relating to this Agreement, or breach thereof, shall be settled by arbitration. In the event of arbitration pursuant to any provision contained herein, each party shall select an individual to serve on the arbitration panel and the two so selected shall select a third. All arbitrators selected herein shall have with expertise to resolve the arbitrable issue(s). The three shall form the arbitration panel with the votes of two necessary to resolve any issue(s) submitted to arbitration. Each party shall bear their costs and the cost of the person they select to serve on the panel. The cost of the neutral arbitrator and incidental costs, room rental, etc., shall be split evenly between the two parties. The parties agree that the Arbitration Hearings shall be held in Muskegon County.

5. Miscellaneous.

5.1 Governing Law. This Agreement shall be governed in all respects by the laws of the State of Michigan.

5.2 Third Party Beneficiary. The MAISD shall be a third party beneficiary of the construction contract between City of Muskegon and Jackson-Merkey.

5.3 Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to its subject matter. This Agreement supersedes and/or replaces any oral or written Agreement(s) relating to this subject matter entered into by the parties before the date of this Agreement.

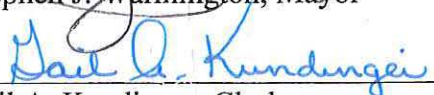
5.4 Additional Agreements. Buyer and Seller agree to enter into any further agreements, contracts or consents necessary to fully effectuate the terms of this Agreement.

The parties have executed this Agreement with the consent and approval of their governing bodies. It is effective on the effective date set forth above.

CITY OF MUSKEGON

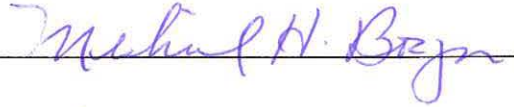
By 

Stephen J. Warmington, Mayor

By 

Gail A. Kunderger, Clerk

MUSKEGON AREA INTERMEDIATE
SCHOOL DISTRICT

By 

By 

Date: June 22, 2004
To: City Manager and City Commission
From: Public Works; Robert Kuhn Director
**RE: Intergovernmental Agreement; Muskegon
Township; Harvey and Stebbins Rd; Watermain,
Sewer and Streets.**

SUMMARY OF REQUEST: Request approval of an intergovernmental agreement with Muskegon Township for the construction of watermain, streets and sanitary sewer within Harvey Street (City of Muskegon) and Stebbins Road (Muskegon Township). These utilities will accommodate the construction of the new High Tech Center and Muskegon Township Water District improvements.

FINANCIAL IMPACT: To be financed from contributions from Muskegon Township and the Muskegon Area Intermediate School District.

BUDGET ACTION REQUIRED:
None

STAFF RECOMMENDATION:
Approval

COMMITTEE RECOMMENDATION:

Date: June 22, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Harvey St.-Stebbins, Marquette to Quarterline

SUMMARY OF REQUEST:

Award to Jackson Merkey of Muskegon the contract (H-1573) to construct -reconstruct Harvey & Stebbins from Marquette to Quarterline along with a new water main and sanitary sewer for the TWP. Jackson Merkey Contractor was the lowest responsible bidder with a bid price of \$752,790.90 (bid tabulation attached).

Furthermore, it is respectfully requested that the award, if granted, be contingent upon the execution of agreements between the City-TWP & City-MAISD. Those agreements are necessary to defray the project cost which are expected no later than the end of June.

FINANCIAL IMPACT:

Limited to the design cost

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Jackson Merkey Contractor.

COMMITTEE RECOMMENDATION:

**H1573 - HARVEY ST., STEBBINS RD., MARQUETTE AVE., TO QUARTERLINE RD. SANITARY SEWER, WATERMAIN LOOP
STREET CONSTRUCTION**

CONTRACTOR ADDRESS				ENGINEER'S ESTIMATE		KAMMINGA & ROODVOETS		JACKSON-MERKEY		WADEL STABILIZATION	
						3435 BROADMOOR AVE.		555 E WESTERN AVE.		2600 N. OCEANA DR.	
CITY/ST/ZIP						GRAND RAPIDS, MI 49512		MUSKEGON, MI 49442		MUSKEGON, MI 49444	
	ITEM OF WORK			UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	ADJUST MANHOLE CASTING			EACH	2	\$300.00	\$600.00	\$385.00	\$770.00	\$350.00	\$700.00
2	AGGREGATE BASE COURSE 22A AS NEEDED			CYD	45	\$20.00	\$900.00	\$34.00	\$1,530.00	\$22.00	\$990.00
3	AGGREGATE BASE COURSE 22A MODIFIED @ 4" C.I.P.			SQ.YD.	17058	\$8.00	\$85,290.00	\$7.10	\$121,111.80	\$5.25	\$89,554.50
4	BARROW FILL CLASS II SAND			CYD	2280	\$12.00	\$27,120.00	\$10.00	\$22,800.00	\$6.15	\$13,899.00
5	BENDS D.C.I. 16" 45° M.J.			EACH	8	\$900.00	\$7,200.00	\$695.00	\$5,480.00	\$770.00	\$6,160.00
6	BIT. LEVELING MIX 4C @ 165#/S.Y.			TON	1108	\$50.00	\$55,400.00	\$39.40	\$43,655.20	\$36.80	\$40,774.40
7	BIT. TOP MIX 4C @ 165#/S.Y.			TON	1108	\$50.00	\$55,400.00	\$40.08	\$44,408.64	\$38.45	\$42,502.60
8	CONC. CURB & GUTTER F-4 MOD.			LIN. FT.	292	\$9.00	\$2,628.00	\$15.00	\$4,380.00	\$16.00	\$4,672.00
9	CORP. STOP MUELLER #15000 OR EQUAL			EACH	5	\$225.00	\$1,125.00	\$215.00	\$1,075.00	\$210.00	\$1,050.00
10	CURB STOP 1" MUELLER #15150 OR EQUAL			EACH	5	\$200.00	\$1,000.00	\$245.00	\$1,225.00	\$200.00	\$1,000.00
11	HYDRANT STD.			EACH	17	\$1,400.00	\$23,800.00	\$1,600.00	\$25,500.00	\$1,550.00	\$26,350.00
12	MACHINE GRADING			STA.	25.2	\$400.00	\$10,080.00	\$1,450.00	\$36,540.00	\$380.00	\$9,576.00
13	MACHINE GRADING MOD.			STA.	27.5	\$500.00	\$13,750.00	\$1,450.00	\$39,875.00	\$640.00	\$17,600.00
14	MANHOLE CASTING E.J. #1000 OR EQUAL			EACH	2	\$500.00	\$1,000.00	\$525.00	\$1,050.00	\$445.00	\$890.00
15	RECONSTRUCTING MANHOLE STRUCTURE			VT. FT.	4	\$200.00	\$800.00	\$215.00	\$860.00	\$375.00	\$1,500.00
16	REDUCERS 16" TO 12" D.C.I. M.J.			EACH	2	\$500.00	\$1,000.00	\$850.00	\$1,700.00	\$510.00	\$1,020.00
17	REMOVING BIT SURFACE			SQ.YD.	66	\$4.00	\$264.00	\$2.00	\$132.00	\$4.00	\$264.00
18	REMOVING CONC. CURB & GUTTER			LIN. FT.	64	\$10.00	\$640.00	\$2.50	\$160.00	\$3.00	\$192.00
19	REMOVING PAVEMENT			SQ.YD.	5462	\$4.00	\$21,846.00	\$2.00	\$10,923.00	\$1.50	\$8,192.25
20	RIP RAP SPILLWAY			SQ.YD.	9	\$50.00	\$450.00	\$90.00	\$810.00	\$40.00	\$360.00
21	SLEEVES LONG 16" D.C.I. M.J. LONG			EACH	2	\$900.00	\$1,800.00	\$1,050.00	\$2,100.00	\$730.00	\$1,460.00
22	STORM SEWER 12" CONC. C-75 CLASS V			LIN. FT.	18	\$35.00	\$630.00	\$28.00	\$504.00	\$26.00	\$468.00
23	TAPPING SLEEVE 12" X 12" D.C.I. M.J.			EACH	1	\$4,000.00	\$4,000.00	\$4,250.00	\$4,250.00	\$2,015.00	\$2,015.00
24	TEE D.C.I. 16" x 16" x 16" M.J.			EACH	1	\$900.00	\$900.00	\$1,350.00	\$1,350.00	\$1,180.00	\$1,180.00
25	TEE D.C.I. 16" x 16" x 6" M.J.			EACH	17	\$900.00	\$15,300.00	\$1,050.00	\$17,850.00	\$810.00	\$13,770.00
26	TEE D.C.I. 16" x 16" x 8" M.J.			EACH	2	\$950.00	\$1,900.00	\$1,075.00	\$2,150.00	\$825.00	\$1,650.00
27	TERRACE GRADING			LIN. FT.	5257	\$12.00	\$63,084.00	\$4.00	\$21,028.00	\$1.95	\$10,251.15
28	TRAFFIC CONTROL			LUMP	1	\$25,000.00	\$25,000.00	\$15,000.00	\$15,000.00	\$3,475.00	\$3,475.00
29	TRENCH REPAIR MAJOR STREET TYPE IV			LIN. FT.	50	\$40.00	\$2,000.00	\$28.00	\$1,400.00	\$60.25	\$3,012.50
30	TRENCH REPAIR SPECIAL			LIN. FT.	715	\$35.00	\$25,025.00	\$35.00	\$25,025.00	\$1.90	\$1,358.50
31	VALVE 16" BUTTERFLY W/BOX			EACH	7	\$1,500.00	\$10,500.00	\$2,500.00	\$17,500.00	\$1,910.00	\$13,370.00
32	VALVE 6" GATE M.J. W/BOX			EACH	17	\$850.00	\$14,450.00	\$650.00	\$11,050.00	\$545.00	\$9,265.00
33	VALVE 8" GATE M.J. W/BOX			EACH	2	\$750.00	\$1,500.00	\$750.00	\$1,500.00	\$710.00	\$1,420.00
34	WATER METER PIT COMPLETE			EACH	5	\$550.00	\$2,750.00	\$1,000.00	\$5,000.00	\$580.00	\$2,900.00
35	WATER SERVICE 1" TYPE K COPPER			LIN. FT.	70	\$20.00	\$1,400.00	\$23.00	\$1,610.00	\$12.00	\$840.00
36	WATERMAIN 12" D.C.I. CL. 52			LIN. FT.	8	\$50.00	\$400.00	\$4.00	\$32.00	\$37.00	\$296.00
37	WATERMAIN 16" D.C.I. CL. 52			LIN. FT.	6022	\$80.00	\$481,760.00	\$49.65	\$298,992.30	\$49.75	\$299,396.50
38	WATERMAIN 6" D.C.I. CL. 52			LIN. FT.	285	\$25.00	\$7,125.00	\$26.00	\$7,410.00	\$23.50	\$6,697.50
39	WATERMAIN 8" D.C.I. CL. 52			LIN. FT.	62	\$35.00	\$2,170.00	\$29.00	\$1,798.00	\$30.00	\$1,860.00
TOTAL PAGE 12						\$968,587.00		\$793,734.94		\$588,081.90	

**SANITARY SEWER IMPROVEMENTS
SANITARY SEWER BID TABULATION (SEE SPECIAL SPECIFICATIONS SECTION IV)**

CONTRACTOR ADDRESS					KAMMINGA & ROODOVOETS 3435 BROADMOOR AVE.		JACKSON-MERKEY 555 E WESTERN AVE.		WADEL STABILIZATION 2500 N. OCEANA DR.	
CITY/ST/ZIP			ENGINEER'S ESTIMATE		GRAND RAPIDS, MI 49512		MUSKEGON, MI 49442		MUSKEGON, MI 49444	
ITEM OF WORK			UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	STEEL CASING PIPE, 12", JACKED IN PLACE @ 185 WALL THICKNESS		LIN. FT.	60	\$110.00	\$6,600.00	\$985.00	\$59,100.00	\$140.00	\$8,400.00
2	12" SANITARY SEWER		LIN. FT.	2420	\$50.00	\$121,000.00	\$109.00	\$263,780.00	\$35.35	\$85,547.00
3	4" SANITARY SEWER		LIN. FT.	112	\$45.00	\$5,040.00	\$72.90	\$8,164.80	\$26.00	\$2,912.00
4	6" HOUSE LEAD		EACH	7	\$1,500.00	\$10,500.00	\$2,150.00	\$15,050.00	\$595.00	\$4,165.00
5	12"X6" VYE		EACH	7	\$150.00	\$1,050.00	\$450.00	\$3,150.00	\$125.00	\$875.00
6	12" PLUG		EACH	1	\$85.00	\$85.00	\$350.00	\$350.00	\$95.00	\$95.00
7	8" PLUG		EACH	2	\$65.00	\$130.00	\$225.00	\$450.00	\$50.00	\$100.00
8	STANDARD MANHOLE		EACH	8	\$3,500.00	\$28,000.00	\$3,950.00	\$31,600.00	\$2,815.00	\$22,520.00
9	MODIFY EXISTING MANHOLE FOR DROP INLET		EACH	1	\$1,800.00	\$1,800.00	\$1,750.00	\$1,750.00	\$1,150.00	\$1,150.00
10	STANDARD METER MANHOLE COMPLETE		L.S.	1	\$20,000.00	\$20,000.00	\$50,000.00	\$50,000.00	\$27,335.00	\$27,335.00
11	12"X6" AGG. ROAD - 22A		SQ.YD.	140	\$10.00	\$1,400.00	\$7.75	\$1,085.00	\$6.00	\$840.00
12	CLEAR AND GRUB		LIN. FT.	1010	\$2.25	\$2,272.50	\$5.00	\$5,050.00	\$4.50	\$4,545.00
13	RESTORATION		LIN. FT.	1050	\$3.00	\$3,150.00	\$8.75	\$9,187.50	\$3.25	\$3,412.50
14	SOIL EROSION & SEDIMENTATION CONTROL		L.S.	1	\$525.00	\$525.00	\$1,000.00	\$1,000.00	\$400.00	\$400.00
15	SILT FENCE		LIN. FT.	300	\$2.00	\$600.00	\$1.75	\$525.00	\$1.25	\$375.00
16	STRAW MULCH BLANKET		SQ.YD.	1250	\$0.50	\$625.00	\$1.00	\$1,250.00	\$1.05	\$1,312.50
17	EXTERIOR DROP INLET - 6"		EA.	1	\$3,600.00	\$3,600.00	\$1,500.00	\$1,500.00	\$725.00	\$725.00
TOTAL PAGE 12A (JOHNSON & ANDERSON)						\$206,377.50		\$450,471.50		\$164,709.00
TOTAL SUMMARY PAGE						\$1,174,964.50		\$1,250,206.44		\$752,790.90
										\$799,991.62

Date: June 22, 2004
To: City Manager and City Commission
From: Public Works; Robert Kuhn Director
Re: Intergovernmental Agreement; Muskegon
Intermediate School District; Harvey and
Stebbins Rd; Watermain and Streets

SUMMARY OF REQUEST: Request approval of an intergovernmental agreement with MAISD for the construction of watermain and streets within Harvey Street (City of Muskegon) and Stebbins Road (Muskegon Township). These utilities will accommodate the construction of the new High Tech Center and Muskegon Township Water District improvements.

FINANCIAL IMPACT: To be financed from contributions from Muskegon Township and the Muskegon Area Intermediate School District

BUDGET ACTION REQUIRED:
None

STAFF RECOMMENDATION:
Approval

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
CHARTER TOWNSHIP OF MUSKEGON
INTERGOVERNMENTAL AGREEMENT
STEBBINS ROAD AND HARVEY STREET IMPROVEMENTS

The City of Muskegon located at 933 Terrace Street, Muskegon, Michigan ("City") and Charter Township of Muskegon located at 1990 E. Apple Avenue, Muskegon, Michigan ("Township") hereby agree to:

Recitals

A. The City of Muskegon pursuant to its operation of a water system, has deemed that it is in its best interest to extend water service on Harvey Street, just North of Marquette, to Stebbins Road and from the corner of Stebbins Road and Harvey to Quarterline.

B. The Township deems it in its best interest to cooperate with the City in the construction of said waterlines because Township desires to 1) provide a secondary source of water at Quarterline and Stebbins; 2) require City to construct its waterline in sufficient size to meet future Township expansion; and 3) to provide water to potential development along Stebbins Road and Harvey Street.

C. The City deems it in its best interest to mill and repave Harvey Street (a City street) as part of this project to meet the needs of development on Stebbins Road and Harvey Street.

D. The Township and Muskegon County Road Commission deem it in its best interest to pave Stebbins Road (a Muskegon County Road Commission road in the Township) from Harvey Street to Quarterline.

E. The parties desire to accomplish the project simultaneously and to allocate certain costs for this project.

NOW, THEREFORE, THE PARTIES AGREE:

1. Scope of Work.

- 1.1 Watermains. A watermain shall be constructed on Harvey Street from approximately sixty-seven feet North of Marquette to the intersection of Harvey Street and Stebbins and from the intersection of Harvey Street and Stebbins Road to Quarterline Road. The waterline shall be a 16 inch

watermain. The existing system, proposed system, and location of connections are reflected in attached Exhibit A.

- 1.2 Streets. Harvey Street from Marquette Avenue to Stebbins Road shall be milled and repaved. Stebbins Road from Harvey Street to Quarterline shall be constructed, consistent with Muskegon County Road Commission standards as per attached approved plans.
- 1.3 Sanitary Sewer. A gravity line sanitary sewer from the intersection of Stebbins Road and Quarterline to the 4 mile interceptor shall be constructed as per the plans prepared by Johnson and Anderson Engineering firm on behalf of the Township.
- 1.4 Construction Contract. A contract between City of Muskegon and Jackson-Merkey will be executed and which describes the waterline, sewer and road construction projects. An unexecuted copy is attached as Exhibit B.

2. City Obligations.

- 2.1 Contractor for Watermain and Road Construction. The City has obtained bids for the watermain, road, and sanitary sewer line construction. The low qualified bidder was Jackson-Merkey. The City will execute a contract with Jackson-Merkey for the construction of the proposed waterlines as indicated in Exhibit A, milling and repaving of Harvey Street from Marquette Avenue to Stebbins Road and construction of Stebbins Road from Harvey Street to Quarterline, upon satisfactory financial commitments from all interested parties. City shall administer the water, sewer, and road construction contract with Jackson-Merkey.
- 2.2 Contractor for Sewer Line. City shall hire Jackson-Merkey to construct a sewer line from the intersection of Stebbins Road at Quarterline to the four mile interceptor. The four mile interceptor is a City owned sanitary sewer. The sanitary sewer line shall be constructed consistent with the engineering plans provided by Township to City.
- 2.3 Administration. City shall administer contracts contemplated in paragraphs 2.1 and 2.2. City shall provide engineering oversight, review payment requests, and authorize same. The Township share of such costs will be added to the amount paid by Township. City shall insure that Jackson-Merkey provide two sets of "as built" drawings, one of which shall be provided to Township.
- 2.4 Change Orders. City shall have the right, in its sole discretion, to authorize Change Orders with Jackson-Merkey. City agrees, however, that it shall not reduce the size of the waterlines below 16 inches.

- 2.5 Ownership of Sewer and Water Line. Township agrees that the sewer line shall be owned and maintained by Township. Township agrees that the waterlines shall be owned and maintained by City.
- 2.6 City Acting On Behalf of Township. The parties have determined that cost savings are being accomplished by acting simultaneously on the water, street, and sanitary sewer projects. The City has acted on behalf of the Township in obtaining bids and letting the contract and will act on behalf of the Township in administering the construction contract and overseeing the construction. The Township shall be a third party beneficiary of the construction contract but shall not be involved in the administration and documentation thereof.
- 2.7 Payment to City. City shall prepare request for progress payments from Jackson-Merkey and shall pay such as authorized by the project engineer. Township will pay or reimburse the City its share of each progress payment and final payment within 30 days of being provided a request for payment. Township's failure to pay or reimburse the City its share of each progress payment shall give the City the right to terminate the contract with Jackson-Merkey.

3. Township's Obligations.

- 3.1 Allocation of Costs. The Township shall be responsible for one-half of the cost of the water project. Township shall be responsible for the full cost of the sanitary sewer line from the intersection of Quarterline and Stebbins Road to the 4 Mile Interceptor. The City shall allocate all costs among all projects based on the line items listed within the bid proposals, and shall include any administrative and oversight costs related to those line items. Township shall pay or reimburse City within 30 days of being presented with a request from City for reimbursement for payments to Jackson-Merkey.
- 3.2 Easements. Prior to construction of the water project and the sanitary sewer project Township shall obtain and present to the City all necessary easements for the entire project.
- 3.3 Water Connection Fees. For all connections for properties located in the Township, Township shall have sole discretion in allowing connections to the proposed water system. Township shall have the right to charge for such connections and to retain such fees. Prior to such connection, Township shall notify City of the intent to connect and shall insure that the connection is done in a workmanlike manner. Township shall be responsible for water meters at the property lines. The City will bill the Township for these flows within the existing wholesale purchase

agreement with the Township. The City reserves the right to approve meter installations and locations.

3.4 Sewer Connection Fees. Township shall execute a connection fee agreement with the City prior to the activation of any sewer line connecting to the 4 Mile Interceptor.

3.5 Ownership of Sewer and Water Line. Township agrees that the sewer line shall be owned and maintained by Township. Township agrees that the water mains shall be owned and maintained by City.

4. Arbitration. Any controversy or claim arising out of or relating to this Agreement, or breach thereof, but specifically excluding the Water Purchase Agreement and Operation and Maintenance Contract, shall be settled by arbitration. In the event of arbitration pursuant to any provision contained herein, each party shall select an individual to serve on the arbitration panel and the two so selected shall select a third. All arbitrators selected herein shall have with expertise to resolve the arbitrable issue(s). The three shall form the arbitration panel with the votes of two necessary to resolve any issue(s) submitted to arbitration. Each party shall bear their costs and the cost of the person they select to serve on the panel. The cost of the neutral arbitrator and incidental costs, room rental, etc., shall be split evenly between the two parties. The parties agree that the Arbitration Hearings shall be held in Muskegon County.

5. Miscellaneous.

5.1 Governing Law. This Agreement shall be governed in all respects by the laws of the State of Michigan.

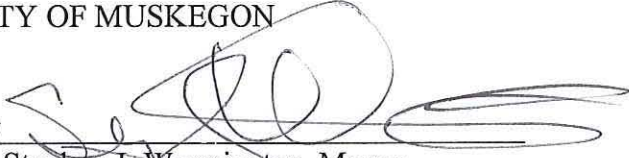
5.2 Third Party Beneficiary. The Township shall be a third party beneficiary of the construction contract between City of Muskegon and Jackson-Merkey.

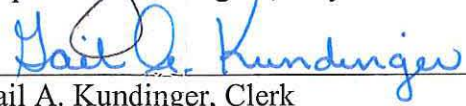
5.3 Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to its subject matter. This Agreement supersedes and/or replaces any oral or written Agreement(s) relating to this subject matter entered into by the parties before the date of this Agreement. The parties recognize that there are a number of other agreements between the parties relating to water and sewer service, which are not affected by or superceded by this Agreement, and, in fact, may affect operations relating to the water and sewer service.

5.4 Additional Agreements. Buyer and Seller agree to enter into any further agreements, contracts or consents necessary to fully effectuate the terms of this Agreement.

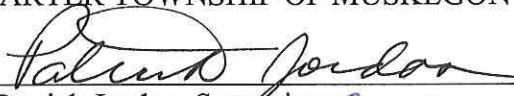
The parties have executed this Agreement with the consent and approval of their governing bodies. It is effective on the effective date set forth above.

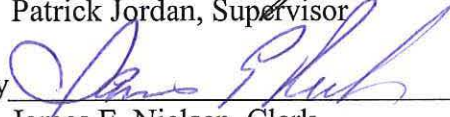
CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

By 
Gail A. Kunding, Clerk

CHARTER TOWNSHIP OF MUSKEGON

By 
Patrick Jordan, Supervisor

By 
James E. Nielsen, Clerk



CHARTER

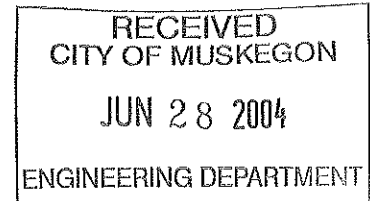
TOWNSHIP OF MUSKEGON

1990 E. APPLE AVENUE
MUSKEGON, MICHIGAN 49442-4293

Phone: (231) 777-2555
Fax: (231) 777-4912

June 24, 2004

Mohammed Al-Shatel
City of Muskegon
933 Terrace St.
Muskegon, MI 49443



Re: Stebbins Road Project
Easements

Dear Mr. Al-Shatel:

Attached are copies of all the easements for your files.

I have also delivered the signed cost sharing agreement to you. Please make sure we get an original back.

Thank you and advise of J/M schedule.

Sincerely,

David Fisher
Community Development Director

DF/tr

Att

cc: P. Jordan
J. Nielsen
B. Kuhn
B. Mazade
File

Stebbins Rd Project 6-24-04

Parcel No. 61-24-115-300-0001-00
Tax No.
Property Address 221 S. Quarterline Road
Name Muskegon Community College
Address 221 S. Quarterline Road
Muskegon, MI 49442

EASEMENT

Indenture made this _____ day of _____ A.D., 2004,

between Muskegon Community College
(Name of Owners)

of 221 S. Quarterline Road
(Street Address)

Muskegon
(City)

MI
(State)

49442
(Zip code)

as Grantors, and Muskegon Charter Township, a municipal corporation, by and through its Township board, Township Building, Muskegon, Michigan 49442, as Grantee, hereafter referred to as the "Township" or "Grantee".

RECITALS

Grantors are the owners of certain property, hereinafter described, and Muskegon Charter Township is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain Utility Lines.

Grantor is willing to grant and convey to the Township an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, that the Grantors, for and in consideration of the sum of lawful money of the United States to them in hand paid by the Township, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the Township of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan, which said strips of land are described on the attached easement drawing, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipe lines necessary or convenient to the Township general plan for the Eastside Water System and the Muskegon Township Sewage Collection System with all of their necessary apparatuses and appurtenances, which are a part of the Muskegon Township Eastside Water System and the Muskegon County Wastewater Management System # 1.

Grantors grant and convey to the Township herewith, the right and privilege to use the temporary easement when required for the initial construction of the said watermain, and sewer mains, which shall expire after same are constructed, but not before the calendar year 2005 whichever shall first occur.

PROVIDED HOWEVER, that the:

1. Township shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.
2. Township shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.
3. Township shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.
4. Township in excavating for, constructing, laying, maintaining and repairing said sewer and water lines, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantors.

The above special provisions form a part of the consideration for this conveyance in addition to the monetary considerations above set forth.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

Diana B. Osburn Frank P. Marzab

STATE OF MICHIGAN)
) ss
TOWNSHIP OF MUSKEGON)

On this 6 day of May, A.D., 20 07, before me
personally appeared Frank P. Marzab

to me known to be the person described in and who executed the foregoing instrument and acknowledged that ___ executed the same as ___ free act and deed.

Diana B. Osburn
Notary Public
County of Muskegon, Michigan
My Commission Expires: August 10, 2006

EASEMENTS

PARCEL NO. 61-24-115-300-0001-00
 TAX NO.
 PROPERTY ADDRESS 221 S Quarterline Road
 NAME: Muskegon Community College
 ADDRESS: 221 S Quarterline Road
 Muskegon, Mi. 49442

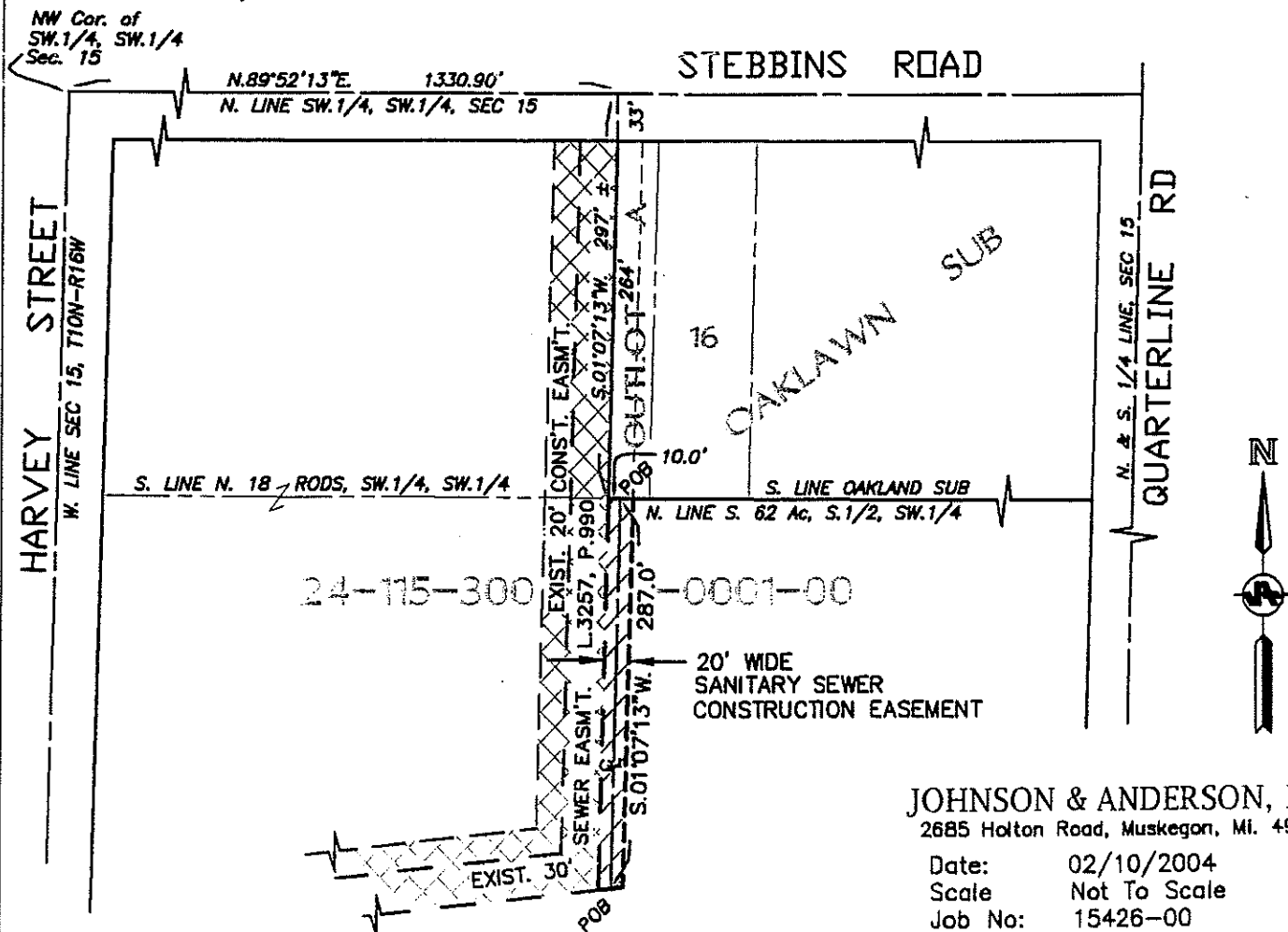
DESCRIPTION OF PROPERTY

(As taken from City of Muskegon Tax Roll)

THE S. 62 ACRES OF THE S.1/2 OF THE SW 1/4 OF SECTION 15, TOWN 10 NORTH, RANGE 16 WEST, & N. 18 RODS OF SW 1/4 OF SW 1/4 SECTION 15, TOWN 10, RANGE 16 WEST, EXCEPT: COMMENCING AT THE SW CORNER OF SAID SECTION 15; THENCE EAST 50 FEET; THENCE NORTH 164 FEET; EAST 30 FEET; THENCE NORTH 600 FEET; THENCE WEST 47 FEET; THENCE NORTH 556 FEET TO E & W 1/4 LINE; THENCE WEST 33 FEET TO WEST LINE THENCE SOUTH TO BEGINNING. AND EXCEPT THE NORTH 33 OF SW 1/W OF SW 1/4, AND EXCEPT EAST 33 FEET OF S.1/2 OF SW 1/4.
 SUBJECT TO EASEMENT AS RECORDED IN LIBER 3257, PAGE 990.

DESCRIPTION OF EASEMENT(S)

TEMPORARY CONSTRUCTION EASEMENT: A 20 FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT BEING 10 FOOT EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHWEST CORNER OF THE SW.1/4 OF THE SW.1/4 OF SAID SECTION 15; THENCE N.89°52'13"E. ALONG THE NORTH LINE OF SAID SW.1/4 OF SW.1/4 A DISTANCE OF 1330.90 FEET TO THE WEST LINE OUTLOT "A", OF OAKLAND SUBDIVISION EXTENDED; THENCE S.01°07'13"W. ALONG SAID WEST LINE 297 FEET MORE OR LESS TO THE SW CORNER OF SAID OUTLOT "A"; THENCE EAST ALONG THE SOUTH LINE OF SAID OUTLOT 10.0 FEET FOR POINT OF BEGINNING OF SAID CENTERLINE; THENCE S.01°07'13"W. 287.00 FEET TO POINT OF ENDING OF THIS EASEMENT. (Said easement to be parallel with and adjacent to the East line of the easement described in L 3257. P.990.)



JOHNSON & ANDERSON, INC.
 2685 Holton Road, Muskegon, Mi. 49445

Date: 02/10/2004
 Scale: Not To Scale
 Job No: 15426-00

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

RECEIVED

SEP 04 2001

MUSKEGON
CHARTER TOWNSHIP


2001 AUG 28 PM 2:42

Mark Fairchild
REGISTER OF DEEDSUTILITY EASEMENT

This easement made this 22 day of January A.D., ~~1998~~, ²⁰⁰¹ between Muskegon Community College, a state public educational institution, of 221 S. Quarterline, Muskegon, Michigan, 49442, hereafter "Grantors", and the Charter Township of Muskegon, a municipal corporation, by and through its Township Board, 1990 Apple Avenue, Muskegon, Michigan, 49442, hereafter referred to as the "Township" or "Grantee."

RECITALS

Grantors are the owners of certain property, hereinafter described, and set forth in Exhibit A attached hereto and made a part hereof, and the Township is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain utility lines, sewer lines, or water lines.

Grantors are willing to grant and convey to the Township an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, the Grantors hereby grant and convey to the Township of Muskegon and its successors and assigns, a permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipelines necessary or convenient to the Township.

Grantors grant and convey to the Township, the right and privilege to use a temporary easement, when required, for the initial construction of any utility lines, pipes, mains, or other work necessary for the installation of said utility lines, and said temporary easement shall expire after same are constructed, at which time the remaining permanent easement shall remain in full force and effect.

PROVIDED HOWEVER, the:

1. The Township shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.
2. The Township shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.
3. The Township shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alterations and repairs and complete such work as soon as reasonably possible.
4. The Township in excavating for, constructing, laying, maintaining and repairing said utility lines, pipes, mains, or other utility improvements, shall do as little damage as possible to the premises of Grantors, and it shall make good all of such damage to Grantors.
5. The Township hereby agrees to hold Grantors harmless from any liability or claim arising against the Township during the course of construction or maintenance of the utilities easement granted herein.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

WITNESSES:

Diana R. Osborn
Diana R. Osborn

Lois A. Hennings
Lois A. Hennings
STATE OF MICHIGAN)

SS

COUNTY OF MUSKEGON)

GRANTORS:

FRANK P. MARCZAK Resident and
Authorized Signator

Frank P. Marczak

Frank P. Marczak

On this 22 day of January, 2001, before me personally appeared
to me known to be the person(s)

described in and who executed the foregoing instrument and acknowledged
that Frank P. Marczak executed the same as his/her
free act and deed. Frank P. Marczak

Diana R. Osborn
Notary Public Diana R. Osborn

County, Michigan

My Comm. Expires: August 10, 2002

WITNESSES:

Dolores M. Coffey
DOLORES M. COFFEY

Carol A. Ream
CAROL A. REAM
STATE OF MICHIGAN)

SS

COUNTY OF MUSKEGON)

MUSKEGON-CHARTER TOWNSHIP

By

P. Don Aley
P. Don Aley, Supervisor

On this 29 day of JANUARY, 2001, before me personally appeared
P. DON ALEY to me known to be the person(s)
described in and who executed the foregoing instrument and acknowledged
that HE executed the same as his/her
free act and deed.

Kimberly A. Barry
Notary Public KIMBERLY A. BARRY

County, Michigan

My Comm. Expires: 1/7/02

DRAFTED BY:

WHEN RECORDED RETURN TO:

SEND SUBSEQUENT TAX
BILLS TO:

Harold M. Hermanson
Attorney at Law
201 Ameribank Bldg
Muskegon, MI 49440
(616) 727-8058

Grantees
Muskegon Charter Twp
1990 E. Apple Ave.
Muskegon MI 49442

Grantees

PARCEL NO. _____

TAX NO. _____

NAME _____

DESCRIPTION OF PROPERTY

(As taken from the Muskegon County Tax Roll)

DESCRIPTION OF PROPERTY SURVEYED:

All that part of the South $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 15, Town 10 North, Range 16 West, except the North 297.00 feet thereof; Also that part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 22, Town 10 North, Range 16 West, except commence at the Southwest corner of the said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ for a point of beginning, thence East along the North $\frac{1}{4}$ line of said Section 22, 132.00 feet, thence North parallel to the West $\frac{1}{4}$ line of said Section 266.00 feet, thence West parallel to the North $\frac{1}{4}$ line 132.00 feet, thence South on the West $\frac{1}{4}$ line to point of beginning.

Also the North 18 rods of the southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 15, Town 10 North, Range 16 West; Except that part which lies Westerly of the following described line: Beginning at a point on the South line of said Section 15 which is 50.00 feet East of the Southwest corner of said Section 15; thence North $01^{\circ}14'13''$ East, 164.00 feet; East, 600.00 feet; thence North $88^{\circ}45'47''$ West, 47.00 feet; thence North $01^{\circ}14'13''$ East, 300.00 feet to a point of ending.

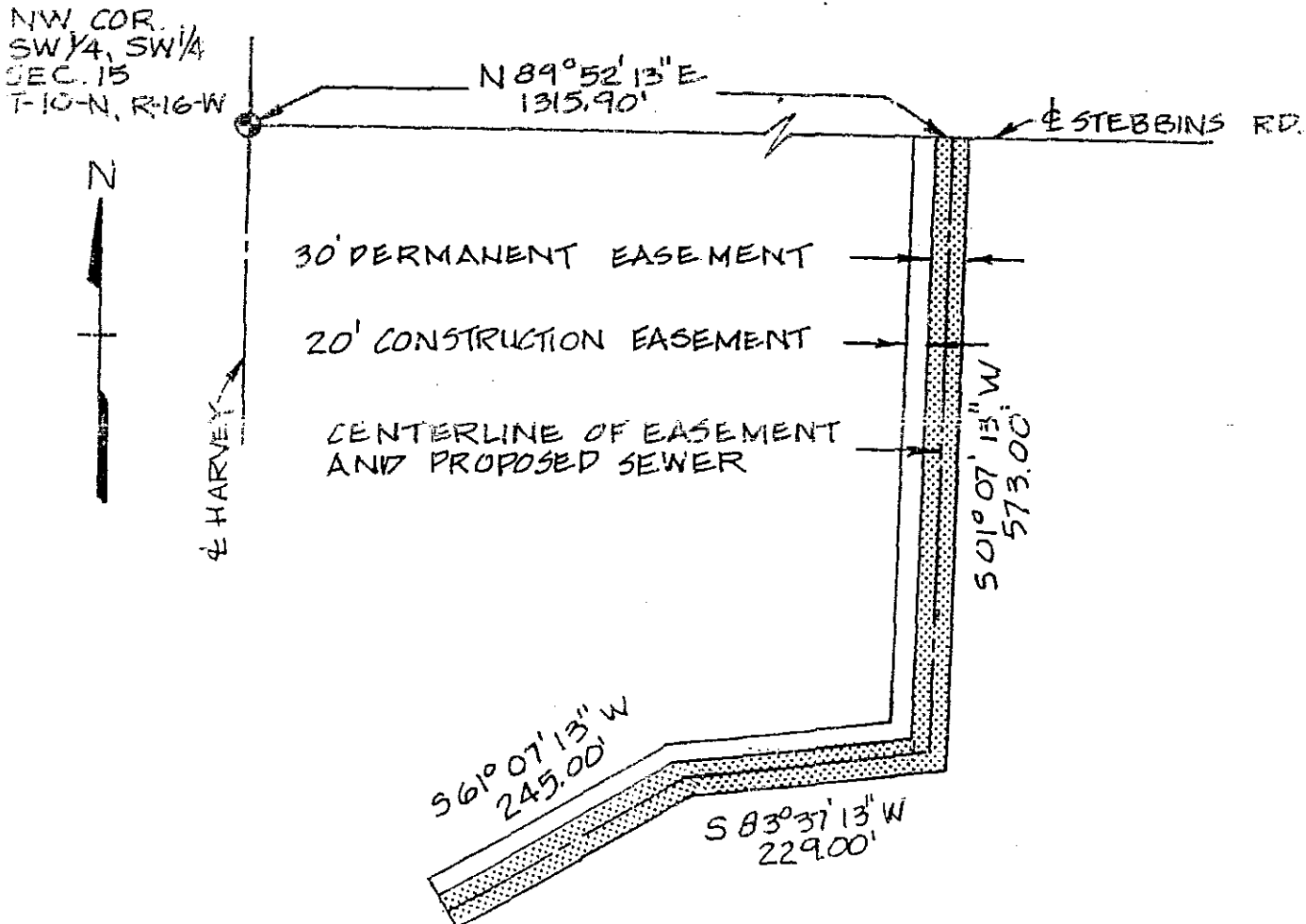
DESCRIPTION OF EASEMENT

A 30' PERMANENT EASEMENT DESCRIBED AS FOLLOWS:

COMMENCE @ THE NW COR. OF SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ SEC 15, T-10-N, R-16-W. THENCE N $89^{\circ}52'13''$ E 1315.90 FEET TO P.O.B. THENCE S $01^{\circ}07'13''$ W ALONG THE CENTERLINE OF A 30 FOOT EASEMENT 573.00 FEET. THENCE S $83^{\circ}37'13''$ W, 229.00', THENCE S $61^{\circ}07'13''$ W, 245 FEET TO THE POINT OF END ALSO DESCRIBED AS CITY OF MUSKEGON MANHOLE

ALSO A 20' CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:

A 20' CONSTRUCTION EASEMENT ATTACHED TO THE WEST AND NORTH SIDE OF THE ABOVE DESCRIBED EASEMENT.



Parcel No. 61-10-675-000-0001-00, 61-10-675-000-0003-00, 61-10-675-000-0004-00
61-10-675-000-0006-00, 61-10-675-000-0007-00, 61-10-675-000-0008-00
61-10-675-000-0009-00, 61-10-675-000-0011-00, 61-10-675-000-0015-00
Property Address Stebbins Road (see sketch)
Name Muskegon Community College
Address Administration Office 221 S. Quarterline
Muskegon, MI 49442

EASEMENT

Indenture made this _____ day of _____ A.D., 2004,

between Muskegon Community College
(Name of Owners)

of 221 S. Quarterline
(Street Address)

Muskegon
(City)

MI
(State)

49442
(Zip code)

as Grantors, and Muskegon Charter Township, a municipal corporation, by and through its Township board, Township Building, Muskegon, Michigan 49442, as Grantee, hereafter referred to as the "Township" or "Grantee".

RECITALS

Grantors are the owners of certain property, hereinafter described, and Muskegon Charter Township is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain Utility Lines.

Grantor is willing to grant and convey to the Township an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, that the Grantors, for and in consideration of the sum of lawful money of the United States to them in hand paid by the Township, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the Township of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan, which said strips of land are described on the attached easement drawing, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipe lines necessary or convenient to the Township general plan for the Eastside Water System and the Muskegon Township Sewage Collection System with all of their necessary apparatuses and appurtenances, which are a part of the Muskegon Township Eastside Water System and the Muskegon County Wastewater Management System # 1.

Grantors grant and convey to the Township herewith, the right and privilege to use the temporary easement when required for the initial construction of the said watermain, and sewer mains, which shall expire after same are constructed, but not before the calendar year 2005 whichever shall first occur.

PROVIDED HOWEVER, that the:

1. Township shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.
2. Township shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.
3. Township shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.
4. Township in excavating for, constructing, laying, maintaining and repairing said sewer and water lines, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantors.

The above special provisions form a part of the consideration for this conveyance in addition to the monetary considerations above set forth.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

Kathleen Beachum

Frank P. Marzok
President

STATE OF MICHIGAN)
) ss
TOWNSHIP OF MUSKEGON)

On this 30 day of March, A.D., 2004, before me
personally appeared Frank P. Marzok

to me known to be the person described in and who executed the foregoing instrument and acknowledged that ___ executed the same as ___ free act and deed.

Diana B. Delmon
Notary Public

County of Muskegon, Michigan

My Commission Expires: August 10, 2006

MENTS

EASEMENTS

PARCEL NO. Jan 1999
 15-10-675-000-0001-00
 15-10-675-000-0003-00
 15-10-675-000-0004-00
 15-10-675-000-0006-00
 15-10-675-000-0007-00
 15-10-675-000-0008-00
 15-10-675-000-0009-00
 15-10-675-000-0011-00
 15-10-675-000-0015-00

PARCEL NO. See Below
 TAX NO.
 PROPERTY ADDRESS Stebbins Road (see sketch)
 NAME: Muskegon Community College
 ADDRESS: Administration Office
 221 S Quarterline
 Muskegon, Mi. 49442

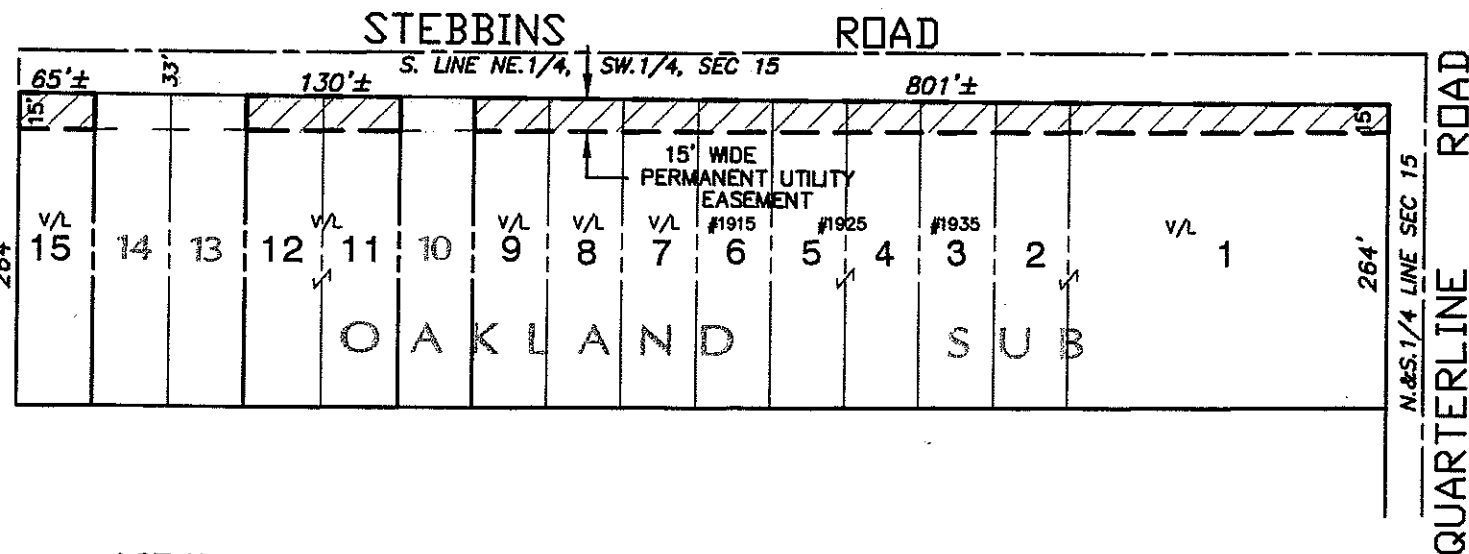
DESCRIPTION OF PROPERTY

(As taken from Muskegon Charter Twp Tax Roll)

LOTS 1 THRU 9, INCLUSIVE, ALSO LOTS 11, 12 AND 15 OF OAKLAND SUBDIVISION, AS RECORDED IN LIBER 12, PAGE 21, MUSKEGON COUNTY RECORDS, TOWN 10 NORTH, RANGE 16 WEST, MUSKEGON CHARTER TOWNSHIP, MUSKEGON COUNTY, MICHIGAN.

DESCRIPTION OF EASEMENT(S)

PERMANENT UTILITY EASEMENT: THE NORTH 15.0 FEET OF THE ABOVE DESCRIBED PARCELS.



LOT No.	PARCEL No.
Lot 1&2	-61-10-675-000-0001-00
Lot 3	-61-10-675-000-0003-00
Lot 4&5	-61-10-675-000-0004-00
Lot 6	-61-10-675-000-0006-00
Lot 7	-61-10-675-000-0007-00
Lot 8	-61-10-675-000-0008-00
Lot 9	-61-10-675-000-0009-00
Lot 11&12	-61-10-675-000-0011-00
Lot 15	-61-10-675-000-0015-00



JOHNSON & ANDERSON, INC.

2685 Holton Road, Muskegon, Mi. 49445

Date: 03/17/2004

Scale: Not To Scale

Job No: 15426-00

Parcel No. 61-10-675-000-0010-00
Tax No.
Property Address 1865 Stebbins Road
Name Camille Hitsman
Address 1865 Stebbins Road
Muskegon, MI 49442

EASEMENT

Indenture made this _____ day of _____ A.D., 2004,

between Camille Hitsman
(Name of Owners)

of 1865 Stebbins Road
(Street Address)

Muskegon
(City)

MI
(State)

49442
(Zip code)

as Grantors, and Muskegon Charter Township, a municipal corporation, by and through its Township board, Township Building, Muskegon, Michigan 49442, as Grantee, hereafter referred to as the "Township" or "Grantee".

RECITALS

Grantors are the owners of certain property, hereinafter described, and Muskegon Charter Township is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain Utility Lines.

Grantor is willing to grant and convey to the Township an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, that the Grantors, for and in consideration of the sum of lawful money of the United States to them in hand paid by the Township, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the Township of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan, which said strips of land are described on the attached easement drawing, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipe lines necessary or convenient to the Township general plan for the Eastside Water System and the Muskegon Township Sewage Collection System with all of their necessary apparatuses and appurtenances, which are a part of the Muskegon Township Eastside Water System and the Muskegon County Wastewater Management System # 1.

Grantors grant and convey to the Township herewith, the right and privilege to use the temporary easement when required for the initial construction of the said watermain, and sewer mains, which shall expire after same are constructed, but not before the calendar year 2005 whichever shall first occur.

PROVIDED HOWEVER, that the:

1. Township shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.

2. Township shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.

3. Township shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.

4. Township in excavating for, constructing, laying, maintaining and repairing said sewer and water lines, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantors.

The above special provisions form a part of the consideration for this conveyance in addition to the monetary considerations above set forth.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

David Fisher

x Camille Hiteman

x

STATE OF MICHIGAN)
) ss
TOWNSHIP OF MUSKEGON)

On this 2nd day of April, A.D., 2004, before me

personally appeared _____

to me known to be the person described in and who executed the foregoing instrument and acknowledged that ~~she~~ executed the same as ~~her~~ free act and deed.

NANCY J. SCHOTTEY
Notary Public, Muskegon County, Michigan
My Commission Expires 05/24/2006

Nancy J. Schottery
Notary Public
County of Muskegon, Michigan
My Commission Expires: 5/24/06

EASEMENTS

PARCEL NO.	61-10-675-000-0010-00
TAX NO.	
PROPERTY ADDRESS	1865 Stebbins Road
NAME:	Camille Hitsman
ADDRESS:	1865 Stebbins Road
	Muskegon, Mi. 49442

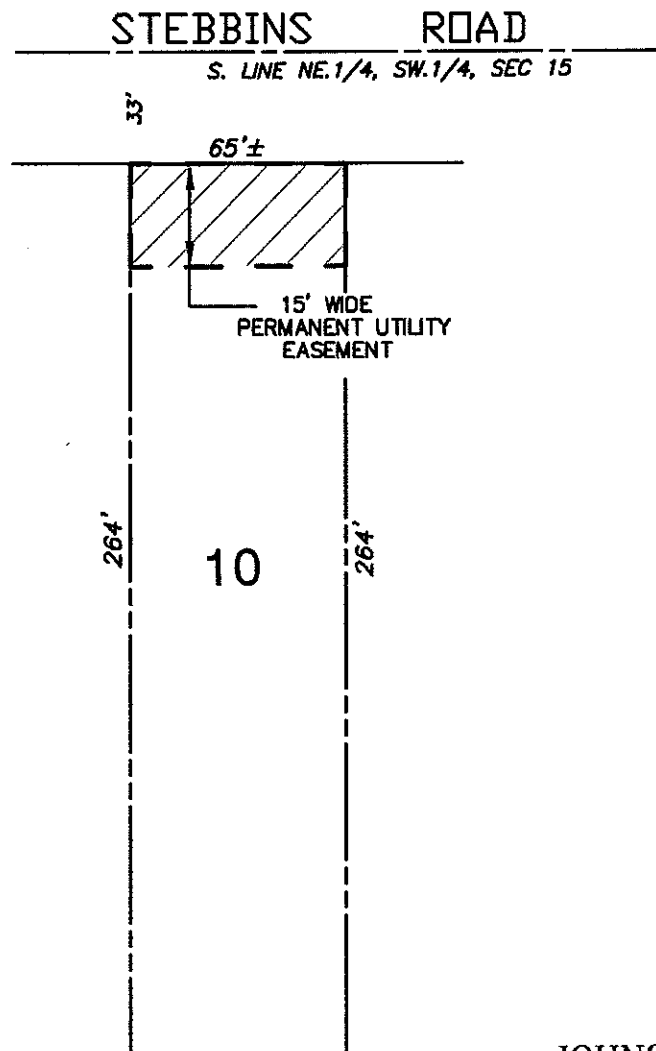
DESCRIPTION OF PROPERTY

(As taken from Muskegon Charter Twp Tax Roll)

LOT 10 OF OAKLAND SUBDIVISION, AS RECORDED IN LIBER 12, PAGE 21, MUSKEGON COUNTY RECORDS, TOWN 10 NORTH, RANGE 16 WEST, MUSKEGON CHARTER TOWNSHIP, MUSKEGON COUNTY, MICHIGAN.

DESCRIPTION OF EASEMENT(S)

PERMANENT UTILITY EASEMENT: THE NORTH 15.0 FEET OF THE ABOVE DESCRIBED PARCEL.



JOHNSON & ANDERSON, INC.

2685 Holton Road, Muskegon, MI. 49445

Date: 03/17/2004

Scale Not To Scale

Job No: 15426-00

Parcel No. 61-10-675-000-0013-00
Tax No.
Property Address 1825 Stebbins Road
Name Robert Peterson
Address 1825 Stebbins Road
Muskegon, MI 49442

EASEMENT

Indenture made this _____ day of _____ A.D., 2004,

between _____ Robert Peterson
(Name of Owners)

of _____ 1825 Stebbins Road
(Street Address)

Muskegon
(City)

MI
(State)

49442
(Zip code)

as Grantors, and Muskegon Charter Township, a municipal corporation, by and through its Township board, Township Building, Muskegon, Michigan 49442, as Grantee, hereafter referred to as the "Township" or "Grantee".

RECITALS

Grantors are the owners of certain property, hereinafter described, and Muskegon Charter Township is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain Utility Lines.

Grantor is willing to grant and convey to the Township an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, that the Grantors, for and in consideration of the sum of lawful money of the United States to them in hand paid by the Township, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the Township of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan, which said strips of land are described on the attached easement drawing, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipe lines necessary or convenient to the Township general plan for the Eastside Water System and the Muskegon Township Sewage Collection System with all of their necessary apparatuses and appurtenances, which are a part of the Muskegon Township Eastside Water System and the Muskegon County Wastewater Management System # 1.

Grantors grant and convey to the Township herewith, the right and privilege to use the temporary easement when required for the initial construction of the said watermain, and sewer mains, which shall expire after same are constructed, but not before the calendar year 2005 whichever shall first occur.

PROVIDED HOWEVER, that the:

1. Township shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.
2. Township shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.
3. Township shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.
4. Township in excavating for, constructing, laying, maintaining and repairing said sewer and water lines, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantors.

The above special provisions form a part of the consideration for this conveyance in addition to the monetary considerations above set forth.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

Dan & Teresa

Mrs. Violet A. Peterson

STATE OF MICHIGAN)
) ss
TOWNSHIP OF MUSKEGON)

On this 17th day of May, A.D., 2004, before me
personally appeared Violet A. Peterson

to me known to be the person described in and who executed the foregoing instrument and acknowledged that ___ executed the same as ___ free act and deed.

Patricia D. Jordan
Notary Public

County of Muskegon, Michigan

My Commission Expires: 9-11-04

Parcel No. 61-10-675-000-0016-00
Tax No.
Property Address 1805 Stebbins Road
Name Talena Proctor
Address 1805 Stebbins Road
Muskegon, MI 49442

EASEMENT

Indenture made this _____ day of _____ A.D., 2004,
between _____
(Name of Owners)
of _____
(Street Address)
_____ MI 49442
(City) (State) (Zip code)

as Grantors, and Muskegon Charter Township, a municipal corporation, by and through its Township board, Township Building, Muskegon, Michigan 49442, as Grantee, hereafter referred to as the "Township" or "Grantee".

RECITALS

Grantors are the owners of certain property, hereinafter described, and Muskegon Charter Township is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain Utility Lines.

Grantor is willing to grant and convey to the Township an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, that the Grantors, for and in consideration of the sum of lawful money of the United States to them in hand paid by the Township, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the Township of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan, which said strips of land are described on the attached easement drawing, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipe lines necessary or convenient to the Township general plan for the Eastside Water System and the Muskegon Township Sewage Collection System with all of their necessary apparatuses and appurtenances, which are a part of the Muskegon Township Eastside Water System and the Muskegon County Wastewater Management System # 1.

Grantors grant and convey to the Township herewith, the right and privilege to use the temporary easement when required for the initial construction of the said watermain, and sewer mains, which shall expire after same are constructed, but not before the calendar year 2005 whichever shall first occur.

PROVIDED HOWEVER, that the:

1. Township shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.

2. Township shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.

3. Township shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.

4. Township in excavating for, constructing, laying, maintaining and repairing said sewer and water lines, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantors.

The above special provisions form a part of the consideration for this conveyance in addition to the monetary considerations above set forth.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

Dawn [Signature]

Talena Proctor

STATE OF MICHIGAN)
) ss
TOWNSHIP OF MUSKEGON)

On this 21st day of May, A.D., 20 04, before me
personally appeared Talena Proctor

to me known to be the person described in and who executed the foregoing instrument and acknowledged that ___ executed the same as ___ free act and deed.

Patricia S. Jordan

Notary Public

County of Muskegon, Michigan

My Commission Expires: 9-11-04

EASEMENTS

PARCEL NO. 61-10-675-000-0016-00
TAX NO.
PROPERTY ADDRESS 1805 Stebbins Road
NAME: Talena Proctor
ADDRESS: 1805 Stebbins Road
Muskegon, Mi. 49442

DESCRIPTION OF PROPERTY

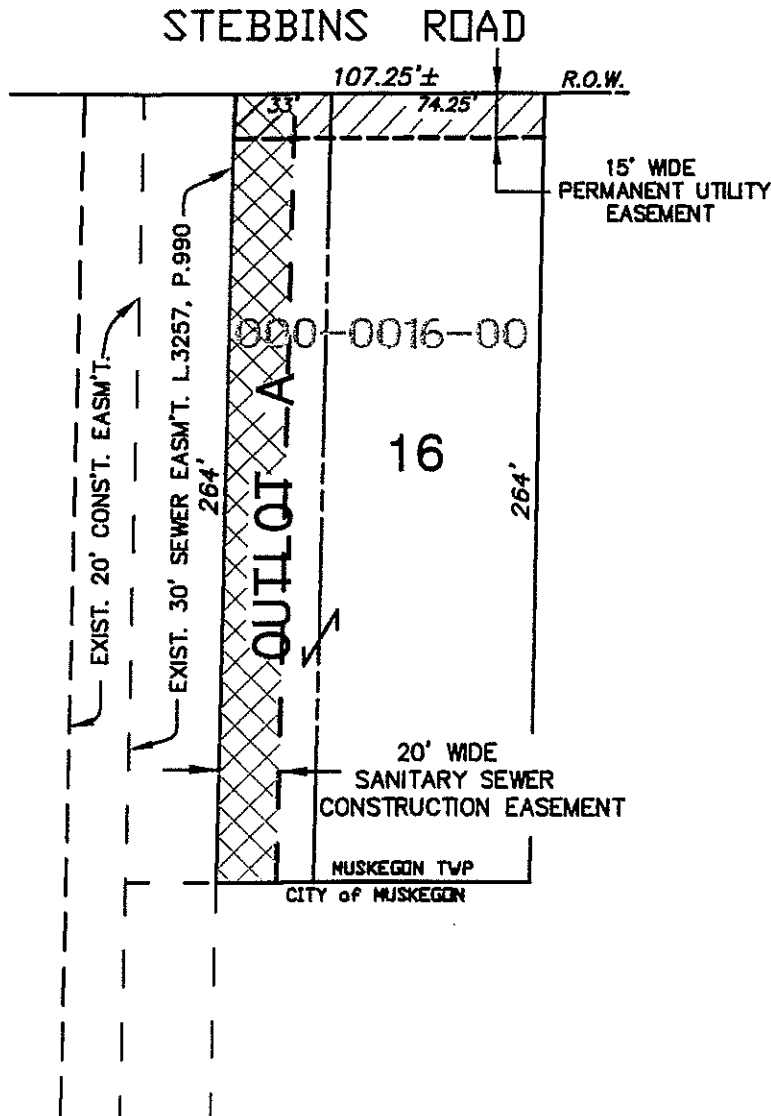
(As taken from Muskegon Charter Twp Tax Roll)

MUSKEGON CHARTER TOWNSHIP SEC 15 T10N R16W OL-16; OAKLAND SUB'D LOT 16 & OUTLOT "A".
SUBJECT TO A 30 FT PERMANENT ESMT DESC AS: COMM AT NW COR OF SW ¼, SW ¼ TH 89D 52M 13S
E 1315.90 FT TO POB TH S 01D 07M 13S W ALG CTRLINE OF A 30 FT ESMT 573 FT TH S 83D 37M 13S
W 229 FT TH S 61D 07M 13S W 245 FT TO POE ALSO DESC AS: CITY OF MUSKEGON MANHOLE ALSO: A
20 FT CONSTRUCTION ESMT ATTACHED TO W & N SIDE OF ABOVE DESC ESMT LIBER 3257 PG 990

DESCRIPTION OF EASEMENT(S)

PERMANENT UTILITY EASEMENT: THE NORTH 15.0 FEET OF THE ABOVE DESCRIBED PARCEL.

TEMPORARY CONSTRUCTION EASEMENT: THE WEST 20.0 FEET OF THE ABOVE DESCRIBED OUTLOT "A".



JOHNSON & ANDERSON, INC.

2685 Holton Road, Muskegon, Mi. 49445

Date: 03/17/2004

Scale: Not To Scale

Job No: 15426-00

Parcel No. 61-10-015-300-0006-00
Tax No.
Property Address V/L Stebbins Road
Name Muskegon Charter Township
Address 1990 Apple Avenue
Muskegon, MI 49442

EASEMENT

Indenture made this 6th day of April A.D., 2004,
between Muskegon Charter Township
(Name of Owners)
of 1990 Apple Avenue
(Street Address)
Muskegon MI 49442
(City) (State) (Zip code)

as Grantors, and Muskegon Charter Township, a municipal corporation, by and through its Township board, Township Building, Muskegon, Michigan 49442, as Grantee, hereafter referred to as the "Township" or "Grantee".

RECITALS

Grantors are the owners of certain property, hereinafter described, and Muskegon Charter Township is desirous of obtaining an easement over and upon a portion of said premises for the purpose of constructing, maintaining and using certain Utility Lines.

Grantor is willing to grant and convey to the Township an easement for said purposes upon the terms and conditions hereinafter set forth.

Witnesseth, that the Grantors, for and in consideration of the sum of lawful money of the United States to them in hand paid by the Township, the receipt of which is hereby acknowledged, do by these presents grant, and convey unto the Township of Muskegon and its successors and assigns, permanent easement over, across and under strips of land situated in the Township of Muskegon, Muskegon County, Michigan, which said strips of land are described on the attached easement drawing, for the purpose of clearing, trenching for, laying, constructing, maintaining, repairing and using utility pipe lines necessary or convenient to the Township general plan for the Eastside Water System and the Muskegon Township Sewage Collection System with all of their necessary apparatuses and appurtenances, which are a part of the Muskegon Township Eastside Water System and the Muskegon County Wastewater Management System # 1.

Grantors grant and convey to the Township herewith, the right and privilege to use the temporary easement when required for the initial construction of the said watermain, and sewer mains, which shall expire after same are constructed, but not before the calendar year 2005 whichever shall first occur.

PROVIDED HOWEVER, that the:

1. Township shall restore the premises to the same condition they were in prior to such construction, maintenance, repair or alteration, except for tree removal.
2. Township shall provide Grantors with a temporary roadway for pedestrian and vehicular traffic when such construction, maintenance, alterations, and repairs interfere with the Grantors' ordinary pedestrian and vehicular access to the premises.
3. Township shall cooperate with Grantors to cause the least inconvenience to Grantors during such construction, maintenance, alteration and repairs and complete such work as soon as reasonably possible.
4. Township in excavating for, constructing, laying, maintaining and repairing said sewer and water lines, shall do as little damage as possible to the premises of Grantor, and it shall make good all of such damage to Grantors.

The above special provisions form a part of the consideration for this conveyance in addition to the monetary considerations above set forth.

IN WITNESS WHEREOF, Grantors have executed this Agreement on the year and day first above written.

Witnesses:

Gloria Vega

P. Don Aley
P. Don Aley

STATE OF MICHIGAN)
) ss
TOWNSHIP OF MUSKEGON)

On this 6th day of April, A.D., 2004, before me
personally appeared P. Don Aley, Muskegon Township Supervisor

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

[Signature]
Notary Public

County of Muskegon, Michigan

My Commission Expires: 11-13-04

EASEMENTS

PARCEL NO. 61-10-015-300-0006-00
TAX NO.
PROPERTY ADDRESS V/L Stebbins Road
NAME: Muskegon Charter Township
ADDRESS: 1990 Apple Avenue
Muskegon, Mi. 49442

DESCRIPTION OF PROPERTY

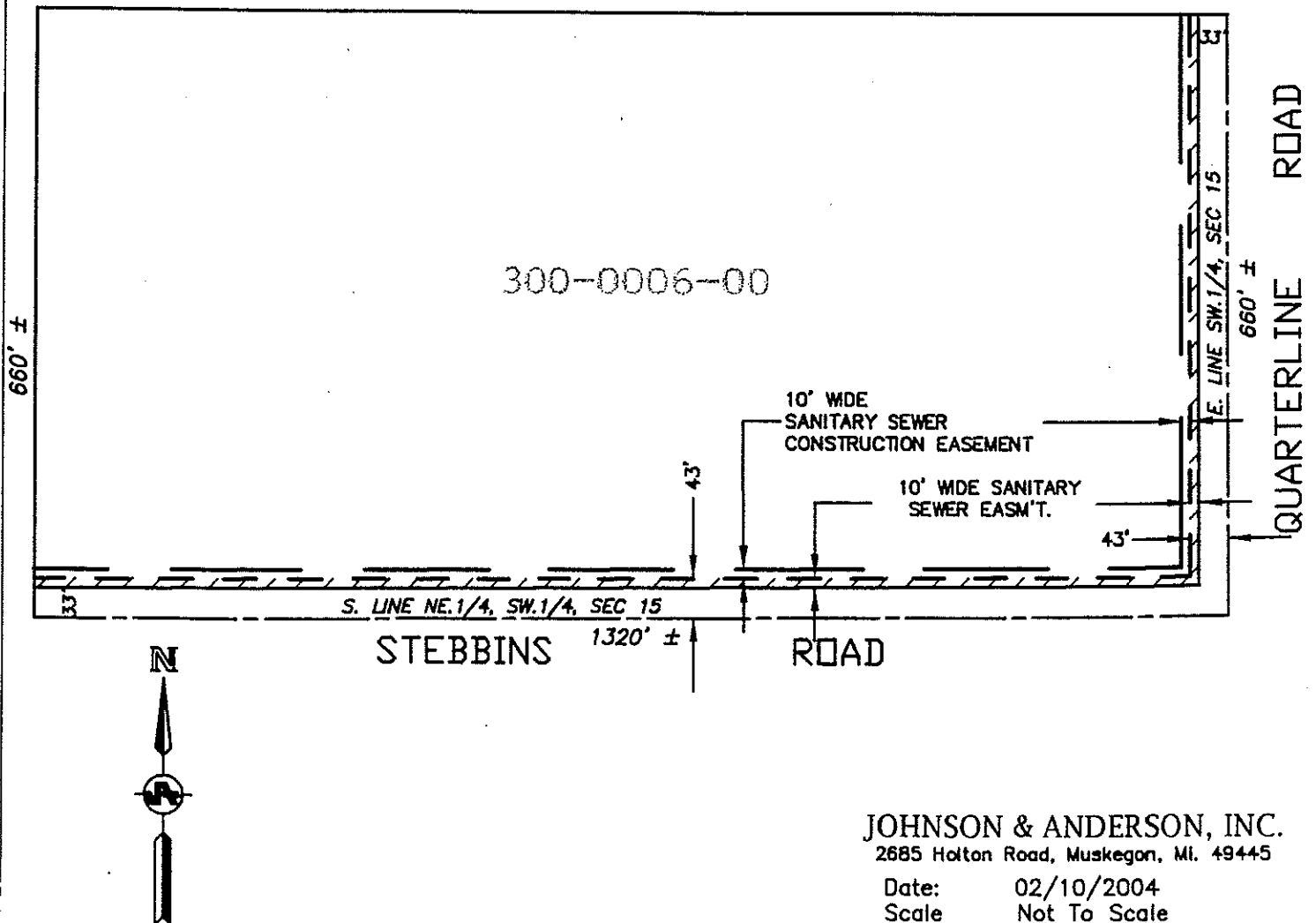
(As taken from Muskegon Charter Twp Tax Roll)

THE S 1/2 OF THE NE 1/4 OF THE SW 1/4, SEC 15, TOWN 10 NORTH, RANGE 16 WEST, MUSKEGON CHARTER TOWNSHIP, MUSKEGON COUNTY, MICHIGAN.

DESCRIPTION OF EASEMENT(S)

PERMANENT SEWER EASEMENT: THE NORTH 10.0 FEET OF THE SOUTH 43.0 FEET and THE WEST 10.0 FEET OF THE EAST 43.0 FEET OF THE ABOVE DESCRIBED PARCEL.

TEMPORARY CONSTRUCTION EASEMENT: THE NORTH 10.0 FEET OF THE SOUTH 53.0 FEET and THE WEST 10.0 FEET OF THE EAST 53.0 FEET OF THE ABOVE DESCRIBED PARCEL.



EASEMENTS

PARCEL NO. 61-10-015-300-0006-00
TAX NO.
PROPERTY ADDRESS V/L Stebbins Road
NAME: Muskegon Charter Township
ADDRESS: 1990 Apple Avenue
Muskegon, Mi. 49442

DESCRIPTION OF PROPERTY

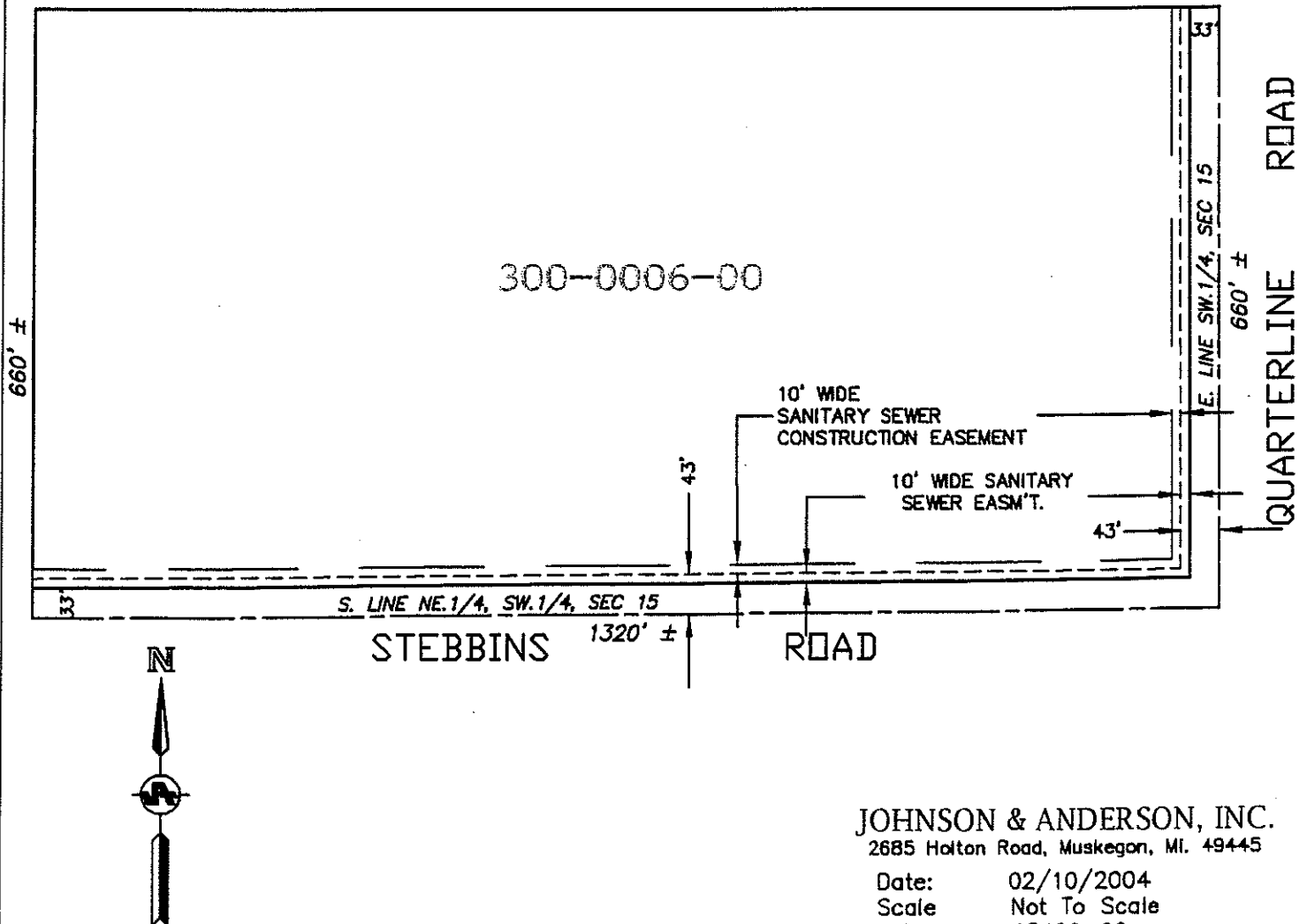
(As taken from Muskegon Charter Twp Tax Roll)

THE S 1/2 OF THE NE 1/4 OF THE SW 1/4, SEC 15, TOWN 10 NORTH, RANGE 16 WEST, MUSKEGON COUNTY, MICHIGAN.

DESCRIPTION OF EASEMENT(S)

PERMANENT SEWER EASEMENT: THE NORTH 10.0 FEET OF THE SOUTH 43.0 FEET and THE WEST 10.0 FEET OF THE EAST 43.0 FEET OF THE ABOVE DESCRIBED PARCEL.

TEMPORARY CONSTRUCTION EASEMENT: THE NORTH 10.0 FEET OF THE SOUTH 53.0 FEET and THE WEST 10.0 FEET OF THE EAST 53.0 FEET OF THE ABOVE DESCRIBED PARCEL.



JOHNSON & ANDERSON, INC.
2685 Halton Road, Muskegon, MI. 49445

Date: 02/10/2004
Scale: Not To Scale
Job No: 15426-00

CITY COMMISSION MEETING
Tuesday June 22, 2004

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: June 15, 2004

SUBJECT: Request to Establish a Pay Range-Police Records Supervisor

SUMMARY OF REQUEST:

Police Department staff request that the Commission consider our request for an increase in the pay grade for the Police Records Supervisor position. As a result of organizational changes within the department, the position of Administrative Aide was eliminated and has been replaced with that of Police Records Supervisor. The new job description has been approved by the civil Service Commission. The requested pay-grade change is as follows:

Administrative Aide:	\$27,538 - \$36,720
Police Records Supervisor:	\$33,698 - \$44,933

FINANCIAL IMPACT:

As a result of salary savings from open positions, funds are available for this pay grade change.

BUDGETED ACTION REQUIRED:

None.

STAFF RECOMMENDATIONS:

Approval of this request.



CITY OF MUSKEGON

DIVISION OF PUBLIC SAFETY

Anthony L. Kleibecker
Director of Public Safety



MEMORANDUM

TO: Bryon Mazade
City Manager

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: June 14, 2004

SUBJECT: Police Records Supervisor Position

We have had a number of discussions as to why I believe that it would be beneficial to the police department to upgrade this position. I am aware that you would like to have further discussions with the commission in regards to this potential upgrade and I offer the following in order to provide a clearer understanding of the functions of this position.

Duties and responsibilities that are critical to the successful operation of the Records Office include the following:

- Proven records management skills, including technological knowledge that will allow for more effective and efficient storage and retrieval of records.
- The ability to develop on-line delivery of records services i.e., police reports, accident reports, public information documents, permits (E-government).
- Preparation of the department payroll. Portions of this function have been the responsibility of the records office manager but are currently handled by the Director's secretary. As a result, the secretary has little or no time to assist the Director with projects, reports and other administrative functions.
- Full responsibility for the department's public information function. This is currently handled by the Investigations Captain and as a result has impacted his ability to assist and manage the detectives within his bureau.
- Serve as the department's Law Enforcement Information Network Terminal Agency Coordinator (TAC). The TAC is responsible for training officers, responding to state audits and preparing reports for the state. Currently a Lieutenant and a Customer

Service Representative share these responsibilities. This would relieve the Lieutenant of his involvement in this process.

- Skills, knowledge and experience in addressing personnel issues. In the absence of this position, those duties have been the responsibility of the Investigations Captain.
- Strong leadership. Able to take an active role as a member of the department's management team.
- Periodic and systemic review of business practices and internal processes. This is critical to improving the customer relations aspect of the records department.

Finally, I am seeking a person who can gain the very best effort from the records staff. Since my arrival I have discussed with you my concerns as to our low number of support staff, relative to our number of sworn personnel. Without adequate support staff, functions that could be handled by them fall to sworn personnel and that is not the best use of that resource. I firmly believe that by developing this management position we will gain greater efficiency and effectiveness in the unit and thus, not need to increase our level of support staff.

Thank you for your consideration.