

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 25, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION
 - A. 2003 4th Quarter Employee Suggestion Award. CIVIL SERVICE
 - B. 2004 1st Quarter Employee Suggestion Award. CIVIL SERVICE
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. MML – Annual Membership Dues (7/1/04 – 6/30/05). CITY MANAGER
 - C. Sale of Buildable Vacant Lot on Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - D. Sale of Non-Buildable Portion of 1078 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - E. Sale of Marginal Lot at 604 Orchard Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - F. Sale of Non-Buildable Lot at 498 Houston Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - G. Sale of Marginal Lot at 1725 Terrace Street. PLANNING & ECONOMIC DEVELOPMENT
 - H. Sale of Non-Buildable Lot at 2175 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT
 - I. Request for Final Planned Unit Development Approval for Phase II of V at 920 Washington Ave. - the Watermark Center (former Shaw Walker complex). PLANNING & ECONOMIC DEVELOPMENT
 - J. FIRST READING: Zoning Ordinance Amendment for Taxi/Limousine Services. PLANNING & ECONOMIC DEVELOPMENT
 - K. FIRST READING: Zoning Ordinance Amendment for Theaters. PLANNING & ECONOMIC DEVELOPMENT
 - L. FIRST READING: Rezoning Request for Property Located at 135 Ottawa Street.

PLANNING & ECONOMIC DEVELOPMENT

M. Authorization to Utilize Staples Business Program for Office Supply Purchases. PUBLIC SAFETY

N. 2004 Water Treatment Chemical Bids. WATER FILTRATION

❑ PUBLIC HEARINGS:

A. Amendments to Brownfield Plan – “The Watermark” Project. PLANNING & ECONOMIC DEVELOPMENT

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

A. Muskegon Township Water Billing Service Contract. FINANCE

B. Technical Amendments to Deferred Comp Plan. FINANCE

C. Granting of Easement to Resource Industries. PLANNING & ECONOMIC DEVELOPMENT

D. 2004 Comprehensive Economic Development Strategy (CEDS) Project Submissions. PLANNING & ECONOMIC DEVELOPMENT

E. Liquor License Request – Vickibob Corporation, 1050 W. Western Avenue, Suite 111. CITY CLERK

F. Liquor License Transfer Request - BLMC Enterprises, Inc., 1601 Beach Street. CITY CLERK

G. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1. 516 Allen – Garage Only – Area 11

2. 586 Allen – Area 11

3. 492 White – Area 11

4. 593 W. Western

5. 1054 W. Grand

6. 782 W. Southern – Area 12

❑ 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.

2004-49

Kundinger, Gail

From: Scholle, Karen
Sent: Thursday, May 06, 2004 12:43 PM
To: Kundinger, Gail
Cc: Mazade, Bryon; Paul, Tim; Kuhn, Bob
Subject: City Commission Agenda Item

Gail,

Please let me know the date of the meeting for the following:

TO: Honorable Mayor and City Commissioners

FROM: Karen Scholle, Civil Service Personnel Director

RE: Employee Suggestion Award Program

SUMMARY OF REQUEST:

Presentation of 2003 4th Quarter Employee Suggestion Award to

Laurie Heykoop, DPW Customer Service Representative II

for her suggestion to implement a fee for use of the City's landfill, previously used at no charge.

Presentation of 2004 1st Quarter Employee Suggestion Award to

Wayne Peterson, IT Computer Technician

for his suggestion to offer TRICARE supplemental insurance option to military employees. The supplement pays for out-of-pocket employee medical expenses and would be more cost effective for the employee and the City. This could save the City the cost of Priority Health Insurance coverage premiums on these employees.

Presentation of 2003-2004 1st program year \$50 awards; randomly drawn from suggestions submitted.

(Employees' names unknown at this time.)

FINANCIAL IMPACT:

\$600 from Employee Suggestions Program budget

STAFF RECOMMENDATION:

Staff requests approval.

Date: May 25, 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 Commission Worksession that was held on Monday, May 10, 2004; and the Regular Commission Meeting that was held on Tuesday, May 11, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 25, 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, May 25, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson from the Word of Truth Outreach 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, Commissioners Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2004-49 INTRODUCTIONS/PRESENTATION

A. 2003 4th Quarter Employee Suggestion Award. CIVIL SERVICE

Mayor Warmington presented the 2003 4th Quarter Employee Suggestion Award to Laurie Heykoop.

B. 2004 1st Quarter Employee Suggestion Award. CIVIL SERVICE

Mayor Warmington presented the 2004 1st Quarter Employee Suggestion Award to Wayne Peterson and also presented the Annual Random drawings to Scott Hemmelsbach and Larry Decou.

2004-50 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, May 10, 2004; and the Regular Commission Meeting that was held on Tuesday, May 11, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. MML – Annual Membership Dues (7/1/04 – 6/30/05). CITY MANAGER

SUMMARY OF REQUEST: To obtain permission from the City Commission, in accordance with the Purchasing Policies and Procedures, to pay the MML Annual Membership Dues for July 1, 2004, through June 30, 2005.

FINANCIAL IMPACT:

MML Membership Dues: \$8,190

Environmental Affairs Assessment: 983

Legal Defense Fund Membership: 819

Total Dues: \$9,992

BUDGET ACTION REQUIRED: None. Cost applied to proper budget line items.

STAFF RECOMMENDATION: Approval

C. Sale of Buildable Vacant Lot on Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1078 Marquette Avenue to Habitat for Humanity, 280 Ottawa Street, Muskegon MI. The lot is 154 x 142 ft. and is being offered to Habitat for Humanity for \$9,000. They plan to split the lot into two 77 ft. lots and construct two 1,260 sq. ft single-family home as part of the Jimmy Carter home building program. Habitat has met with the Marquette Neighborhood Association and they are supportive of this effort. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of two 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.

D. Sale of Non-Buildable Portion of 1078 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a non-buildable portion (25 feet) of a larger lot at 1078 Marquette Avenue to Doris Jibson, of 1066 Marquette Avenue, Muskegon, MI 49442. Approval of this sale will allow Mrs. Jibson to own a house located on a buildable lot and expand her current yard. The remaining 154 feet has been requested by Habitat for Humanity as a buildable lot.

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.

E. Sale of Marginal Lot at 604 Orchard Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant marginal lot at 604 Orchard Avenue to Tyrone & Nailah Matthews, 612 Orchard Avenue, Muskegon MI. Approval of this sale will allow the owner to have a home located on a buildable lot and also to expand their current yard. As is outlined in the Dollar Lot Marketing Plan, the Matthews own the smallest adjacent parcel, and are therefore being offered the entire lot for \$1.

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.

F. Sale of Non-Buildable Lot at 498 Houston Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable at 498 Houston Avenue to Shannon H. Brown, of 492 Houston Avenue, 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. Since the other adjacent property owner did not respond to the opportunity to purchase a half of this lot, it is being offered to Ms. Brown for \$1 under the Dollar Lot Marketing Plan for residential lots.

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.

G. Sale of Marginal Lot at 1725 Terrace Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OR REQUEST: To approve the sale of a vacant marginal lot at 1725 Terrace Street to Mario & Laurie Perez, owners of 232 E. Larch Avenue and May Property Management, LLC, owner of 1731 Terrace Street, Muskegon, MI 49442. Approval of this sale will allow both property owners to own houses located on

buildable lots, as well as to expand their current yards. As is required by City policy, the subject parcel is being offered for \$1, and will be split between Mr. & Mrs. Perez and May Property Management under the Dollar Lot Policy.

FINANCIAL IMPACT: The sale of this lot 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 the resolution and deed.

H. Sale of Non-Buildable Lot at 2175 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 2175 Lakeshore Drive, Muskegon Avenue to Eleanor Daniels, of 2168 Denmark Street, Muskegon MI. Approval of this sale will allow the adjacent property owners to expand her current yard. Other adjacent property owners were offered the opportunity to purchase this lot, but were not interested. This lot is being offered to Mrs. Daniels for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT: The sale of this lot 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 the resolution and deed.

I. Request for Final Planned Unit Development Approval for Phase II of V at 920 Washington Ave. - the Watermark Center (former Shaw Walker complex). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for final approval for Phase II of the Planned Unit Development and associated site plan for the Watermark Center (former Shaw-Walker complex). This request is for 10,840 square feet of commercial space at the corner of Washington and Division. The request is from Hooker Dejong.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final PUD approval for Phase II and approval of the associated plans provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended final approval of Phase II of the PUD and associated plans, with the conditions listed on the resolution, at their regular meeting on 5/13. The vote was unanimous with P. Sartorius, S. Warmington, and B. Smith absent.

J. FIRST READING: Zoning Ordinance Amendment for Taxi/Limousine Services. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1301 of Article X111 (B-4, General Business Districts) to add Taxi/Limousine Services under Special Land Uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add language regarding Taxi/Limousine services.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S. Warmington, B. Smith and B. Mazade absent.

K. FIRST READING: Zoning Ordinance Amendment for Theaters. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add indoor theaters under Special Land Uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add language regarding theaters.

COMMITTEE RECOMMENDATIONS: The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S. Warmington and B. Smith absent.

L. FIRST READING: Rezoning Request for Property Located at 135 Ottawa Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by Dale Horton, located at 135 Ottawa Street, from WM, Waterfront Marine to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S. Warmington, B. Smith and B. Mazade absent.

M. Authorization to Utilize Staples Business Program for Office Supply

Purchases. PUBLIC SAFETY

SUMMARY OF REQUEST: A committee of City staff responsible for the purchase of supplies was established earlier this year. The task assigned to the group was to investigate various vendors and make a recommendation to the manager for the purchase of office supplies. The committee worked diligently through the process and examined three companies from the area. The first was Daniels Office Supply, the second was Office Max, and the third company was Staples. Through the study it became apparent that significant savings could be realized. Prices from the three companies were examined as well as delivery time, invoicing, ease of use, internet ordering, and having the items required for the operation of the City.

Staples came in first place due to an average savings of 23% over a two month sample of our current orders, next day delivery which is free with a \$25.00 minimum order and a single invoice to the Finance Department broken down by department. Additional items included the availability of cleaning supplies and other items normally not associated with an office supply company.

It is believed that we can obtain a significant savings over our current ordering practices over a two month period.

FINANCIAL IMPACT: None, as these funds are budgeted.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the committee's recommendation.

N. 2004 Water Treatment Chemical Bids. WATER FILTRATION

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

FINANCIAL IMPACT: Annual cost of \$70,498.00 (based on average annual water pumped to mains).

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

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda as read.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

2004-51 PUBLIC HEARINGS:

A. Amendments to Brownfield Plan – "The Watermark" Project. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by P & G Holdings NY, LLC ("P & G") in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the development of the condominiums and commercial space, proposed by the owners of "The Watermark" project, will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for May 25, 2004, at their April 27, 2004 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on April 20, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

A Public Hearing was opened at 5:52pm to hear comments from the public. No comments were heard at this time.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:54pm and to approve the resolution approving and adopting amendments for the Brownfield Plan, and authorize the Mayor and Clerk to sign the resolution.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

MOTION PASSES

2004-52 NEW BUSINESS:

A. Muskegon Township Water Billing Service Contract. FINANCE

SUMMARY OF REQUEST: The 2003 sale of the southside water system to Muskegon Township included a provision that the City would continue billing services (at no charge) to Township customers for a one-year period. The one-year period is

now expired and the Township has requested that the City continue billing services for at least one more year. The contract provides for the City to provide these services for one additional year with a possible second-year extension.

FINANCIAL IMPACT: The City will receive payment of \$60,000 to cover costs of billing services during 2004-05.

BUDGET ACTION REQUIRED: No budget action is recommended at this time.

STAFF RECOMMENDATION: Staff recommends approval of the proposed water billing service contract with Muskegon Township contingent upon prior approval by the Township Board.

Motion by Vice Mayor Larson, second by Commissioner Carter to approve the proposed water billing service contract with Muskegon Township contingent upon prior approval by the Township Board.

ROLL VOTE: **Ayes: Gawron, Larson, Shepherd. Spataro, Warmington, Carter, Davis**

Nays: None

MOTION PASSES

B. Technical Amendments to Deferred Comp Plan. FINANCE

SUMMARY OF REQUEST: One of the benefits offered to City employees is the ability to contribute a portion of pay to a "457" tax-advantaged deferred compensation plan. 457 plans are similar in many ways to 401(k) programs but are specifically for public sector employees. Amendments to the Treasury Regulations governing 457 plans were made and our service provider (Hartford Insurance) recommends adoption of the resolution to bring our plan into conformity with the new regs.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the recommendation from service provider Hartford Insurance to adopt the resolution bring our 457 plan into conformity with the amendments to the Treasury Regulations.

ROLL VOTE: **Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron**

Nays: None

MOTION PASSES

C. Granting of Easement to Resource Industries. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To grant a 57-foot easement across the City-owned property located at 1537 S. Getty Street to Re-Source Industries, Inc., 1485 S. Getty Street. The easement will be used as a driveway for trucks to access the loading dock area at the rear of their building. The only other access to this area available for Re-Source Industries is across their customer parking lot, which often contains cars, which impedes access.

FINANCIAL IMPACT: Re-Source Industries agreed to pay a one-time amount of \$2,000 for this easement.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To grant the easement to Re-Source Industries, Inc.

Motion by Commissioner Carter, second by Commissioner Davis to approve the easement to Resource Industries, Inc.

ROLL VOTE: **Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson**

Nays: None

MOTION PASSES

D. 2004 Comprehensive Economic Development Strategy (CEDS) Project Submissions. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the list of projects for inclusion in the West Michigan Shoreline Regional Development Commission's annual Comprehensive Economic Development Strategy (CEDS). The Comprehensive Strategy is not an application for funds but rather a "wish list" for economic development within the West Michigan region.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution submitting projects from the City of Muskegon for inclusion in the 2004 Comprehensive Economic Development strategy.

COMMITTEE RECOMMENDATION: The City of Muskegon Planning Commission, at its regular meeting on May 13, 2004, recommended approval.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the resolution submitting projects from the City of Muskegon for inclusion in the 2004 Comprehensive Economic Development Strategy.

ROLL VOTE: **Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, Shepherd**

Nays: None

MOTION PASSES

E. Liquor License Request – Vickibob Corporation, 1050 W. Western Avenue, Suite 111. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Vickibob Corp., 1050 W. Western Avenue, Suite 111, in the Hartshorn Center for a new SDM license.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on final inspection.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the request from Vickibob Corp., 1050 W. Western Avenue, Suite 111, in the Hartshorn Center for a new SDM License, contingent on final inspection.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

MOTION PASSES

F. Liquor License Transfer Request - BLMC Enterprises, Inc., 1601 Beach Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from BLMC Enterprises, Inc., of 1601 Beach Street, to transfer ownership of the 2003 Class C-SDM licensed business (in escrow) with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 areas), 2 Bars, and Drive-up Window Permit from Beach Street Inn, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on final inspection and a zoning variance may be required for the drive-up window.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the request from BLMC Enterprises, Inc of 1601 Beach Street to transfer ownership of the 2003 Class C-SDM licensed business with Dance-Entertainment permit, Official Permit (food), Outdoor Service (2areas), 2 Bars and Drive-up Window Permit from Beach Street Inn, Inc., contingent on final inspection.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

G. Concurrence with the Housing Board of Appeals Notice and Order to

Demolish the Following: PUBLIC SAFETY

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

1. 516 Allen – Garage Only – Area 11

CASE# & PROJECT ADDRESS: #EN-040031 – 516 Allen Ave. - Garage

LOCATION AND OWNERSHIP: This structure is located on Allen between Williams and Scott Street. It is owned by Amanda Williams.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 2/6/04. A Notice and Order to Repair was issued 2/9/04. On 4/1/04 the HBA declared the house substandard.

OWNER CONTACT: There has been no contact from the owner.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$17,200 (House and garage)

ESTIMATED COST TO REPAIR: \$3,000

2. 492 White – Area 11

CASE# & PROJECT ADDRESS: #EN-040032 – 492 White

LOCATION AND OWNERSHIP: This structure is located on White between Williams and Scott Street. It is owned by the State of Michigan.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 2/17/04. A Notice and Order to Repair was issued 2/20/04. On 4/1/04 the HBA declared the house substandard.

OWNER CONTACT: There has been no contact from the state.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: N/A

ESTIMATED COST TO REPAIR: \$10,000 plus the cost of interior repairs

3. 593 W. Western

CASE# & PROJECT ADDRESS: #EN-030170-593 W. Western

LOCATION AND OWNERSHIP: This structure is located on Western Ave., between

Fifth and Sixth Streets. It is owned by the Westwood Group.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 11/10/03. A Notice and Order to Repair was issued 11/10/03. On 1/8/04 the HBA declared the house substandard and on 3/2/04 the HDC concurred with their decision.

OWNER CONTACT: A representative of the Westwood Group spoke at the HBA meeting and stated they are trying to sell the building.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$32,600

ESTIMATED COST TO REPAIR: Unable to determine at this time, building is collapsed and scheduled for redevelopment at a cost that is unknown at this time.

4. 1054 W. Grand

CASE# & PROJECT ADDRESS: #EN-040019 – 1054 W. Grand

LOCATION AND OWNERSHIP: This structure is located on West Grand between Franklin and Hudson and is owned by James Mackenzie.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 1/27/04 after a complaint from a CPS worker stating he believed the house to be a dangerous situation. Upon inspection it was noted the house had been illegally converted to 2 units and the construction was not safe. A Notice and Order to Repair was issued 1/29/04. On 3/4/04 the HBA declared the house substandard.

OWNER CONTACT: The owner stated he is abandoning the house.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$20,100

ESTIMATED COST TO REPAIR: \$40,000

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 516 Allen, 492 White, 593 W. Western and 1054 W. Grand and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: Davis

MOTION PASSES

5. 586 Allen

CASE# & PROJECT ADDRESS: #EN-040013 – 586 Allen Ave.

LOCATION AND OWNERSHIP: This structure is located on Allen between Williams and Scott Street. It is owned by Virginia Kelley (deceased)

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 1/26/04 and the Notice and Order to Repair was issued on the same day. On 4/1/04 the HBA declared the house substandard.

OWNER CONTACT: Leona Hendrie (daughter of Virginia) was present at the HBA meeting. She stated her brother who is incarcerated, lived in the house and there is a problem clearing the title. She did schedule an interior inspection which was conducted 4/13/04.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$10,800

ESTIMATED COST TO REPAIR: \$12,000

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 586 Allen and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: Davis

MOTION PASSES

6. 782 W. Southern – Area 1

CASE# & PROJECT ADDRESS: #EN-030155 – 782 W. Southern

LOCATION AND OWNERSHIP: This structure is located on Southern between Henry and Beidler and is owned by Sharee Hutchins.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 9/18/03 and an interior inspection was conducted on 10/2/03. A Notice and Order to Repair was issued 10/17/03. On 12/4/03 the HBA declared the house substandard, but the Director of Inspections stated the case would not proceed to City Commission until the 2nd meeting in February to allow her time to get permits pulled. Ms. Hutchins stated she was trying to get rental rehab funding through CNS and she had to finish the project she was getting rehab for at the

time before she could apply for another project. She was told at the time that the value on the required repairs was in the \$50,000 range and she must proceed before the February meeting due to the length of time the house had been vacant. Her contractor stated he could pull the building permit by the end of January. She was told if permits were pulled and work commenced the case would not proceed. Building, electrical and mechanical permits were pulled by with the owner. As of 5/5/04 CNS had not received bid proposals from Ms. Hutchins and no commitment had been signed. A plumbing permit was not pulled.

OWNER CONTACT: A board up notice was issued to Sharee Hutchins 2/11/02 and on 2/18/02 she notified the Inspection office that she was working on clearing the title and couldn't do anything until after that. On 5/5/03 she was notified that the house was open again and she stated she had clear title and would pull permits to repair as soon as she had the paperwork. She let Inspections know she was still trying to get funding through CNS, but permits were pulled at the last minute and she had problems getting a person to repair the foundation. Her permits expired 5/15/04 and she asked for an extension, which was denied. She was notified of the case preceding the City Commission and asked again for an extension. She was told on 5/15/04 she had ten (10) days to complete the repairs.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$15,000

ESTIMATED COST TO REPAIR: \$50,000

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

Motion by Commissioner Gawron, second by Commissioner Spataro to concur with the Housing Board of Appeals decision to demolish 782 W. Southern with a delay for bids for demolition for 90 days.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

MOTION PASSES

H. Restrictive Covenant for Michcon RAP CITY MANAGER

SUMMARY OF REQUEST: To approve a restrictive covenant regarding the MichCon RAP on a property owned by the West Michigan Dock & Market Company and the City has an easement on.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the documents and authorize the Mayor to execute same.

Motion by Vice Mayor Larson, second by Commissioner Carter to approve the restrictive covenant regarding the MichCon RAP on a property owned by the West Michigan Dock & Market Company and the City and authorize the Mayor to execute same.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

MOTION PASSES

The Regular Commission meeting for the City of Muskegon was adjourned at 7:15pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding". The signature is written in a cursive, flowing style.

Gail A. Kunding, MMC

City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 05/25/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 18, 2004

RE: MML – Annual Membership Dues (7/1/04 – 6/30/05)

SUMMARY OF REQUEST:

To obtain permission from the City Commission, in accordance with the Purchasing Policies and Procedures, to pay the MML Annual Membership Dues for July 1, 2004, through June 30, 2005.

FINANCIAL IMPACT:

MML Membership Dues:	\$ 8,190
Environmental Affairs Assessment:	\$ 983
Legal Defense Fund Membership:	\$ 819
 Total Dues:	 <u>\$ 9,992</u>

BUDGET ACTION REQUIRED:

None. Cost applied to proper budget line items.

STAFF RECOMMENDATION:

Approval.

COMMITTEE RECOMMENDATION:

None.



President
JAMES SINCLAIR
Mayor Pro Tem, Rogers City

Vice President
GRETCHEN DRISKELL
Mayor, Saline

Trustees
ALEX ALLIE
City Manager, Huntington Woods

KATHLEEN BUCKNER
Councilmember, Center Line

SHEILA COCKREL
Councilmember, Detroit

MICHAEL CZYMBOR
City Administrator, Milan

CRAIG GIERKE
Councilmember, Escanaba

BARBARA HOLT
Mayor Pro Tem, Walker

ROBERT JONES
Mayor, Kalamazoo

KAREN LAWRENCE-WEBSTER
Finance Director/Treasurer, Saginaw

THOMAS MARKUS
City Manager, Birmingham

MICHAEL MATHENY
Mayor, Grand Blanc

SPENCER NEBEL
City Manager, Sault Ste. Marie

FLORENCE SCHRADER
Treasurer, Uby

MARGENE ANN SCOTT
Councilmember, Madison Heights

CLARA SHEPHERD
Commissioner, Muskegon

WILLIAM STEWART
City Manager, Coldwater

JOSEPH YUCHASZ
Village President, Elk Rapids

Executive Director
GEORGE D. GOODMAN

May 7, 2004

RECEIVED

MAY 14 2004

MUSKEGON
CITY MANAGER'S OFFICE

Ms. Gail A. Kunding
Muskegon City Clerk
933 Terrace St.
PO Box 536
Muskegon, MI 49443-0536

Dear Ms. Kunding:

Enclosed are your 2004-2005 Michigan Municipal League membership renewal invoice and member plaque insert. The state shared revenue figures used for calculating your dues are accurate to the best of our knowledge.

In the past year the MML has educated and trained over 2,100 municipal officials and employees in many aspects of public sector activity and responsibility. Our annual convention and legislative conference continue to be successful and productive events with well over 600 attendees at each.

Our legislative endeavors saw the successful override of the state shared revenue veto thereby retaining larger percentages of revenues available to municipalities than had the veto been sustained. Also, several millions of dollars in grants should be made available to municipalities for funding personal property tax audits. This should help municipalities recoup some of the millions of dollars in personal property taxes that are uncollected in Michigan each year. These are just a few examples of work vigorously undertaken or supported by the League for the benefit of its members.

We continue to update our communication efforts via the Web for the convenience of the membership. We now have a "member only" section at our Web site (www.mml.org) which is being continually enhanced. Many of the over 2200 information requests we processed last year came to us online.

The trustees, staff and I thank you for your ongoing support of the League and the work it does on behalf of Michigan's cities and villages.

Please feel free to contact me or any of the MML staff should you have any questions.

Sincerely,

George D. Goodman
Executive Director

Enc.

A member of the National League of Cities

Web Address
www.mml.org

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

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

Northern Field Office
200 Minneapolis Avenue
Gladstone, MI 49837-1931
Phone: 906-428-0100
Fax: 906-428-0101



**MICHIGAN MUNICIPAL LEAGUE
MEMBERSHIP RENEWAL INVOICE
2004 - 2005**

CITY OF MUSKEGON

Id: 347

Date: May 7, 2004

Membership Period: July 1, 2004 - June 30, 2005

2002-2003 State Shared Revenue: \$5,005,472

* Michigan Municipal League Dues	\$8,190
** Environment Affairs Assessment	983
*** Legal Defense Fund	819

Total due by July 1, 2004 **\$9,992**

Please sign, date and return one invoice copy with your payment.

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

(Signature)

(Date)

* See reverse side
** See reverse side
*** See reverse side

Michigan Municipal League
P.O. Box 7409
Ann Arbor, MI 48106-7409
800.653.2483

* Michigan Municipal League Dues

The following MML dues schedule, which was adopted on January 1, 1977, is based on state shared revenue (SSR) received by your municipality for the twelve (12) month period beginning July 1, 2002, which is two (2) years prior to the beginning of the League's fiscal year.

The MML dues include annual subscriptions to the Michigan Municipal Review for your officials at \$12.00 per subscription, which is 50% of the regular subscription rate.

<u>SSR</u>		<u>Total Dues</u>
\$0 – \$7,500		\$ 85.00
\$7,501 – 15,000		\$ 140.00
\$15,001 – 30,000	\$140 plus \$11 per \$1,000 or fraction thereof over \$15,000 of state-returned general-purpose monies; maximum	\$ 305.00
\$30,001 – 150,000	\$305 plus \$75.65 per \$15,000 or fraction thereof over \$30,000 of state-returned general-purpose monies; maximum	\$ 910.00
\$150,001 – 750,000	\$910 plus \$68 per \$15,000 or fraction thereof over \$150,000 of state-returned general-purpose monies; maximum	\$ 3,630.00
\$750,001 – 1,500,000	\$3,630 plus \$27.10 per \$15,000 or fraction thereof over \$750,000 of state-returned general-purpose monies; maximum	\$ 4,990.00
\$1,500,001 – 3,000,000	\$4,990 plus \$14.85 per \$15,000 or fraction thereof over \$1,500,000 of state-returned general-purpose monies; maximum	\$ 6,475.00
\$3,000,001 and above	\$6,475 plus \$12.80 per \$15,000 or fraction thereof over \$3,000,000 of state-returned general-purpose monies; maximum	8.8% of total League dues payable in the preceding fiscal year

** Environmental Affairs Assessment

The purpose of the EAA is to fund the Environmental Affairs Service (EAS) and its advocacy for the municipal point of view on environmental, public works and infrastructure issues at the state and federal level. The EAS Limited one-on-one assistance to MML members concerning environmental protection mandates, transportation and public works activities is also available.

*** Legal Defense Fund

The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

Commission Meeting Date: May 25, 2004

Date: May 7, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Buildable Vacant Lot on Marquette Ave.

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1078 Marquette Avenue (Parcel #24-613-000-0695-00) to Habitat for Humanity, 280 Ottawa Street, Muskegon, MI. The lot is 154 x 142 ft. and is being offered to Habitat for Humanity for \$9,000. They plan to split the lot into two 77 ft. lots and construct two 1,260 sq. ft. single-family home as part of the Jimmy Carter home building program. Habitat has met with the Marquette Neighborhood Association and they are supportive of this effort. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot for construction of two 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. 2004-50(c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1078 MARQUETTE AVENUE IN MARQUETTE NEIGHBORHOOD FOR \$9,000.

WHEREAS, Muskegon County Habitat for Humanity has placed a \$400 deposit for the parcel designated as parcel number 24-613-000-0695-00, located at 1078 Marquette Avenue; and

WHEREAS, the price for parcel number 24-613-000-0695-00 is set by the City at \$9,000, 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 24-613-000-0695-00, located at 1078 Marquette Avenue be sold to Muskegon County Habitat for Humanity for \$9,000.

**CITY OF MUSKEGON URBAN RENEWAL PLAT NO 4 LOT 695 EXCEPT THE
W 25 FT, ALSO LOTS 696 & 697**

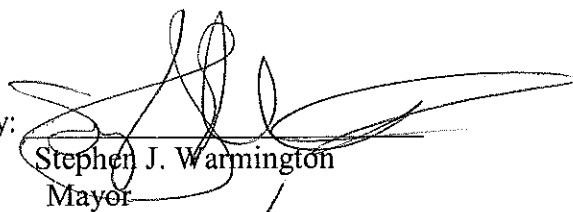
Adopted this 25th day of May, 2004

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

Absent None

By:


Stephen J. Warmington
Mayor

Attest:



Gail Kunding, MMC
City Clerk

CERTIFICATION
2004-50(c)

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 May 25, 2004.

By: Gail Kunding
Gail Kunding, MMC
City Clerk

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 **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, of 280 Ottawa Street, Muskegon, MI 49442,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, LOT 695, EXCEPT THE W 25 FEET, ALSO
LOTS 696 & 697

for the sum of Nine Thousand and no/100 Dollars (\$9,000.00)

PROVIDED, HOWEVER, Grantee shall apply for tax parcel ID numbers for each lot. Grantee, or its assigns, shall split the lots into two parcels and complete construction of one (1) single family home on each lot 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 3rd day of June, 2004.

Signed in the presence of:

Irene Dempsey
Irene Dempsey
Linda Potter
Linda Potter

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kundinger
Gail A. Kundinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on June 3, 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)

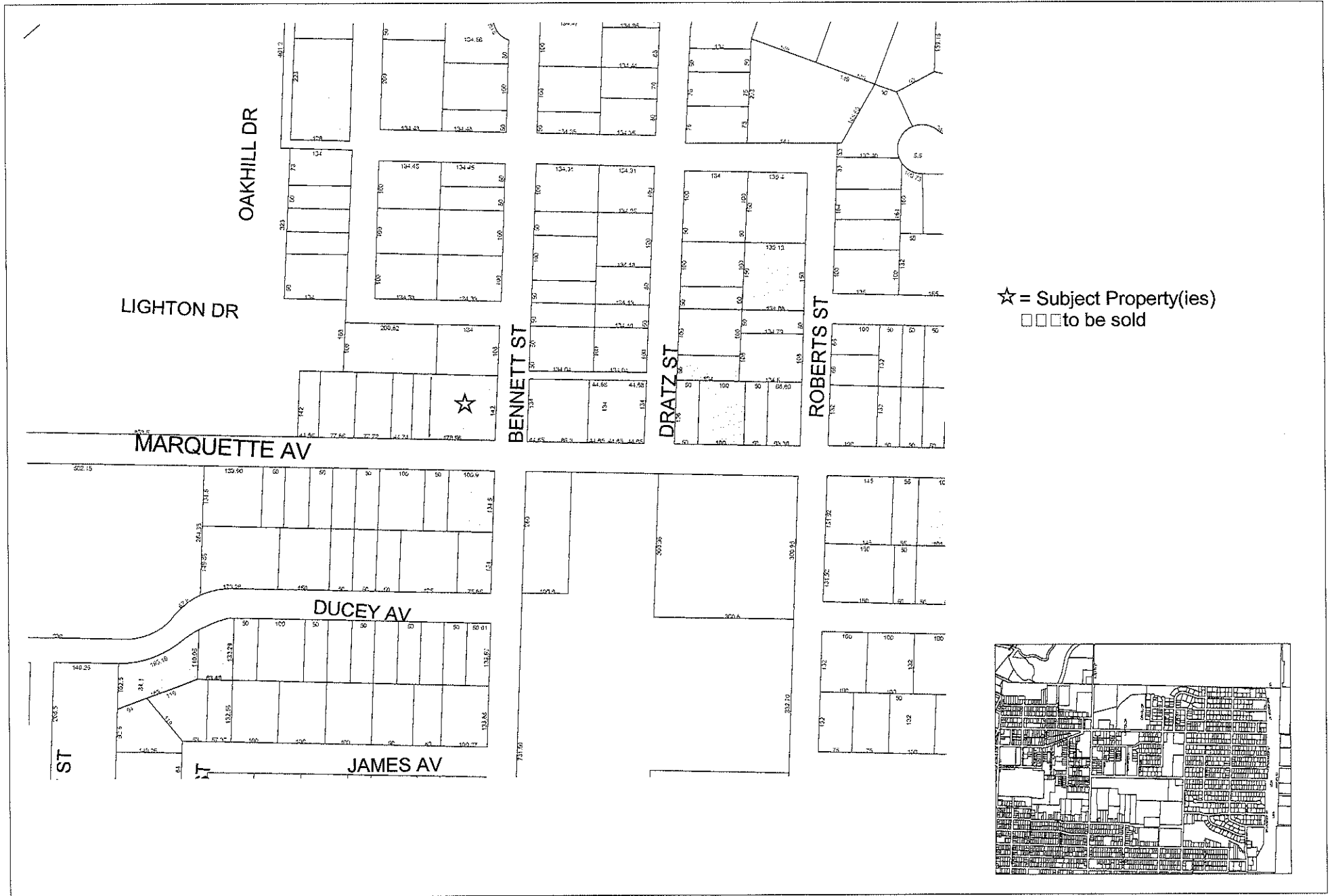
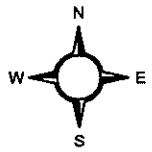
PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 7-25-06

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

Vacant Buildable City-Owned Lot 1078 Marquette Avenue



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made May 25, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, with offices at 280 Ottawa Street, Muskegon, Michigan 49442 ("Buyer").

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, LOT 695, EXCEPT THE W 25 FEET, ALSO LOTS 696 & 697

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 Nine Thousand and no/100 Dollars (\$9,000.00).

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'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 split the lots into two parcels and construct on each lot 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 lot 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 _____, 2004 ("Closing"). The Closing shall be conducted at Land America Transnation Title, 570 Seminole Road, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

SELLER:

CITY OF MUSKEGON

Irene Dempsey
Irene Dempsey

By [Signature]
Stephen J. Warrington, Mayor

Linda Potter
Linda Potter

Gail A. Kunding
Gail A. Kunding, MMC, Clerk

BUYER:

**MUSKEGON COUNTY HABITAT
FOR HUMANITY**

By: [Signature]
Its: Executive Director
EIN: 38-2938902

Prepared By: John C. Schrier (P36702)
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49440
Phone: (231) 722-1621

LANDAMERICA TRANSNATION TITLE INSURANCE
570 Seminole Road
Muskegon MI 49444

Date: June 4, 2004
Escrow Number: 433548

Property Address: 1078 Marquette
Muskegon, MI 49442

	SELLER'S STATEMENT	
	DEBIT	CREDIT
Purchase Price	\$	\$ 9,000.00
EXISTING LOAN		
Deposit of earnest money	400.00	
CLOSING FEES	200.00	
MORTGAGE PREMIUM	190.00	
Real Estate Commission		
Sub Total	\$ 790.00	\$ 9,000.00
Amount due Seller	\$ 8,210.00	
TOTALS	\$ 9,000.00	\$ 9,000.00

The undersigned Sellers acknowledge Receipt of a copy of this statement and agree to the correctness thereof, and ratifies the disbursement of the funds as stated therein.

Seller(s) Signature(s):

City of Muskegon, a Municipal Corporation

BY _____
Lonna Anguilm, Assistant Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN

}
}SS
}

Title Commitment # 433548

COUNTY OF Muskegon

That City of Muskegon, a Municipal Corporation being first duly sworn on oath says that they are the true and lawful owner(s) of the premises located at:

1078 Marquette
Muskegon, MI 49442

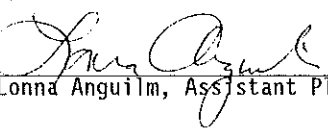
AND

1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land contract, option, etc. other than the contract with the grantees in a certain deed of even date hereof.
3. That the parties in possession other than the affiant(s) are bona fide tenants only and have no other interest in the premises whatsoever.
4. That there are no judgments or liens against affiant(s), including income tax liens, adversely affecting the title to said property.
5. That there are no unpaid taxes, special assessments or water bills outstanding other than those shown on the closing statement.
6. That any overlooked, unknown, or misquoted taxes, special assessments, water bills, mortgage deficiencies, etc. shall be immediately paid by affiant(s) as soon as informed of such.

Seller(s):

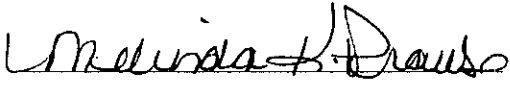
City of Muskegon, a Municipal
Corporation

BY


Lonna Anguilm, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 4th day of June, 2004

MELINDA K. PRAUSE
Notary Public, Muskegon County, Michigan
Acting in Muskegon County
My Commission Expires 05/08/07


Notary Public _____ County

My Commission Expires: _____

SURVEY WAIVER

Date: June 4, 2004

RE: 433548

To: City of Muskegon

933 Terrace P.O. Box 536

Muskegon, MI 494430536

Property Address:

1078 Marquette

Muskegon, MI 49442

County: Muskegon

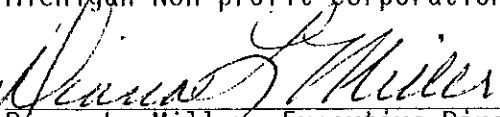
We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

We have decided, completely of our own volition, not to obtain a survey and wish to complete the transaction without the recommended survey.

We hereby release City of Muskegon and, its employees and/or agents, from any responsibility and/or liability concerning or pertaining to survey matters, including, but not limited to size of lot or land, location of boundary line, location of building and encroachments.

PURCHASER(S):

Muskegon County Habitat for Humanity,
a Michigan Non-profit Corporation

BY 
Diana L. Miller, Executive Director

SELLER(S):

City of Muskegon, a Municipal
Corporation

BY 
Lonna Anguilm, Assistant Planner

MUSKEGON REAL ESTATE BOARD
ADDENDUM TO BUY and SELL AGREEMENT

Date: June 4, 2004,

Office of Phone REALTOR, MUSKEGON, MI

1. Addendum to Buy Sell Agreement dated covering property at 1078 Marquette, Muskegon, MI 49442 and legally described as:

Lot 695, except the West 25 feet, thereof; Lot 696 and Lot 697, Muskegon Urban Renewal Plat No. 4, as recorded in Liber 19 of Plats, Pages 19-22, inclusive, Muskegon County Records.

2. This Addendum to be an integral part of attached Buy and Sell Agreement, which is amended as follows:

The complete legal description is stated above. Closing date to be June 4, 2004

3. RECEIPT IS ACKNOWLEDGED BY BUYER of a copy of this Agreement.

Melinda K. Prause
Witness

Muskegon County Habitat for Humanity,
a Michigan Non-profit Corporation

BY Diana L. Miller
Diana L. Miller, Executive Director

4. RECEIPT IS ACKNOWLEDGED BY SELLER of a copy of this Agreement.

Melinda K. Prause
Witness

City of Muskegon, a Municipal
Corporation

BY Lonna Anguilm
Lonna Anguilm, Assistant Planner

FILE # 433548

DATE: June 4th 2004

PROPERTY ADDRESS: 1078 Marquette

The undersigned hereby acknowledge receipt of a Request to Rescind/Withdraw Homestead Exemption form (Michigan Department of Treasury Form No. 2602) as same is required by Public Act 237 of 1994.

Please check one of the following:

☒

The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

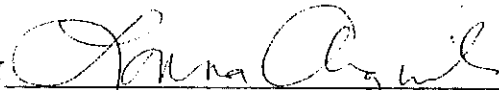
☐

The undersigned have fully and properly completed the forms and request that Transnation Title Insurance Company file the form with the appropriate local tax collecting unit. The undersigned acknowledge and agree that the Company will mail the form by first class mail, and that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event that said form is not received or properly processed by the local tax collecting unit.

SELLER(S):

City of Muskegon, a Municipal Corporation

BY


Lonna Anguilm, Assistant Planner

Commission Meeting Date: May 25, 2004

Date: May 7, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Portion of 1078 Marquette Avenue

SUMMARY OF REQUEST:

To approve the sale of an non-buildable portion (25 feet) of a larger lot (Parcel #24-613-000-0695-00) at 1078 Marquette Avenue to Doris Jibson, of 1066 Marquette Avenue, Muskegon, MI 49442. Approval of this sale will allow Mrs. Jibson to own a house located on a buildable lot and expand her current yard. The remaining 154 feet has been requested by Habitat for Humanity as a buildable lot.

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 # 2004-50(d)

**RESOLUTION APPROVING THE SALE OF A PORTION OF A CITY-OWNED
BUILDABLE LOT**

WHEREAS, the City of Muskegon has received \$1 from Doris Jibson, 1066 Marquette Avenue, Muskegon, MI 49442 for the purchase of portion of a City-owned lot located adjacent to her home at 1066 Marquette Avenue (parcel #24-613-000-0695-00); and

WHEREAS, Mrs. Jibson's present home is located an unbuildable lot under the City's Zoning Ordinance; and

WHEREAS, the addition of this 25 feet of property will make her present home conforming with 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 sale of property.

NOW, THEREFORE BE IT RESOLVED, CITY OF MUSKEGON URBAN RENEWAL PLAT NO 4 WEST 25 FEET OF LOT 695 be sold to Doris Jibson for \$1.

Resolution adopted this 25th day of May, 2004.

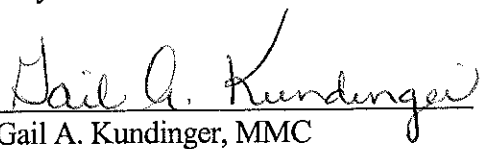
Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

Attest: 

Gail A. Kunding, MMC
Clerk

CERTIFICATION

2004-50(d)

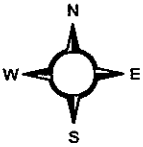
This resolution was adopted at a regular meeting of the City Commission, held on May 25, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

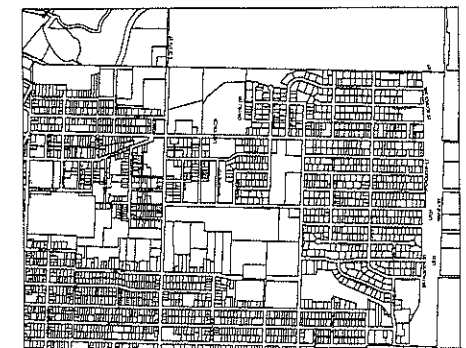
By


Gail A. Kunderger, MMC
Clerk

Vacant Non-Buildable City-Owned Lot 1078 Marquette Avenue



☆ = 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 **DORIS JIBSON**, _____, of 1066 Marquette Avenue, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, West 25 feet of Lot 695

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 4th day of June, 200 4.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn M. Krukowski
JoAnn M. Krukowski

CITY OF MUSKEGON

By Stephen J. Warmington, Its Mayor

and Gail A. Kunderinger
Gail A. Kunderinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on June 4, 200 4 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: May 25, 2004

Date: May 13, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Marginal Lot at 604 Orchard Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant marginal lot (Parcel #24-769-000-0023-00) at 604 Orchard Avenue to Tyrone & Nailah Matthews, 612 Orchard Avenue, Muskegon, MI. Approval of this sale will allow the owner to have a home located on a buildable lot and also to expand their current yard. As is outlined in the the Dollar Lot Marketing Plan, the Matthews own the smallest adjacent parcel, and are therefore being offered the entire lot for \$1.

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- 50(e)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED MARGINAL LOT

WHEREAS, the City of Muskegon has received \$1 from Tyrone & Nailah Matthews, 612 Orchard Avenue, Muskegon MI 49442 for the purchase of a vacant, marginal, City-owned lot located adjacent to their property at 604 Orchard Avenue, Muskegon Avenue (parcel #24-769-000-0023-00); and

WHEREAS, this lot is considered marginal 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 SUB OF LOT 21 BLK 49 W 6.5 FT OF 22 AND LOT 23 INCLUDES REVISED PLAT OF 1903 W 56 FT OF LOT 10 BLK 49 be sold to Tyrone & Nailah Matthews for \$1.

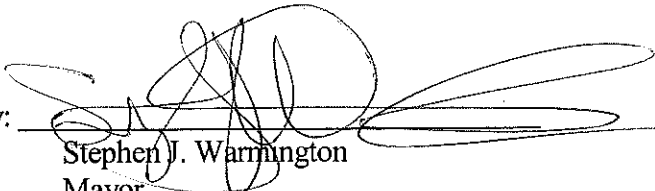
Resolution adopted this 25th day of May, 2004.

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro,
Warmington

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunding, MMC
Clerk

CERTIFICATION

2004-50(e)

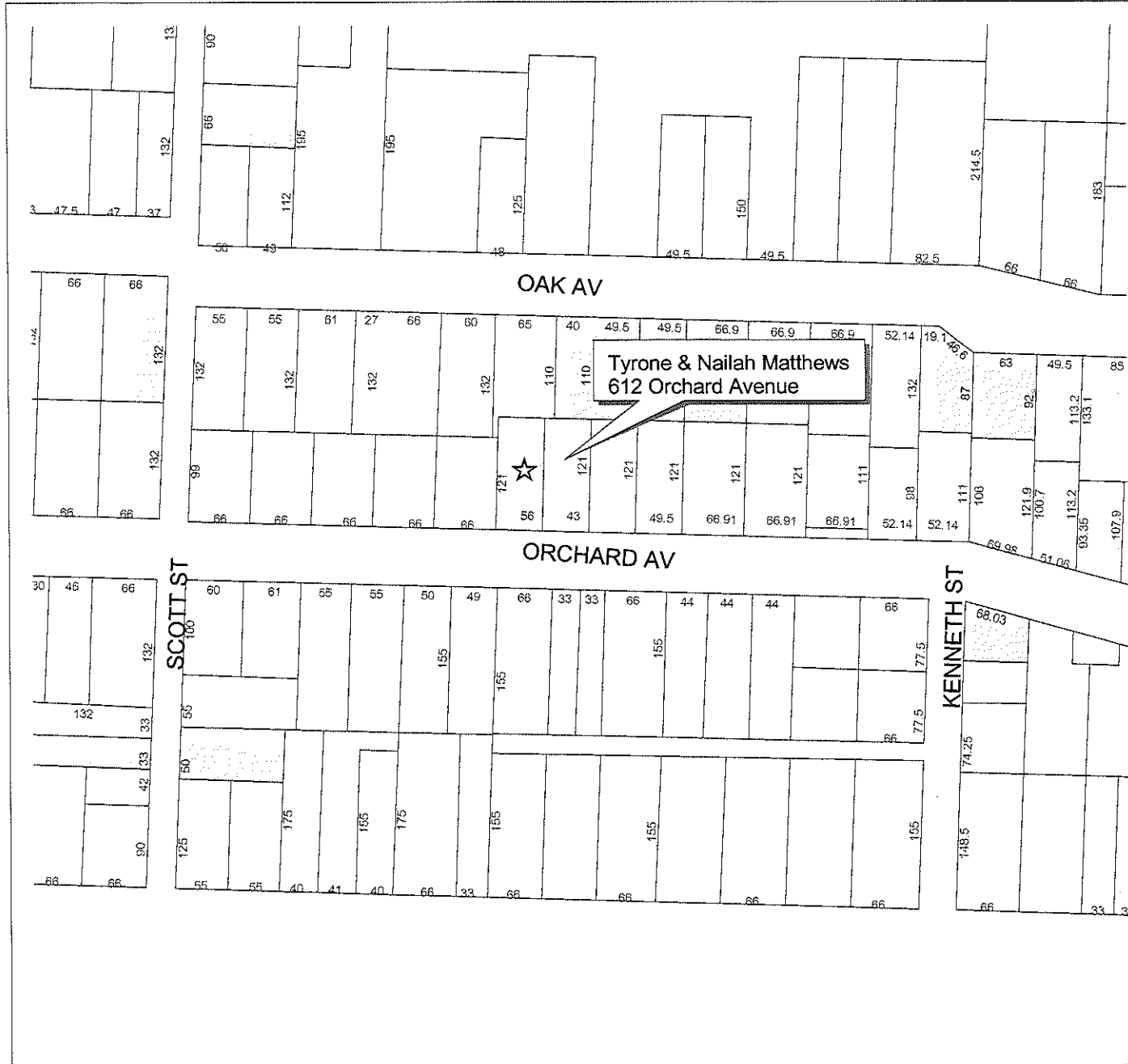
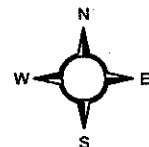
This resolution was adopted at a regular meeting of the City Commission, held on May 25, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

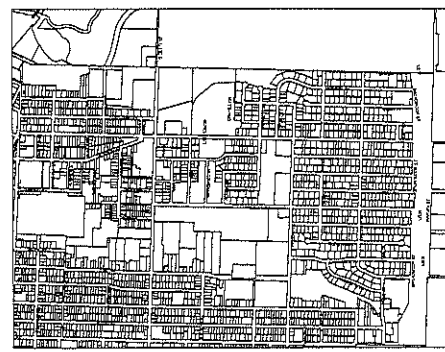
By

Gail A. Kunderger
Gail A. Kunderger, MMC
Clerk

Vacant Marginal City-Owned Lot 604 Orchard Avenue



☆ = 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 **TYRONE and NAILAH MATTHEWS**, husband and wife, of 612 Orchard Avenue, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON SUB OF LOT 21 BLK 49 W 6.5 OF 22 AND LOT 23
INCLUDES REVISED PLAT 1903 W 56 FT OF LOT 10 BLK 49

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 4th day of June, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn M. Krukowski
JoAnn M. Krukowski

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 June 4, 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: May 25, 2004

Date: May 10, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 498 Houston Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-346-0011-10) at 498 Houston Avenue to Shannon H. Brown, of 492 Houston Avenue, 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. Since the other adjacent property owner did not respond to the opportunity to purchase a half of this lot, it is being offered to Ms. Brown for \$1 under the Dollar Lot Marketing Plan for residential lots.

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- 50 (f)

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

WHEREAS, the City of Muskegon has received \$1 from Shannon H. Brown, 492 Houston Avenue, Muskegon MI 49441 for the purchase of a vacant, non-buildable City-owned lot located adjacent to her property at 498 Houston Avenue, Muskegon Avenue (parcel #24-205-346-0011-10);

WHEREAS, this lot is considered unbuildable under the City's Zoning Ordinance,

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

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Dollar Lot Marketing Plan.

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 ELY 16 FT LOT 10 & W ½ LOT 11 BLK 346 ALSO SLY ½ OF VAC ALLEY ADJ THERETO be sold to Shannon Brown for \$1.

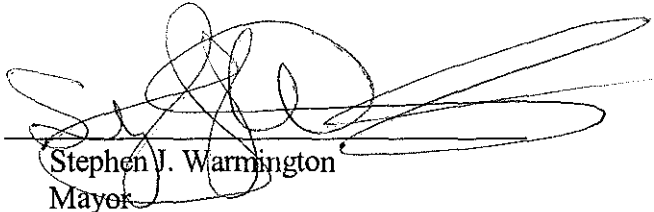
Resolution adopted this 25th day of May, 2004.

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro,
Warmington

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunding, MMC
Clerk

CERTIFICATION

2004-50 (f)

This resolution was adopted at a regular meeting of the City Commission, held on May 25, 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.

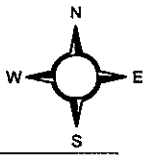
CITY OF MUSKEGON

By

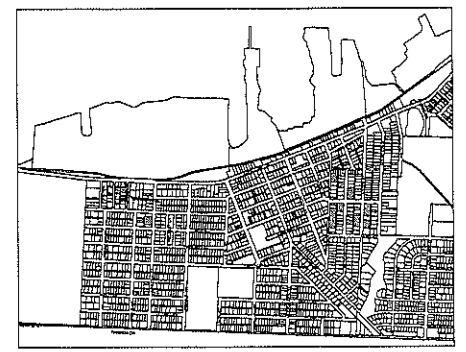
A handwritten signature in cursive script, appearing to read "Gail A. Kunding", written over a horizontal line.

Gail A. Kunding, MMC
Clerk

Vacant Non-Buildable City-Owned Lot 498 Houston Avenue



☆ = 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 **SHANNON M. BROWN**, of 492 Houston Avenue, 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 ELY 16 FT LOT 10 & W ½ LOT 11
BLK 346 ALSO ½ VAC ALLEY ADJ THERETO

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 4th day of June, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn M. Krkowski
JoAnn Krkowski

CITY OF MUSKEGON

By [Signature]
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 June 4, 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: May 25, 2004

Date: May 10, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Marginal Lot at 1725 Terrace Street

SUMMARY OF REQUEST:

To approve the sale of a vacant marginal lot (Parcel #24-205-292-0016-10) at 1725 Terrace Street to Mario & Laurie Perez, owners of 232 E. Larch Avenue and May Property Management, LLC, owner of 1731 Terrace Street, Muskegon, MI 49442. Approval of this sale will allow both property owners to own houses located on buildable lots, as well as to expand their current yards. As is required by City policy, the subject parcel is being offered for \$1, and will be split between Mr. & Mrs. Perez and May Property Management 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 # 2004-50(g)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED MARGINAL LOT

WHEREAS, the City of Muskegon has received \$1 each from Mario H. & Laurie K. Perez, of 18274 Forest Avenue, Spring Lake, MI 49456 and May Property Management, LLC, 1443 E. Laketon Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to their properties at 1725 Terrace Street (parcel #24-205-292-0016-10); and

WHEREAS, this lot is considered marginally 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 marginal lots.

NOW, THEREFORE BE IT RESOLVED, CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 292 LOT 17 be sold to Mario H. & Laurie K. Perez and May Property Management, LLC for \$1 each.

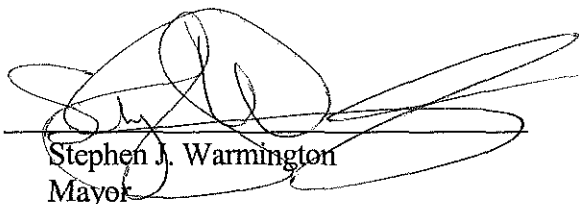
Resolution adopted this 25th day of May, 2004.

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunderinger, MMC
Clerk

CERTIFICATION

2004-50(g)

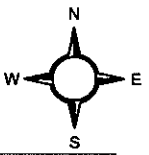
This resolution was adopted at a regular meeting of the City Commission, held on May 25, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunding, MMC
Clerk

Vacant Marginal City-Owned Lot 1725 Terrace 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 **MARIO H. and LAURIE K. PEREZ**, husband and wife, of 1827 Forest Avenue, Spring Lake, Michigan 49456,

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 292 E 60 FT OF LOT 17

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 4th day of June, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn M. Krukowski
JoAnn M. Krukowski

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

The foregoing instrument was acknowledged before me this 4th day of June, 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.

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 **MAY PROPERTY MANAGEMENT, LLC**, a Michigan Limited Liability Company, of 1445 E. Laketon Avenue, 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 292 W 69.75 FT OF LOT 17

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 4th day of June, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

Jo Ann M. Krukowski
Jo Ann M. Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, Its Mayor

and Gail A. Kunderinger
Gail A. Kunderinger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 4th day of June, 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.

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: May 25, 2004

Date: May 11, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 2175 Lakeshore Drive

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-490-000-0005-10) at 2175 Lakeshore Drive, Muskegon Avenue to Eleanor Daniels, of 2168 Denmark Street, Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand her current yard (see attached map). Other adjacent property owners were offered the an opportunity to purchase this lot, but were not interested. This lot is being offered to Mrs. Daniels 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 #2004-50(h)

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

WHEREAS, the City of Muskegon has received \$1 from Eleanor Daniels, 2168 Denmark Street, Muskegon, MI 49441 for the purchase of a vacant, City-owned lot located adjacent to her property at 2175 Lakeshore Drive (parcel #24-490-000-0005-10);

WHEREAS, this lot is considered unbuildable 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 the Dollar Lot Marketing Plan.

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON JONES SUB DIV OF LOTS 3 & 4 BLK 641 NWLY 45 FT OF THE SELY 50 FT LOT 5 be sold to Eleanor Daniels for \$1.

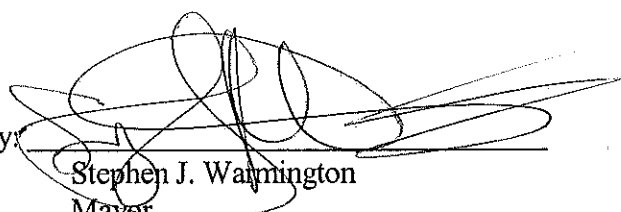
Resolution adopted this 25th day of May, 2004.

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

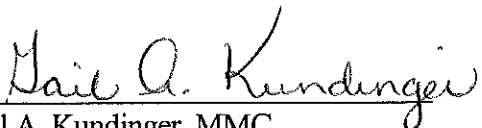
Nays: None

Absent: None

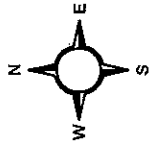
By:


Stephen J. Warmington
Mayor

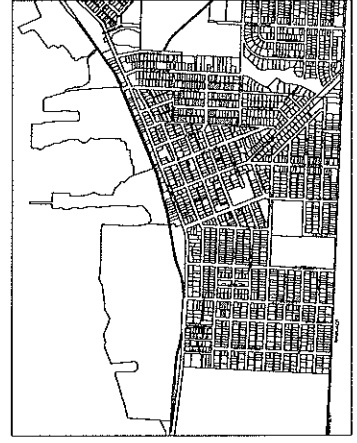
Attest:


Gail A. Kunding, MMC
Clerk

**Vacant Non-Buildable City-Owned Lot
2175 Lakeshore Drive**



☆ = 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 **ELEANOR I. DANIELS**, of 2168 Lakeshore Drive, Muskegon, Michigan 49441,

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

CITY OF MUSKEGON JONES SUB DIV OF LOTS 3 & 4 BLK 641
NWLY 45 FT OF THE SELY 50 FT LOT 5

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 4th day of June, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

Jo Ann M. Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, Its Mayor

and Gail A. Kundering
Gail A. Kundering, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on June 4, 2004 by STEPHEN J. WARRINGTON and GAIL A. KUNDERING, 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: May 25, 2004

Date: May 18, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Request for final Planned Unit Development approval for Phase II of V at 920 Washington Ave. – The Watermark Center (former Shaw Walker complex).

SUMMARY OF REQUEST:

Request for final approval for Phase II of the Planned Unit Development and associated site plan for the Watermark Center (former Shaw-walker complex). This request is for 10,840 square feet of commercial space at the corner of Washington and Division. The request is from Hooker | Dejong.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

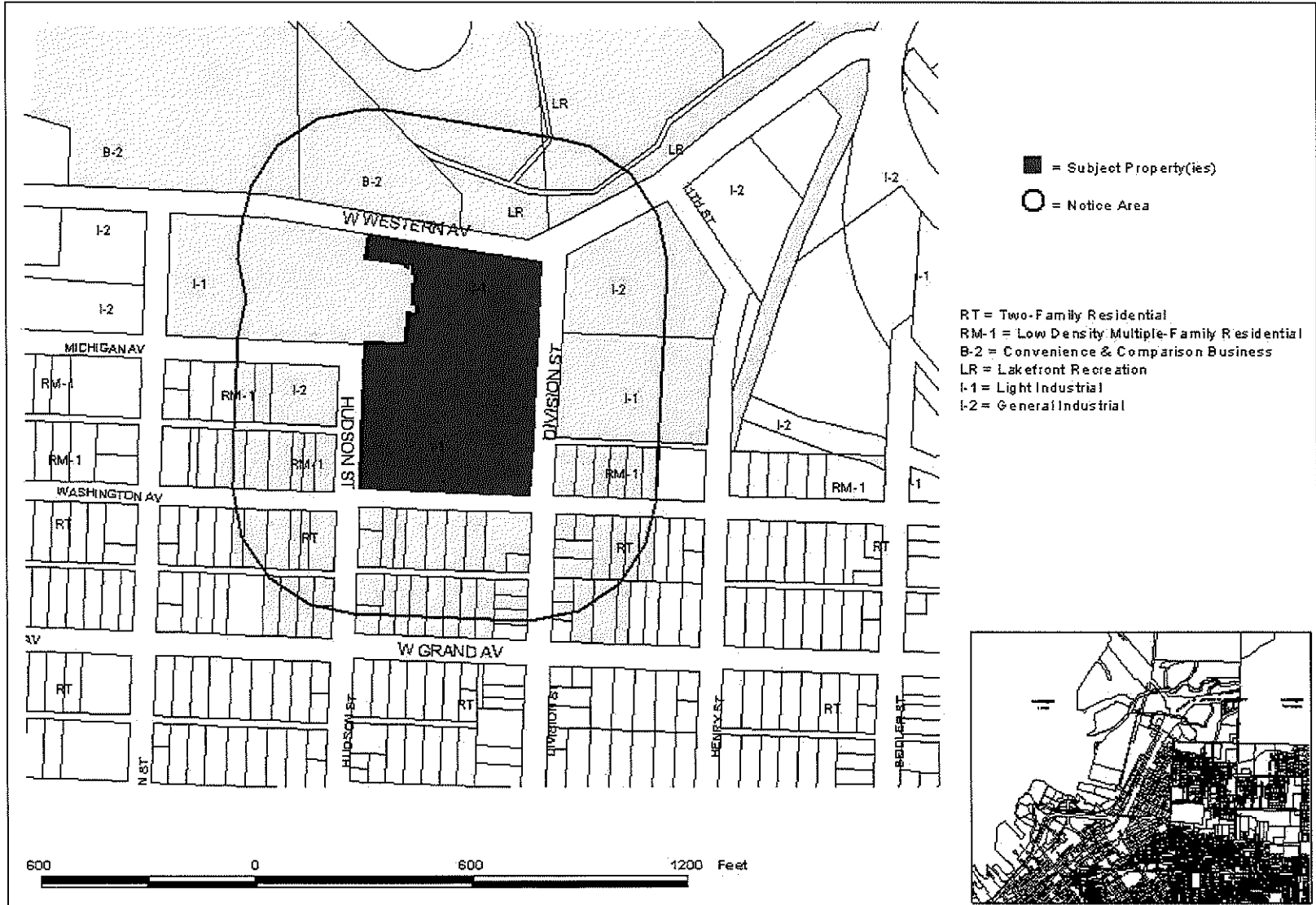
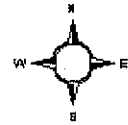
STAFF RECOMMENDATION:

Staff recommends final PUD approval for Phase II and approval of the associated plans provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended final approval of Phase II of the PUD and associated plans, with the conditions listed on the attached resolution, at their regular meeting on 5/13. The vote was unanimous with P. Sartorius, S. Warmington, and B.Smith absent.

**City of Muskegon
Planning Commission
Case 2004-16**



Staff Report [EXCERPT]

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 13, 2004

Hearing; Case 2004-16: Request for final PUD for Phase II of V at 920 Washington Ave (former Shaw Walker Complex), by Gary Breen (Hooker Dejong)

BACKGROUND

Applicant: Gary Breen (Hooker | DeJong)

Request: Final PUD approval for phase 2 of 5 for commercial development.

Present Land Use: Vacant industrial buildings and one current industrial use.

Zoning: I-1, Light Industrial (PUD)

STAFF OBSERVATIONS

1. The subject property is just over 21 acres and houses buildings that total approximately 920,000 square feet. Larger buildings in the complex are 5 stories high. The construction dates of buildings in the complex range from 1894 to 1984.
2. The property was approved for a preliminary PUD and Final PUD for phase I last year. This is the second phase of development that will occur. There is one parking area that is associated with this phase and two buildings.
3. The plan calls for 10,840 square feet of commercial space. The plan calls for only one of the two buildings to be used and the other one will be torn down and replaced with parking and green space. The building being reused is one story high.
4. The building proposed to be reused appears to be an old shipping facility. There are semi-docks spaced along the front of it. The new plan calls for the removal of the dock doors and installation of new glass doors and windows. There will be new stairs leading to the commercial uses.
5. Staff has reviewed the site plan and has the following comments:
 - a. Most of the current parking lot is existing and the setbacks would be non-conforming to the south. Since this is a PUD, flexibility is allowed with setbacks. Where the eastern building is proposed to be torn down, there is proposed to be parking approximately 5' from the property line, but is not labeled. Staff would suggest that since there is plenty of parking available, and the complex would benefit from more green space, eliminating one parking space should not cause a problem. They need 36 spaces and provide 56 spaces. There needs to be a note indicating that the parking area will be paved and striped.
 - b. There is a fence surrounding this area of the complex, like with the last approval, this fence should be either removed or replaced. No barbed wire will be permitted. Any fencing for this property may not be higher than 4 feet if chain-link or wrought iron, or 3 feet if privacy or brick wall.
 - c. The landscaping appears to meet ordinance standards. The PUD allows for flexibility in

placement. There appears to be new trees proposed for the terrace. As with other phases, the applicant would need to work with the City Forestry Department to accomplish this. Landscaping will need to be irrigated. The plan will need to indicate specifically the number and species of landscaping.

- d. One sign is proposed for this phase. It would need to meet city standards. It would help if all signage for the site were applied for at one time or if plans for all signs could be looked at together.
 - e. If any new outdoor lighting is installed, it will need to conform to city standards (i.e. down type having 100% cut-off) and needs to be shown on the plan.
 - f. The city engineer placed a condition on the previous approvals that no new storm sewer connections to city lines would be allowed. There are two new catch basins in the parking area – where do these lines connect to? The applicant should also provide a storm water management plan to show how the parking area will be drained.
 - g. If loading spaces are required for the commercial uses, they need to be shown on the plan.
 - h. The Police department has reviewed the site plan and has no outstanding issues with it (comments received 4/30).
 - i. The Fire Department has reviewed the site plan and has accepted it with the following condition, “Fire lanes will be designated at a later date.” (Comments received 4/28)
 - j. The DPW has reviewed the site plan and has accepted it with the following condition, “Provide proposed utility locations.” (comments received 5/3)
 - k. The Engineering Department has reviewed the site plan and has no outstanding issues with it. (comments received 5/6)
6. Staff has not received any phone calls or letters regarding these cases.

DELIBERATION

Standards for discretionary uses: (emphasis provided)

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

CITY OF MUSKEGON

RESOLUTION #2004- 50(i)

RESOLUTION FOR FINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR PHASE II OF THE WATERMARK DEVELOPMENT (former Shaw Walker complex)

WHEREAS, a petition for a planned unit development was received from Hooker Dejong and,

WHEREAS, a planned unit development will allow commercial development; and,

WHEREAS, the planned unit development received preliminary approval from this City Commission on May 15, 2003, and Phase I has since been approved and construction is underway; and,

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

WHEREAS, the Planning Commission and staff have recommended approval of the final Planned Unit Development and associated site plans Phase II, with conditions as follows:

1. A revised site plan shall be submitted which contains the following:
 - a. The plan must be complete, and include all information and measurements for setbacks, and dimensions of the parking areas, maneuvering lanes, and parking spaces.
 - b. One space should be eliminated in the North Eastern section of the parking lot to meet setback requirements.
 - c. The fence should be removed or replaced. No barbed wire will be permitted. Any fencing for this property may not be higher than 4 feet if chain-link or wrought iron, or 3 feet if privacy or brick wall.
 - d. The applicant will need to work with the City Forestry department to install proposed trees in the terrace for all phases. A detailed landscaping plan showing numbers and specials shall be included.
 - e. Signage specifics should be submitted. Signs need to meet city standards, unless the Planning Commission would be inclined to grant flexibility since this is a PUD.
 - f. If any new outdoor lighting is installed, it will need to conform to city standards (i.e. down type having 100% cut-off) and needs to be shown on the plan.
 - g. A storm water management plan shall be submitted showing parking area drainage.
 - h. Fire lanes will be designated at a later date.
 - i. Proposed utility locations shall be provided.
2. All conditions placed on the preliminary PUD and Phase I Plan still apply.

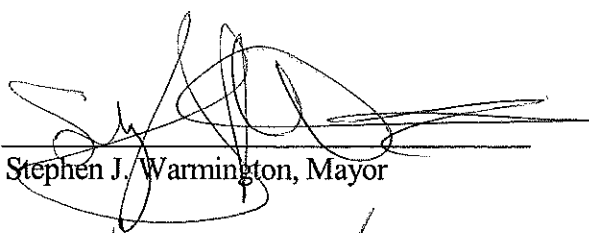
NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the final planned unit development is hereby approved with conditions for Phase II of the development.

Adopted this 25th day of May, 2004

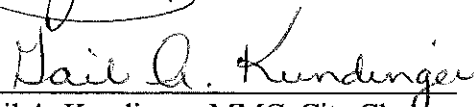
Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

Absent: None

By: 

Stephen J. Warmington, Mayor

Attest: 

Gail A. Kunderinger, MMC, City Clerk

CERTIFICATE (Final PUD for 920 Washington (former Shaw walker complex), Phase II)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of May, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: May 25, 2004.

Gail A. Kunding
Gail A. Kunding, MMC
Clerk, City of Muskegon

Commission Meeting Date: May 25, 2004

Date: May 18, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment for Taxi/Limousine services

SUMMARY OF REQUEST:

Request to amend Section 1301 of Article XIII (B-4, General Business Districts) to add taxi/Limousine services under Special Land Uses.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add language regarding Taxi/limousine services.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S. Warmington, B. Smith absent and B. Mazade absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 13, 2004

Hearing; Case 2004-20: Staff initiated request to amend Section 1301 of Article XIII (B-4, General Business Districts) to add Taxi/Limousine services under Special Land Uses.

BACKGROUND

Staff has come across a use that is not defined or similar to any use located in the Zoning Ordinance. This use, Taxi/Limousine services. The ones in operation today have been here for decades and are non conforming uses. Since staff was unsure as to where to place the uses, the ZBA was asked to classify it. They placed it into the B-4 District (minutes provided below). Since the aforementioned uses should be thoroughly looked at as to where they are placed in the city. Staff is suggesting placing them into the special use category. Basically during certain hours of the day, the property would resemble a parking lot full of vehicles (much like a new car lot). Those types of uses are also special uses in the B-4 district.

Excerpted from Section 1301 (SPECIAL LAND USES PERMITTED):

New #10 Taxi/Limousine Services

Excerpt from the May 13, 2004 ZBA meeting

Hearing, Case 2004-12: Staff initiated request to interpret the Zoning Ordinance to classify what Zoning District Taxi/Limousine services belong in. B. Lazor presented the staff report. This case has come about for two separate reasons. The first is the location of an Ambu-Care service facility in Muskegon and secondly for the location of Limousine services. Staff has looked at the description of an Ambu-care service and determined it is most like a taxi service without the internal clock/payment methods. Both of these types of services are not classified in the Zoning Ordinance and therefore they would be prohibited. Taxi and Limousine services both would be of similar uses. Both have vehicles that are parked on the property for periods during the day and both can be dispatched to various locations around town. The taxi-service may be generally in operation during the day and limousine during the evening. However, both could be operating the entire day. Staff has reviewed the zoning ordinance and is unable to determine the best place for a Taxi/limousine service. Staff has contacted other municipalities and has researched other zoning ordinances to see where other have placed these uses. Staff was unable to find a municipality that has these named in the ordinance. There is a legal non-conforming cab company located in a B-2 district, which has been in operation for a long time. Staff feels that there are two uses that have a somewhat similar appearance and use to taxi/limousine services. The B-4, General Business District allows for bus passenger stations as a principal permitted use. The preamble to the B-4 district states that "The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts." The other similar use would be that of a new or used car lot. This is provided for in the B-4 District under a special use permit. They are similar in the fact that the lot would have the vehicles parked on them. However the

new/used car lot would have the vehicles parked for a longer period of time. The taxi/limousine service would have the vehicles moving in and out during specific parts of the days.

B. Larson left at 5:30 p.m.

D. Erickson explained their purpose. They are looking at occupying the Seaway Motors Building which is zoned Waterfront Marine.

A motion that Taxi and Limousine service should be allowed with the B-4 zoning district, was made by J. Clingman-Scott, supported by R. Hilt and unanimously approved.

DELIBERATION

I move that the amendment to Section 1301 (Special Land Uses B-4, General Business) of the Zoning Ordinance be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2132

An ordinance to amend Section 1301 (Special Land Uses), of Article XIII (B-4, General Business Districts) of the City's Zoning Ordinance to add Taxi/limousine services.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 1301 (Special Land Uses), of Article XIII (B-4, General Business Districts) of the Zoning Ordinance of the City of Muskegon is hereby amended to add taxi/limousine services:
(New #11)

11. Taxi/Limousine services

(Renumbering)

12. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.

13. Uses similar to the above Special Land Uses Permitted.

14. Non-accessory signs provided that the signs conform to Section 2308 (1) (f) of this code.

This ordinance adopted:

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

Adoption Date: May 25, 2004

Effective Date: June 14, 2004

First Reading: May 25, 2004

Second Reading: N/A

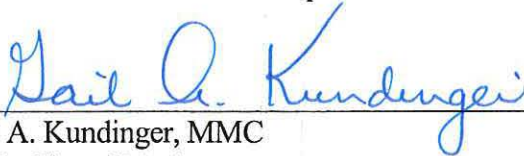
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of May, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: May 25, 2004.


Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 25, 2004, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1301 (Special Land Uses), of Article XIII (B-4, General Business Districts) of the City's Zoning Ordinance to add Taxi/limousine services.

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

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

Published June 4, 2004

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: May 25, 2004

Date: May 18, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment for theaters

SUMMARY OF REQUEST:

Request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add indoor theaters under Special Land Uses.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add language regarding theaters.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S. Warmington and B. Smith absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 13, 2004

Hearing; Case 2004-18: Staff initiated request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add theaters under Special Land Uses).

BACKGROUND

The preamble to the B-2, Convenience and Comparison Business Districts is written in such a way as to create places in the district that serve the needs of the entire community. There are numerous uses allowed in the district that enable the Muskegon area residents to have relatively quick access to and from. Theaters are allowed in the B-3 and B-4 districts as principal permitted uses. The areas are zoned and placed throughout the city and can handle this specific use. Allowing a theater in a B-2 district as a principal permitted use is not a good idea because some B-2 zones could not handle the traffic generated. However, adding theaters as a special use affords the planning commission some discretion over where they are located. Staff recognizes that not all places are right for theaters, but the B-2, with its preamble of serving the entire Muskegon area as its primary goal this amendment is a logical step.

Theaters generate large amounts of traffic and parking needs throughout the day. However, the draw to theaters would mainly be the night when other businesses have closed or would be winding down. Staff would suggest that a condition of a theater as a special use in a B-2 district would be that they have adequate off street parking on site or with a shared parking agreement on a neighboring site.

Additions are in ***Bold Italics*** below

Special Land Uses in B-2, Convenience and Comparison Business Districts

Excerpted from Section 1101 (SPECIAL LAND USES PERMITTED):

New #11. ***Indoor Theaters***

a. Parking must be either on site or with an irrevocable shared parking agreement.

DELIBERATION

I move that the amendments to Section 1101 (SPECIAL LAND USES PERMITTED) of the Zoning Ordinance be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2133

An ordinance to amend Section 1101 (Special Land Uses), of Article XI (B-2, Convenience and Comparison Business Districts) of the City's Zoning Ordinance to add indoor theaters.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 1101 (Special Land Uses), of Article XI (B-2, Convenience and Comparison Business Districts) of the Zoning Ordinance of the City of Muskegon is hereby amended to add indoor theaters:
(New #11)

11. Indoor Theaters

- a. Parking must be either on site or with an irrevocable shared parking agreement

(Renumbering)

12. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.

13. Uses similar to the above Special Land Uses Permitted.

This ordinance adopted:

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro,
Warmington

Nays: None

Adoption Date: May 25, 2004

Effective Date: June 14, 2004

First Reading: May 25, 2004

Second Reading: N/A

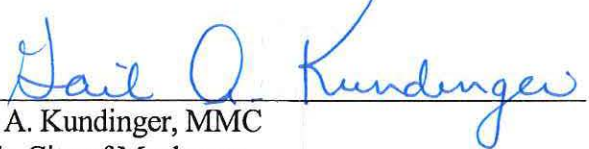
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of May, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: May 25, 2004.


Gail A. Kunderinger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 25, 2004, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1101 (Special Land Uses), of Article XI (B-2, Convenience and Comparison Business Districts) of the City's Zoning Ordinance to add indoor theaters and parking requirements.

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

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

Published June 4, 2004

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: May 25, 2004

Date: May 18, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at 135 Ottawa Street.

SUMMARY OF REQUEST:

Request to rezone property owned by Dale Horton, located at 135 Ottawa Street, from WM, Waterfront Marine to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

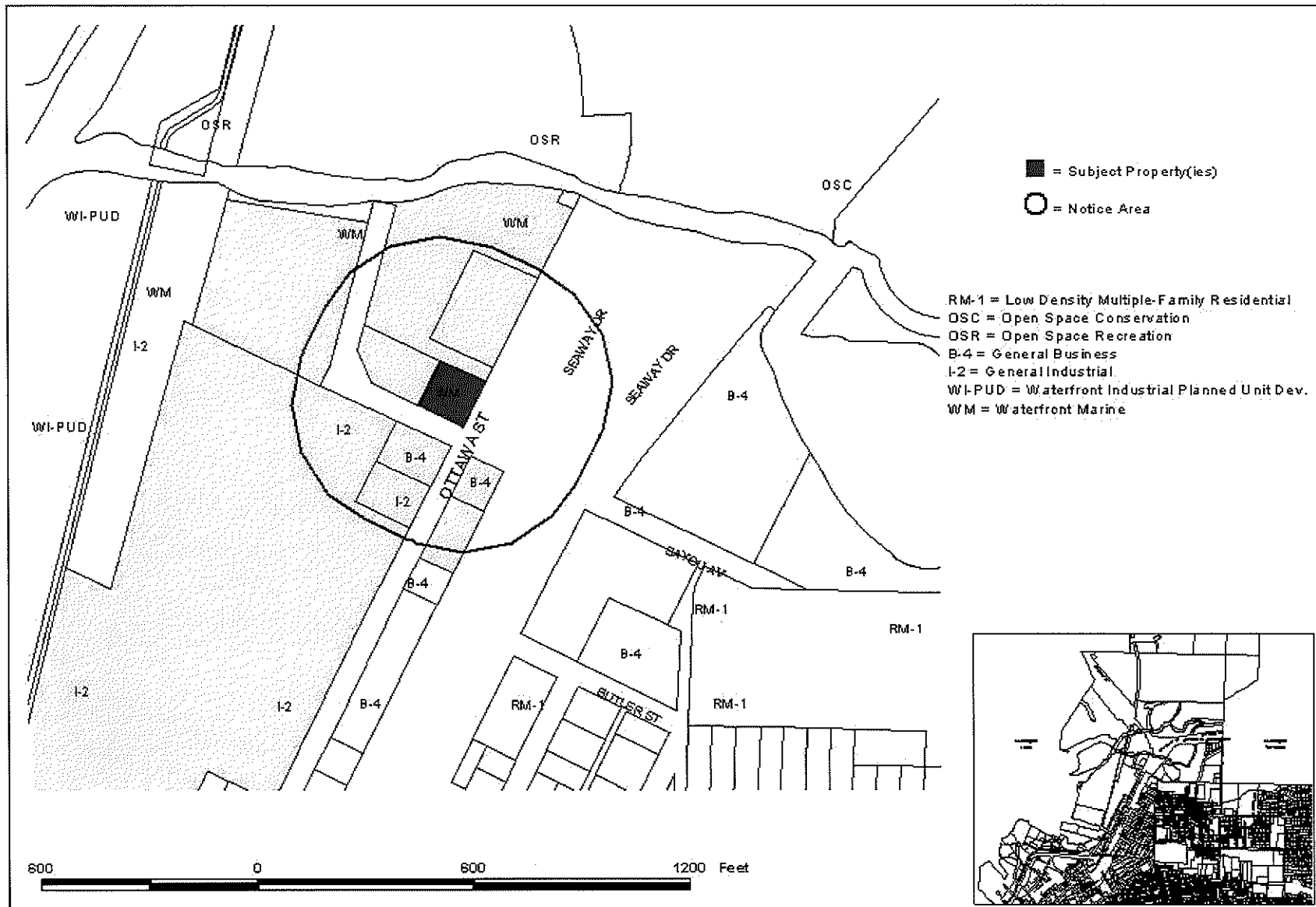
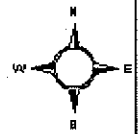
STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/13 meeting. The vote was unanimous with P. Sartorius, S. Warmington, B. Smith absent and B. Mazade absent.

**City of Muskegon
Planning Commission
Case # 2004-21 & 22**



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
May 13, 2004

Hearing: Case 2004-21: Request to rezone the property located at 135 Ottawa Street from WM, Waterfront Marine to B-4, General Business, by Dale Horton.

BACKGROUND

Applicant: Dale Horton

Address/Location of Subject Property: 135 Ottawa Street

Current Use: Vacant

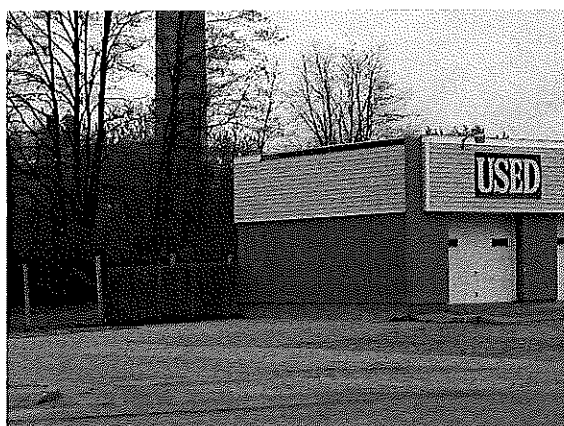
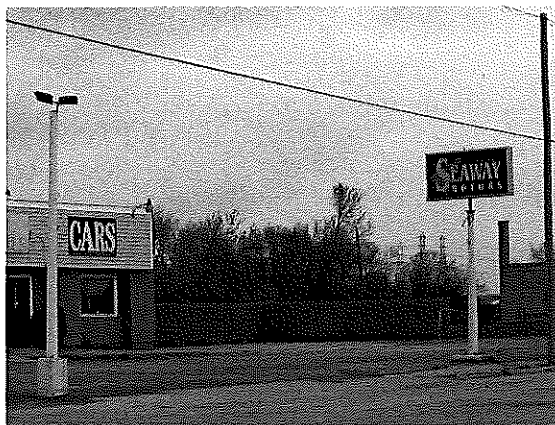
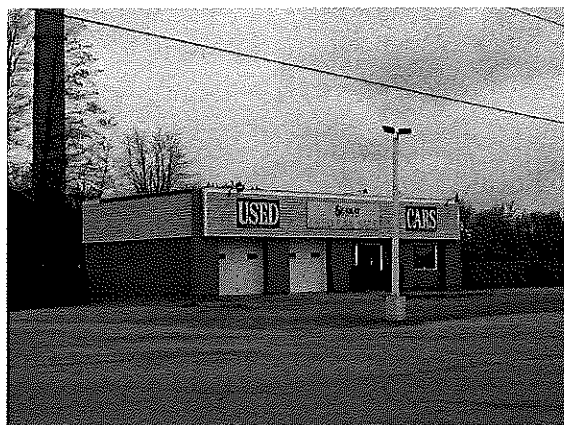
Current Zoning: WM, Waterfront Marine

Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject property is located at the intersection of Ottawa and Bayou. It is Zoned WM, Waterfront Marine. The properties to the East and West are also zoned B-4. The properties to the north and west are zoned WM. Property to the south and southeast are B-4. To the east is seaway drive and is zoned OSC. To the SW is I-2.
2. Seaway motors was the tenant of the property and has since moved out. The property is vacant. The WM district allows uses that are geared towards the waterfront. The area appears to be deteriorated. Rezoning the property may be able to help start to bring more business into the area.
3. The proposed use for this site is that of a AmbuCare business. Staff has determined that the AmbuCare service is similar in nature to a taxi/limousine service. There would be an office involved and that is what the main building would be used for. The vehicles would be parked on the site at night and then used during the day to pick-up and deliver people to their destinations.
4. The Future Land-Use Map shows the subject property as Commercial.
5. The subject property is located in Sub-Area 11: Seaway Drive/Waterfront Sub-Area:
 - ◆ It is the goal of the Master Plan to bring about major redevelopment throughout most of Sub-Area 11 in a manner which integrates, yet protects, the area's unique natural features.
 - ◆ Sub-Area issue: The environmental integrity of the Muskegon River, and associated tributaries and wetlands, are critical to the future well-being of the City.
 - ◆ Sub-Area issue: Ottawa Street and Western Avenue exhibit the appearance of an aging, non-maintained, industrial corridor. Views of these systems from Seaway Drive lend a negative image to the City entryway.
 - ◆ Master Plan Recommendation: Future development should be coordinated in a planned, versus piecemeal fashion.
1. Staff has not received any public comments.

PHOTOS



Ambu-Care of West Michigan, L.L.C.
P. O. Box 5068
N. Muskegon MI 49445
231 719-0001
231 719-9010 fax

March 22, 2004

Zoning Board of Appeals

To explain to the board in words all board members will picture correctly in their mind as to what Ambu-Care does is to this day a losing battle, so we have enclosed pictures. Once you see the pictures then you will begin to understand. Unless you ride along for a day you won't get the full picture.

All of our business is done by phone. We have our 28 regular m-w-f and w-th-s dialysis patients we pick up and return starting at 4am going until 830pm, and in between the phone starts ringing about 8am and doesn't quit until about 7pm.

A lot of non dialysis trips are medical appointments, but quite often we get phone calls from either hospital at the last minute needing a van for a discharge to a nursing home or their home or to another medical facility. The nursing homes also call no notice for a resident to go to ER.

We have also been approved for operating an ambulance service in Muskegon County. Currently we do not have sufficient space to house 7 vans and 6 ambulances with the electrical source necessary to plug in diesel ambulances in the winter. The Seaway Motors building is almost sufficient for office space, but a pole barn of sorts will need to be added to allow enough space for security of vehicles and the electrical source necessary for ambulances.

Ambu-Care and all other wheelchair transportation services technically fall under the limousine act according to the State of Michigan. Wheelchair transportation vans do not have meters in them, they do charge according to miles in the meter sense, we transport for hire.

We also have expansion plans for the future that will require the entire lot adjacent to Seaway Motors. If it would be possible to rezone that property at

the same time, that rezoning would be a very big help to the community, current owners, and our future expansion plans.

Thank you for the time in considering the rezoning of this small area of town. Within the next year the City of Muskegon residents and Muskegon County will gain tremendously from our efforts.

Thank you in advance.

Debbie Erickson
Don Williams
Owners, Ambu-Care



RECOMMENDATION

Staff recommends approval of the 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**.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2134

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from WM "Waterfront Marine" to B-4 "General Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from WM "Waterfront Marine" to B-4 "General Business":

CITY OF MUSKEGON REVISED PLAT OF 1903 THAT PART OF LOTS 17-19 OF BLK 121 DESC AS FOLLOWS:
COM @ THE SW COR SD BLK 121 FOR POB TH S 65D 10M 30S E ALG NLY LN OF BOYOU AVE 141.6 FT TO A
PT WHICH IS 9.60 FT ELY OF SWLY COR OF SD LOT 17 BLK 121 SD PT BEING THE NWLY COR OF BAYOU
AVE & OTTAWA ST TH N 24D 38M 48S E PAR TO & 9.60 FT ELY OF WLY LN SD LOT 17 SD LN BEING THE
WLY LN OF OTTAWA ST 142.0 FT TH N 65D 10M 30S W 141.6 FT TO WLY LN SD LOT 19 TH S 24D 38M 48S W
ALG SD WLY LN LOT 19 142 FT TO POB

This ordinance adopted:

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nayes: None

Adoption Date: May 25, 2004

Effective Date: June 14, 2004

First Reading: May 25, 2004

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of 135 Ottawa Street WM to B-4)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of May, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: May 25, 2003.


Gail A. Kunding, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on May 25, 2004, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from WM "Waterfront Marine" to B-4 "General Business":

CITY OF MUSKEGON REVISED PLAT OF 1903 THAT PART OF LOTS 17-19 OF BLK 121 DESC AS FOLLOWS: COM @ THE SW COR SD BLK 121 FOR POB TH S 65D 10M 30S E ALG NLY LN OF BOYOU AVE 141.6 FT TO A PT WHICH IS 9.60 FT ELY OF SWLY COR OF SD LOT 17 BLK 121 SD PT BEING THE NWLY COR OF BAYOU AVE & OTTAWA ST TH N 24D 38M 48S E PAR TO & 9.60 FT ELY OF WLY LN SD LOT 17 SD LN BEING THE WLY LN OF OTTAWA ST 142.0 FT TH N 65D 10M 30S W 141.6 FT TO WLY LN SD LOT 19 TH S 24D 38M 48S W ALG SD WLY LN LOT 19 142 FT TO POB

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

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

Published June 4, 2003

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

DATE: May 25, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Deputy Director for Fire Services

RE: Authorization to Utilize Staples Business Program for Office Supply Purchases.

SUMMARY OF REQUEST: A committee of city staff responsible for the purchase of supplies was established earlier this year. The task assigned to the group was to investigate various vendors and make a recommendation to the manager for the purchase of office supplies. The committee worked diligently through the process and examined three companies from the area. The first was Daniels Office Supply, the second was Office Max, and the third company was Staples.

Through the study it became apparent that significant savings could be realized. Prices from the three companies were examined as well as delivery time, invoicing, ease of use, internet ordering, and having the items required for the operation of the city.

Staples came in first place due to an average savings of 23% over a two month sample of our current orders, next day delivery which is free with a \$25.00 minimum order and a single invoice to the finance department broken down by department. Additional items included the availability of cleaning supplies and other items normally not associated with an office supply company. Attached to this request is a PowerPoint presentation highlighting the services provided by Staples and a spreadsheet comparing the prices from previous orders to those available over a two month period.

It is believed that we can obtain a significant savings over our current ordering practices by setting up an account with Staples.

Staff Recommendation: To approve the committee's recommendation.

Fiscal Impact: None as these funds are budgeted.



City of Muskegon

Current Order Number	Staples Order Number	Item Description	Unit of Measure	QTY	Current Price	Current Price Extension	Staples Price	Staples Price Extension	Difference	Percent Savings
DOM20036	135848	STAPLES COPY PAPER LETTER REAM	RM	600	\$2.35	\$1,410.00	\$2.21	\$1,327.80	\$0.14	5.8%
SAN60106	82569	PEN 60106 VISION MICRO BLACK	EA	73	\$1.39	\$101.47	\$1.04	\$75.74	\$0.35	25.4%
SAN33311	127878	PEN BALL PT MED BK	DZ	72	\$0.96	\$69.12	\$0.53	\$38.16	\$0.43	44.8%
SMD75560	440373	JACKET 2PLY LTR 2IN EXT MANILL	BX	50	\$24.00	\$1,200.00	\$13.99	\$699.50	\$10.01	41.7%
SMD75540	464715	JACKET LTR 2PLY EXP 1.5IN MLA	BX	50	\$22.00	\$1,100.00	\$13.99	\$699.50	\$8.01	36.4%
SMD73224	566794	FILE POCKET 1524EB LTR 3.5	EA	50	\$1.45	\$72.50	\$1.19	\$59.50	\$0.26	17.9%
MMM8103412	130567	REFILL-TAPE MAGIC 3/4 X 1296	RL	48	\$1.69	\$81.12	\$0.89	\$42.72	\$0.80	47.3%
MMM654YW	130005	POST IT 3 X 3 YW	PD	48	\$0.64	\$30.72	\$0.60	\$28.75	\$0.04	6.4%
SAN63301	359945	PEN BALL RETRACTABLE MED BK	DZ	48	\$0.59	\$28.32	\$0.42	\$19.96	\$0.17	29.5%
SON43131	239285	MAXELL AUDIO TAPE UR90	EA	40	\$0.79	\$31.60	\$0.66	\$26.40	\$0.13	16.5%
SAN30001	498238	MARKER FN PT SHARPIE BK	EA	36	\$0.57	\$20.52	\$0.53	\$19.08	\$0.04	7.0%
UNV20435	199984	MEMOBOOK 3X5 5PK 199984	EA	36	\$0.64	\$23.04	\$0.19	\$6.98	\$0.45	69.7%
TOP00051	163840	PAD RULED PERF 8.5X11.75 CA	EA	36	\$0.39	\$14.04	\$0.15	\$5.37	\$0.24	61.8%
SMD73234	783308	FILE PCKT TOPTAB 5.24EX LTR BN	EA	30	\$1.50	\$45.00	\$1.36	\$40.80	\$0.14	9.3%
AVECV1110WE	520064	BINDER VIEW 1 WE	EA	30	\$1.88	\$56.40	\$1.34	\$40.20	\$0.54	28.7%
UNV20880	493303	DIVIDERS INSERTABLE 8TAB MULTI	PK	25	\$0.89	\$22.25	\$0.39	\$9.75	\$0.50	56.2%
PIL30000	379117	PEN BALL RETRACTABLE FINE BK	DZ	24	\$1.83	\$43.92	\$0.42	\$9.98	\$1.41	77.3%
TOP00049	163832	PAD RULED PERF 5 X 8 CA	EA	24	\$0.37	\$8.88	\$0.19	\$4.48	\$0.18	49.6%
UNV55400	327694	PENCIL ENTRE #2 YW/STA32769	EA	24	\$0.05	\$1.20	\$0.02	\$0.58	\$0.03	51.7%
UNV30401	138537	ECONOMY BINDER .5IN BLK	EA	22	\$1.09	\$23.98	\$0.69	\$15.18	\$0.40	36.7%
UNV11230	122531	PAPER,XERO/DUP,LTR,3HD,WE	CT	20	\$4.99	\$99.80	\$3.79	\$75.80	\$1.20	24.0%
UNV10200	103523	CLIP-BINDER SM 3/4	DZ	18	\$0.29	\$5.22	\$0.15	\$2.70	\$0.14	48.3%
UNV10210	103549	CLIP-BINDER MED 1 1/4	DZ	17	\$0.74	\$12.58	\$0.32	\$5.44	\$0.42	56.8%
SMD64055	116764	FOLDER HGING LTR 1/5 GN	BX	16	\$4.69	\$75.04	\$2.24	\$35.84	\$2.45	52.2%
UNV72220	525923	CLIP PAPER STL GIANT .045	BX	14	\$0.19	\$2.66	\$0.17	\$2.38	\$0.02	10.5%
UNV72210	525881	CLIP PAPER STL #1/.034	BX	14	\$0.05	\$0.70	\$0.01	\$0.14	\$0.04	80.0%
HEW51645A	603555	TONER INKJET 850/855C CART BK	EA	12	\$29.99	\$359.88	\$24.29	\$291.48	\$5.70	19.0%
FEL00701	512710	BOX STOR ALL LTR 12X10X24	PK/2	12	\$13.40	\$160.80	\$6.79	\$81.48	\$6.61	49.3%
FEL00704	512710	BOX STOR ALL LTR 12X10X24	EA	12	\$5.33	\$63.96	\$3.40	\$40.74	\$1.94	36.3%
AVE07888	500801	MARKER PERMANENT CHISEL BK	DZ	12	\$7.08	\$84.96	\$2.69	\$32.28	\$4.39	62.0%
SAN30002	498246	MARKER FN PT SHARPIE RD	EA	12	\$0.57	\$6.84	\$0.59	\$7.08	-\$0.02	-3.5%
TOP00053	163857	PAD RULED PERF 8.5X14 CA	EA	12	\$0.49	\$5.88	\$0.47	\$5.59	\$0.02	4.9%
TOP7822	163451	PAD,MEMO,5X8,100SHT,WE	PK	12	\$0.73	\$8.76	\$0.40	\$4.79	\$0.33	45.3%
UNV22000	154138	PAD RULED GLUTOP 8.5X11 CA	DZ	12	\$0.58	\$6.96	\$0.19	\$2.25	\$0.39	67.7%
UNV11000	154120	PAD RULED GLUTOP 8.5X11 WE	DZ	12	\$0.58	\$6.96	\$0.19	\$2.25	\$0.39	67.8%
MMM6549	105809	POST-IT HIGHLAND 3X3 YW 12PK	DZ	12	\$0.28	\$3.36	\$0.13	\$1.52	\$0.15	54.8%
BOSSBS1914CP	889081	STAPLES STD CHISEL POINT	BX	12	\$0.65	\$7.80	\$0.05	\$0.60	\$0.60	92.3%
ACC35450	889081	STAPLES STD CHISEL POINT	BX	11	\$2.58	\$28.38	\$0.05	\$0.55	\$2.53	98.1%
UNV20890	153866	TAB DIVID 8TAB INDX INSRT CLRD	ST	10	\$0.98	\$9.80	\$0.90	\$9.00	\$0.08	8.2%
UNV14160	521419	FLDR HGING BOX BOTM LTR 3 EXP	BX	10	\$1.90	\$19.00	\$0.60	\$6.00	\$1.30	68.4%
UNV10220	103564	CLIP-BINDER LG 2	DZ	8	\$1.79	\$14.32	\$0.76	\$6.08	\$1.03	57.5%
HEWC6578DN	392486	CARTRIDGE INKJET TRI CLR DJ970	EA	7	\$34.99	\$244.93	\$28.79	\$201.53	\$6.20	17.7%
SMD10330	116657	FOLDER SNGL TOP LTR 1/3 MA	BX	7	\$3.79	\$26.53	\$3.49	\$24.43	\$0.30	7.9%



City of Muskegon

Current Order Number	Staples Order Number	Item Description	Unit of Measure	QTY	Current Price	Current Price Extension	Staples Price	Staples Price Extension	Difference	Percent Savings
FEL00012	513333	BOX STOR LGL MED 10.25X15X24	EA	6	\$7.60	\$45.60	\$5.04	\$30.24	\$2.56	33.7%
UNV12113	116657	FOLDER SNGL TOP LTR 1/3 MA	BX	6	\$4.08	\$24.48	\$3.14	\$18.84	\$0.94	23.0%
AVECV1120WE	520106	BINDER VIEW 2 WE	EA	6	\$3.09	\$18.54	\$1.98	\$11.88	\$1.11	35.9%
UNV20981	520114	BINDER VIEW 2 BK	EA	6	\$3.09	\$18.54	\$1.98	\$11.88	\$1.11	35.9%
TOP00052	163865	PAD RULED PERF 8.5X11.75 WE	EA	6	\$0.55	\$3.30	\$0.15	\$0.89	\$0.40	72.9%
CNM0881A003	422451	TONER INKJET BC02 BJ200 BK	EA	5	\$24.49	\$122.45	\$22.45	\$112.25	\$2.04	8.3%
VER91663	395873	DISK CD-RW 74MN 650MB	EA	5	\$1.35	\$6.75	\$0.99	\$4.95	\$0.36	26.7%
UNV11202	388941	PAPER COPY BLUE 8.5X11	RM	5	\$5.49	\$27.45	\$3.95	\$19.75	\$1.54	28.1%
SAN5640132	521906	FLUID,CORRECTION,WHITE	EA	5	\$0.59	\$2.95	\$0.36	\$1.80	\$0.23	39.0%
SAN56301	521906	CORRECT FLUID FOR ALL 20ML WE	EA	5	\$0.94	\$4.70	\$0.36	\$1.80	\$0.58	61.7%
MMM559	506790	EASEL PAD 30 SHT 30.5 X 25 WE	CT	4	\$18.49	\$73.96	\$18.50	\$74.00	-\$0.01	-0.1%
HEWC6615DN	430086	#15 BLACK INKJET CARTRIDGE	EA	4	\$29.99	\$119.96	\$26.09	\$104.36	\$3.90	13.0%
AVE5162	209908	LABEL-LASER PRT 1 1/3 X 4 WE	BX	4	\$24.98	\$99.92	\$19.99	\$79.96	\$4.99	20.0%
SAN16001	124826	MARKER OVRHD VIS-A-VIS FN BK	DZ	4	\$0.87	\$3.48	\$0.75	\$3.00	\$0.12	13.9%
NUKB193	867830	RIBBON TYP ALPA SAT III	EA	4	\$4.20	\$16.80	\$2.99	\$11.96	\$1.21	28.8%
MMM68023	512210	TAPE FLAG POST-IT 1X1.7 BLE	EA	4	\$1.94	\$7.76	\$1.09	\$4.36	\$0.85	43.8%
MMM68022	512202	TAPE FLAG POST-IT 1X1.7 BRGN	EA	4	\$1.94	\$7.76	\$1.09	\$4.36	\$0.85	43.8%
UNV31310	378820	PUSH PINS PLASTIC CLEAR	PK	4	\$0.99	\$3.96	\$0.35	\$1.40	\$0.64	64.6%
BRTPC101	527838	TONER FAX PC101 CART	EA	3	\$37.99	\$113.97	\$32.99	\$98.97	\$5.00	13.2%
BRTPC301	327421	CARTRIDGE FAX PC-301 BROTHER	EA	3	\$19.98	\$59.94	\$17.09	\$51.27	\$2.89	14.5%
MAT1202	891251	RISER MONITOR STANDARD PM/GPH	EA	3	\$19.58	\$58.74	\$12.99	\$38.97	\$6.59	33.7%
SON22114	463689	10 PACK 60MIN MICROCASSETTE	PK	3	\$9.98	\$29.94	\$9.45	\$28.35	\$0.53	5.3%
WEVCO993	535013	ENV CLASP RECY 28LB 9.5X12.5	BX	3	\$9.88	\$29.64	\$9.49	\$28.47	\$0.39	3.9%
TOP4003	194514	BOOK TELEMESSAGE4/PK DUPL WIRE	EA	3	\$6.48	\$19.44	\$4.59	\$13.77	\$1.89	29.2%
UNV35688	105809	NOTE STAPLES 3X3 12PK YELLOW	DZ	3	\$5.59	\$16.77	\$1.52	\$4.56	\$4.07	72.8%
AVEK31110BE	321661	ECONOMY BINDERS 1IN BLUE	EA	3	\$0.89	\$2.67	\$0.65	\$1.95	\$0.24	27.0%
UNV75407	521906	FLUID,CORRECTION,WHITE	EA	3	\$0.74	\$2.22	\$0.36	\$1.08	\$0.38	51.4%
AVE00166	368193	GLUE STICK .28 OZ CL	EA	3	\$0.59	\$1.77	\$0.22	\$0.66	\$0.37	62.7%
HEWC4096A	381015	TONER LASERJET C4096A	EA	2	\$99.99	\$199.98	\$86.39	\$172.78	\$13.60	13.6%
HEWC4092A	378593	BLACK CARTRIDGE HP1100SE/ASE	EA	2	\$63.40	\$126.80	\$51.29	\$102.58	\$12.11	19.1%
HEWC1823T	440762	TWINPACK BLISTER C1823T	PK	2	\$53.99	\$107.98	\$45.99	\$91.98	\$8.00	14.8%
HEWC6578AN	430598	HP TRI-COLOR INKJET C6578AN	EA	2	\$54.99	\$109.98	\$44.99	\$89.98	\$10.00	18.2%
LEX17G0060	438490	LEXMARK COLOR INK 17G0060	EA	2	\$30.98	\$61.96	\$29.99	\$59.98	\$0.99	3.2%
HEWC5010AN	474823	HP 14 TRI-COLOR INK CARTRIDGE	EA	2	\$26.99	\$53.98	\$24.99	\$49.98	\$2.00	7.4%
HEW51629A	480749	TONER INKJET 600/660C CART BK	EA	2	\$29.90	\$59.80	\$23.39	\$46.78	\$6.51	21.8%
UNV74300	396445	JACKT LTR 1.5 EXP MANILA 50PK	BX	2	\$21.98	\$43.96	\$22.99	\$45.98	-\$1.01	-4.6%
SHRUX3CR	382289	SHARP TONER UX300/5/460 200 YD	BX	2	\$22.98	\$45.96	\$22.99	\$45.98	-\$0.01	0.0%
HEWC5011AN	474822	HP 14 BLACK INK CARTRIDGE	EA	2	\$21.99	\$43.98	\$20.99	\$41.98	\$1.00	4.5%
SMD10334	649160	FOLDER 2PLY TOP 1/3 MA	BX	2	\$10.98	\$21.96	\$12.78	\$25.56	-\$1.80	-16.4%
WEVC0997	187039	ENV CLASP RCY 28LB 10 X 13	BX	2	\$5.16	\$10.32	\$7.19	\$14.38	-\$2.03	-39.3%
FEL62112	489830	TRAY WIRE SIDE LOAD LTR BLACK	EA	2	\$5.48	\$10.96	\$5.75	\$11.50	-\$0.27	-4.9%
AVEVB1105BK	520155	BINDER VIEW 1/2 BK	EA	2	\$7.57	\$15.14	\$3.99	\$7.98	\$3.58	47.3%
UNV11203	388940	PAPER COPY GREEN 8.5X11	RM	2	\$5.49	\$10.98	\$3.95	\$7.90	\$1.54	28.1%



City of Muskegon

Current Order Number	Staples Order Number	Item Description	Unit of Measure	QTY	Current Price	Current Price Extension	Staples Price	Staples Price Extension	Difference	Percent Savings
WEVCO125	187013	ENVELOPE WHITE WOVE	BX	2	\$6.49	\$12.98	\$3.59	\$7.18	\$2.90	44.7%
UNV20812	537472	TAB DIVID PREPRINTED A-Z GO	ST	2	\$3.78	\$7.56	\$3.57	\$7.14	\$0.21	5.6%
UNV75602	481054	STAPLES CORRECTION ROLLER 2PK	PK	2	\$4.98	\$9.96	\$2.59	\$5.18	\$2.39	48.0%
UNV43117	761148	STAPLER FULL STRIP BK	EA	2	\$4.39	\$8.78	\$2.48	\$4.96	\$1.91	43.5%
UNV20814	483289	INDEX,BNDR,LTR,JAN-DEC	ST	2	\$2.99	\$5.98	\$2.25	\$4.50	\$0.74	24.7%
HPG162016	135848	STAPLES COPY PAPER 8.5X11	RM	2	\$5.79	\$11.58	\$2.21	\$4.43	\$3.58	61.8%
AVE21448	166793	REFILL INK STAMP PAD BOTL BLK	EA	2	\$1.78	\$3.56	\$1.99	\$3.98	-\$0.21	-11.8%
CRO8512	146019	REFILL PEN INK FN BLE	EA	2	\$1.25	\$2.50	\$1.86	\$3.72	-\$0.61	-48.8%
CRO8514	146035	REFILL PEN INK BALL BK	EA	2	\$1.25	\$2.50	\$1.86	\$3.72	-\$0.61	-48.8%
UNV15002	130690	DISPENSER TAPE PUTTY 130690	EA	2	\$1.79	\$3.58	\$1.39	\$2.78	\$0.40	22.3%
AVE21081	122085	STAMP PADS FELT SZ 1 BK	EA	2	\$2.48	\$4.96	\$1.28	\$2.56	\$1.20	48.4%
SAN15002	706036	MARKER KING SIZE RED	EA	2	\$0.99	\$1.98	\$1.05	\$2.10	-\$0.06	-6.1%
SAN15001	36619	MARKER 15001 PERMANENT BLACK	DZ	2	\$0.99	\$1.98	\$0.83	\$1.67	\$0.16	15.9%
AVEK31110BE	321661	ECONOMY BINDERS 1IN BLUE	EA	2	\$1.55	\$3.10	\$0.65	\$1.30	\$0.90	58.1%
SAN37001	642736	MARKER SHARPIE ULTRA FINE BK	EA	2	\$0.57	\$1.14	\$0.50	\$1.00	\$0.07	12.4%
ACC72320	525915	CLIP PAPER STL #3/.031	BX	2	\$0.35	\$0.70	\$0.11	\$0.22	\$0.24	68.6%
HEWC4182X	380469	CARTRIDGE TONER HP LJ8100A	EA	1	\$199.96	\$199.96	\$179.99	\$179.99	\$19.97	10.0%
FEL36170	447524	PS70 DESKSIDE STRIP CUT SHRED	EA	1	\$189.98	\$189.98	\$184.45	\$184.45	\$5.53	2.9%
HEWC8061X	452338	HP LASERJET SMART PRINT CARTRI	EA	1	\$128.99	\$128.99	\$117.98	\$117.98	\$11.01	8.5%
HEV4127X	897894	CARTRIDGE TONER UP HP4000 MAX	EA	1	\$128.90	\$128.90	\$106.18	\$106.18	\$22.72	17.6%
HEWC4127A	897886	CARTRIDGE TONER HP4000	EA	1	\$109.98	\$109.98	\$98.99	\$98.99	\$10.99	10.0%
HEWC4872A	463461	CARTRIDGE INK CYAN	EA	1	\$84.99	\$84.99	\$74.99	\$74.99	\$10.00	11.8%
HEWC4874A	463464	CARTRIDGE INK MAGENTA	EA	1	\$84.99	\$84.99	\$74.99	\$74.99	\$10.00	11.8%
HEW92298A	396200	TONER LASER 4/4M/4+/4M+ BK	EA	1	\$104.99	\$104.99	\$86.99	\$86.99	\$18.00	17.1%
MP21DIII	322834	CALC CANNON HD PRINTING MP25D	EA	1	\$99.98	\$99.98	\$68.99	\$68.99	\$30.99	31.0%
HEW7115A	452823	TONER LASER 1200/1220 SERIES	EA	1	\$64.99	\$64.99	\$53.96	\$53.96	\$11.03	17.0%
LEX15M0120	383050	COLOR CARTRIDGE 15M0120 LEX	EA	1	\$38.99	\$38.99	\$37.99	\$37.99	\$1.00	2.6%
LEX12A1975	383672	BLACK INK CARTRIDGE OPTRA40/45	EA	1	\$37.98	\$37.98	\$33.99	\$33.99	\$3.99	10.5%
HEWC4844A	340481	HP LG BLACK INK 2000C SERIES	EA	1	\$33.99	\$33.99	\$31.99	\$31.99	\$2.00	5.9%
HEWC4836AN	441896	#11 CYAN INK CARTRIDGE	EA	1	\$33.99	\$33.99	\$31.99	\$31.99	\$2.00	5.9%
HEWC4838AN	441898	#11 YELLOW INK CARTRIDGE	EA	1	\$33.99	\$33.99	\$31.99	\$31.99	\$2.00	5.9%
HEWC4837AN	441897	#11 MAGENTA INK CARTRIDGE	EA	1	\$33.99	\$33.99	\$31.99	\$31.99	\$2.00	5.9%
GBC3745022	GBC3745022	POUCH,LTR 3MIL LAM,100/PK	PK	1	\$39.30	\$39.30	\$25.79	\$25.79	\$13.51	34.4%
SMD13230	783720	FOLDER TOPTAB PRESSBRD LTR GY	BX	1	\$32.11	\$32.11	\$19.99	\$19.99	\$12.12	37.7%
HOUH35063	486298	DICTIONARY AMHERI COLLEGE 4TH	EA	1	\$23.75	\$23.75	\$19.18	\$19.18	\$4.57	19.2%
CNM0955A003	461962	TONER INKJET BCI21C BJC4000CLR	EA	1	\$20.98	\$20.98	\$18.95	\$18.95	\$2.03	9.7%
ESS4152X4	521435	FOLDER HGING BOX BOTM LTR 4EXP	BX	1	\$31.11	\$31.11	\$16.99	\$16.99	\$14.12	45.4%
MMMPROVA	486243	DISPENSER POP-UP W/3X3 PADS	PK	1	\$13.99	\$13.99	\$15.99	\$15.99	-\$2.00	-14.3%
WEVCO910	472902	ENV CLASP RCY 28LB 12 X 15 1/2	BX	1	\$14.99	\$14.99	\$12.69	\$12.69	\$2.30	15.3%
FEL0070302	825695	RCYCLD SPLS 10PK ECONOMY BOXES	PK10	1	\$54.90	\$54.90	\$8.99	\$8.99	\$45.91	83.6%
UNV35267	187039	ENV CLASP RCY 28LB 10 X 13	BX	1	\$8.78	\$8.78	\$7.99	\$7.99	\$0.79	9.0%
SMD70417	119099	FILE EXP A-Z NO FLAP LTR BN	EA	1	\$9.48	\$9.48	\$7.99	\$7.99	\$1.49	15.7%
AVE5260	209999	LABEL-LASER PRT 1X2 5/8 WE	PK	1	\$11.64	\$11.64	\$7.99	\$7.99	\$3.65	31.4%



City of Muskegon

Current Order Number	Staples Order Number	Item Description	Unit of Measure	QTY	Current Price	Current Price Extension	Staples Price	Staples Price Extension	Difference	Percent Savings
SON21180	351744	6 PACK 90 MIN MICRO	PK	1	\$6.98	\$6.98	\$7.99	\$7.99	-\$1.01	-14.5%
DURMN1400VR8Z	074822	BATTERY C 8PK	PK	1	\$11.49	\$11.49	\$7.12	\$7.12	\$4.37	38.0%
DURMN1300VR8Z	074823	BATTERY D 8PK	PK	1	\$11.49	\$11.49	\$7.12	\$7.12	\$4.37	38.0%
UNV12213	117713	FOLDER-FILE INTER LTR 1/3 MA	BX	1	\$8.69	\$8.69	\$6.99	\$6.99	\$1.70	19.6%
IMN15794	483050	STAPLES 10PK CDR SLIM JEWEL	PK	1	\$8.98	\$8.98	\$6.79	\$6.79	\$2.19	24.4%
DURMN15VR12Z	073123	BATTERY AA 12 PACK	PK	1	\$10.89	\$10.89	\$5.97	\$5.97	\$4.92	45.2%
ELD38986	413769	REGENERATION DESK DIRECTOR	EA	1	\$6.50	\$6.50	\$5.59	\$5.59	\$0.91	14.0%
ZPC74750	771394	HIGHLIGHTER ZAZZLE 5 COLOR	ST	1	\$6.28	\$6.28	\$5.35	\$5.35	\$0.93	14.8%
WEVCO990	187021	ENV CLASP RCY 28LB 9 X 12	BX	1	\$4.30	\$4.30	\$4.49	\$4.49	-\$0.19	-4.4%
UNV11201	386638	PAPER COPY CANARY 8.5X11	RM	1	\$5.49	\$5.49	\$3.95	\$3.95	\$1.54	28.1%
UNV11204	389599	PAPER COPY PINK 8.5X11	RM	1	\$5.49	\$5.49	\$3.95	\$3.95	\$1.54	28.1%
UNV11205	386556	PAPER COPY GOLDENROD 8.5X11	RM	1	\$5.49	\$5.49	\$3.95	\$3.95	\$1.54	28.1%
UNV11204	389599	PAPER,XERO/DUP,20#,LTR,PK	RM	1	\$5.49	\$5.49	\$3.95	\$3.95	\$1.54	28.1%
UNV10021	321671	STAMP PRE INK COPY BE 321671	EA	1	\$5.29	\$5.29	\$3.50	\$3.50	\$1.79	33.8%
SHA11363	321739	STAMP,PRE-INK,POSTED	EA	1	\$7.21	\$7.21	\$3.50	\$3.50	\$3.71	51.5%
SAN63603	500942	MARKER UNI PAINT MED BLUE	EA	1	\$3.29	\$3.29	\$2.85	\$2.85	\$0.44	13.4%
SAN63601	500926	MARKER UNI PAINT MED BLACK	EA	1	\$3.29	\$3.29	\$2.85	\$2.85	\$0.44	13.4%
SAN63602	500934	MARKER UNI PAINT MED RED	EA	1	\$3.29	\$3.29	\$2.85	\$2.85	\$0.44	13.4%
SAN63613	501007	MARKER UNI PAINT MED WHITE	EA	1	\$3.29	\$3.29	\$2.85	\$2.85	\$0.44	13.4%
AVE21447	166801	REFILL INK STAMP PAD BOTTLE RD	EA	1	\$1.78	\$1.78	\$1.99	\$1.99	-\$0.21	-11.8%
UNV35692	105825	NOTE,SLFSTK,3X5,18PD/PKYW	PK	1	\$8.99	\$8.99	\$1.99	\$1.99	\$7.00	77.9%
UNV35715	176511	ADD ROLLS 2.25 12PK	DZ	1	\$4.99	\$4.99	\$1.79	\$1.79	\$3.20	64.1%
UNV08850	412783	HILIGHTER,POCKET,5/ST	ST	1	\$1.79	\$1.79	\$1.49	\$1.49	\$0.30	16.8%
LEE10134	113571	MOISTENER FINGER 1.75OZ	EA	1	\$1.99	\$1.99	\$1.45	\$1.45	\$0.54	27.1%
BICGSMG11BK	382241	ROUND STIC GRIP DZ MEDIUM BLK	DZ	1	\$3.17	\$3.17	\$1.34	\$1.34	\$1.83	57.7%
SAN16004	501973	MARKER OVRHD VIS-A-VIS FN GN	EA	1	\$1.01	\$1.01	\$1.10	\$1.10	-\$0.09	-8.9%
MMM6539	105791	NOTES POST-IT 1.5X2 YW	DZ	1	\$1.10	\$1.10	\$0.62	\$0.62	\$0.48	43.6%
SAN37003	477938	ULTRA FINE-POINT MARKERS	DZ	1	\$0.57	\$0.57	\$0.50	\$0.50	\$0.07	12.4%
SAN37002	477937	ULTRA FINE-POINT MARKERS	DZ	1	\$0.57	\$0.57	\$0.50	\$0.50	\$0.07	12.4%
SAN12132	327694	PENCIL ENTRE #2 YW/STA32769	DZ	1	\$0.89	\$0.89	\$0.29	\$0.29	\$0.60	67.4%

Total Analyzed	\$9,411.04	\$7,162.51
Dollar Savings	\$2,248.53	
Percent Savings	23.9%	

Paper and Toner Prices are subject to change due to market conditions.

Analysis is based on 2 months of activity from the supplied invoices

The Staples Advantage at Work:

Unbelievable Low Prices - Always

Free Next Day Delivery

Personal Service

StaplesLink.com Easy Online Ordering

Reporting and Control

Additional Products and Services

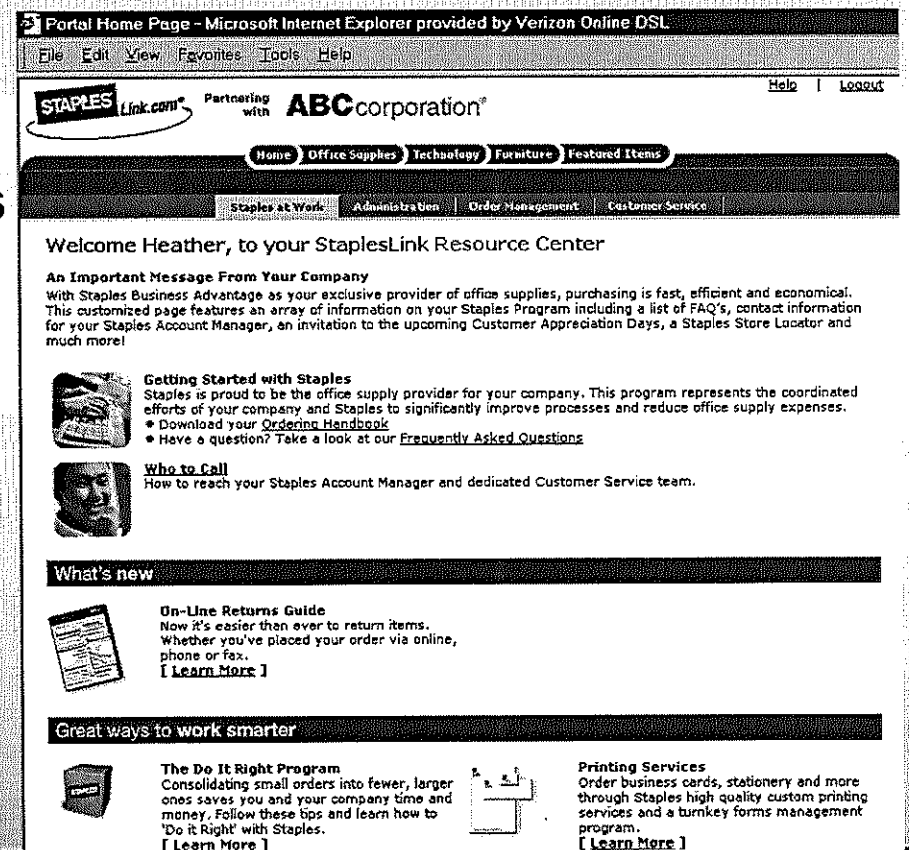


Personal Service

- **Dedicated Account Manager who acts as your personal business consultant**
- **Proactively calls you to alert you to new savings opportunities**
- **Assists you with reporting and program reviews**

Staples Resource Center

- **Customer-specific web page within StaplesLink.com**
 - Customized Company Message Board
 - Customized Who to Call
- **Communicates benefits and guidelines of Staples program**
 - Provides answers to frequently asked questions
 - Encourages Best Practice user behavior
 - Highlights additional Staples Services



On-Line Returns

- Totally automated process
- Users complete online returns form, print confirmation and place in box with item
- No phone call required

Available for any order method,
including phone and fax

Staples at Work Administration Order Management Customer Service							
My Order Status Returns Search for Orders							
Returns							
Return Items from order # 7005910896							
• Fill out this form and click "Submit." • Print the confirmation page and enclose a copy in each box that you return. • To ensure that you receive proper credit, return merchandise along with the confirmation page within 30 days of delivery. • Fields marked * are required.							
Customer No:	0001017065001NAT						
*Name:	Lynn Summers						
*Phone:	(508) 253-1000						
Date:	04/09/2003						
Order No:	7005910896						
Ordered by:	Lynn Summers						
Ship To:	Lynn Summers STAPLESLINK TRAINING SOLUTIONS INC 125 HUSHROOM BLVD ROCHESTER, NY 14692 USA						
Payment Information:	P.O. NUMBER: PD5543						
Comments:							
Item Description Staples Item No.	MFR Item No.	UOM/Qty	Your Price	Qty Available to Return	Qty to Return	Total Available to Return	Reason for Return
<u>Economy Binder Black</u> 1 1/2" Staples Item No. 138651	STP108651SB	EA/1	\$5.64	12	0	\$67.68	Return Reason
<u>Manila Single Top Tab File Folders Legal</u> 1/2-Cut Staples Item No. 163360	STP33213	BX/100	\$20.75	10	5	\$207.50	Duplicate/Overshipment
<u>100% Recycled Brown Kraft Clasp Envelopes</u> 10 1/2" x 14 1/2" Staples Item No. 916036	STP19328	BX/100	\$24.40	2	0	\$48.80	Return Reason
Item Description Staples Item No.	MFR Item No.	UOM/Qty	Your Price	Qty Available to Return	Qty to Return	Total Available to Return	Reason for Return
*Estimated number of return boxes Staples will pick up: 1							
						Total:	\$323.98
Submit							

STAPLES
Business Advantage

StaplesLink Reporting & Control

- **Purchasing controls**
 - Administrative functionality to create, modify and delete Ship To and Bill To attributes
- **Run customized reports at any time**
 - User Report
 - Spending Report
 - Average Order Size
 - Account Review

The screenshot shows a web browser window titled "Spending Reports - Microsoft Internet Explorer provided by Verizon Online DSL". The browser's address bar shows the URL "http://www.stapleslink.com". The page header includes the StaplesLink.com logo and a "Partnering with ABC Corporation" banner. Below the header is a navigation bar with links: Home, Office Supplies, Technology, Furniture, Featured Items, and a "Staples at Work" section with links for Administration, Order Management, and Customer Service. The main content area is titled "Spending Reports" and contains instructions: "Review company spending by Budget Center, Bill To, Ship To or User" and "Select the report type, date range, and then click 'Go.'". There are two sections for generating reports. The first section, "View Report by:", has a dropdown menu set to "Budget Center". Below it are date pickers for "From:" (MM/DD/YYYY) and "To:" (MM/DD/YYYY). To the right of these are radio buttons for "Totals Only" (selected) and "Order Methods", followed by a "Go" button. The second section, "View Report for a specific:", also has a dropdown menu set to "Budget Center" and a "Called:" field. It has similar date pickers for "From:" and "To:". To the right are radio buttons for "Totals Only" (selected) and "Order Methods", followed by a "Go" button. At the bottom of the page, a note states: "After running your report, you will be able to download your results to a spreadsheet for analysis. 24 months of history will be available for StaplesLink.com reports. You will be able to download your results for analysis."

Account Review

Information on key cost-drivers of your program including:

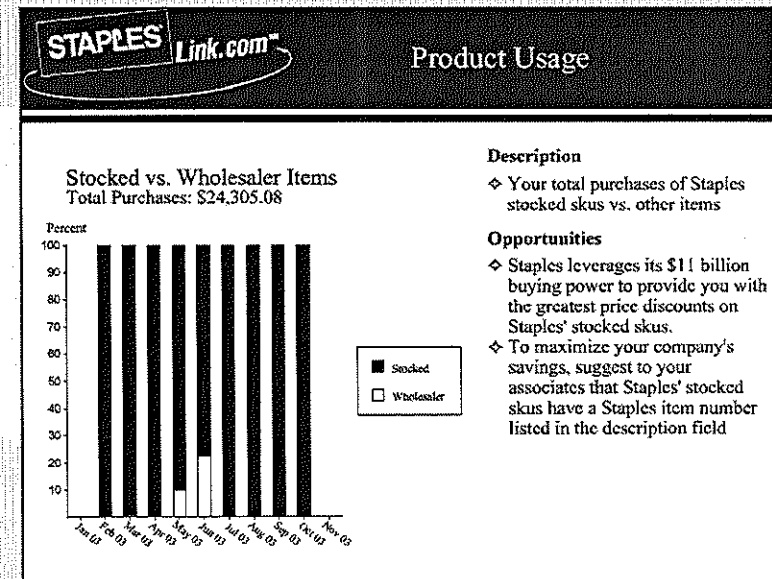
- **Product Usage**

- Top 20 Staples
- Top 20 Wholesaler Items
- Alternate Products
- Recycled & Diversity Products

- **Ordering Behavior:**

- Average Order Size
- Ordering Evaluation
- Order Method Distribution

- **Summary & Savings Opportunities**



SBA Program Services

Staples can also fulfill your printing, forms and corporate identity product needs

Customer Benefits:

- **Vendor consolidation with Staples as single resource**
- **Soft cost reduction**
- **Reduced administrative work**
- **Reporting and invoicing on purchases of these items consolidated with SBA office supply reporting and invoicing**
- **Easy access for end-users through web sites and catalogs**
- **Regional Vertical Specialists to assist in program creation**
- **High quality products and services**

Quarterly Account Review Process

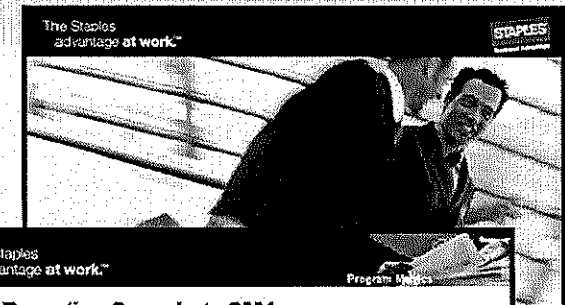
Management Reports & Advantage reporting are tools that provide input for quarterly Account Reviews where SBA identifies opportunities for cost savings in areas like:

Special programs

- launch a remanufactured toner program to save several \$100,000 dollars
- move to StaplesLink electronic ordering
- launch MWBE awareness program to support customer's diversity objectives
- consolidate business printing needs through StaplesImprint.com

Product alternatives

- review process identifies high usage items and cost saving alternative products
- ex: converting from 3M tape to Highland brand



The Staples advantage at work.

Reporting Snapshot - 2001

Q1 Total Sales	– Total expenditure for Q1 was \$40,781 vs. \$42,034 last year, an increase of approximately 18.78%
Q1 Product Usage	– 74% were Non-Contract items – 94% were Staples/Advantage products – 13% were Registered products – 18% were ordered from the Wholesaler – 24% were MYSE products
Q1 Service Levels	– 100% fill rate on Contract items – 87% fill rate on Other items – ABC Company Returned 5,000 items, which equates to 2.9% of sales – ABC Co. Return Rate is above the SBA average – 20% of Returns were due to customer error, 34% were due to duplicate items being shipped
Q1 Ordering Metrics	– Q1 Average Order Size is \$112, slightly lower than Q1 which was \$135 – 25% of ABC's Orders are below \$50 – 60% of ABC's Orders are placed via Fax
Q1 Compliance	– 15% of ABC Co's remote locations are inactive

Specialty Catalogs

- **Office Furniture**
- **Janitorial and Break Room Supplies**
- **Security and Privacy Products (HIPAA)**
- **Business Machines & Technology Solutions**
- **Information Processing & Data Storage Supplies**

Date: May 18, 2004
To: Honorable Mayor and City Commission
From: Water Filtration Plant
RE: 2004 Water Treatment Chemical Bids

SUMMARY OF REQUEST:

Recommend endorsement of lowest responsible bidders to supply aluminum sulfate, sodium hypochlorite, and fluoride for the water filtration plant

FINANCIAL IMPACT:

Annual cost of \$70,498.00 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED:

None at this time. These chemicals are budgeted annually.

STAFF RECOMMENDATION:

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

MEMORANDUM

5/18/04

TO: M. AL-SHATEL, DEPUTY DPW
FROM: R. VENEKLASSEN
RE: CHEMICAL BIDS – WATER FILTRATION

BACKGROUND

In 1996 the Water Filtration Plant began the process of competitively bidding water treatment chemicals jointly with the cities of Grand Haven, Grand Rapids, Wyoming and Holland. This group bids are commonly addressed as the "West Michigan Cooperative Purchasing Group". The original bids (1996) allowed for contract renewal in two or three year intervals.

HISTORICAL CHEMICAL COSTS

This process has worked in the City's favor as the cost for chemicals has remained low over the years and increases have been modest.

YEAR	ALUMINUM SULFATE	CHLORINE	FLUORIDE
1996	136.29	395.00	138.80
1997	125.00	332.00	129.00
1998	125.00	332.00 (gaseous chlorine)	129.00
1999	125.00	107.67 (sodium hypochlorite)	141.50
2000	136.50	107.67	141.50
2001	136.50	107.20	145.00
2002	136.50	107.20	142.30
2003	136.50	107.20	142.30

Historical annual average chemical usage in tons, based on annual average water pumpage is:

CHEMICAL	TONS
Aluminum Sulfate	210
Sodium Hypochlorite	300
Fluoride	70

CHEMICAL BIDDING FOR 2004

The bidding process is performed by the City of Grand Rapids purchasing department with bidding solicited for the City, the West Michigan Cooperative, and the City along with the West Michigan Cooperative for aluminum sulfate and fluoride. The City of Holland purchasing department solicits bids for sodium hypochlorite as Grand Rapids does not use hypochlorite as a disinfectant.

Once again the bidding resulted in the most favorable prices being for the West Michigan Cooperative group. The low bids are as follows:

Fluoride Lucier (LCI)	\$146.30 (contract extension, third year)
Aluminum Sulfate General Chemical	\$146.94 (first year of three possible)
Sodium Hypochlorite	\$ 98.00 (first year of three possible)

*prices are "per ton" FOB each plant location

RECOMMENDATION

It is my recommendation the Mayor and City Commission endorse the low bids and contract extension received, with the joint purchase approach, for aluminum sulfate, fluoride, and sodium hypochlorite.

Veneklasen, Bob

From: Van De Wege, Jim [jvandewege@hollandbpw.com]
Sent: Wednesday, December 17, 2003 2:26 PM
To: Jerry Caron (E-mail); Veneklasen, Bob
Subject: FW: Liquid Sodium Hypochlorite

> -----Original Message-----

> From: Yost, Amy
> Sent: Wednesday, December 17, 2003 2:05 PM
> To: Van De Wege, Jim; Nuismer, Dave; Horn, Larry
> Cc: Meurer, Rita Ann
> Subject: Liquid Sodium Hypochlorite
>
> I have notified the bidders that we have decided to accept the bid from
> Alexander Chemical for Liquid Sodium Hypochlorite. The new price will be
> \$98 per ton effective January 1, 2004 good for three years. (Current
> pricing is \$107.20 per ton with Alexander.) Ordering will continue as
> always, but with the price change.
>
> Jim, please inform Wyoming and Muskegon - I didn't have their email
> addresses.
>
> Thanks,
> Amy

12/10/03
 Tim Van
 to decide & let me
 know...

**TABULATION OF BIDS
 LIQUID SODIUM HYPOCHLORITE
 2004 - 2006**

	Alexander	K. A. Steel	Rowell	Haviland	Univar	Webb
West MI Cooperative Purchase Agencies						
Year 1	\$98.00	\$87.00	\$140.00	No Bid	No Bid	No Bid
Year 2	\$98.00	\$107.00	No Bid			
Year 3	\$98.00	\$127.00	No Bid			
City of Holland						
Year 1	\$98.00	\$87.00	\$137.00	No Bid	No Bid	No Bid
Year 2	\$98.00	\$107.00	No Bid			
Year 3	\$98.00	\$127.00	No Bid			

.Prices are per tons

294
 196

321.00
 194.00

CHANGE ORDER TO PURCHASE ORDER

PO NO: BP00002053T

DATE: APRIL 15, 2004

VENDOR: GENERAL CHEMICAL
90 EAST HALSEY RD
PARSIPPANY NJ 07054
ATTN: JEFF BALLEW

DEPARTMENT: LAKE FILTRATION

CONTRACT TITLE: CHEMICALS, ALUMINUM SULFATE

TERM CONTRACT CHANGE: XX

TO EXTEND CONTRACT PERIOD TO: FEBRUARY 25, 2005

BID REFERENCE NO: 885-77-06

VENDOR NOTE CHANGE AS FOLLOWS:

FINAL CONTRACT RENEWAL:

YEAR (3) THREE CONTRACT RENEWAL: ALL OTHER TERMS, CONDITIONS, REQUIREMENTS, SPECIFICATIONS REMAIN IN FULL FORCE AND EFFECT.

YEAR 3 PRICING: \$146.94/TON

ANNUAL EXPENDITURES SHALL NOT EXCEED \$117,295.00.

PURCHASING BUYER: TONY WOJCIAKOWSKI

cc: Dept - John Wierenga
Bid Pack

Forms/Change Rev. 3/22/00



CHANGE ORDER TO PURCHASE ORDER

PO NO: BP00002058T

DATE: MARCH 5, 2004

VENDOR: LUCIER CHEMICAL INDUSTRIES, LTD
PO BOX 49000
JACKSONVILLE BEACH FL 32240

DEPARTMENT: LAKE FILTRATION

CONTRACT TITLE: CHEMICALS, HYDROFLUORSILICIC ACID

TERM CONTRACT CHANGE: XX

TO EXTEND CONTRACT PERIOD TO: MARCH 7, 2005

BID REFERENCE NO: 885-66-03

VENDOR NOTE CHANGE AS FOLLOWS:

FINAL CONTRACT RENEWAL:

YEAR (3) THREE CONTRACT RENEWAL: ALL OTHER TERMS, CONDITIONS, REQUIREMENTS, SPECIFICATIONS REMAIN IN FULL FORCE AND EFFECT.

ANNUAL EXPENDITURES SHALL NOT EXCEED \$48,000.00.

PURCHASING BUYER: TONY WOJCIAKOWSKI

cc: Dept - John Wierenga
Bid Pack

Forms/Changes Rev. 3/22/00

Commission Meeting Date: May 25, 2004

Date: May 17, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CB*
RE: Public Hearing for Amendments to Brownfield
Plan- "The Watermark" Project

SUMMARY OF REQUEST: To hold a public hearing and approve the attached resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by P & G Holdings NY, LLC ("P & G") in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the development of the condominiums and commercial space, proposed by the owners of "The Watermark" project, will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold the public hearing and approve the attached resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for May 25, 2004, at their April 27, 2004 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on April 20, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT

"THE WATERMARK" PROJECT

City of Muskegon

County of Muskegon, Michigan

Resolution #2004-51(a)

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 25th day of May, 2004, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members

Warmington, Carter, Davis, Gawron, Larson, Shepherd, Spataro

ABSENT: Members

None

The following preamble and resolution were offered by Member Gawron and supported by Member Spataro:

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment to add "The Watermark" project; and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendment to the City Commission requesting its approval of the Brownfield Plan Amendment; and

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendment, as required by Act 381; and

WHEREAS, not less than 20 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on May 25, 2004.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Definitions. Where used in this Resolution the terms set forth below shall have the following meaning unless the context clearly requires otherwise:

"Eligible Property" means the property designated in the Brownfield Plan as the Eligible Property, as described in Act 381.

"Brownfield Plan" means the Brownfield Plan prepared by the Authority, as transmitted to the City Clerk by the Authority for approval, copies of which Brownfield Plan are on file in the office of the City Clerk.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on the Eligible Property.

2. Public Purpose. The City Commission hereby determines that the Brownfield Plan Amendment constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to promote the revitalization of eligible properties in the City to proceed with the Brownfield Plan Amendment.

4. Review Considerations. As required by Act 381, the City Commission has, in reviewing the Brownfield Plan Amendment, taken into consideration whether the Brownfield Plan Amendment meets the requirements set forth in Section 13 of Act 381.

5. Approval and Adoption of Brownfield Plan Amendment. The Brownfield Plan Amendment as submitted by the Authority is hereby approved and adopted. A copy of the Brownfield Plan and all amendments thereto shall be maintained on file in the City Clerk's office.

6. No Capture of Tax Increment Revenues by Authority. The Authority shall not capture Tax Increment Revenues on the Eligible Property, as described in the Brownfield Plan Amendment.

7. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendment, the City assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield Plan Amendment. The City makes no guarantees or representations as to the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan.

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

AYES: Members

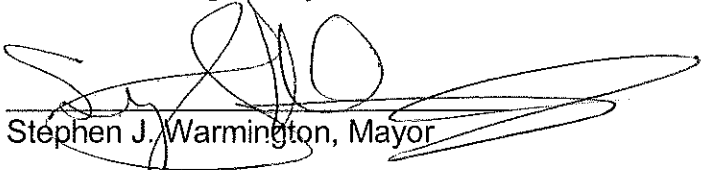
Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

NAYS: Members

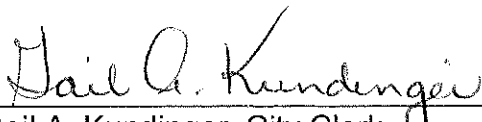
None

RESOLUTION DECLARED ADOPTED.


Gail A. Kunderinger, City Clerk


Stephen J. Warmington, Mayor

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 May 25, 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.


Gail A. Kunderinger, City Clerk

Date: May 17, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Muskegon Township Water Billing Service Contract

SUMMARY OF REQUEST: The 2003 sale of the southside water system to Muskegon Township included a provision that the city would continue billing services (at no charge) to township customers for a one-year period. The one-year period is now expired and the Township has requested that the city continue billing services for at least one more year. The attached contract provides for the city to provide these services for one additional year with a possible second-year extension.

FINANCIAL IMPACT: The city will receive payment of \$60,000 to cover costs of billing services during 2004-05.

BUDGET ACTION REQUIRED: No budget action is recommended at this time,

STAFF RECOMMENDATION: Staff recommends approval of the proposed water billing service contract with Muskegon Township contingent upon prior approval by the township board.

COMMITTEE RECOMMENDATION: None.



CHARTER
TOWNSHIP OF MUSKEGON

1990 E. APPLE AVENUE
MUSKEGON, MICHIGAN 49442-4293

Phone: (231) 777-2555
Fax: (231) 777-4912

May 19, 2004

Bryan Mazade
City of Muskegon
933 Terrace St.
Muskego, MI 49443

RE: Contract for water billing services

Dear Bryan:

Attached are two original copies of the agreement for billing on our Eastside Water System. Please have Mayor Warmington and City Clerk Gail Kunderinger sign both and return one original copy to me. Thanks.

Sincerely,

Patrick Jordan
Muskegon Charter Twp

INTER-GOVERNMENTAL AGREEMENT BETWEEN
CITY OF MUSKEGON AND CHARTER TOWNSHIP OF MUSKEGON:
WATER SYSTEM BILLING SERVICES

This Agreement is effective on May 22, 2004, between the **City of Muskegon**, of 933 Terrace Street, Muskegon, Michigan ("City") and **Muskegon Charter Township**, 1990 E. Apple Avenue, Muskegon, Michigan ("Township").

Background

A. In 2003, the City sold the Muskegon Township Water System No. 2 to Muskegon Township. That sale included the obligation for the City to continue billing services to Township residents for water service for one year.

B. The Township desires the City to continue the billing services to Township residents for water service for one year and to grant an option to the Township for a second year.

Incorporating the above introductory provisions and the statement of purpose, the parties agree as follows:

1. **Purchase Price; Payment Terms.** City will agree to continue providing billing services to the Township for an annual fee of \$60,000. The annual fee shall be satisfied by payments of \$5,000 on the first of each month commencing June 1, 2004. If the Township elects to extend the contract for a second year, the annual fee shall be \$63,000 and shall be satisfied by payments of \$5,250 on the first of each month commencing June 1, 2005. The fee shall be due and payable with no invoice needing to be sent.

2. **Billing Services.**

a. The City shall provide billing services for the Township for its water system and collection of voluntary payments of water bills. City shall send notice to Township customers of water rate adjustments, based upon mutually agreeable language. During the period that the City provides billing services to the Township, the Township agrees to defend against and pay claims related to water rate increases initiated by Township, or any other billing issue.

b. If Township desires to include any other material in a billing statement, Township shall prepare, print and deliver the material. City shall be reimbursed for any increased expenses or cost, i.e., additional staff time, increased postage, etc., associated with the Township's request.

c. To the extent City undertakes or participates in collection activity or enforcement, i.e., shut-off of services, collection agency, litigation, preparation of liens, etc, City shall be reimbursed its actual cost plus 15%.

3. **Term and Termination.**

a. This Agreement shall become effective on May 22, 2004, and shall remain in full force and effect until May 21, 2005. The Township shall have the right to extend the contract for one additional year, from May 22, 2005 to May 21, 2006, under the same terms and conditions, except as to the fee charged by the City, as provided for in this Agreement. Written notice of the intent to extend the contract must be provided by Township by January 31, 2005.

b. Upon termination of the Agreement, regardless of the manner, Township shall pay the cost, including overhead, of preparing any historical data that may be requested. Township shall assume all outstanding banking fees and other costs associated with Township bills on the date of termination.

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 expertise to resolve the arbitrable issue(s). The three shall form the arbitration panel with the votes of two arbitrators 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.**

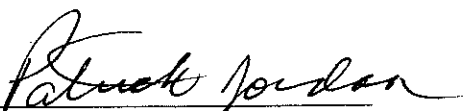
a. **Governing Law.** This Agreement shall be governed in all respects by the laws of the State of Michigan.

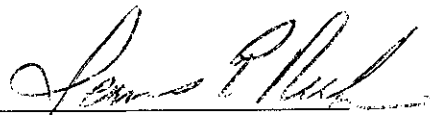
b. **Entire Agreement.** This Agreement sets forth the entire understanding of the parties with respect to the City billing Township residents on behalf of the Township for water service. The parties executed a number of agreements in 2003 dealing with the sale of the water system by the City to the Township that are not affected by this Agreement.

c. **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.

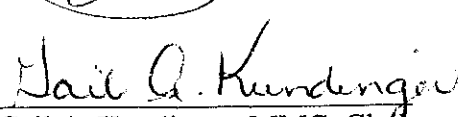
Muskegon Charter Township

By 
Patrick Jordan, Deputy Supervisor

and 
James E. Nielsen, Clerk

City of Muskegon

By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunder, MMC, Clerk

Date: May 25, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Technical Amendments to Deferred Comp Plan

SUMMARY OF REQUEST: One of the benefits offered to city employees is the ability to contribute a portion of pay to a "457" tax-advantaged deferred compensation plan. 457 plans are similar in many ways to 401(k) programs but are specifically for public sector employees. Amendments to the Treasury Regulations governing 457 plans were made and our service provider (Hartford Insurance) recommends adoption of the attached resolution to bring our plan into conformity with the new regs.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

2004-52(b)
RESOLUTION ADOPTING AMENDMENT TO

DEFERRED COMPENSATION PLAN

WHEREAS, the City of Muskegon

(hereinafter "Employer") heretofore established the City of Muskegon Deferred Compensation Plan (hereinafter "Plan"); and

WHEREAS, the Employer desires to amend the Plan to conform with the final 457 Treasury regulations ("regulations") issued in July 2003; and

WHEREAS, this amendment is intended as good faith compliance with the requirements of the regulations, and

NOW THEREFORE, BE IT RESOLVED, that, effective May 25, 2004, the Employer hereby amends the Plan by:

A. replacing section 2.3 with the following:

" 2.3 Agreement Effective Date

In general, an Employee must complete and file with the Employer a Participation Agreement prior to the month deferrals begin. Notwithstanding this requirement, the Employer may establish a cutoff date for receiving Participation Agreements as long as the cutoff is no later than the deadline provided in section 1.457-4(b) of the final 457 regulations and the cutoff date is applied in a nondiscriminatory manner. Thereafter, during each month in which the Employee is a Participant in the Plan, that portion of his said Compensation which is specified by the Employee in the Participation Agreement, shall be deferred and paid in accordance with the provisions of this Plan."

B. deleting the following portion of section 2.6 and renumbering section 2.6(d) and 2.6(e) as 2.6(c) and 2.6(d) respectively:

"(c) The pre-retirement catch-up provision may not be used during the calendar year that the Participant ceases to be an Employee."

C. replacing section 4.2, 7.2 and 7.3 with the following:

"4.2 Unforeseeable Emergency Distribution

A Participant may apply for a lump sum withdrawal of funds from the Plan in the event of an unforeseeable emergency. The Employer will evaluate the request for conformity with its interpretation of the applicable regulations. The decision of the Employer concerning whether an unforeseen emergency exists shall be final.

An unforeseeable emergency is a severe financial hardship of the Participant or Beneficiary resulting from an illness or accident of the Participant or Beneficiary, the Participant's or Beneficiary's spouse, or the Participant's or Beneficiary's dependent (as defined in Code section 152(a)); loss of the Participant's or Beneficiary's property due to casualty (including the need to rebuild a home following damage to a home not otherwise covered by homeowner's insurance, e.g., as a result of a natural disaster); or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant or the beneficiary.

Examples of unforeseeable emergencies include (1) imminent foreclosure of or eviction from the Participant's or Beneficiary's primary residence, (2) the need to pay for medical expenses (including non-refundable deductibles), as well as for the cost of prescription drug medication and (3) the need to pay for the funeral expenses of a spouse or a dependent (as defined in Code section 152(a)). Note that the purchase of a home and the payment of college tuition are typically not unforeseeable emergencies.

The Participant must satisfy the Employer that the facts and circumstances of his or her situation fall within the definition of unforeseeable emergency. A distribution on account of an unforeseeable emergency may not be made to the extent the emergency is or may be relieved through reimbursement or compensation from insurance or otherwise by liquidation of the Participant's assets (to the extent liquidation would not itself cause severe financial hardship) or by cessation of deferrals under the Plan."

"7.2 Transfers In

All or a portion of an Employee's benefit may be transferred from another Eligible Deferred Compensation Plan maintained by the Employer or another eligible governmental employer and credited to the Participant's Account under this Plan as long as the transferor plan provides that such transfer can be made and

- (a) the transfer is from a plan of another employer and the Employee has severed employment with such other employer; or
- (b) the transfer is made between eligible governmental plans sponsored by the Employer; or
- (c) the entire plan's assets are transferred from another eligible governmental plan in the same state.

As it deems necessary, the Employer may require such documentation from the transferor plan to effect the transfer, to confirm that such plan is an Eligible Deferred Compensation Plan within the meaning of Code Section 457(b) and to ensure that transfers are provided for under such plan.

The Employer may refuse to accept a transfer in the form of assets other than cash, unless the Employer agrees to hold such other assets in trust under the Plan.

Any amounts transferred that have been deferred during the current calendar year will be considered deferrals subject to current calendar year deferral limitation.

If a transfer, occurring on or after January 1, 2002, is associated with a distributable event and the Employee is eligible to receive an eligible rollover distribution as defined in Section 402(c)(4) of the Code, such transfer will be considered a Rollover Contribution subject to the provisions of Section 2.8."

"7.3 Transfers Out

All or a portion of a Participant Account may be transferred to another Eligible Deferred Compensation Plan maintained by another eligible governmental employer as long as the transferee plan provides that transfers can be made and

- (a) the transfer is to a plan of another employer and the Employee has severed employment; or
- (b) the transfer is made between eligible governmental plans sponsored by the Employer; or
- (c) the entire plan's assets are transferred to another eligible governmental plan in the same state.

Upon the completion of the transfer, the Plan and Employer are discharged of any liability to the Participant to pay amounts so transferred.

As it deems necessary, the Employer may require such documentation from the other plan to effect the transfer, to confirm that such plan is an Eligible Deferred Compensation Plan within the meaning of Code Section 457(b) and to ensure that transfers are provided for under such plan. Such transfers shall be made only under such circumstances as are permitted under Code Section 457 and the applicable regulations.

If a transfer, occurring on or after January 1, 2002, is associated with a distributable event and the distribution is an eligible rollover distribution as defined Section 402(c)(4) of the Code, such transfer will be considered a Direct Rollover subject to the provisions of Section 7.1."

IN WITNESS WHEREOF, the Employer has executed this Plan Amendment this

25th day of May, 2004.

City of Muskegon

(Name of Employer)

SEAL

by

Timothy J. Paul
Finance Director

Its

(Title)

Attest:

Finance Clerk
(Title)

Candace Baker
(Witness)

Commission Meeting Date: May 25, 2004

Date: May 17, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Granting of Easement to Resource Industries

SUMMARY OF REQUEST:

To grant a 57-foot easement across the City-owned property located at 1537 S. Getty Street to Re-Source Industries, Inc., 1485 S. Getty Street. The easement will be used as a driveway for trucks to access the loading dock area at the rear of their building. The only other access to this area available for Re-Source Industries is across their customer parking lot, which often contains cars, which impedes access.

FINANCIAL IMPACT:

Re-Source Industries agreed to pay a one-time amount of \$2,000 for this easement.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To grant the easement to Resource Industries, Inc.

COMMITTEE RECOMMENDATION:

Resolution No. 2004-52 (c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE GRANTING OF AN EASEMENT ACROSS
1537 S. GETTY STREET
TO
RE-SOURCE INDUSTRIES, INC.

WHEREAS, the City of Muskegon owns the property located at 1537 S. Getty Street, Muskegon, MI; and

WHEREAS, Re-Source Industries, Inc., 1485 S. Getty Street, Muskegon, MI has only limited access to their loading dock area; and

WHEREAS, the City of Muskegon is willing to assist Re-Source Industries, Inc. attain easier access to their property by granting them a 57-foot easement, which includes the property described below; and

WHEREAS, Re-Source Industries, Inc., is willing to give \$2,000 in valuable consideration for said easement.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission grants to Re-Source Industries, Inc. a 57-foot non-exclusive easement and authorizes the Mayor and City Clerk to sign the attached Easement Agreement granting such easement described in Exhibit A.

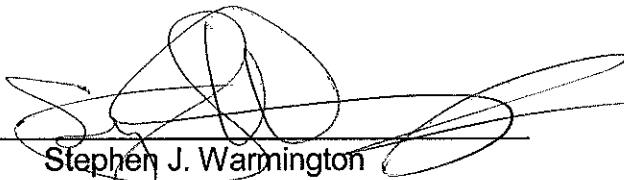
Adopted this 25th day of May 2004.

AYES: Shepherd, Spataro, Warmington, Carter, Davis, Gawron,
Larson

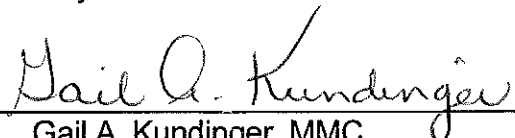
NAYS: None

ABSENT: None

BY:


Stephen J. Warmington
Mayor

ATTEST:


Gail A. Kunding, MMC
Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on May 25, 2004.



Gail A. Kunding, MMC
Clerk

EXHIBIT A

INGRESS, EGRESS EASEMENT

AN EASEMENT FOR INGRESS, EGRESS OVER THAT PART OF BLOCK 98 OF THE 1903 REVISED PLAT OF THE CITY OF MUSKEGON DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF LOUIS STREET AND THE WEST RIGHT OF WAY OF GETTY STREET;

THENCE SOUTH 01 DEGREE 02 MINUTES 29 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE OF GETTY STREET, A DISTANCE OF 339.23 FEET (R=339.12 FEET) TO A FOUND 1/2-INCH IRON ROD FOR THE POINT OF BEGINNING OF SAID EASEMENT;

THENCE CONTINUE SOUTH 01 DEGREE 02 MINUTES 29 SECONDS EAST, A DISTANCE OF 57.00 FEET;

THENCE NORTH 65 DEGREES 56 MINUTES 46 SECONDS WEST, A DISTANCE OF 220.41 FEET TO A FOUND CAPPED IRON ROAD STAMPED D & A;

THENCE SOUTH 80 DEGREES 41 MINUTES 02 SECONDS EAST, A DISTANCE OF 202.91 FEET TO THE POINT OF BEGINNING.



Mark Fairchild, Muskegon Co ROD 035

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Page: 1 of 4

EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is made as of 5/25/04, 2004, between the **City of Muskegon**, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Grantor"), and **Re-Source Industries, Inc.**, a Michigan corporation, of 1485 S. Getty Street, Muskegon, Michigan 49442 ("Grantee"), on the following terms and conditions:

Recitals

A. Grantor is the owner of real property along Getty Street in the City of Muskegon, Muskegon County, Michigan, more particularly described on Exhibit A attached hereto (the "City Property").

B. Grantee desires to obtain a permanent easement on, over, across, and through the City Property, and Grantor has agreed to grant to Grantee an easement for such purpose, as set forth herein.

NOW, THEREFORE, for valuable consideration, including a payment by Grantee to Grantor of Two Thousand dollars (\$2,000) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Easement.** Grantor hereby grants to Grantee, its successors and assigns, a 57-foot non-exclusive easement with respect to the City Property for the purposes, and on the terms and conditions set forth herein (the "Easement").

2. **Scope.** The Easement shall be appurtenant and shall run with the City Property.

3. **Use.** The Easement shall be used solely for ingress to and egress from Grantee's property.

4. **Warranty of Grantor.** Grantor warrants that it is the fee simple owner of the City Property and that it has full right and authority to convey it or any part of it, that it is free and clear of all encumbrances, and that Grantor will forever warrant and defend title to the City Property and the Easement against the lawful claims of all persons.

cc: Planning
Assessor

5. **Warranty of Grantee.** Grantee warrants that it has the right and authority to enter into this Easement Agreement.

6. **Repair.** Grantee shall promptly repair any damages to the City Property or to the improvements thereon caused by the Grantee exercising its rights under this Easement Agreement.

7. **Binding Effect.** This Easement Agreement shall bind the parties, and their successors and assigns.

8. **Taxes.** Grantee shall pay all property taxes assessed against any personal property owned by Grantee and located on the City Property, if any. Notwithstanding the foregoing, Grantee shall be entitled to contest, in good faith, any such property taxes.

9. **Recording.** The parties shall record this Easement Agreement with the Muskegon County Register of Deeds, and Grantee shall pay all recording costs.

10. **Michigan Law.** This Easement Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

11. **Captions and Headings.** The captions and headings used in this Agreement are intended only for convenience and are not to be used in construing this Agreement.

12. **Entire Agreement.** This Easement Agreement and the attached exhibits constitute the entire agreement between the parties and supercede any prior agreements and understandings, both written and oral, with respect to the subject matter hereof.

13. **Severability.** If any provision of this Agreement or its application to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

14. **Successors.** This Agreement and the covenants and conditions shall inure to the benefit of and be binding on Grantor and its successors and assigns and shall be binding on Grantee and its successors and assigns.

15. **Amendment.** This Agreement shall not be amended or modified except in a writing signed by both parties.



Mark Fairchild, Muskegon Co ROD 035

5109939

L-3609 P-630

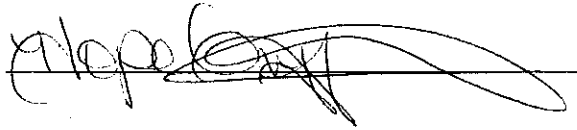
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Page: 2 of 4

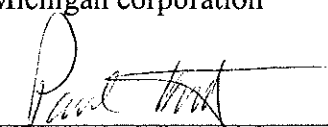
OK

This Easement Agreement was entered into on the date set forth above.

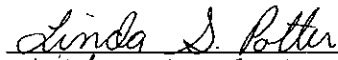
Witnesses:

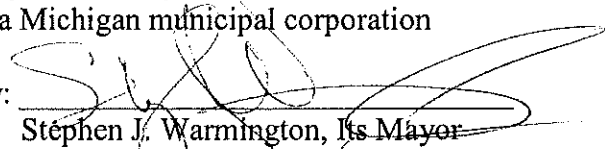


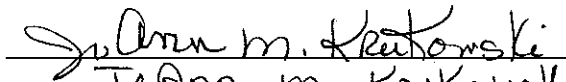
Re-Source Industries, Inc.
a Michigan corporation

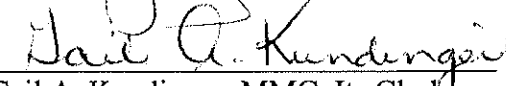
By: 
Paul Kuyt, Its PRESIDENT

City of Muskegon,
a Michigan municipal corporation


Linda S. Potter

By: 
Stephen J. Warmington, Its Mayor


JoAnn M. Kruskowski

and 
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing was acknowledged before me this 4th day of June, 2004, by Stephen J. Warmington and Gail A. Kunderger, the Mayor and Clerk respectively, of the City of Muskegon, a Michigan municipal corporation, on behalf of the city.


Type/Print Name:
Linda S. Potter
Notary Public, Muskegon County, Michigan
Acting in the County of Muskegon
My commission expires: 9-25-06

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing was acknowledged before me this 25th day of May, 2004, by Paul Kuyt, the PRESIDENT of Re-Source Industries, a Michigan corporation, on behalf of the corporation.

Prepared by & Return to:
City of Muskegon
933 Terrace
Muskegon, MI 49440

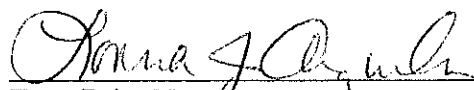

Type/Print Name:
Lonna J. Anguilm
Notary Public, Muskegon, Michigan
Acting in the County of Muskegon
My commission expires: 11-05-07

EXHIBIT A

INGRESS, EGRESS EASEMENT

AN EASEMENT FOR INGRESS, EGRESS OVER THAT PART OF BLOCK 98 OF THE 1903 REVISED PLAT OF THE CITY OF MUSKEGON DESCRIBED AS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF LOUIS STREET AND THE WEST RIGHT OF WAY OF GETTY STREET;

THENCE SOUTH 01 DEGREE 02 MINUTES 29 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE OF GETTY STREET, A DISTANCE OF 339.23 FEET (R=339.12 FEET) TO A FOUND 1/2-INCH IRON ROD FOR THE POINT OF BEGINNING OF SAID EASEMENT;

THENCE CONTINUE SOUTH 01 DEGREE 02 MINUTES 29 SECONDS EAST, A DISTANCE OF 57.00 FEET;

THENCE NORTH 65 DEGREES 56 MINUTES 46 SECONDS WEST, A DISTANCE OF 220.41 FEET TO A FOUND CAPPED IRON ROAD STAMPED D & A;

THENCE SOUTH 80 DEGREES 41 MINUTES 02 SECONDS EAST, A DISTANCE OF 202.91 FEET TO THE POINT OF BEGINNING.



Commission Meeting Date: May 8, 2001

Date: May 11, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
**RE: 2004 Comprehensive Economic Development
Strategy (CEDS) Project Submissions**

SUMMARY OF REQUEST:

To approve the attached list of projects for inclusion in the West Michigan Shoreline Regional Development Commission's annual Comprehensive Economic Development Strategy (CEDS). The Comprehensive Strategy is not an application for funds but rather a "wish list" for economic development within the West Michigan region.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution submitting projects from the City of Muskegon for inclusion in the 2004 Comprehensive Economic Development Strategy

COMMITTEE RECOMMENDATION:

The City of Muskegon Planning Commission, at its regular meeting on May 13, 2004, recommended approval.

Resolution No. 2004-52(d)

MUSKEGON CITY COMMISSION

RESOLUTION SUPPORTING THE SUBMISSION OF
2004 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PROJECTS

WHEREAS, the City of Muskegon currently and actively supports and participates in the economic development district activities of the West Michigan Shoreline Regional Development Commission (WMSRDC); and

WHEREAS, the City of Muskegon has identified a number of economic development projects that will improve our community.

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon requests that our economic development projects be included in the 2004 Annual Comprehensive Economic Development Strategy (CEDS) Report of the WMSRDC.

BE IT FURTHER RESOLVED, that it is the intent of the City of Muskegon to utilize the CEDS to fulfill the planning requirements of the U.S. Department of Commerce, Economic Development Administration.

Adopted this 25th day of May, 2004.

Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, Shepherd

Nays: None

Absent: None

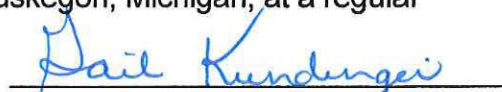


Stephen J. Warmington
Mayor



Gail Kunderinger, MMC
City Clerk

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 May 25, 2004.



Gail Kunderinger, Clerk

Memorandum

To: Honorable Mayor and City Commissioners
From: Lonna Anguilm, Assistant Planner
Date: May 14, 2004
Re: 2004 Comprehensive Economic Development Strategy (CEDS) Project Submissions – City of Muskegon

Please find the enclosed copies of the City of Muskegon projects proposed for inclusion in the 2004 Comprehensive Economic Development Strategy for the West Michigan Shoreline Region. The CEDS process is required by the U.S. Economic Development Administration as a way of identifying projects that may receive funding through the EDA. Projects that are not included in the CEDS will not be considered for Federal funding.

Each year the City is requested to provide a list of projects that require federal assistance. By placing these projects on the funding list, the City ensures that the projects are, at a minimum, considered for funding. It is important to note that the CEDS process is not an application for funds, but rather a process of getting our projects on-line for future funding.

Many of the projects submitted are repeat submissions, however please note that the Medendorp Industrial Center Expansion and Rail Spur applications have been combined into one. The Downtown Muskegon/Lakefront Development project has been changed to Downtown Former Muskegon Mall Site Redevelopment. There are also two new projects submitted this year. They are the Seaway Industrial Park Expansion and the Muskegon Sports Complex.

The process for including City projects in the CEDS is as follows:

1. Identification of projects.
2. Planning Commission review of projects.
3. Planning Commission recommendation to City Commission for project to be included in the CEDS.
4. City Commission approval of resolution submitting projects for the CEDS.
5. Submission of projects and resolution to the West Michigan Shoreline Regional Development Commission.

2004 CEDS Project List

Medendorp Industrial Center Expansion and Rail Spur

Downtown Former Muskegon Mall Site Redevelopment

Port City Industrial Park Expansion

Farmers/Seafood Market

Relocation of Michigan Steel

Seaway Industrial Park Expansion

Muskegon Sports Complex

PROJECT DESCRIPTION

Medendorp Industrial Center - Property Acquisition, Site Preparation, and Rail Spur

- A. Background - The Medendorp Industrial Center is one of the fastest growing industrial districts in Muskegon County. During 1997, the City of Muskegon sold its last three industrial lots in the Center. Given the present economic climate, it is vital for the City of Muskegon to make ready additional industrial property. The current inventory of industrial property in the City of Muskegon is near exhaustion. In addition, several resident industries of the Medendorp Industrial Center have expressed an interest in utilizing rail services. As part of the Center's development plan, a rail spur would expand the level of services available to both existing and future industries.
- B. Project Scope - The acquisition and development of the project area specified within the Medendorp Industrial Center is a priority for the City as there is a definite need for ready-to-develop industrial land. The total project area is 45 acres. The industrial lots within the project area will range between 2-8 acres, thus creating greater diversity of industrial lots. To construct industrial grade rail service from the CSX line within the Medendorp Industrial Center. A Master Development Plan exists for the Center.
- A. Project Cost & Timing - To complete the property acquisition and site preparation, the estimated cost is \$2.5 million. This amount includes acquisition and demolition of 24 houses, relocation and extension of utilities to the area for industrial use. Also included is the cost of paving Madison, Nims, and Brunswick Streets. Construction and related costs for the rail spur are estimated to be 4750,000. If funded the project could start in 2005.
- B. Funding Sources - Local match would be available from city water and sewer funds, LDFA, Major Street funds, private contributions, and State funds.
- C. Project Beneficiaries - The City of Muskegon, as a whole, will benefit from an increase in industrial land. If industries in Muskegon are to be encouraged to expand, and new industries are to locate in the City, additional industrial property is a must. With the acquisition of the property within the Medendorp Industrial Center, new industries will increase the tax and employment base while clearing blighted properties. The rail spur portion of the project will benefit resident industries and retain approximately 150 jobs, as well as help attract new industries to the Center.

2004/2005 CEDS PROJECT SUBMITTAL FORM

Applicant Name: City of Muskegon Project Name: Medendorp Industrial Center Expansion & Rail Spur
Contact Person: Lonna Anguilm Phone: 231-724-6702

Note: Please use a separate page for each project submitted.

Location of Project: City of Muskegon County: Muskegon

Project Description: see attached

Estimated Project Start Date: 2005 ☐ New Project ☒ Facility Expansion
(check one box)

Important: For Economic Development Infrastructure Construction Project, please remember to provide the required site location map with this form.

(Check one box per category)

Project Type

☐ New Submission ☒ Repeat Submission (20__)

Letters of Commitment (from incoming and/or expanding firm(s))

☒ Yes ☐ No ☐ NA
Not Applicable

Project Costs: (estimated or actual)

Federal: 2,500,000

Matching Funds

☒ Secured ☐ Lacking

State: _____

Potential Job Creation (estimated)

100+ ☐ NA
Not Applicable

Local: 750,000

Potential Job Retention (estimated)

100+ ☐ NA
Not Applicable

Other: _____

TOTAL: \$3,250,000

Preliminary Engineering

☒ Complete ☐ In Progress
☐ Lacking ☐ NA
Not Applicable

Is your project in a Comprehensive Plan, Master Plan, TIFA Plan, Financing Plan, or similar document?

☒ Yes (identify) ☐ No
Master Plan, CEDS, LDFA Plan, CIP

Do not write below this line.

Creation/Cost Ratio: _____ Distress Level: _____ Category: _____

Retention/Cost Ratio: _____ Low/Mod%: _____ TOTAL POINTS: _____

Return this form to:

2004 CEDS Projects
West Michigan Shoreline Regional Development Commission
P.O. Box 387
Muskegon, MI 49443-0387

(231) 722-7878 ext. 18 Fax: (231) 722-9362
E-mail: ekuhn@wmsrdc.org



PROJECT DESCRIPTION

Downtown Former Muskegon Mall Site Redevelopment

- A. Background - The City has established a goal to redevelop the former Muskegon Mall site. The City has a downtown/lakeshore Master Plan to help meet this goal. Other projects funded to implement this goal include: \$1 million MDEQ Site Assessment Grant for determining the marketability of contaminated sites along the lakefront; \$3 million from the federal and state government for the Enterprise Community; and \$12,000,000 from MDOT for the design of the completion of Shoreline Drive. Specific site development efforts are hampered by the typical brownfield versus greenfield scenarios. Therefore, sites for redevelopment must be prepared to a greater extent than in rural or suburban areas.
- B. Project Scope – Depending on the final design of the site, reconstruction of roads, as well as infrastructure improvements, including the relocation of existing and construction of new utilities and access drives.
- C. Project Cost & Timing - Estimated costs are \$3 million for road construction and infrastructure improvements. If funded, the project could begin as soon as 2005.
- D. Funding Sources - If funding were approved, local match would be provided by the City and private sources.
- E. Project Beneficiaries - The project will benefit the entire community but more specifically downtown residents and property owners. It is estimated that as many as 100 employment opportunities could arise from this project.

2004/2005 CEDS PROJECT SUBMITTAL FORM

Applicant Name: City of Muskegon Project Name: Downtown Former Muskegon Mall
site Redevelopment
Contact Person: Lonna Anguilm Phone: (231) 724-6702

Note: Please use a separate page for each project submitted.

Location of Project: City of Muskegon County: Muskegon

Project Description: see attached

Estimated Project Start Date: 2005 ☒ New Project ☐ Facility Expansion
(check one box)

Important: For Economic Development Infrastructure Construction Project, please remember to provide the required site location map with this form.

(Check one box per category)

Project Type

☒ New Submission ☐ Repeat Submission (20__)

Letters of Commitment (from incoming and/or expanding firm(s))

☐ Yes ☒ No ☐ NA
Not Applicable

Project Costs: (estimated or actual)

Federal: _____

Matching Funds

☐ Secured ☒ Lacking

State: _____

Potential Job Creation (estimated)

100 ☐ NA
Not Applicable

Local: \$400,000

Other: 2.6 million

Potential Job Retention (estimated)

☒ NA
Not Applicable

TOTAL: \$3 million

Preliminary Engineering

☐ Complete ☐ In Progress
☒ Lacking ☐ NA
Not Applicable

Is your project in a Comprehensive Plan, Master Plan, TIFA Plan, Financing Plan, or similar document?

☒ Yes (identify) ☐ No
Master Plan, DDA Plan

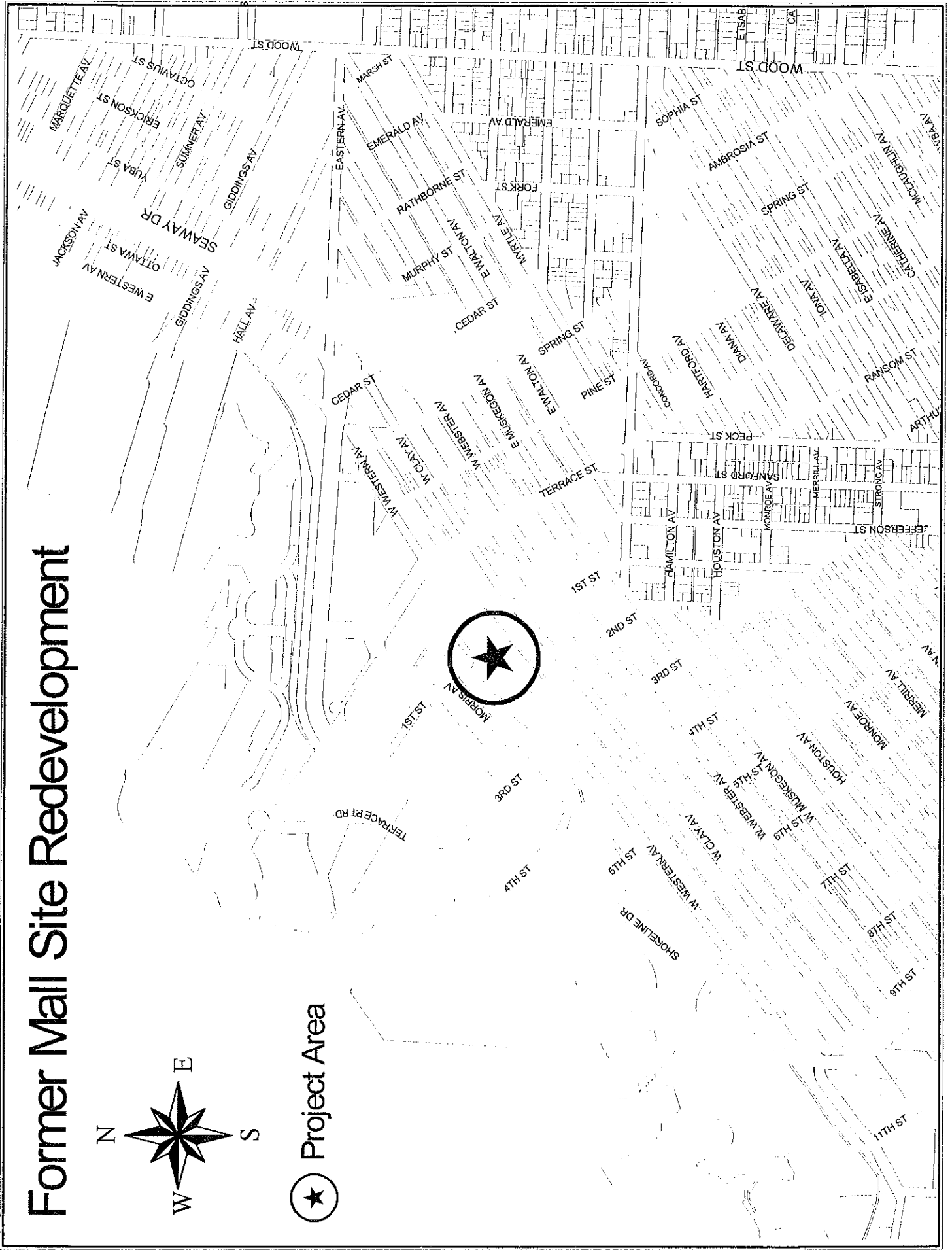
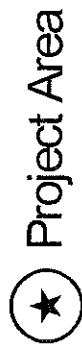
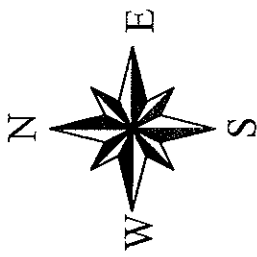
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Creation/Cost Ratio: _____ Distress Level: _____ Category: _____
Retention/Cost Ratio: _____ Low/Mod%: _____ TOTAL POINTS: _____

Return this form to: 2004 CEDS Projects
West Michigan Shoreline Regional Development Commission
P.O. Box 387
Muskegon, MI 49443-0387

(231) 722-7878 ext. 18 Fax: (231) 722-9362
E-mail: ekuhn@wmsrdc.org

Former Mall Site Redevelopment



PROJECT DESCRIPTION

Port City Industrial Park - Expansion

- A. Background - The Port City Industrial Park was created in the 1960's and comprises over 400 acres. Additional land became available for development with the extension of Black Creek Drive. Developable industrial land within the park has been exhausted and the need for additional industrial land within the City is very urgent.
- B. Project Scope - The acquisition of a triangular piece of property south of the Sunrise Memorial Gardens Cemetery, construction of utilities to the property, and the extension of Industrial Boulevard south to the property, which will provide an additional 22 acres for industrial use.
- C. Project Cost & Timing - Staff has estimated the project cost to be approximately \$1.33 million, which includes roadway extension, water and sewer services, and property acquisition. If funding is secured the project could begin as soon as 2005.
- D. Funding Sources - If the City of Muskegon, were the recipient of an EDA grant, local match would be available from the Local Development Finance Authority, water and sewer funds, and State funds.
- E. Project Beneficiaries - By providing infrastructure to an unimproved area, new development will occur that will add to the tax and employment base of the community.

2004/2005 CEDS PROJECT SUBMITTAL FORM

Applicant Name: City of Muskegon Project Name: Port City Industrial Park
Expansion
Contact Person: Lonna Anguilm Phone: 231-724-6702

Note: Please use a separate page for each project submitted.

Location of Project: City of Muskegon County: Muskegon

Project Description: see attached

Estimated Project Start Date: 2005 ☐ New Project ☒ Facility Expansion
(check one box)

Important: For Economic Development Infrastructure Construction Project, please remember to provide the required site location map with this form.

(Check one box per category)

Project Type

☐ New Submission ☒ Repeat Submission (20__)

Letters of Commitment (from incoming and/or expanding firm(s))

☒ Yes ☐ No ☐ NA
Not Applicable

Project Costs: (estimated or actual)

Federal: 1,000,000

Matching Funds

☒ Secured ☐ Lacking

State: _____

Potential Job Creation (estimated)

100+

☐ NA
Not Applicable

Local: 230,000

Other: _____

Potential Job Retention (estimated)

100+

☐ NA
Not Applicable

TOTAL: \$1,330,000

Preliminary Engineering

☒ Complete ☐ In Progress
☐ Lacking ☐ NA
Not Applicable

Is your project in a Comprehensive Plan, Master Plan, TIFA Plan, Financing Plan, or similar document?

☒ Yes (identify) ☐ No
Master Plan, LDFA, CEDS

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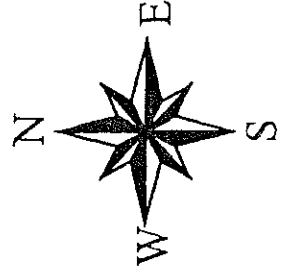
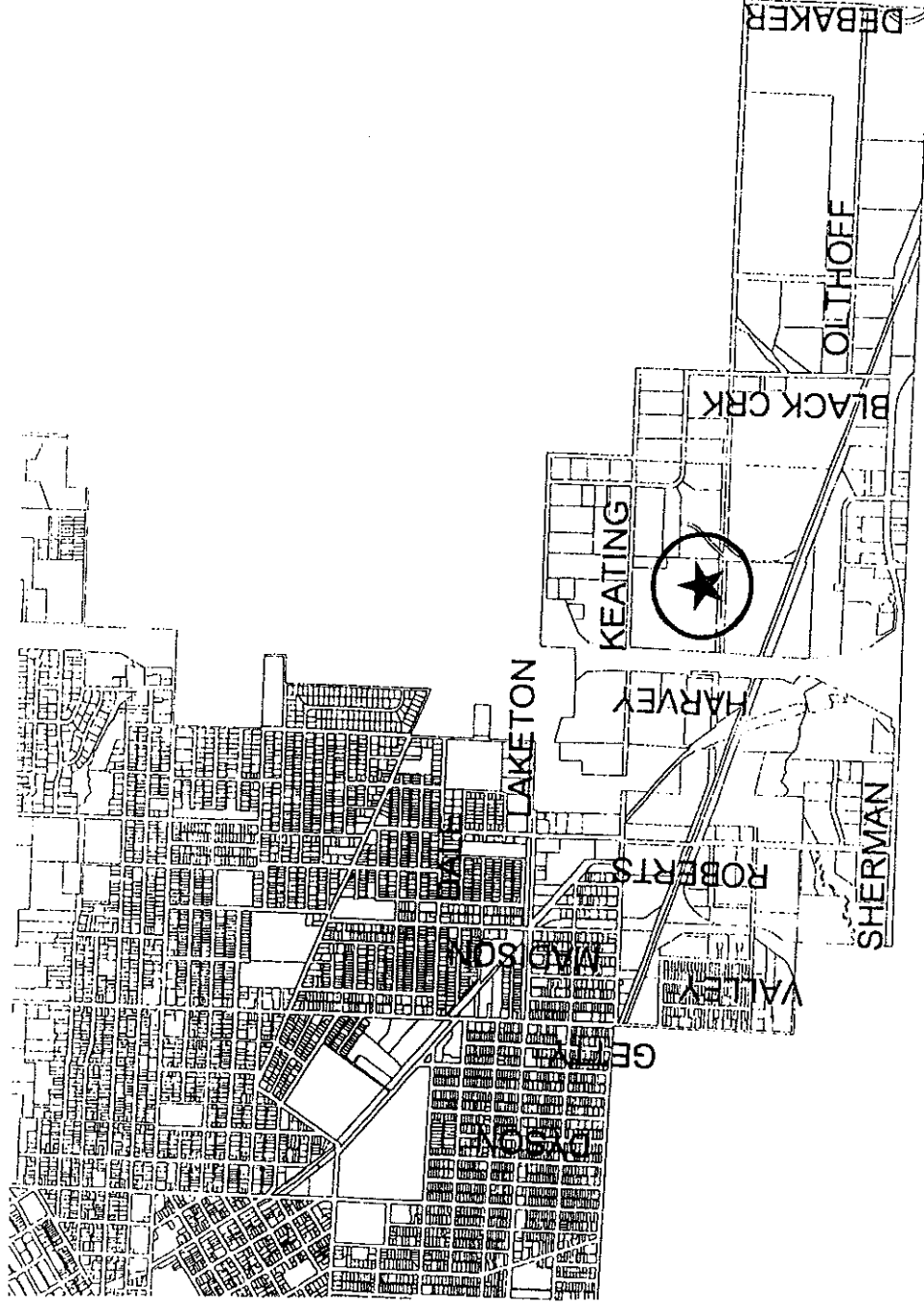
Creation/Cost Ratio: _____ Distress Level: _____ Category: _____
Retention/Cost Ratio: _____ Low/Mod%: _____ TOTAL POINTS: _____

Return this form to:

2004 CEDS Projects
West Michigan Shoreline Regional Development Commission
P.O. Box 387
Muskegon, MI 49443-0387

(231) 722-7878 ext. 18 Fax: (231) 722-9362
E-mail: ekuhn@wmsrdc.org

Port City Industrial Park Expansion



★ Project Area

PROJECT DESCRIPTION

Farmer's/Seafood Market

- A. Background - The idea of a downtown Farmer's/Seafood Market first surfaced during the Master Plan process. There are a number of potential sites for this project. All of which are located within Muskegon's downtown area. The locations were chosen for their proximity to the waterfront and the central business district.
- B. Project Scope - This project will enhance the image of downtown and provide a new outlet for fresh produce/seafood.
- C. Project Cost & Timing - To complete the property acquisition and rehabilitation as well as the installation of new utilities, the estimated cost is \$6 million.
- D. Funding Sources - If funding were approved, local match would be provided by the City and/ or private sources.
- E. Project Beneficiaries - The project will benefit the entire community but more specifically downtown residents and property owners. Inner-city residents and employees would greatly benefit from the availability of fresh produce. An activity of this sort would also increase the amount of pedestrian activity in the downtown.

2004/2005 CEDS PROJECT SUBMITTAL FORM

Applicant Name: City of Muskegon Project Name: Farmers/Seafood Market

Contact Person: Lonna Anguilm Phone: 231-724-6702

Note: Please use a separate page for each project submitted.

Location of Project: City of Muskegon County: Muskegon

Project Description: see attached

Estimated Project Start Date: 2005 ☒ New Project ☐ Facility Expansion
(check one box)

Important: For Economic Development Infrastructure Construction Project, please remember to provide the required site location map with this form.

(Check one box per category)

Project Type

☐ New Submission ☒ Repeat Submission (20__)

Project Costs: (estimated or actual)

Federal: 2,000,000

State: _____

Local: 4,000,000

Other: _____

TOTAL: \$6,000,000

Preliminary Engineering

☐ Complete ☐ In Progress

☒ Lacking ☐ NA
Not Applicable

Letters of Commitment (from incoming and/or expanding firm(s))

☐ Yes ☒ No ☐ NA
Not Applicable

Matching Funds

☐ Secured ☒ Lacking

Potential Job Creation (estimated)

10-99 ☐ NA
Not Applicable

Potential Job Retention (estimated)

10-99 ☐ NA
Not Applicable

Is your project in a Comprehensive Plan, Master Plan, TIFA Plan, Financing Plan, or similar document?

☒ Yes (identify) ☐ No
Master Plan, CEDS

Do not write below this line.

Creation/Cost Ratio:

Distress Level:

Category:

Retention/Cost Ratio:

Low/Mod%:

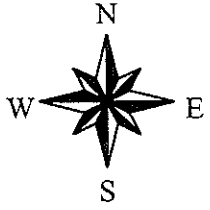
TOTAL POINTS:

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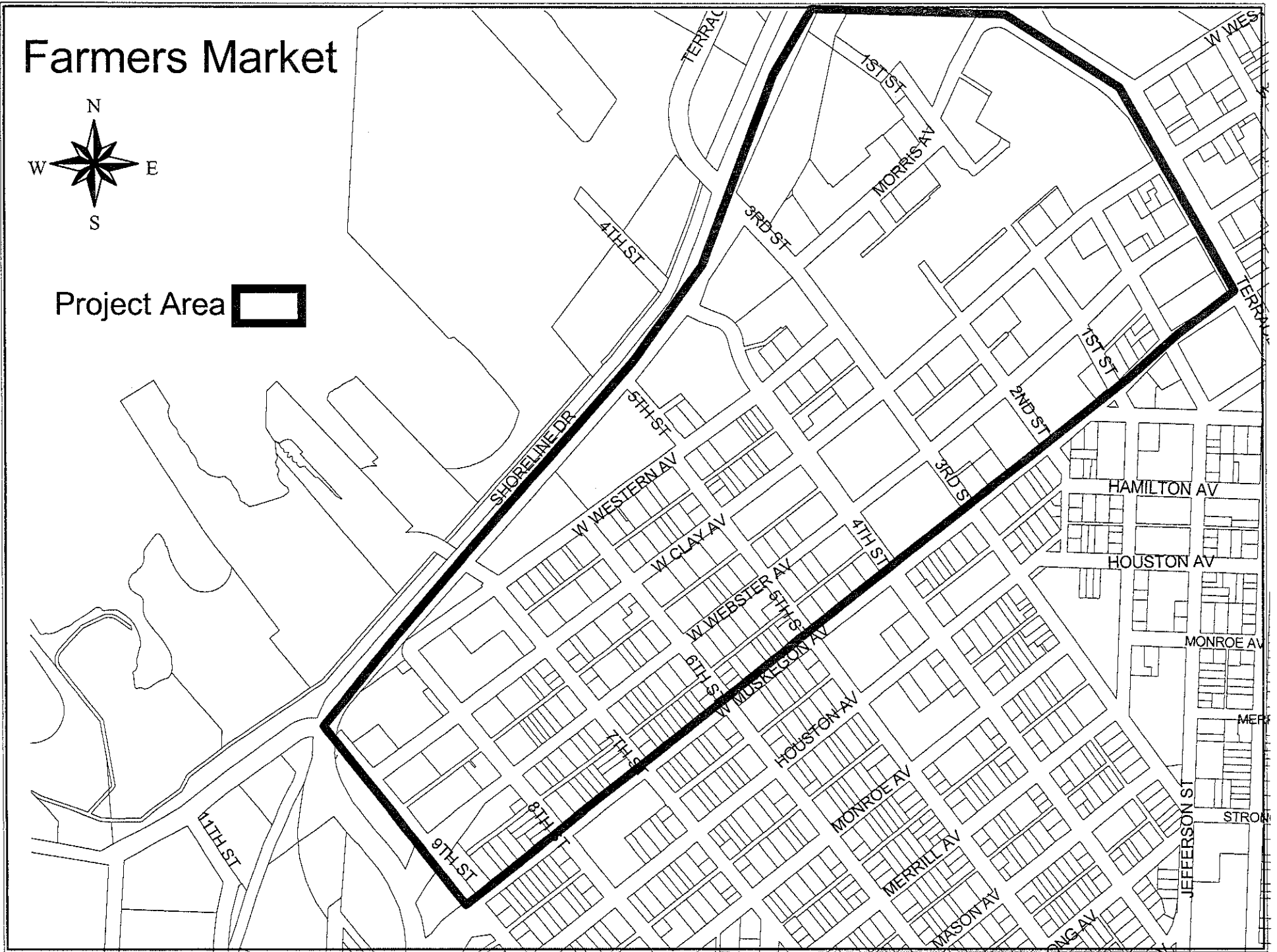
2004 CEDS Projects
West Michigan Shoreline Regional Development Commission
P.O. Box 387
Muskegon, MI 49443-0387

(231) 722-7878 ext. 18 Fax: (231) 722-9362
E-mail: ekuhn@wmsrdc.org

Farmers Market



Project Area 



PROJECT DESCRIPTION

Michigan Steel Relocation

- A. Background - Michigan Steel is one of the last industrial uses located on the shoreline of Muskegon Lake. To completely redevelop the shoreline, Michigan Steel should be relocated to a more proper location in one of the Industrial Centers in the City of Muskegon.
- B. Project Scope - The project scope would be first to locate a new site for the company, followed by building a new facility and installing new utilities and infrastructure. Secondly, the companies existing assets would need to be relocated to the new facility. The existing facility would then require demolition and environmental remediation to prepare it for new development. New commercial/development would be more appropriate for a lakeshore location.
- C. Project Cost & Timing - Total estimated costs are \$15 million. This includes costs for building a new facility or purchasing an existing facility, equipment moving costs, environmental remediation, new infrastructure and utilities. If this project were to receive funding, the project could begin in 2005.
- D. Funding Sources – If funding were approved, local match would be provided from State, City, and private sources.
- E. Project Beneficiaries – The general public would benefit from the relocation of the facility both economically and ecologically. The relocation would also benefit Michigan Steel by placing them in a more proper location with better highway access.

2004/2005 CEDS PROJECT SUBMITTAL FORM

Applicant Name: City of Muskegon Project Name: Relocation of West Michigan Steel
Contact Person: Lonna Anguilm Phone: 231-724-6702

Note: Please use a separate page for each project submitted.

Location of Project: City of Muskegon County: Muskegon

Project Description: see attached

Estimated Project Start Date: 2005 ☐ New Project ☒ Facility Expansion
(check one box)

Important: For Economic Development Infrastructure Construction Project, please remember to provide the required site location map with this form.

(Check one box per category)

Project Type

☐ New Submission ☒ Repeat Submission (20__)

Letters of Commitment (from incoming and/or expanding firm(s))

☐ Yes ☒ No ☐ NA
Not Applicable

Project Costs: (estimated or actual)

Federal: 5,000,000

Matching Funds

☐ Secured ☒ Lacking

State: 5,000,000

Potential Job Creation (estimated)

10-99

☐ NA
Not Applicable

Local: 1,000,000

Potential Job Retention (estimated)

100+

☐ NA
Not Applicable

Other: 4,000,000

TOTAL: \$15,000,000

Preliminary Engineering

☐ Complete ☐ In Progress
☒ Lacking ☐ NA
Not Applicable

Is your project in a Comprehensive Plan, Master Plan, TIFA Plan, Financing Plan, or similar document?

☒ Yes (identify) ☐ No
Master Plan, CEDS

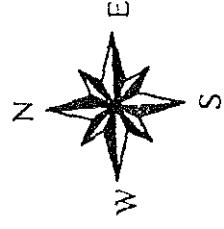
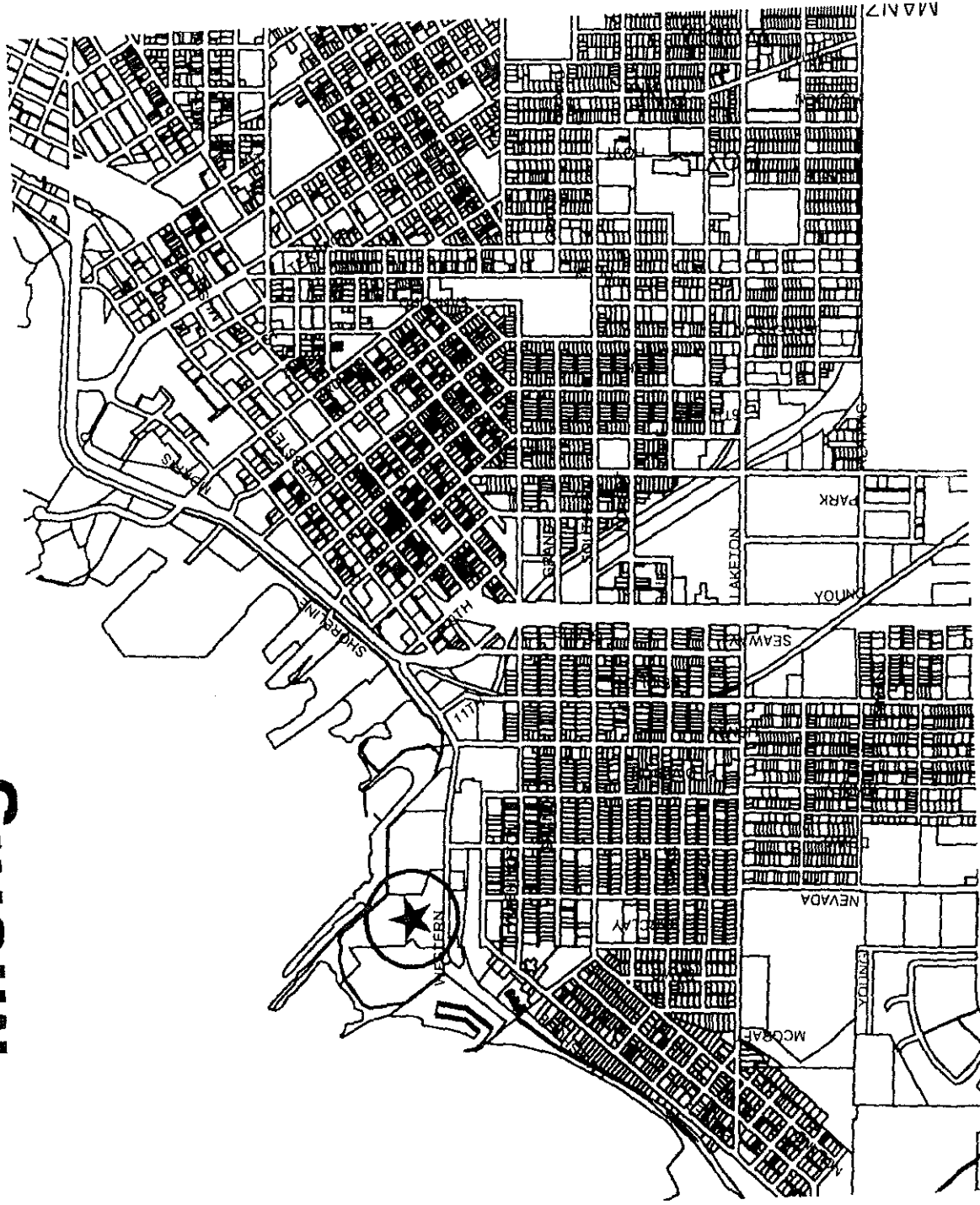
Do not write below this line.

Creation/Cost Ratio: Distress Level: Category:
Retention/Cost Ratio: Low/Mod%: TOTAL POINTS:

Return this form to: 2004 CEDS Projects
West Michigan Shoreline Regional Development Commission
P.O. Box 387
Muskegon, MI 49443-0387

(231) 722-7878 ext. 18 Fax: (231) 722-9362
E-mail: ekuhn@wmsrdc.org

Michigan Steel Relocation



Project Area

PROJECT DESCRIPTION

Seaway Industrial Park Expansion

- A. Background – Seaway Industrial Park was developed as a result of using ULA, EDA, and City funds. The park has now been designated a Renaissance Zone by the City of Muskegon and State of Michigan. Other industries, such as Brunswick, are located just to the north of the park, and other properties located north of Laketon Avenue are currently zoned I-2, General Industrial. They include some former manufacturing buildings, as well as presently operating manufacturing facilities.
- B. Project Scope – Extend the borders of current Seaway Industrial Park to include all properties currently zoned I-2, General Industrial, North of Young Avenue, South of Southern Avenue, East of Seaway Drive and West of 7th Street, (see attached map). The entire park would be certified, and possibly rezoned to I-1, Light Industrial zoning. Upgrading of the infrastructure would be done to the park, as necessary.
- C. Project Cost & Timing – Estimated costs are \$500,000 for major street improvements, as well as upgrades to water and sewer lines. If funded the project could begin in 2005.
- D. Funding Sources – It is possible that City of Muskegon Street funds could be made available for this project.
- E. Project Beneficiaries – Additional development and possible rehabilitation of industrial properties within the expanded park will lead to the creation of approximately 100 jobs.

2004/2005 CEDS PROJECT SUBMITTAL FORM

Applicant Name: City of Muskegon Project Name: Seaway Industrial Park Expansion

Contact Person: Lonna Anguilm Phone: (231) 724-6702

Note: Please use a separate page for each project submitted.

Location of Project: City of Muskegon County: Muskegon

Project Description: see attached

Estimated Project Start Date: 2005 ☒ New Project ☐ Facility Expansion
(check one box)

Important: For Economic Development Infrastructure Construction Project, please remember to provide the required site location map with this form.

(Check one box per category)

Project Type

☒ New Submission ☐ Repeat Submission (20___)

Letters of Commitment (from incoming and/or expanding firm(s))

☐ Yes ☒ No ☐ NA
Not Applicable

Project Costs: (estimated or actual)

Federal: _____

Matching Funds

☐ Secured ☒ Lacking

State: _____

Potential Job Creation (estimated)

100 ☐ NA

Local: \$250,000

Not Applicable

Other: \$250,000

Potential Job Retention (estimated)

100+ ☐ NA

TOTAL: \$500,000

Not Applicable

Preliminary Engineering

☐ Complete ☐ In Progress

☒ Lacking ☐ NA
Not Applicable

Is your project in a Comprehensive Plan, Master Plan, TIFA Plan, Financing Plan, or similar document?

☒ Yes (identify) ☐ No
Master Plan

Do not write below this line.

Creation/Cost Ratio:

Distress Level:

Category:

Retention/Cost Ratio:

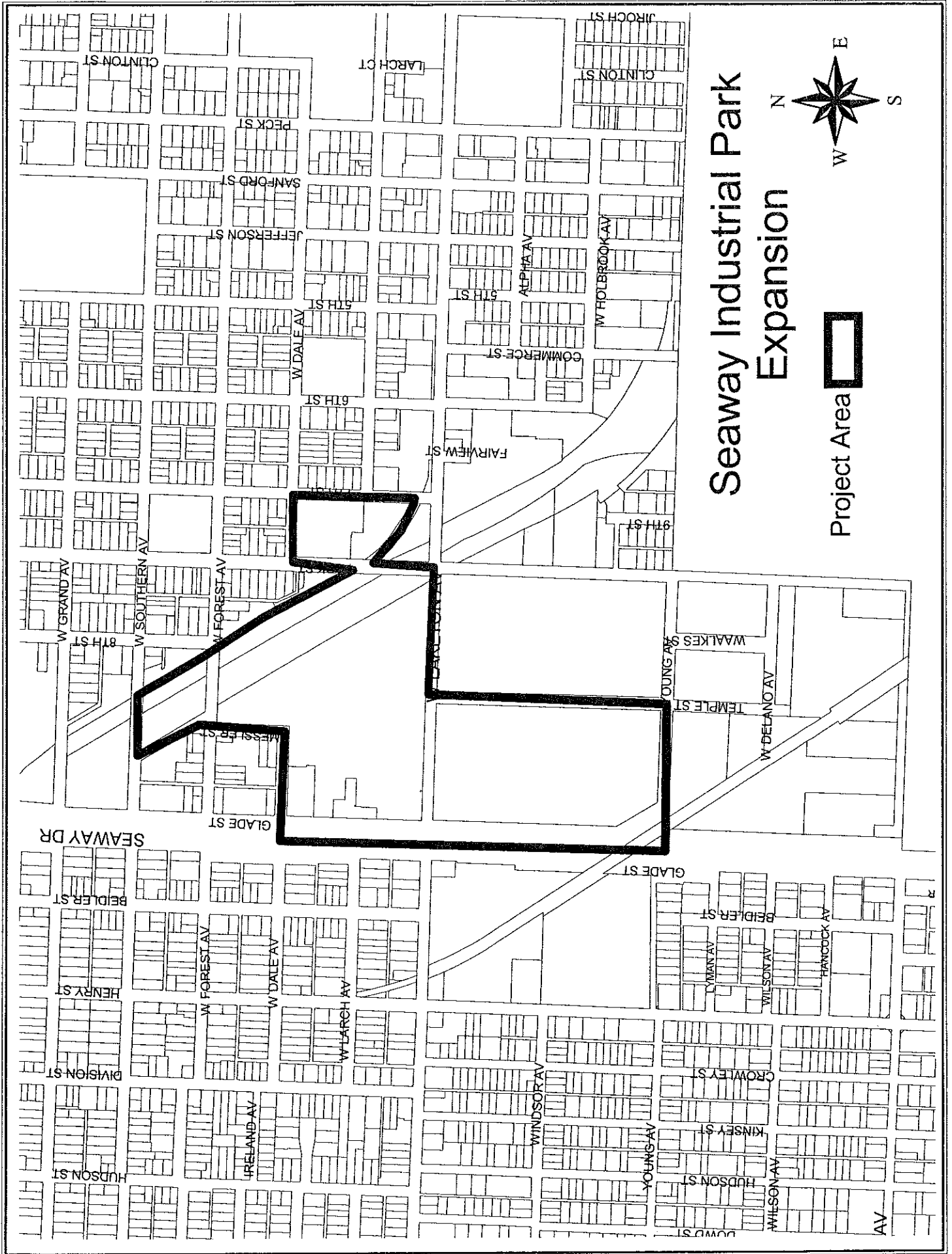
Low/Mod%:

TOTAL POINTS:

Return this form to:

2004 CEDS Projects
West Michigan Shoreline Regional Development Commission
P.O. Box 387
Muskegon, MI 49443-0387

(231) 722-7878 ext. 18 Fax: (231) 722-9362
E-mail: ekuhn@wmsrdc.org



PROJECT DESCRIPTION

Muskegon Sports Complex

- A. Background – The City of Muskegon has been working with Consumer's Energy to develop the property east of the Causeway for a regional sports complex. The property is currently being closed through a DEQ permit and will be ready to develop in late 2006. The City is currently requesting funds from the DNR Trust Fund to purchase the property from Consumer's Energy. That cost is estimated at \$1,000,000. Once purchased, the City will be applying for funds to develop the property into a sports complex primarily for soccer. There is an urgent need for a soccer complex within the region. A tournament complex, which this complex would be, would bring additional dollars into the community.
- B. Project Scope – The development of the almost 50 acres of land into a sports complex with about 8 soccer fields, a baseball field, and other park amenities including access to Muskegon River.
- C. Project Cost & Timing – The total cost of the project is estimated at \$2,400,000 to be done over 3 phases beginning in 2006. The actual timing will depend on when the property is purchased and when grants are actually received.
- D. Funding Sources – The City will be applying for DNR Trust Fund monies and will be using City of Muskegon Funds and a donation from the Cobb Plant for the local match.
- E. Project Beneficiaries – The youth and adult soccer players in the community will benefit, as will area baseball players. People wishing to gain access to Muskegon River for fishing or just a scenic walk will also benefit. Businesses will benefit, as new money will be coming into the community for services such as gas, food, and lodging.

2004/2005 CEDS PROJECT SUBMITTAL FORM

Applicant Name: City of Muskegon Project Name: Muskegon Sports Complex

Contact Person: Lonna Anguilm Phone: 231-724-6702

Note: Please use a separate page for each project submitted.

Location of Project: City of Muskegon County: Muskegon

Project Description: Develop a Sports Complex on property currently owned by
Consumers Energy

Estimated Project Start Date: 2006 ☒ New Project ☐ Facility Expansion
(check one box)

Important: For Economic Development Infrastructure Construction Project, please remember to provide the required site location map with this form.

(Check one box per category)

Project Type

☒ New Submission ☐ Repeat Submission (20__)

Project Costs: (estimated or actual)

Federal: _____

State: 1,500,000

Local: 900,000

Other: _____

TOTAL: \$2,400,000

Preliminary Engineering

☐ Complete ☐ In Progress

☐ Lacking ☐ NA
Not Applicable

Letters of Commitment (from incoming and/or expanding firm(s))

☐ Yes ☐ No ☒ NA
Not Applicable

Matching Funds

☐ Secured ☒ Lacking

Potential Job Creation (estimated)

☒ NA
Not Applicable

Potential Job Retention (estimated)

☒ NA
Not Applicable

Is your project in a Comprehensive Plan, Master Plan, TIFA Plan, Financing Plan, or similar document?

☒ Yes (identify) ☐ No
Muskegon Leisure Services Master
Plan 2003

Do not write below this line.

Creation/Cost Ratio:

Distress Level:

Category:

Retention/Cost Ratio:

Low/Mod%:

TOTAL POINTS:

Return this form to:

2004 CEDS Projects
West Michigan Shoreline Regional Development Commission
P.O. Box 387
Muskegon, MI 49443-0387

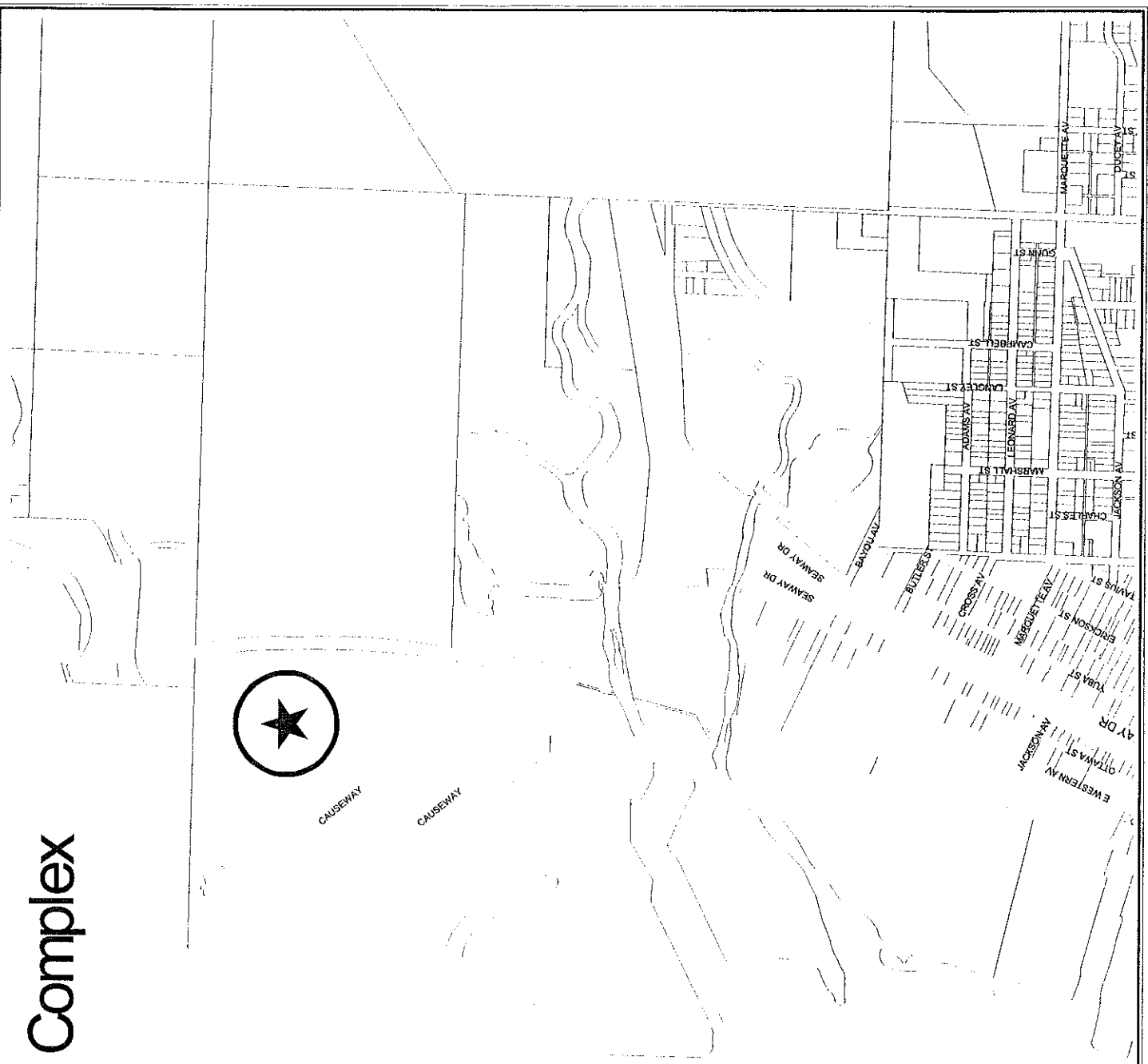
(231) 722-7878 ext. 18 Fax: (231) 722-9362

E-mail: ekuhn@wmsrdc.org



CAUSEWAY

Project Area ★



Date: May 25, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Vickibob Corporation
1050 W. Western Avenue, Suite 111

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Vickibob Corp., 1050 W. Western Avenue, Suite 111, in the Hartshorn Center for a new SDM license.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on final inspection.

Muskegon Police Department

Anthony L. Kleibecker

Chief of Police



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

October 31, 2003

To: City Commission through the City Manager

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

Re: Liquor License Request (New) – 1050 W. Western Avenue, Suite 111

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Vickibob Corp., consisting of Robert and Vicki Warber of 8050 Michillinda Road in Twin Lake, MI.

Vickibob Corp. is requesting a new SDM license for a business to be located at 1050 W. Western Avenue, Suite 111 in the Hartshorn Center. Neither Robert nor Vicki has experience in owning an alcohol-serving establishment but both have been made aware of the Muskegon Police Department's position on enforcing local alcohol-related laws and ordinances.

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

ALK/dl

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

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 May 25, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Vice Mayor Larson and supported by Commissioner Spataro

That the request from Vickibob Corporation, 1050 W. Western Avenue, Suite 111, Muskegon, MI 49441, for a new SDM Licensed Business

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

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on May 25, 2004
(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: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 08-28-03

Re: Liquor License Request

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Vickibob Corporation.

Vickibob Corp. is requesting to a new SDM licensed business to be located at 1050 W. Western Avenue, Suite 111, Muskegon, MI. 49441. Vickibob Corp. consists of both Robert and Vicki Warber of 8050 Michillinda Rd., Twin Lake Michigan, 49457. Neither Robert nor Vicki has the experience of owning an alcohol servicing establishment but both have been made aware of the Muskegon Police Department's position on enforcing local alcohol related 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/Vickibob

11-18-03

LIQUOR LICENSE REVIEW FORM

Business Name: Vic Kibob Corp.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert + Vicki Warber

Business Address: 1050 W Western, Suite 111

Reason for Review:

New License ☒ ^{SOM} 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. Kundinger, City Clerk
Liquor License Coordinator

11-18-03

LIQUOR LICENSE REVIEW FORM

Business Name: Vickibob Corp.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert + Vicki Warner

Business Address: 1050 W Western, Suite 111

Reason for Review:

New License ☒ ^{SOM} 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 *Donna A. St* 11/19/03

Gail A. Kunder, City Clerk
Liquor License Coordinator

11-18-03

LIQUOR LICENSE REVIEW FORM

Business Name: Vickibob Corp.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert + Vicki Warber

Business Address: 1050 W Western, Suite 111

Reason for Review:

New License ☒ ^{SOM} 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. Kunder, City Clerk
Liquor License Coordinator

11-18-03

RECEIVED
NOV 19 2003
CITY OF MUSKEGON
PLANNING DEPARTMENT

LIQUOR LICENSE REVIEW FORM

Business Name: Vic Kibob Corp.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert + Vicki Warber

Business Address: 1050 W Western, Suite 111

Reason for Review:

New License ☒ ^{SOM} Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Phil & Cane

Gail A. Kunder, City Clerk
Liquor License Coordinator

11-18-03

LIQUOR LICENSE REVIEW FORM

Business Name: Vickibob Corp.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert + Vicki Warber

Business Address: 1050 W Western, Suite 111

Reason for Review:

New License ☒ ^{SOM} 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
by Fire Marshal. owner shall schedule

Department Signature _____

Gail A. Kundering, City Clerk
Liquor License Coordinator

11-18-03

LIQUOR LICENSE REVIEW FORM

Business Name: Vickibob Corp.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert + Vicki Warber

Business Address: 1050 W Western, Suite 111

Reason for Review:

New License ☒ ^{SOM} 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 Not sure

If this is the bait shop it would be approved once final inspections occur where this is in the building. Possibly the bait shop?

Department Signature Robert B. Warber 11/19/03

* Certificate of Occupancy is issued

Gail A. Kunder, City Clerk
Liquor License Coordinator

1-18-03

LIQUOR LICENSE REVIEW FORM

Business Name: Vickibob Corp.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert + Vicki Warber

Business Address: 1050 W Western, Suite III

Reason for Review:

New License ☒ *SOM* 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 ☐

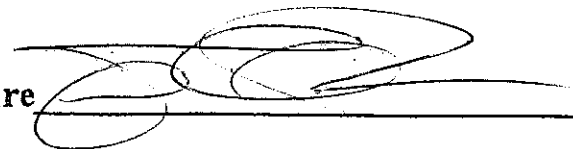
Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: registered for March 1/04

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kundering, City Clerk

VICKIBOB CORPORATION 03-02
Y. S. F
8050 MICHILLINDA RD.
TWIN LAKE, MI 49457

9-91-747
720

1087

884092528

DATE

8/14/03

PAY TO THE
ORDER OF

City of Muskegon
Two Hundred and No

\$200

DOLLARS



Security Features
Included
Details on Back

National City.

www.nationalcity.com

National City Bank of Michigan/Illinois
Kalamazoo, Michigan

MEMO

Vicki Warner

MP

⑆072000915⑆

884092528⑈

1087

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

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6706
FAX/722-4301

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

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

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

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

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

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

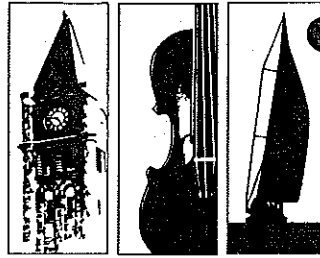
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

December 18, 2003

Vickibob Corporation
1050 W. Western Ave., Suite 111
Muskegon, MI 49441

Dear Sir:

I have received a letter from the Liquor Control Commission reference your request for a new SDM License at 1050 W. Western Avenue, Suite 111. This request has been recommended for approval by the Muskegon Police Department. However, the Inspection Department cannot approve the request without a final inspection and certificate of occupancy. Please contact the Inspection Department at 724-6715 to schedule the inspection. Also, an inspection is required by the Fire Marshal. Please contact the Fire Department at 724-6792 to schedule the inspection.

We also do not show that the business has been registered with the City Clerk's Office. The forms to register the business are enclosed. After this is done, this request will be presented to the City Commission.

If you have any questions, please contact me at 724-6915.

Thank you,

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

Linda Potter, CMC
Deputy Clerk

Enc.

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

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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

Info. Systems
616/724-6706
FAX/722-4301

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

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

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

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

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

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

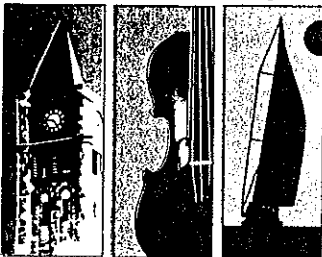
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

May 20, 2004

Stephen Gawron, President
Nims Neighborhood Association
1362 Palmer
Muskegon, MI 49441

Dear Steve:

We have received a letter from the Liquor Control Commission reference a request from Vickibob Corporation for a new SDM license to be located at 1050 W. Western Avenue, Suite 111. A SDM license permits the sale of beer and wine for consumption off the premises. On Tuesday, May 25, 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 May 25, 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

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

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

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

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616/724-6701
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Neigh. & Const.
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FAX/726-2501

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Police Dept.
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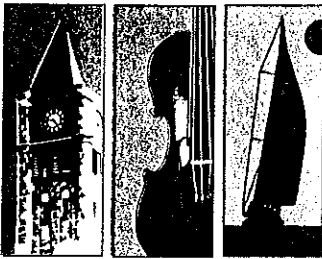
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FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

May 20, 2004

Vickibob Corporation
1050 W. Western Ave., Suite 111
Muskegon, MI 49441

Dear Mr. & Mrs. Warber:

This letter is to inform you that your request for a new SDM License to be located at 1050 W. Western, will be presented to the City Commission on May 25, 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,

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

Linda Potter
Deputy Clerk

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

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 May 25, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Vice Mayor Larson and supported by Commissioner Spataro

That the request from Vickibob Corporation, 1050 W. Western Avenue, Suite 111, Muskegon, MI 49441, for a new SDM Licensed Business

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

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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

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

meeting held on May 25, 2004
(Date)

SEAL

(Signed) Gail A. Kundinger
Gail A. Kundinger, 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

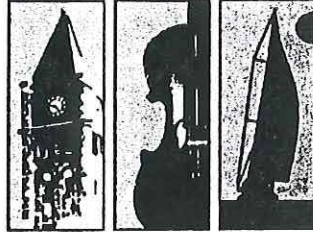
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

May 27, 2004

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

REF: #225999
Vickibob Corporation
1050 W. Western, Suite 111
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, print cards and check for Vickibob Corporation the recommended for approval pending final inspection at the May 25, 2004.

Please do not

Sincerely,

Linda
Linda Potter
Deputy Clerk

Enc.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- 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.		A. Signature X B. Received by (Printed Name) POST OFFICE BOX 30026 C. Date of Delivery JUN 03 2004 D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below: POST OFFICE BOX 30026 LANSING, MICHIGAN 48909	
1. Article Addressed to: <i>Liquor Control Commission</i> <i>7150 Harris</i> <i>P.O. Box 30005</i> <i>Lansing, MI 48909-7505</i>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Transfer from service label) <i>7000 05 20 0014 3747 7340</i>		4. Restricted Delivery? (Extra Fee) ☐ Yes	
PS Form 3811, August 2001			

Domestic Return Receipt

City, State, ZIP+4

PS Form 3800, February 2000 See Reverse for Instructions

Date: May 25, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
BLMC Enterprises, Inc.
1601 Beach Street

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from BLMC Enterprises, Inc., of 1601 Beach Street, to transfer ownership of the 2003 Class C-SDM licensed business (in escrow) with Dance-Entertainment Permit, Official Permit (food), Outdoor Service (2 areas), 2 Bars, and Drive-up Window Permit from Beach Street Inn, Inc.

for pedestrian use only *OK*
reg hours only
2:30 AM
limit

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on final inspection and a zoning variance may be required for the drive-up window.

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

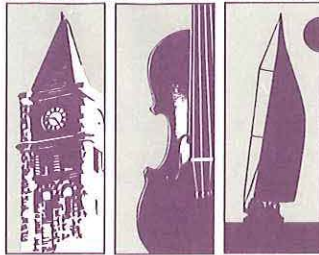
Planning/Zoning
724-6702

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

MUSKEGON



West Michigan's Shoreline City

May 17, 2004

To: Muskegon City Commission through the City Manager

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

Re: Liquor License Request (Transfer) – 1601 Beach Street

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant BLMC Enterprises Inc. of 1601 Beach St. in Muskegon. BLMC Enterprises Inc. is requesting to transfer ownership of 2003 Class C-SDM licensed business (in escrow) with Dance-Entertainment Permit, Official Permit (Food), Outdoor Service (2 areas), 2 Bars, and Drive-Up Window Permit from Beach Street Inn, Inc.

BLMC Enterprises is comprised of two individuals: Brian Giampapa and Lawrence Zeiser, both of Grand Rapids, MI. On April 27, 2004, LCC Investigator Tom Healy contacted Detective Kurt Dykman and advised him to add the drive-up window permit to the paperwork. This permit is actually for a walk-up window but is titled as drive-up. The owners plan to have food service at this walk-up window after the bar closes. Mr. Healy was advised that the City of Muskegon has closing hours for city parks; this information will be relayed to the applicants. Mr. Giampapa advised that he has experience in the alcohol-serving industry; however, Mr. Zeiser does not. Mr. Giampapa has 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 a criminal history check show no reason to deny this request.

ALK/dl

Water Dept.
724-6718

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 05-12-04

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 BLMC Enterprises, INC. of 1601 Beach St., Street, Muskegon, MI. 49441.

BLMC Enterprises is requesting to transfer ownership of 2003 Class C-SDM licensed business (in escrow) with Dance-Entertainment permit, Official Permit (Food), Outdoor Service (2 areas), 2 Bars, and Drive Up Window Permit, from Beach Street Inn, Inc. BLMC Enterprises is comprised of Brian Giampapa and Lawrence Zeiser, both of Grand Rapids, Michigan. On 04-27-04 I was contacted by Tom Healy, LCC investigator, and advised to add the drive-up window permit to the paperwork. This permit is actually for a walk-up window but is titled as drive-up. The owners plan to have food service at this walk-up window after the bar closes. Mr. Healy was advised that the City of Muskegon has closing hours for city parks; this information would be relayed to the applicants. Mr. Giampapa advised my office that he has experience in the alcohol serving industry however Mr. Zeiser does not. Mr. Giampapa 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 dark ink, appearing to read 'Kurt Dykman', with a long horizontal line extending to the right.

Det. Kurt Dykman

data/common/liquor/BLMC

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

239930
4-24-04
TAM

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 8, 2004
REF#: 239930

Chief Law Enforcement Officer

Applicant:

BLMC ENTERPRISES, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2003 CLASS C-SDM
LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD),
OUTDOOR SERVICE (2 AREAS), AND 2 BARS, LOCATED IN ESCROW AT PERE MARQUETTE
PARK, 1601 BEACH, PAVILION BLDG., MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM BEACH
STREET INN, INC. *Add drive up service window (per T. Healy 4-27-04)*

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.

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

239930
FMA 4/21/04

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: 239930

Date: March 8, 2004

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

Applicant: BLMC ENTERPRISES, INC.

Home Address And Phone No:

BRIAN A. GIAMPAPA, 916 MICHIGAN STREET, NE, GRAND RAPIDS, MI 49503 H&B(616)581-7707
LAWRENCE J. ZEISER, JR., 916 MICHIGAN STREET, NE, GRAND RAPIDS, MI 49503 H&B(616)581-7223

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

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Req ID # 239930

(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

239930

4-21-04

7/11/04

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)

BLMC ENTERPRISES, INC., PERE MARQUETTE PARK, 1601 BEACH, PAVILION BLDG.,
MUSKEGON, MI 49441, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2003 CLASS C-SDM LICENSED BUSINESS (IN
ESCROW) WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD), OUTDOOR
SERVICE (2 AREAS), AND 2 BARS, FROM BEACH STREET INN, INC. Add drive up window (per T. N. only)

Section 1.

APPLICANT INFORMATION

APPLICANT #1: **NO FINGERPRINTS REQUIRED**

BRIAN A. GIAMPAPA – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

916 MICHIGAN STREET, NE

GRAND RAPIDS, MI 49503

H&B(616)581-7707

DATE OF BIRTH: 11-18-70

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:

APPLICANT #2: **NO FINGERPRINTS REQUIRED**

LAWRENCE J. ZEISER, JR. – STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

916 MICHIGAN STREET, NE

GRAND RAPIDS, MI 49503

H&B(616)581-7223

DATE OF BIRTH: 2-14-71

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:

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?

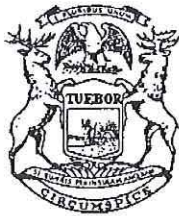
☒ Yes ☐ No

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 L. Kleber
Signature (Sheriff or Chief of Police)

5-17-04
Date

MUSKEGON 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: 239930

4-21-04
7/1/04

LOCAL LAW ENFORCEMENT AGENCY REPORT

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

BLMC ENTERPRISES, INC.

(616)581-7707

APPLICANT/LICENSEE

PHONE NUMBER

1601 Beach St.

Muskegon

Muskegon

49441

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP

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

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 ☐
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:

05-12-2004

DATE SUBMITTED

X A. L. Klebula

OFFICER'S SIGNATURE

Muskegon Police

(231) 724-6750

DEPARTMENT NAME

PHONE NUMBER

980 Jefferson St.

Muskegon

ADDRESS

CITY

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION
(Authorized by MAC R 436.1437)

Applicant or Licensee Name: BLMC ENTERPRISES, INC.

Address: 1601 Beach St., Muskegon MI 49441

Type of License: _____

The Commission is requested to grant an after hours permit for: (check boxes that apply)

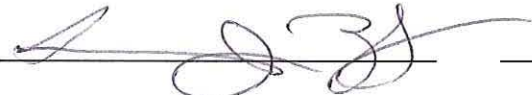
- ☐ Operating our restaurant for the sale of food
- ☐ Operating night league bowling, tournaments or Sunday morning bowling
- ☐ Registering golfers
- ☐ Registering Skiers
- ☐ Registering Tennis Players
- ☒ Other: sales of Food through walk-up service window.

During the Hours of:

Weekdays 2:30 A.M. to 4:00 A.M.

Sundays — A.M. to — A.M.

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures: 

LOCAL LAW ENFORCEMENT RECOMMENDATION

To Law Enforcement Agency:

This application is for official permits allowing the after hours operations indicated above. Please enter your recommendations below and return one signed copy to the Commission. Thank you.

- ☐ Recommended. Comments: _____
- ☒ Recommended except for Food sales - 2:30 - 4:00 am permit.
- ☐ Not Recommended

Signature and Title J. L. Bladen Director of Public Safety Date: 05-12-2004

LIQUOR LICENSE REVIEW FORM

Business Name: BL MC Enterprises, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Brian Giampapa + Lawrence ZeiserBusiness Address: 1601 Beach
Pavilion Building

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 J. L. Blumberg

239930
TAA 4/21/04

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: 239930

Date: March 8, 2004

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

Applicant: BLMC ENTERPRISES, INC.

Home Address And Phone No:

BRIAN A. GIAMPAPA, 916 MICHIGAN STREET, NE, GRAND RAPIDS, MI 49503 H&B(616)581-7707
LAWRENCE J. ZEISER, JR., 916 MICHIGAN STREET, NE, GRAND RAPIDS, MI 49503 H&B(616)581-7223

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

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

239930
4-21-04
THT

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 8, 2004
REF#: 239930

Chief Law Enforcement Officer

Applicant:

BLMC ENTERPRISES, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2003 CLASS C-SDM
LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OFFICIAL PERMIT (FOOD),
OUTDOOR SERVICE (2 AREAS), AND 2 BARS, LOCATED IN ESCROW AT PERE MARQUETTE
PARK, 1601 BEACH, PAVILION BLDG., MUSKEGON, MI 49441, MUSKEGON COUNTY, FROM BEACH
STREET INN, INC. *Add clause to service window (per T. Healy)*

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.

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

LIQUOR LICENSE REVIEW FORM

Business Name: BL MC Enterprises, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Brian Giampapa + Lawrence ZeiserBusiness Address: 1601 Beach
Pavilion Building

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 

LIQUOR LICENSE REVIEW FORM

Business Name: BL MC Enterprises, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Brian Giampapa + Lawrence ZeiserBusiness Address: 1601 Beach
Pavilion Building

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: 529.42 (water)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 Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: BLMC Enterprises, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Brian Giampapa + Lawrence ZeiserBusiness Address: 1601 Beach
Pavilion Building

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 J. [Signature]

LIQUOR LICENSE REVIEW FORM

Business Name: BL MC Enterprises, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Brian Giampapa + Lawrence ZeiserBusiness Address: 1601 Beach
Pavilion Building

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: 30.00Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

*not due
till May 1st*

LIQUOR LICENSE REVIEW FORM

Business Name: BLMC Enterprises, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Brian Giampapa + Lawrence ZeiserBusiness Address: 1601 Beach
Pavilion Building

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 Needsan inspection prior
to opening. No objection
to the transfer.Department Signature Robert B. Heavins

LIQUOR LICENSE REVIEW FORM

Business Name: BL MC Enterprises, Inc.

AKA Business Name (if applicable): _____

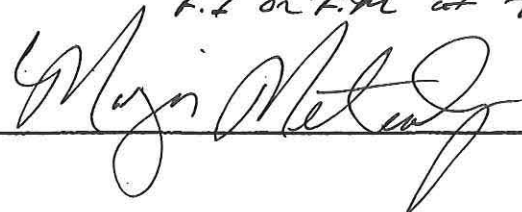
Operator/Manager's Name: Brian Giampapa + Lawrence ZeiserBusiness Address: 1601 Beach
Pavilion Building

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 File InspectionRequired before approvalCan be granted. ContactF.I. or F.M. at 7246942 or 6793Department Signature Gail A. Kundering, City Clerk
Liquor License Coordinator

BLMC ENTERPRISES, INC
DBA CAPTAIN JACK'S BAR & GRILLE
916 MICHIGAN ST. NE
GRAND RAPIDS, MI 49503

1009

DATE

5/19/04

75-1382-724

PAY
TO THE
ORDER OF

City of Muskegon
Two hundred and forty

\$

250.00

DOLLARS



Security Features
Including
Digital Ink

MERCANTILE
BANK OF WEST MICHIGAN

216 NORTH DIVISION AVE
GRAND RAPIDS, MI 49503
(616) 406-3000

FOR

TRAM PPO

[Signature]

MP

⑈001009⑈ ⑆072413829⑆ 100046861⑈

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
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(231)724-6702
FAX (231)724-6790

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

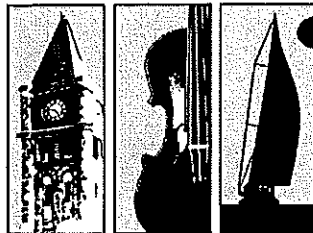
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Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

May 20, 2004

Ms. Bonnie Witt, President
Beachwood/Bluffton Neighborhood Association
2261 Surfwood
Muskegon, MI 49441

Dear Ms. Witt:

We have received a letter from the Liquor Control Commission reference a request from BLMC Enterprises, Inc., to transfer ownership of the Class C-SDM license, with Dance Entertainment Permit, Official Permit (food), Outdoor Service, 2 Bars, and add a drive-up window from Beach Street Inn, Inc., 1601 Beach Street. 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. On Tuesday, May 25, 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 May 25, 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

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536
<http://www.shorelinecity.com>

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
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FAX (231)724-4178

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FAX (231)755-5290



West Michigan's Shoreline City
www.shorelinecity.com

May 20, 2004

Mr. Brian Giampapa
916 Michigan Street, NE
Grand Rapids, Mi 49503

Dear Mr. Giampapa:

This letter is to inform you that your request to transfer the Class C-SDM License, with Dance Entertainment Permit, Official Permit, Outdoor Service, 2 Bars, and add Drive-up Window from Beach Street Inn, Inc., will be presented to the City Commission on May 25, 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 Beachwood/Bluffton 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,

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

Linda Potter
Deputy Clerk

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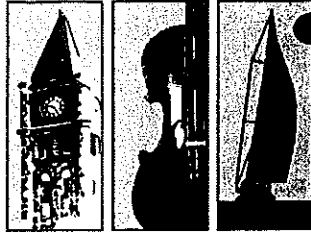
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MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

May 20, 2004

Mr. Lawrence J. Zeiser, Jr.
916 Michigan Street, NE
Grand Rapids, Mi 49503

Dear Mr. Zeiser:

This letter is to inform you that your request to transfer the Class C-SDM License, with Dance Entertainment Permit, Official Permit, Outdoor Service, 2 Bars, and add Drive-up Window from Beach Street Inn, Inc., will be presented to the City Commission on May 25, 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 Beachwood/Bluffton 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

DATE: May 25, 2004

TO: City Commission

RE: Liquor License Transfer Request
1601 Beach Street

Bonnie Witt, President, Beachwood/Bluffton Neighborhood Association called with comments reference the liquor license transfer. The Board Members who responded were in favor of keeping the Class C but against the SDM. They want to support the local stores.

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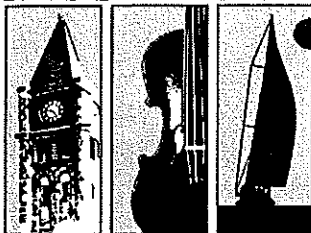
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MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

*Hand
Delivered
by Larry Zeiser*

May 26, 2004

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

REF: #299930
BLMC Enterprises, Inc.
1601 Beach Street
Muskegon, MI 49441

To Whom It May Concern:

Enclosed is the Resolution, Local Law Enforcement agency Report, form LC-1112, and form LC-1800 for BLMC Enterprises, Inc., that was recommended for approval at the May 25, 2004, City Commission Meeting.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

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

RESOLUTION

2004-52(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 May 25, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Gawron

That the request from BLMC Enterprises, Inc. to transfer ownership of 2003 Class C-SDM Licensed Business (in escrow) with dance-entertainment permit official permit (food), outdoor service (2 areas), and 2 bars, and sale of food through walk-up service window

be considered for Approval pending final inspection

(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

Recommended

(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 May 25, 2004
(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)

DATE: May 18, 2004
TO: Honorable Mayor and Commissioners
FROM: Robert B. Grabinski, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040031 Address: 516 Allen – Garage Only.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **516 Allen Ave – Garage Only** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040031- 516 Allen Ave - Garage

Location and ownership: This structure is located on Allen between Williams and Scott Street. It is owned by the Amanda Williams.

Staff Correspondence: A dangerous building inspection was conducted on 2/6/04. A notice and order to repair was issued 2/9/04. On 4/1/04 the HBA declared the house substandard.

Owner Contact: There has been no contact from the owner.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$17,200 (House and garage)

Estimated cost to repair: \$3,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, May 25, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

516 Allen - Garage

2/6/04

Inspection noted:

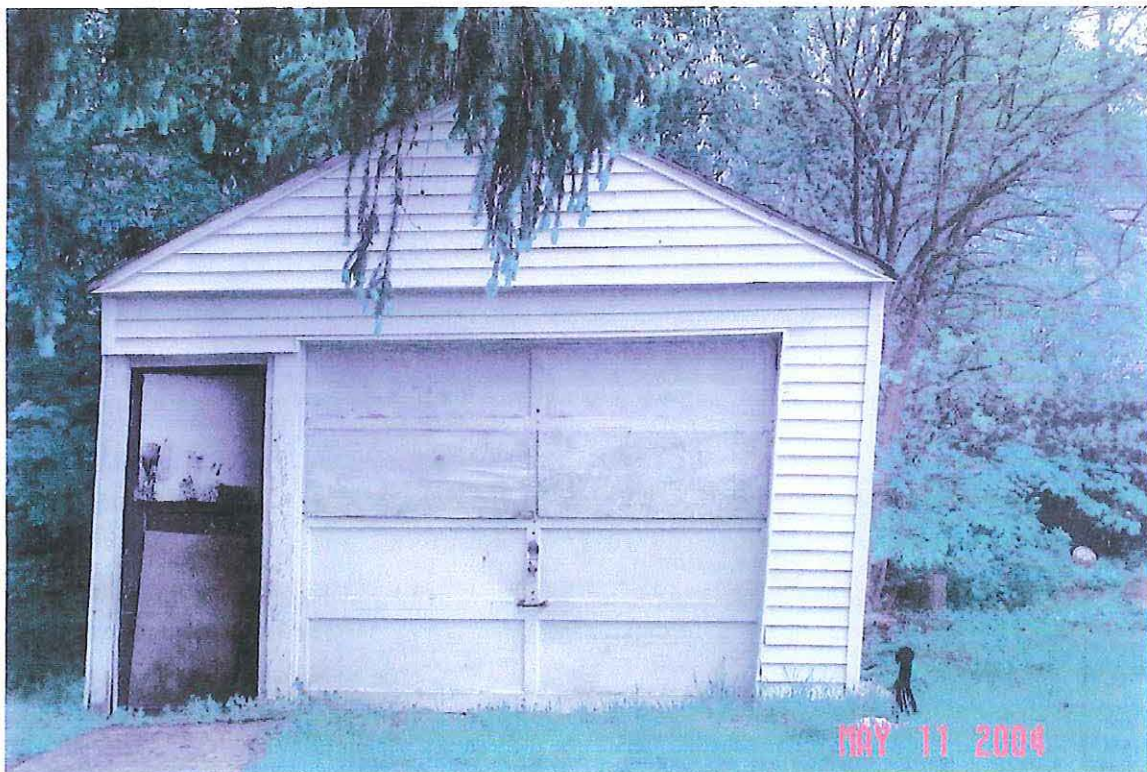
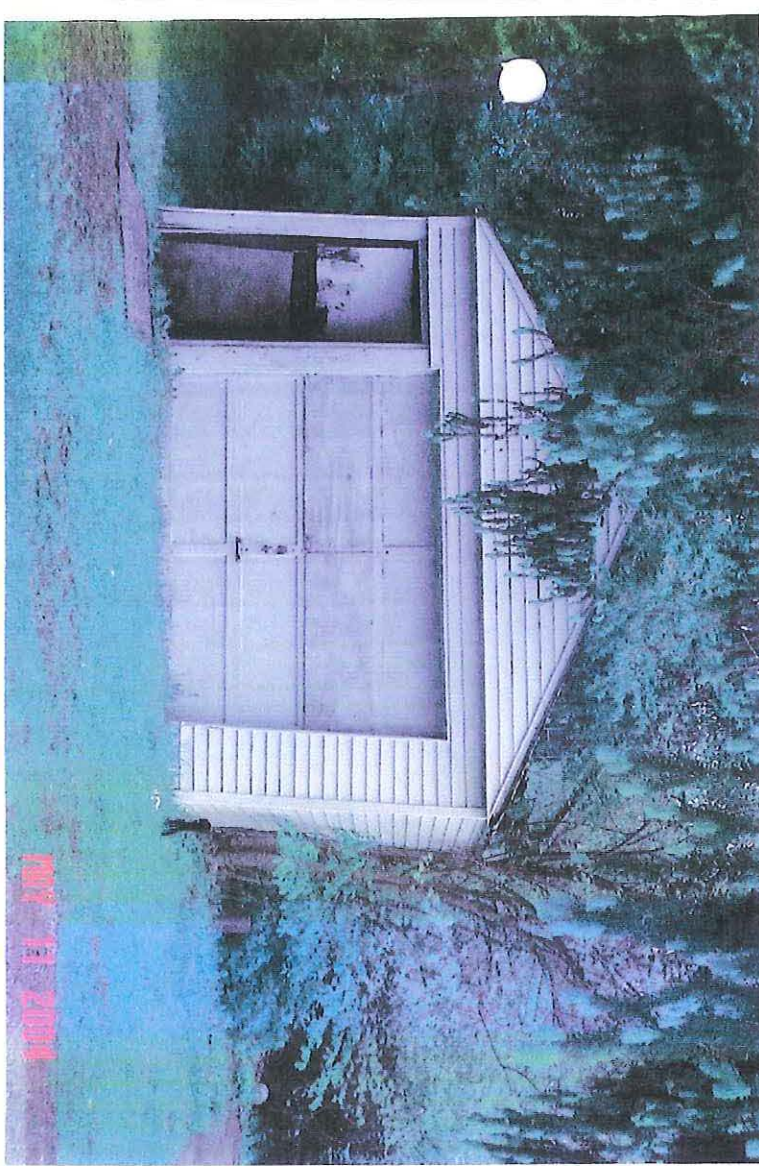
1. Structural integrity is in question. Building inspection is required for foundation and signs of potential collapse.
2. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

ROBERT GRABINSKI, DIRECTOR OF INSPECTIONS

DATE



516 ALLEN

AGREEMENT

THIS AGREEMENT, made this July 13, 2004 by and between:
Hitsman Enterprises.

(a corporation organized and existing under the law of the State of Michigan);
 (partnership consisting of _____); (an individual trading as _____)
Hitsman Enterprises; hereinafter called the "Contractor," and the City of
 Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
 herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of 516 Allen - Garage as well as
 required supplemental work for the completion of this project, all in strict
 accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed \$1350

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
 limited to, the following:

Invitation for Bids
 Instructions to Bidders
 Bid Proposal
 Agreement
 General Specifications for Project Performance
 Equal Opportunity and Employment Specifications
 Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
 other documents are as fully a part of the Contract as if attached hereto or
 repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
 any provision of any other component part, the Contractor shall contact the City
 immediately in writing for a determination, interpretation, and/or classification of
 conflicting parts and priority of same. Said determination from the City shall be in
 writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
 be executed on the day and year first written above.

ATTEST:

Laura V. Hume

CONTRACTOR:

BY: Debra E. Cooper

Printed name and title

Debra E. Cooper, Mayor

CITY OF MUSKEGON

ATTEST:

Linda Potter

BY:

David L. Kunderges
Mayor

City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, _____, certify that I am the _____

of the Corporation named as contractor herein;

That _____, who signed this Agreement on behalf of the

Contractor, was then _____ of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

(CORPORATE SEAL)

Printed Name and Title

DATE: May 18, 2004
TO: Honorable Mayor and Commissioners
FROM: Robert B. Grabinski, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040032 Address: 492 White.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 492 White is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040032- 492 White

Location and ownership: This structure is located on White between Williams and Scott Street. It is owned by the State of Michigan.

Staff Correspondence: A dangerous building inspection was conducted on 2/17/04. A notice and order to repair was issued 2/20/04. On 4/1/04 the HBA declared the house substandard.

Owner Contact: There has been no contact from the state.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: N/A

Estimated cost to repair: \$10,000 plus the cost of interior repairs

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, May 25, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

492 White

2/17/04

Inspection noted:

1. Siding missing.
2. Exterior fire damaged.
3. Building framing open to the weather.
4. Extensive damage caused by fire.
5. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
6. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

DONALD LABRENZ, BUILDING INSPECTOR

DATE



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DSC00308.JPG



DSC00309.JPG



DSC00310.JPG

492 WHITE

5-25-04

AGREEMENT

THIS AGREEMENT, made this July 13, 2004 by and between:
Hitsman Enterprises.

(a corporation organized and existing under the law of the State of Michigan);
(partnership consisting of _____); (an individual trading as _____
Hitsman Enterprises); hereinafter called the "Contractor," and the City of
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **492 White** as well as required
supplemental work for the completion of this project, all in strict accordance with
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$3888**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
limited to, the following:

- Invitation for Bids
- Instructions to Bidders
- Bid Proposal
- Agreement
- General Specifications for Project Performance
- Equal Opportunity and Employment Specifications
- Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
other documents are as fully a part of the Contract as if attached hereto or
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
any provision of any other component part, the Contractor shall contact the City
immediately in writing for a determination, interpretation, and/or classification of
conflicting parts and priority of same. Said determination from the City shall be in
writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
be executed on the day and year first written above.

ATTEST:

Laura White

ATTEST:

Linda Potter

CONTRACTOR:

BY: Debra R. Conner

Printed name and title

Debra R. Conner, Owner

CITY OF MUSKEGON

BY: [Signature]

Mayor

Gail Q. Kunderger
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, _____, certify that I am the _____

of the Corporation named as contractor herein;

That _____, who signed this Agreement on behalf of the

Contractor, was then _____ of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

(CORPORATE SEAL)

Printed Name and Title

DATE: May 18, 2004
TO: Honorable Mayor and Commissioners
FROM: Robert B. Grabinski, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-030170 Address: 593 W. Western Ave.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **593 W. Western** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-030170- 593 W. Western Ave.

Location and ownership: This structure is located on Western Avenue between Fifth and Sixth Streets. It is owned by the Westwood Group.

Staff Correspondence: A dangerous building inspection was conducted on 11/10/03. A notice and order to repair was issued 11/10/03. On 1/8/04 the HBA declared the house substandard and on 3/2/04 the HDC concurred with their decision.

Owner Contact: A representative of the Westwood Group spoke at the HBA meeting and stated they are trying to sell the building.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$32,600

Estimated cost to repair: Unable to determine at this time, building is collapsed and scheduled for redevelopment at a cost that is unknown at this time.

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, May 25, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

593 W. Western

11/10/03

Inspection noted:

1. Structural engineered temporary support is failing. Further roof collapse in progress. The length of time with no permanent design repair or replacement is causing a dangerous situation.
2. Provide interior inspection to determine further damage to structure.
3. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING OFFICIAL

DATE



593 W. Western

DATE: May 18, 2004

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040019 Address: 1054 W. Grand.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1054 W. Grand** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040019 – 1054 W. Grand

Location and ownership: This structure is located on West Grand between Franklin and Hudson and is owned by James Mackenzie.

Staff Correspondence: A dangerous building inspection was conducted on 1/27/04 after a complaint from a CPS worker stating he believed the house to be a dangerous situation. Upon inspection it was noted the house had been illegally converted to 2 units and the construction was not safe. A notice and order to repair was issued 1/29/04. On 3/4/04 the HBA declared the house substandard.

Owner Contact: The owner stated he is abandoning the house.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$20,100

Estimated cost to repair: \$40,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, May 25, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1054 W. Grand

1/27/04

Inspection noted:

1. Furnace vented improperly.
2. Chimney open – needs liner installed.
3. Furnace takes combustion air from crawl space. Must be from outside source.
4. Duct work broken and needs repair/replacement.
5. Waste & vent pipe needs replacement.
6. Water pipe is in freezing crawl space – must be moved.
7. Tub/shower broken & must be replaced.
8. Working clearance to be maintained around electric panel.
9. Junction boxes in attic to remain accessible.
10. Smoke alarms to meet current Michigan Residential Code.
11. Stairway to have 3-way switches.
12. Upstairs to be wired to current Michigan Residential Code.
13. Outlets to be GFI protected where required.
14. Structural damage to home's foundation. Foundation walls are failing. Beams, column supports are rotted, missing. Floor joists are cracked, cut, spliced together.
15. Floor decking is rotted in areas – state of collapse.
16. Cut out sections of bearing walls with non-compliant header support.
17. Numerous ceiling, wall, floor repairs.
18. Non-compliant stairs built in home; unstable, can collapse. Construction of stairs cannot pass MRC requirements.
19. Created three bedroom upstairs. Incorrect floor loads. No egress windows, smoke alarms, structural design of rafter – ceiling joists – no permits.
20. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

C:\Documents and Settings\Potter\Local Settings\Temporary Internet Files\OLK1A\1054 W Grand-Insp
Rpt .doc



1054 W. GRAND.

AGREEMENT

THIS AGREEMENT, made this July 13, 2004 by and between:
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);
 (partnership consisting of _____); (an individual trading as _____);
 hereinafter called the "Contractor," and the City of
 Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
 herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of **1054 W. Grand** as well as required
 supplemental work for the completion of this project, all in strict accordance with
 the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed **\$3950**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
 limited to, the following:

Invitation for Bids
 Instructions to Bidders
 Bid Proposal
 Agreement
 General Specifications for Project Performance
 Equal Opportunity and Employment Specifications
 Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
 other documents are as fully a part of the Contract as if attached hereto or
 repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
 any provision of any other component part, the Contractor shall contact the City
 immediately in writing for a determination, interpretation, and/or classification of
 conflicting parts and priority of same. Said determination from the City shall be in
 writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
 be executed on the day and year first written above.

ATTEST:

CONTRACTOR:

BY: Alan Jager - pres.
Printed name and title

ATTEST:

Linda Lotter

CITY OF MUSKEGON

BY:

[Signature]
Mayor

Gail A. Kundergei
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Jager, certify that I am the owner

of the Corporation named as contractor herein;

That Alan Jager, who signed this Agreement on behalf of the
Contractor, was then pres. of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body, and is within the scope of its corporate powers.

Signed:

Tammy Jager - Pres/owner

(CORPORATE SEAL)

TAMMY JAGER-OWNER
Printed Name and Title

DATE: May 18, 2004
TO: Honorable Mayor and Commissioners
FROM: Robert B. Grabinski, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040013 Address: 586 Allen.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 586 Allen Ave is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-040013- 586 Allen Ave

Location and ownership: This structure is located on Allen between Williams and Scott Street. It is owned by Virginia Kelley (deceased).

Staff Correspondence: A dangerous building inspection was conducted on 1/26/04 and the notice and order to repair was issued on the same day. On 4/1/04 the HBA declared the house substandard.

Owner Contact: Leona Hendrie (daughter of Virginia) was present at the HBA meeting. She stated her brother, who is incarcerated, lived in the house and there is a problem clearing the title. She did schedule an interior inspection which was conducted 4/13/04.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$10,800

Estimated cost to repair: \$12,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, May 25, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

586 Allen Ave.

1/26/04

Inspection noted:

1. Structure is vacant and boarded over 180 days.
2. Siding is missing in areas.
3. Eave & soffit in disrepair.
4. Electrical service is improper.
5. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
6. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

586 Allen
(INTERIOR INSPECTION)
4/13/04

Inspection noted:

1. All ceiling fans to have rated boxes and be in working order or replaced.
2. Living room ceiling fan to be wired to code.
3. All light fixtures to have boxes.
4. Basement outlets to be GFI protected.
5. Support BX cable in basement.
6. Bathroom to have 20 amp GFI outlet.
7. Kitchen to have two 20 amp circuits wired to 2003 Michigan Residential Code.
8. Electric service to be replaced to 2003 Michigan Residential Code.
9. Wire open splice in attic to 2003 Michigan Residential Code.
10. Complete mechanical and plumbing replacement required.
11. Basement stair – rebuild guardrail, handrail to 2003 Michigan Residential Code.
12. Siding, fascia, soffit need repair.
13. Repair all interior wall, ceiling, and floor damage.
14. Remove/replace damaged fence.
15. Tuck point, paint foundation wall block.
16. Repair doors and trim.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



586 ALLEN

AGREEMENT

THIS AGREEMENT, made this July 13, 2004 by and between:
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);
(partnership consisting of _____); (an individual trading as _____
_____); hereinafter called the "Contractor," and the City of
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **586 Allen** as well as required
supplemental work for the completion of this project, all in strict accordance with
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$3000**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
limited to, the following:

Invitation for Bids
Instructions to Bidders
Bid Proposal
Agreement
General Specifications for Project Performance
Equal Opportunity and Employment Specifications
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
other documents are as fully a part of the Contract as if attached hereto or
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
any provision of any other component part, the Contractor shall contact the City
immediately in writing for a determination, interpretation, and/or classification of
conflicting parts and priority of same. Said determination from the City shall be in
writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
be executed on the day and year first written above.

ATTEST:

CONTRACTOR:

BY: Alan Sager - pres
Printed name and title

ATTEST:

Linda Lotter

CITY OF MUSKEGON

BY: [Signature]
Mayor

Gail G. Kunderger
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Sager, certify that I am the Owner

of the Corporation named as contractor herein;

That Alan Sager, who signed this Agreement on behalf of the

Contractor, was then pres of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

Tammy Sager-Owner

(CORPORATE SEAL)

Tammy Sager-Owner
Printed Name and Title

DATE: May 18, 2004

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-030155 Address: 782 W. Southern.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **782 W. Southern** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-030155 – 782 W. Southern

Location and ownership: This structure is located on Southern between Henry and Beidler and is owned by Sharee Hutchins.

Staff Correspondence: A dangerous building inspection was conducted on 9/18/03 and an interior inspection was conducted on 10/2/03. A notice and order to repair was issued 10/17/03. On 12/4/03 the HBA declared the house substandard, but the Director of Inspections stated the case would not proceed to City Commission until the 2nd meeting in February to allow her time to get permits pulled. Ms. Hutchins stated she was trying to get rental rehab funding through CNS and she had to finish the project she was getting rehab for at the time before she could apply for another project. She was told at the time that the value on the required repairs was in the \$50,000 range and she must proceed before the February meeting due to the length of time the house had been vacant. Her contractor stated he could pull the building permit by the end of January. She was told if permits were pulled and work commenced the case would not proceed. Building, electrical and mechanical permits were pulled by 2/11/04. The mechanical contractor cancelled his permit 3/2/04 due to a problem with the owner. As of 5/5/04 CNS had not received bid proposals from Ms. Hutchins and no commitment had been signed. A plumbing permit was not pulled.

Owner Contact: A board up notice was issued to Sharee Hutchins 2/11/02 and on 2/18/02 she notified the Inspection office that she was working on clearing the title and couldn't do anything until after that. On 5/5/03 she was notified that the house was open again and she stated she had clear title and would pull permits to repair as soon as she had the paperwork. She let Inspections know she was still trying to get funding through CNS, but permits were pulled at the last minute and she had problems getting a person to repair the foundation. Her permits expired 5/15/04 and she asked for an extension, which was denied. She was notified of the case proceeding to City Commission

and asked again for an extension. She was told on 5/15/04 she had ten (10) days to complete the repairs.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$15,000

Estimated cost to repair: \$50,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, May 25, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

782 W. Southern

9/18/03

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Home has been boarded over 180 days.
3. Roof covering on home is failing – repair/replace. Address fascia and soffit deterioration. (Flashing)
4. Roofing installed on home is installed incorrectly.
5. Exposed OSB siding is rotting on home and not designed for exterior use.
6. Bad porch overhang is unstable. Must be built to MRC 2000 code for spans, columns, and structural integrity.
7. All construction work requires permits. Permits must be pulled before work begins.

Please contact Inspection Services with any questions: 231-724-6715.

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

Henry Faltinowski, Building Inspector

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

782 W. Southern
(INTERIOR INSPECTION)
10/2/03

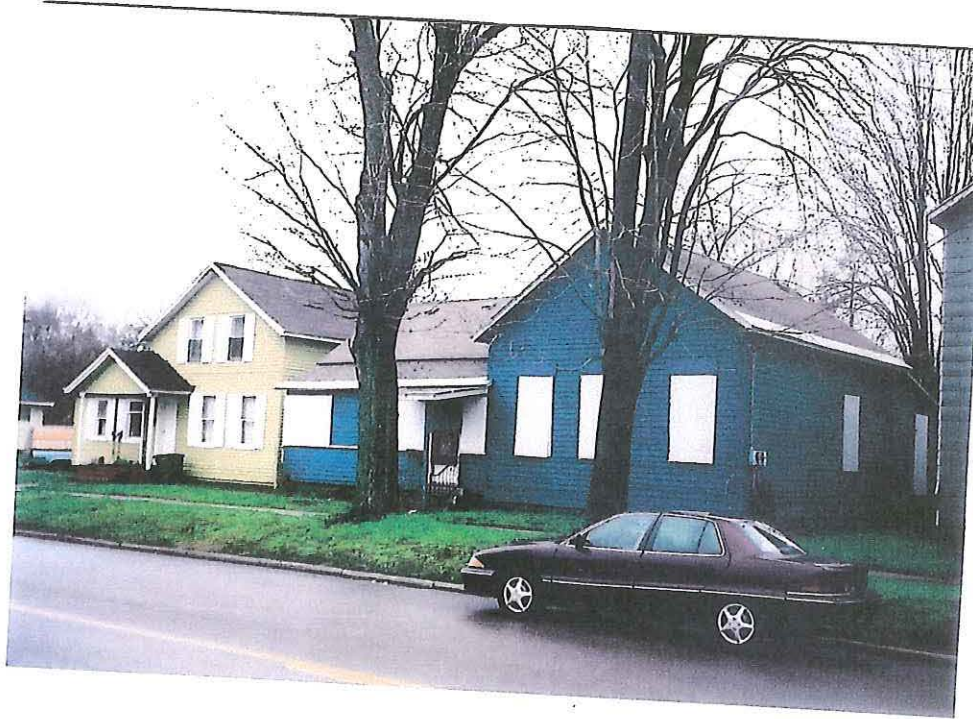
Inspection noted:

1. Smoke alarms to meet 2000 MRC.
2. Service to meet 2000 MRC.
3. All electric to be replaced to meet 2000 MRC.
4. All electrical, plumbing, mechanical work to be done by licensed contractors with permits.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



782 SOUTHERN

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 05/25/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 25, 2004

RE: Restrictive Covenant for MichCon RAP

SUMMARY OF REQUEST:

To approve a restrictive covenant regarding the MichCon RAP on a property owned by the West Michigan Dock & Market Company and the City has an easement on.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached documents and authorize the Mayor to execute same.

COMMITTEE RECOMMENDATION:

None.

PARMENTER O'TOOLE

Attorneys at Law

John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom
Eric R. Gielow
John C. Schrier
Christopher L. Kelly
Linda S. Kaara
James R. Scheuerle
Philip M. Stoffan
William J. Meier
Keith L. McEvoy
Anna Urlick Duggins

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

Scott R. Sewick
Scott M. Knowlton
Jeffery A. Jacobson
Dawn M. Goodwin
Thad N. McCollum

Of Counsel
Thomas J. O'Toole
Eric J. Fauri
Michael M. Knowlton

George A. Parmenter, 1903-1993

June 10, 2004

Mr. Thomas Wilczak
Pepper Hamilton LLP
36th Floor
100 Renaissance Center
Detroit, MI 48243-1157

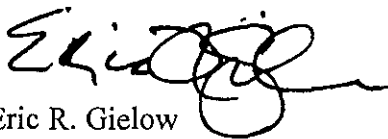
Re: Michigan Consolidated Gas Co. v. West Michigan Dock & Market Co.
Fully Executed Restrictive Covenant and Settlement Agreement Exhibits

Dear Mr. Wilczak:

With regard to the above referenced matter, enclosed is the original Restrictive Covenant for the West Michigan Dock & Market Company property (including exhibits), as fully executed by the City of Muskegon.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Eric R. Gielow
231.722.5427
231.728.2206 Fax
erg@parmenterlaw.com

ERG/eah

Enc.

bcc: Bryon Mazade
City Mgr. Muskegon

RECEIVED

JUN 14 2004

**MUSKEGON
CITY MANAGER'S OFFICE**

COPY

Pepper Hamilton LLP
Attorneys at Law

36th Floor
100 Renaissance Center
Detroit, MI 48243-1157
313.259.7110
Fax 313.259.7926

313.393.7404
fracasst@pepperlaw.com

June 4, 2004

FEDERAL EXPRESS

Eric R. Gielow, Esq.
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, Michigan 49443-0786

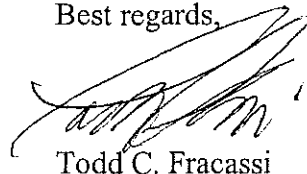
Re: Michigan Consolidated Gas Co. v. West Michigan Dock & Market Co.
Restrictive Covenant and Settlement Agreement Exhibits

Dear Eric:

As you requested, please find enclosed the Restrictive Covenant for the West Michigan Dock & Market Company ("WMD") property, including all exhibits, except the Settlement Access Agreement between WMD and Michigan Consolidated Gas Company ("Agreement"), which has not yet been executed. I have included for your information, however, the exhibits to the Agreement. Please fax and mail to me an original signed copy of Exhibit 5 of the Restrictive Covenant as soon as possible.

Thank you for your assistance. If you have any questions, please give me a call.

Best regards,



Todd C. Fracassi

Enclosures

c: Scott Gorland (w/out enclosures)
Tom Wilczak (w/out enclosures)

DT: #271329 v1 (STCX011.DOC) 105125-5

Philadelphia

Washington, D.C.

Detroit

New York

Pittsburgh

Berwyn

Harrisburg

Princeton

Wilmington

COPY
2004-52(h)

DECLARATION OF RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant ("Restrictive Covenant") has been recorded with the Muskegon County Register of Deeds for the purpose of protecting public health, safety, and welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to environmental contamination present at the property located at 560 Mart Street, Muskegon, Michigan, Property Tax ID Number 61-31-19-300-005, and legally described in Exhibit 1 attached hereto ("Property"). Exhibit 2 includes a survey of the Property.

The Property is part of the larger MichCon/Lakey Foundry Facility Site ("Facility"), Site # 410027, for which Michigan Consolidated Gas Company ("MichCon") has received notice of approval from the Michigan Department of Environmental Quality ("MDEQ") dated June 1, 1995, for a Remedial Action Plan that includes land use-based cleanup criteria as defined and set forth in Section 20120a(2) of Part 201 of the Natural Resources and Environmental Protection Act ("NREPA"), 1994 PA 451, as amended, MCL 324.20101 et seq., for the environmental remediation associated with the Facility.

The MDEQ has directed MichCon to amend the 1995 RAP and perform environmental response activities on the Property to address groundwater venting from the Facility to Muskegon Lake above applicable Part 201 criteria (the 1995 Remedial Action Plan and any subsequent amendments, modifications or revisions approved by the MDEQ needed to memorialize or implement the Remedy are collectively hereinafter referred to as "RAP"). Accordingly, MichCon will conduct a Remedy, as defined herein, at the Property as an interim response designed to meet criteria (IRDC). The Remedy to be implemented to address environmental contamination will be described in an IRDC plan or RAP that will be submitted by MichCon to MDEQ for its approval. The MDEQ has approved MichCon's conceptual IRDC plan.

The Access Settlement Agreement, dated _____, 2004, between MichCon and West Michigan Dock and Market Corp. ("Agreement"), see Exhibit 3, required the recording of this Restrictive Covenant with the Muskegon County Register of Deeds, which: 1) restricts unacceptable exposures to hazardous substances located on the Property; 2) assures that the use of Property is consistent with the exposure assumptions utilized in the development of cleanup criteria pursuant to Section 20120a(2) of the NREPA; and 3) prevents damage or disturbance of any element of the Remedy constructed on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time it was filed. Failure of the Remedy to achieve and maintain the criteria pursuant to Section 20120a(2) of the NREPA; future

changes in the environmental condition of the Property or changes in the cleanup criteria developed under Section 20120a(2) of the NREPA; the discovery of environmental conditions at the Property that were not accounted for at the time this Restrictive Covenant was filed; or use of the Property in a manner inconsistent with the restrictions described herein, may result in this Restrictive Covenant not being protective of public health, safety, and welfare, and the environment.

As part of approving the Remedy or RAP, the MDEQ may require that this Restrictive Covenant be amended. In such case, Owner agrees to record an amended restrictive covenant if necessary to accommodate the Remedy or RAP within 21 days after MDEQ approval of such amended restrictive covenant.

Exhibit 2 provides a survey of the Property that is subject to the land use or resource use restrictions specified herein.

Summary of Response Activities

MichCon will construct, install, maintain, operate, implement and monitor a Remedy, as defined herein, at the Property to address groundwater venting from the Facility to Muskegon Lake above applicable Part 201 criteria.

Areas of the Property described in Exhibit 1 may contain hazardous substances in excess of the concentrations developed as the unrestricted residential criteria under Section 20120a(1)(a) or (17) of the NREPA that have not been addressed through the response activities undertaken at the Property at the time this Restrictive Covenant was filed. It is recommended that prospective purchasers or users of the Property undertake appropriate due diligence prior to acquiring or using this Property, and undertake appropriate actions to comply with the requirements of Section 20107a of the NREPA.

Definitions

"MDEQ" means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

"Owner" means at any given time the then current title holder of the Property or any portion thereof.

"Remedy" means construction, installation, maintenance, operation, implementation and monitoring of, and any investigation associated with: (a) a biosparge groundwater remediation system; (b) a funnel and gate remediation system as described in Exhibit B of the Agreement; and (c) any source removal during the construction or installation of a remedial system described in items (a) and (b); and (d) any other response activity required to be addressed under the RAP. "Remedy" does not include any response activity on the Property caused by a new development by an Owner.

All other terms used in this document which are defined in Part 3, Definitions, of the NREPA; Part 201 of the NREPA; or the Part 201 Administrative Rules ("Part 201 Rules"), 1990 AACRS R 299.5101 et seq., shall have the same meaning in this document as in Parts 3 and 201 of the NREPA and the Part 201 Rules, as of the date of filing of this Restrictive Covenant.

NOW THEREFORE,

Declaration of Land Use or Resource Use Restrictions

Pursuant to Section 20120b(4) of NREPA and the Access Settlement Agreement, dated ____, 2004, between MichCon and West Michigan Dock and Market Corp. ("Agreement"), see Exhibit 3, West Michigan Dock and Market Corp. (WMD), 560 Mart, Muskegon, MI 49440, hereby declares and covenants that the Property shall be subject to the following restrictions and conditions:

1. The Owner acknowledges that areas contained within the boundary of the Property are known to contain hazardous substances in excess of the concentrations which satisfy the requirements of Section 20120a(1)(a) or (17) and have not been remediated as of the date of filing of this Restrictive Covenant.
2. The Owner shall prohibit all uses of the Property that are not compatible with the site-specific criteria based land use category as defined in Section 20120a(2) of Part 201 of NREPA, as amended in June 1995, or other use that is not consistent with the assumptions and basis for the cleanup criteria established pursuant to Section 20120a(2). Cleanup criteria for land use-based remedial action plans are located in the Government Documents section of the State of Michigan Library.
3. (A) Unless otherwise first approved by MDEQ, the Owner shall prohibit the following activities on the Property:
 - i. any use of the Property that is not consistent with the assumptions and basis of the cleanup criteria established pursuant to Section 20120a;
 - ii. any use not consistent with other criteria subsequently established pursuant to Section 20120a(1) or 20120a(2);
 - iii. any use determined to be unacceptable according to paragraphs 3(B) and 3(C) of this Restrictive Covenant;
 - iv. any use of groundwater located under the Property and any construction of wells or other devices to extract groundwater for consumption, irrigation, dewatering, or any other use, except for wells and devices that are part of a response activity or any dewatering by an easement holder that is necessary to maintain or repair a utility located within a utility easement or utility corridor on the Property, so long as such easement holder complies with Part 201 of NREPA and the Part 201 Rules, and develops an appropriate health and safety plan for persons involved in such activities; and
 - v. any construction of structures below the elevation of the surface soils that are capable of being occupied.

(B) With respect to future use(s) of the Property, the Owner shall conduct an appropriate evaluation of the potential risks from exposure to contaminants present in the subsurface soils and groundwater, in order to assure that unacceptable exposure to contaminants does not occur. The evaluation shall be consistent with Section 20120a of Part 201 of NREPA. Appropriate control measures that are identified to be necessary to prevent unacceptable exposure shall be incorporated into the construction plans and implemented. In addition, the Owner shall timely conduct and file a baseline environmental assessment to the extent permitted by MCL 324.20126(1)(c) and the Administrative Rules for Part 201, or any amendments thereto, and by its federal counterpart, if any.

(C) Notwithstanding the provisions of paragraph 3(A), construction in and occupancy of areas that are above the elevations of the surface soils are allowed. Structures on the Property are allowed without a risk evaluation, so long as the areas capable of being occupied (including but not limited to basements, etc.) are entirely above the elevations of the surface soils. Structures below the elevation of the surface soils that are capable of being occupied are prohibited. Construction of foundations, utilities, and related structural components of buildings on the property and subsequent maintenance thereof, may penetrate the surface soils into areas of existing contaminated soil without such risk evaluation, so long as such activity does not interfere with implementation of the Remedy and Agreement, and so long as any sump or utility manhole used in connection with any such structural component is located outside of any building structure. Owner, however, shall not continue excavation in any area where Dense Non-Aqueous Phase Liquids ("DNAPL") is detected on the Property, without first obtaining MDEQ approval. The elevations to be used as reference points for any construction to be completed in compliance with this section are those shown in Exhibit 4. A health and safety plan shall be developed for persons involved in subsurface construction and maintenance activities to assure protection of workers pursuant to all applicable worker safety laws.

(D) The Owner shall provide written notice to the MDEQ, Remediation and Redevelopment Division, and provide an opportunity to review and approve any construction plans that would involve relocation of the existing shoreline of Muskegon Lake or may otherwise impact or interfere with the Remedy at the Property. The written notice shall be provided at least 90 days prior to any construction activity.

(E) The Owner shall comply with its due care obligations pursuant to Section 20107a of NREPA.

4. Interference with Remedial Actions. The Owner shall prohibit activities on the Property that may interfere with any element of the Remedy or is otherwise contrary to the Agreement including the performance of operation and maintenance activities, monitoring, or other measures necessary to assure the effectiveness and integrity of the Remedy.

5. Permanent Markers. The Owner shall install and maintain a permanent marker at the Property, that has received approval by the MDEQ, which describes the restricted area and the nature of the prohibitions specified herein and include the liber and page numbers of this Restricted

Covenant as recorded with the Muskegon County Register of Deeds. The Owner shall notify any person that engages in activities that may breach the surface soils that hazardous substances exist beneath the site and shall provide, upon request by such person, all information regarding the nature and extent of those hazardous substances. The Owner shall not remove, cover, obscure, or otherwise alter or interfere with the permanent marker placed at the Property. The Owner shall keep vegetation and other materials clear of the permanent markers to assure that the marker are readily visible.

6. Contaminated Soil Management. The Owner shall manage all soils, media and/or debris located on the Property in accordance with the applicable requirements of Section 20120c of the NREPA; Part 111, Hazardous Waste Management, of the NREPA; Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq.; the administrative rules promulgated thereunder; and all other relevant state and federal laws.

7. Access. The Owner shall grant to MichCon access to the Property as provided in the Agreement, and to the MDEQ and its designated representatives the right to enter the Property at reasonable times for the purpose of determining and monitoring the condition of the groundwater, including the right to take samples, inspect the operation of the Remedy and, inspect any records relating thereto, and to perform any actions necessary to maintain compliance with Part 201.

8. Notice. The Owner shall provide notice to the MDEQ of the Owner's intent to transfer any interest in the Property at least fourteen (14) business days prior to consummating the conveyance. A conveyance of title, easement, or other interest in the Property shall not be consummated by the Owner without adequate and complete provision for compliance with the terms and conditions of this Restrictive Covenant and the applicable provisions of Section 20116 of the NREPA. The notice required to be made to the MDEQ under this Paragraph shall be made to: Director, MDEQ, P.O. Box 30473, Lansing, Michigan 48909-7973; and shall include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant. A copy of this Restrictive Covenant, including its exhibits, shall be provided to MDEQ when providing such notice and to all future owners, heirs, successors, lessees, easement holders, assigns, and transferees by the person transferring the interest.

9. Term and Enforcement of Restrictive Covenant. This Restrictive Covenant shall run with the Property and shall be binding on the Owner; future owners; and all current and future successors, lessees, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control. This Restrictive Covenant may only be modified or rescinded with the written approval of MDEQ and MichCon.

The State of Michigan, through the MDEQ, and MichCon may enforce the restrictions set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction.

10. Severability. If any provision of this Restrictive Covenant is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of

any other provisions hereof, and all such other provisions shall continue unimpaired and in full force and effect.

11 Authority to Execute Restrictive Covenant. The undersigned person executing this Restrictive Covenant is the Owner, or has the express written permission of the Owner and the City of Muskegon as a holder of a legal interest whose interest may be affected by this Restrictive Covenant (as documented and attached hereto as Exhibit 5), and represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Restrictive Covenant.

IN WITNESS WHEREOF, West Michigan Dock & Market Company has caused this Restrictive Covenant to be executed on this _____ day of _____, 2004.

West Michigan Dock & Market Company

By: _____
Signature

Name: _____
Print or Type Name

Its: _____
Title

STATE OF MICHIGAN
COUNTY OF WAYNE

The foregoing instrument was acknowledged before me this _____ by _____ of West Michigan Dock & Market Company, a Michigan Corporation, on behalf of the corporation.

Notary Public _____

Name [*Print or type*]

Commissioned in _____ County, _____

My Commission Expires: _____

EXHIBIT 1
LEGAL DESCRIPTION OF PROPERTY

Ralph W. VanRiper, PS
Professional Surveyor No. 16946
3043 Griesbach Street <> Muskegon, MI 49441
Ph (231) 755-1860 <> E-Mail- RWVRPS16946@AOL.COM

May 11, 2004 Project No. 2-4-4

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DESCRIPTION FOR WEST MICHIGAN DOCK PROPERTY

That part of Lot 9, Block 563 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, lying Southeasterly of Muskegon Lake and Northwesterly of Shoreline Drive, more particularly described as follows: Commencing at the South most corner of said Block 563; thence North $41^{\circ}27'00''$ West (recorded as North $42^{\circ}18'$ West) along the Easterly line of Third Street 461.33 Feet to the Southeasterly line of said Lot 9; thence South $33^{\circ}48'00''$ West (recorded as South $32^{\circ}57'$ West) along said line 68.24 Feet to the Southwesterly line of said Lot 9; thence North $41^{\circ}26'00''$ West (recorded as North $42^{\circ}18'$ West) along said Southwesterly line 48.34 feet to the Northwesterly line of Shoreline Drive for POINT OF BEGINNING; thence continue North $41^{\circ}26'00''$ West along said Southwesterly line 476.22 Feet; thence North $37^{\circ}41'07''$ West on a traverse line along the shore of Muskegon Lake 631.64 Feet; thence North $31^{\circ}11'38''$ East 322.44 Feet to the Northeasterly line of said Lot 9; thence South $42^{\circ}38'26''$ East along said line 149.50 Feet; thence South $51^{\circ}55'16''$ East 872.48 Feet to the Northwesterly line of said Shoreline Drive; thence South $27^{\circ}38'19''$ West along said Northwesterly line 547.10 Feet to Point of Beginning. Subject to "An easement and right of way for public highway and park purposes" as described in a "DECLARATION OF TAKING" by the City of Muskegon, Recorded in Liber 1807, Page 290, described as follows: Recommence at the above described POINT OF BEGINNING; thence North $41^{\circ}26'00''$ West (recorded as North $42^{\circ}18''$ West) 359.74 Feet; North $27^{\circ}38'19''$ East 480.49 Feet (recorded as North $26^{\circ}49'$ East 481.48 Feet) to the Northeasterly line of said Lot 9; thence South $51^{\circ}55'16''$ East along said Northeasterly line 341.66 Feet to the Northwesterly line of said Shoreline Drive; thence South $27^{\circ}38'19''$ West along said Northwesterly line 547.10 Feet to Point of Beginning.



EXHIBIT 2
SURVEY OF THE PROPERTY

Map of West Michigan Dock Property
That Part of Lot 9, Block 563 of the Revised Plat of 1903 of the City of Muskegon,
Muskegon County, Michigan, Lying Northwesterly of Shoreline Drive
Description & Drawing Based on Moore & Bruggink, Project No. 946032, 9/11/94

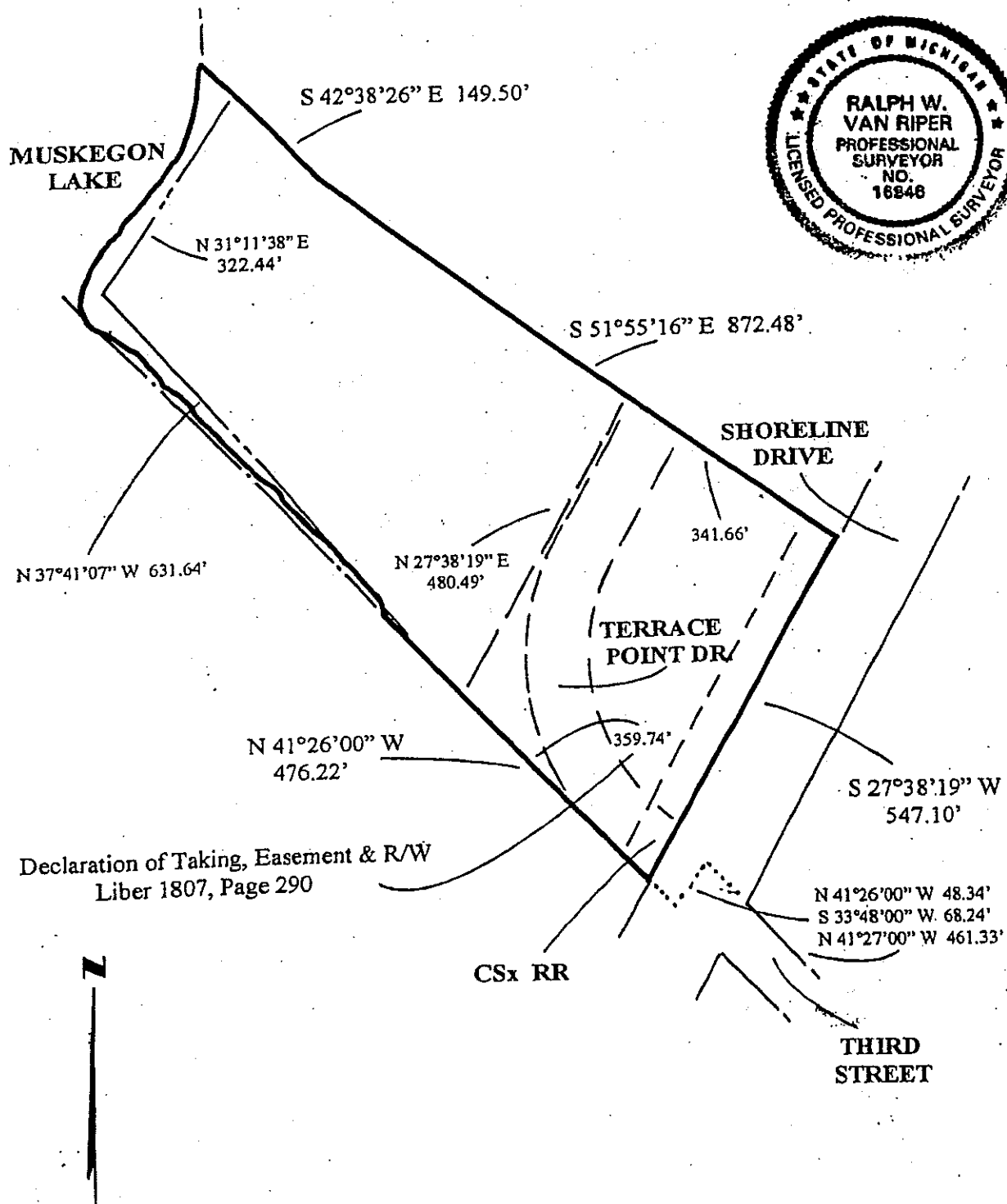
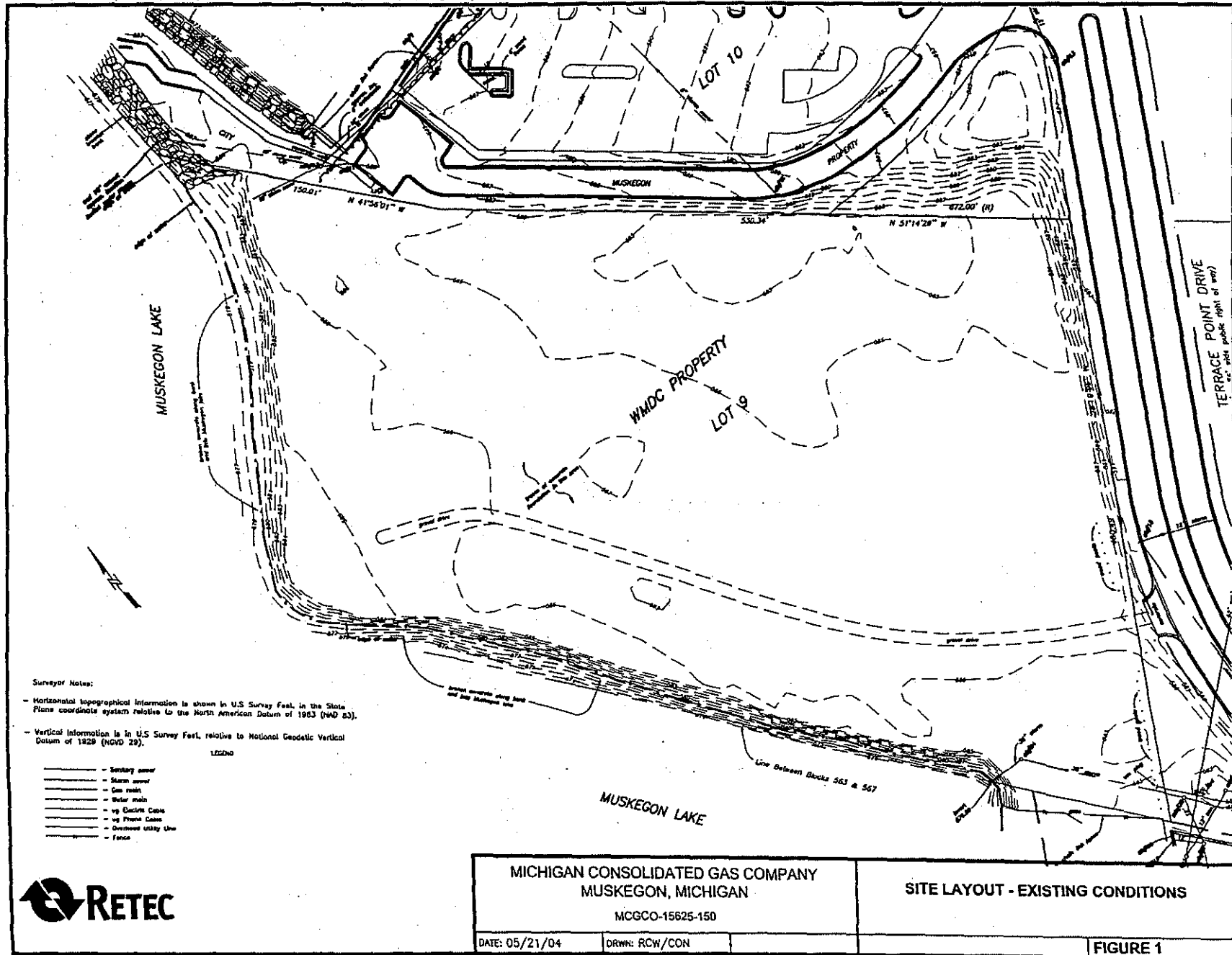


EXHIBIT 3
ACCESS SETTLEMENT AGREEMENT

EXHIBIT 4
PROPERTY MAP



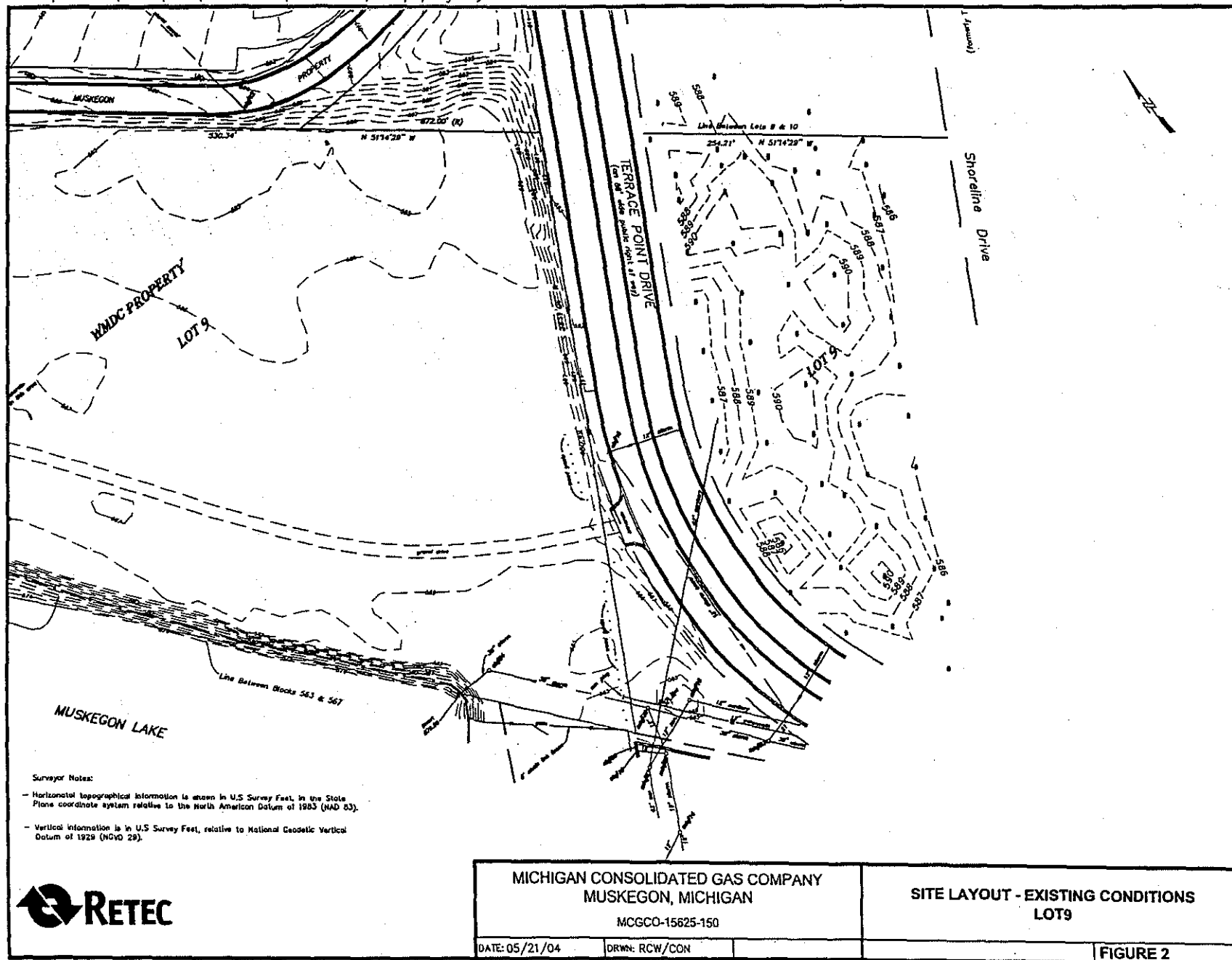


EXHIBIT 5
CONSENT OF EASEMENT HOLDERS

As evidenced below by my signature, I agree and consent to the recording of the land use and resource use restrictions specified in this Restrictive Covenant.

City of Muskegon

By: _____

Signature

Name: Stephen J. Warmington
Print or Type Name

Its: _____

Title

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of June, 2004 by Stephen J. Warmington as attorney in fact on behalf of the City of Muskegon.

Notary Public

Name [Print or type] John C. Schrier

Commissioned in Muskegon County, MI

My Commission Expires: August 2, 2004

EXHIBIT A
LEGAL DESCRIPTION

Ralph W. VanRiper, PS
Professional Surveyor No. 16946
3043 Griesbach Street <> Muskegon, MI 49441
Ph (231) 755-1860 <> E-Mail~ RWVRPS16946@AOL.COM

May 11, 2004 Project No. 2-4-4

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Map of West Michigan Dock Property
That Part of Lot 9, Block 563 of the Revised Plat of 1903 of the City of Muskegon,
Muskegon County, Michigan, Lying Northwesterly of Shoreline Drive
Description & Drawing Based on Moore & Bruggink, Project No. 946032, 9/11/94

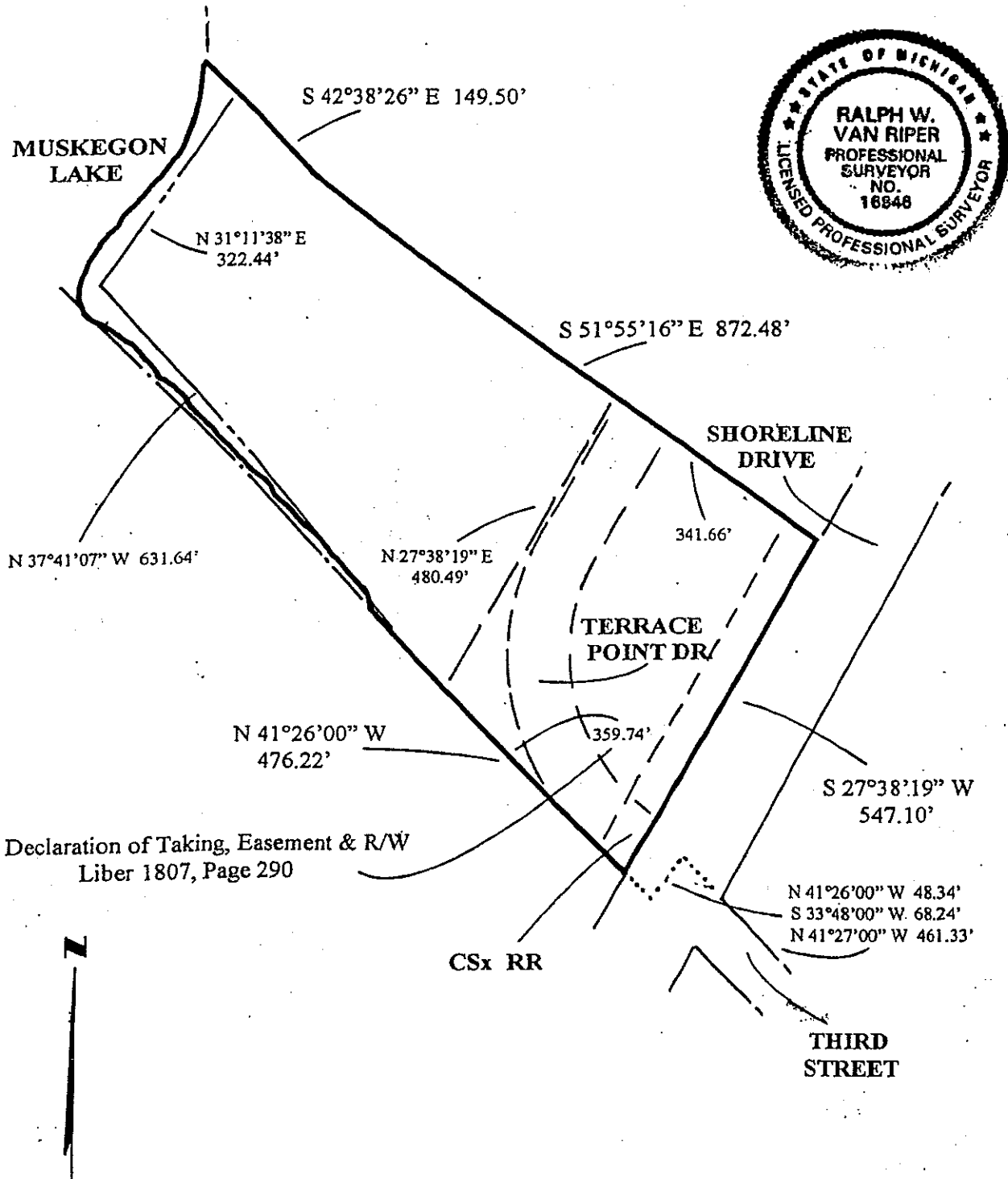


EXHIBIT B

FUNNEL AND GATE DESCRIPTION.

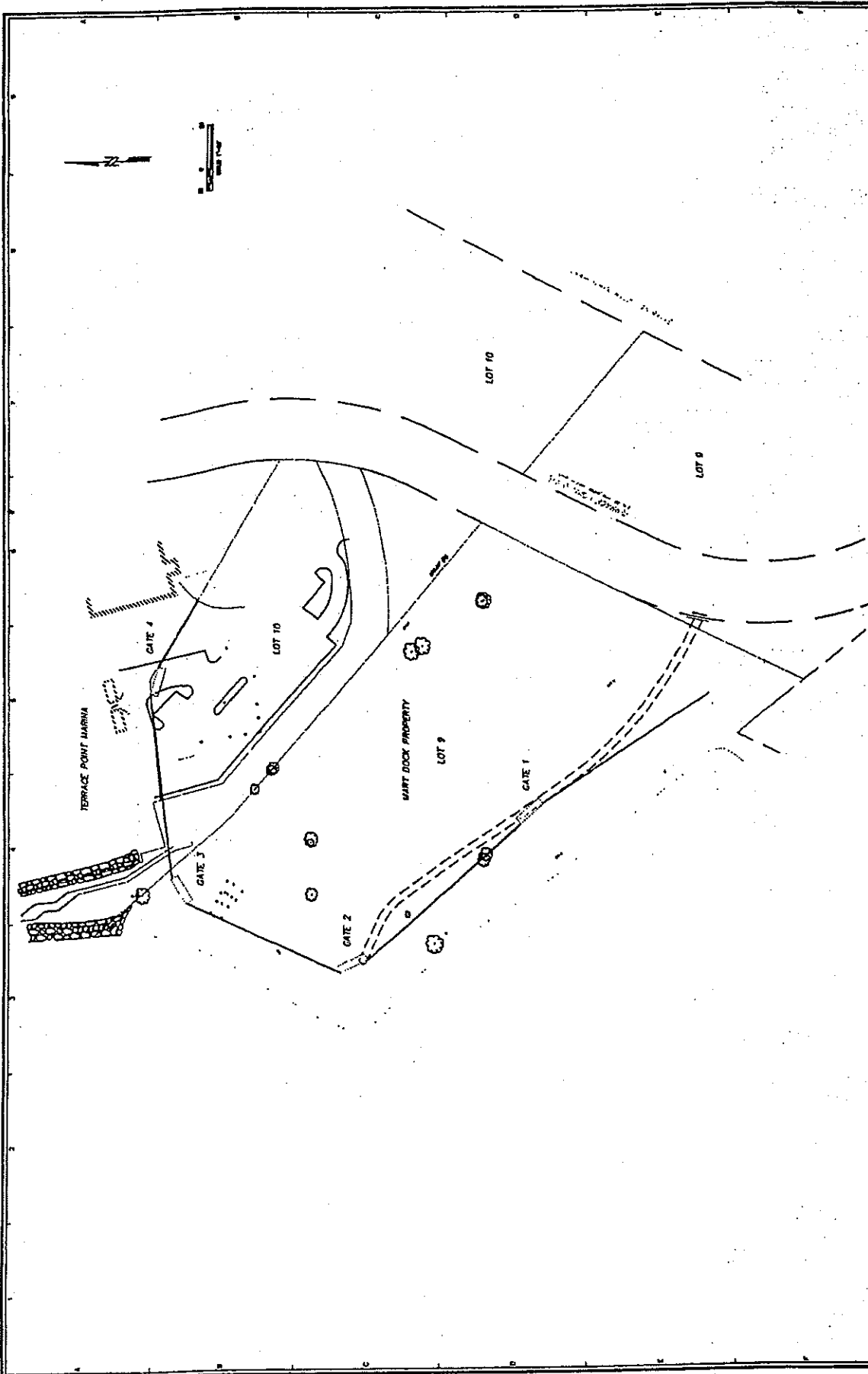
Conceptual Description of The Funnel and Gate Remedial Action Alternative

The funnel and gate alternative consists of an impermeable subsurface barrier (funnel) that would be placed in the path of impacted groundwater to direct it through a reactive permeable gate to be remediated. As the groundwater passes through the gate, target compounds are degraded.

To determine the suitability of the system for this Facility, as well as the funnel and gate configuration, the following factors were considered: gate treatment technologies, compounds of interest, compound concentration and distribution, aquifer depth, subsurface geology and aboveground aspects, characteristics of confining layer, and groundwater velocity.

Based on these factors, the funnel at the Facility will likely need to extend approximately 1,300 feet along the shoreline and four (4) gates, each containing oxygen transfer wells, will likely be required. One (1) gate would likely be located on City property and three (3) on WMD property. To verify its expected performance, monitoring wells would be installed. Thus, the funnel and gate system will be set back a sufficient distance from the shoreline to allow installation of downgradient monitoring wells. The funnel and gate system, like the biosparge system described in the July 2, 2001 Conceptual Shoreline Remediation Design Report, will not entail construction or placement of any buildings, above grade structures, or other above grade facilities of any kind on WMD's property. In addition, neither remedial alternative will require storage of equipment or materials on WMD's property after installation of the system is completed beyond that which is temporarily required for routine monitoring and maintenance of the remedial system. "Temporarily" means no more than 5 business days for any given monitoring or maintenance event.

Any final funnel and gate system will be detailed in a work plan and submitted for MDEQ approval. (A schematic of a conceptual funnel and gate system is attached.)



												MICHCON LAKE-FOUNDRY FACILITY MICHCON-1603-110		PROPOSED FUNNEL & GATE SYSTEM MUSKEGON, MICHIGAN																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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EXHIBIT C
RESTRICTIVE COVENANT

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