

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 13, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
 - a. Resolution Acknowledging Chris Jensen. COMMUNITY RELATIONS COMMITTEE
 - b. Resolution Recognizing the Local Youth Government Program. COMMUNITY RELATIONS COMMITTEE
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Liquor License Chang Request – 1992 Getty. CITY CLERK
 - c. Fisherman's Landing Concession Contract. LEISURE SERVICES
 - d. Arena Basketball Floor Saleum. LEISURE SERVICES
 - e. Second Final Amendment to 2000 Budget for Major Street Fund. FINANCE
 - f. Sale of Buildable Vacant Lot on Dudley Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - g. Sale of Non-Buildable Vacant Lot on Dudley Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - h. Sister Cities Contribution. CITY MANAGER
- ❑ **PUBLIC HEARINGS:**
 - a. Request for an Amendment to an Industrial Facilities Exemption Certificate for Dymet Corporation PLANNING & ECONOMIC DEVELOPMENT
 - b. Recommendation for Annual Renewal of Liquor Licenses CITY CLERK

- c. 2001-2002 CDBG/HOME Allocations COMMUNITY & NEIGHBORHOOD SERVICES
- d. Barney Street from Valley to Roberts ENGINEERING
- e. Laketon Avenue from Peck to Wood ENGINEERING

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

- a. Stray Cats

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

- a. Rehabilitation of Tax-reverted Structure at 315 Catawba. COMMUNITY & NEIGHBORHOOD SERVICES
- b. Charter Parks. LEISURE SERVICES
- c. Farmer's Market Rate Increase. LEISURE SERVICES
- d. Budgeted Vehicle Replacements. PUBLIC WORKS
- e. Consideration of Bids for 2001 Sidewalk Replacement Program ENGINEERING
- f. Janitorial Services for 2001-2003. ENGINEERING
- g. Concurrence with Housing Board of Appeals Finding of Facts and Order for the following:
 - 1) 463 Houston
 - 2) 734 Hill
 - 3) 423 Ottawa
 - 4) 667 Hill
 - 5) 1659 Dyson
 - 6) 485 Apple
 - 7) 1885 Continental

h. SECOND READING – Amendment to General Employees Retirement System Ordinance. (Requested by Commissioner Spataro)

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

❑ CLOSED SESSION: To discuss pending litigation

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

❑ ADJOURNMENT:

AGENDA ITEM NO. _____
CITY COMMISSION MEETING 3/13/01

TO: Honorable Mayor and City Commissioners
FROM: Ken James, Staff Liaison for the Community Relations Committee
DATE: March 7, 2001
RE: Resolution Acknowledging Chris Jensen

SUMMARY OF REQUEST:

To present a resolution to Chris Jensen for her many years of service on the Leisure Services Board and other civic activities that she has been involved with.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approval.

COMMITTEE RECOMMENDATION:

The Community Relations Committee, at their meeting on March 5, 2001, recommends approval.



City of Muskegon

State of Michigan

WHEREAS, Chris Jensen began one of her many civic duties by serving as a member of the Leisure Services Board for the City of Muskegon in 1986 and has served in the capacity of Chairperson for this Board since 1988, and was recently acknowledged by the Michigan Recreation and Park Association with an award for her involvement in the planning of leisure and recreational activities for the past several years; and

WHEREAS, the duties and insight provided by Chris Jensen go far beyond those involved within the immediate role of the Leisure Services Board; including her involvement in spearheading the annual parade for Shoreline Spectacular, a community festival held on Labor Day weekend; and

WHEREAS, since the inception of the Shoreline Spectacular, her expertise and assistance in organizing FUN, Inc., a non-profit organization which runs and oversees the entire operation of Shoreline Spectacular, has proven to be a successful event in which thousands of dollars are generated and donated annually to the Pere Marquette Park development; and

WHEREAS, the City of Muskegon wishes to pay tribute and publicly acknowledge Chris Jensen for her many years of service and invaluable involvement in promoting recreational activities for the citizens of the City of Muskegon.

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the entire City Commission, do hereby set aside March 13, 2001, in honor of Chris Jensen.



IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City of Muskegon to be affixed this 13th day of March, 2001.

Fred J. Nielsen, Mayor

AGENDA ITEM

CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSIONERS
FROM: Community Relations Committee
DATE: February 13, 2001
RE: Resolution recognizing the Local Youth Government Program

SUMMARY OF REQUEST

A resolution was requested and approved by the Community Relations Committee recognizing the Local Youth Government Program.

Muskegon High School government teacher(s) will accept the resolution.

FINANCIAL IMPACT

None

BUDGET ACTION REQUIRED

None

STAFF RECOMMENDATION

Approval



City of
Muskegon
State of Michigan

WHEREAS, the City of Muskegon wishes to acknowledge the Muskegon High School Local Youth Government group for your devotion and commitment to learning about the importance of local government; and

WHEREAS, over the years, students have attended meetings, toured City operations, worked in forums with the City Commission and volunteered – all in an effort to learn first-hand how local government works and understand the role each of us have in achieving a well run city with residents as active participants; and

WHEREAS, the Local Youth Government Program has been a positive influence on these students and has shown them how to become involved in our community and the difference that involvement makes on the quality of life for all residents.

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside March 13, 2001, to express our sincere appreciation for the teachers, students and volunteers involved in the Local Youth Government Program.

IN WITNESS WHEREOF, we hereunto set our hands and cause the seal of the City to be affixed this 13th day of March, 2001.

Fred J. Nielsen, Mayor

Clara Shepherd, Commissioner

Scott Sieradzki, Vice Mayor

John Aslakson, Commissioner

Lawrence O. Spataro, Commissioner

Jone Wortelboer Benedict, Commissioner

Robert A. Schweifler, Commissioner



Date: March 13, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 27, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 13, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, March 13, 2001.

Mayor Nielsen opened the meeting by offering the prayer after which the members of the City Commission and the members of the public joined in reciting the Pledge of allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2001-25 HONORS AND AWARDS:

a. Resolution Acknowledging Chris Jensen. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To present a resolution to Chris Jensen for her many years of service on the Leisure Services Board and other civic activities that she has been involved with.

Resolution was presented by Mayor Fred J Nielsen.

b. Resolution recognizing the Local Youth Government Program. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: A resolution was requested and approved by the Community Relations Committee recognizing the Local Youth Government Program. Muskegon High School government teacher(s) will accept the resolution.

No action taken on this item.

2001-26 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 27, 2001.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

c. **Fisherman's Landing Concession Contract.** LEISURE SERVICES

SUMMARY OF REQUEST: To renew the contract with Fisherman's Landing Inc. for the operation of Fisherman's Landing.

FINANCIAL IMPACT: Continues the current agreement

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

e. **Second Final Amendment to 2000 Budget for Major Street Fund.** FINANCE

SUMMARY OF REQUEST: Previously, the City Commission approved final amendments to the City's 2000 budget including an amendment to the Major Street fund budget. At the time this amendment was presented, staff did not realize that we would be required to report in our 2000 CAFR the *full* cost of certain federally funded projects administered by MDOT. These are projects for which MDOT handled all bidding and contractor payments (i.e. the funds did not run through the City's books) and for which the City's direct financial participation was limited to a local match of between 2% and 20%. The main example is last year's improvements to US Route 31. The total cost of this project was \$2.3 million with a local share of only \$55,554. Nevertheless federal financial reporting requirements provide that we *report the total revenues and expenditures for the project*. While this has no financial impact on the Major Street Fund (since both revenues and expenses are "grossed-up"), it does mean that the previously adopted budget amendment is inadequate. Accordingly, staff request that the revised budget amendment be adopted.

FINANCIAL IMPACT: Following is a comparison of the previously adopted Major Street fund amendment and the revised final amendment requested herein;

1st Amendment ~~ Revenues \$3,535,900 Expenditures \$4,136,000

2nd Amendment ~~ Revenues \$6,690,171 Expenditures \$7,290,271

The effect of this amendment is to increase both the revenue and expenditure budgets by \$3,154,271.

BUDGET ACTIONS REQUIRED: Self-explanatory

STAFF RECOMMENDATION: Approval

f. **Sale of Buildable Vacant Lot on Dudley Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant buildable lot on Dudley Avenue (designated as parcel number 24-610-000-0136-00) described as URBAN RENEWAL PLAT NO. 1 LOT 136 to Mr. Greg Lear of 550 W Norton Ave. Muskegon, MI. The subject property is 80x132 feet and is being offered to Mr. Lear for \$6,000. He plans to use the land for the construction of 1,200 sq. ft. single family home. The home will contain 3 bed-

rooms, one and a half bathrooms, a full basement, and a 2 stall attached garage. The appraised value of the lot is \$6,000 and Mr. Lear submitted the only bid of \$6,000.

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

BUDGET ACTIONS REQUIRED: None

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

g. Sale of Non-Buildable Vacant Lot on Catherine Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel # 24-205-074-0007-00 and Map # 24-31-29-233-010) on Catherine Avenue to Danny R. Ezell of 676 Catherine Avenue. Approval of this sale will allow Mr. Ezell to expand his current 29 ft. lot to 58 feet frontage (see map attached). The subject parcel is being offered to Mr. Ezell for \$100. There is no other adjacent property owner.

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 ACTIONS REQUIRED: None

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

h. Sister Cities Contribution. CITY MANAGER

SUMMARY OF REQUEST: To authorize contributing \$1,000 to the Sister Cities Program for the purpose of financial support for Muskegon High School students to travel to Omuta, Japan.

FINANCIAL IMPACT: \$1,000

BUDGET ACTIONS REQUIRED: None-expenditure to come from the Contributions to Other Agencies portion of the General Fund Budget.

STAFF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, seconded by Commissioner Spataro to approve the consent agenda with the exception of items b & d.

ROLL VOTE: AYES; Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

NAYS; None

ADOPTED

2001-27 ITEMS REMOVED FROM THE CONSENT AGENDA

b. Liquor License Request (1992 South Getty). CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 2000 SDM license at 1992 S Getty to Ken's Super-Serv Inc. from Cindy's Food Mart into their name (part one) and Raj & Sidhu, Inc. is then requesting the license be transferred into their name (part two). All fees are paid.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, seconded by Commissioner Aslakson to approve Liquor License transfer of ownership.

ROLL VOTE: AYES; Aslakson, Nielsen, Schweifler, Sieradzki, Spataro

NAYS; Benedict, Shepherd

ADOPTED

d. Arena Basketball Floor Sale. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the sale of the basketball floor at Walker Arena to Wings Stadium.

FINANCIAL IMPACT:

BUDGET ACTIONS REQUIRED:

STAFF RECOMMENDATION:

Motion by Commissioner Aslakson, seconded by Commissioner Schweifler to approve the sale of the Arena Basketball Floor.

ROLL VOTE: AYES; Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

NAYS; None

ADOPTED

***Mayor recognized The Scholarship Winner from Muskegon for the United Negro College Fund. **Adrianna Nebedum**, Senior at Muskegon High School. Award was officially awarded at the Mayors Ball in Grand Rapids, earlier this year.

2001-28 PUBLIC HEARINGS:

a. Request for an Amendment to an Industrial Facilities Exemption Certificate for Dymet Corporation. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Dymet Corporation, 1901 Peck Street, Muskegon, MI, a manufacturer of powder metallurgy component parts, has requested an amendment to their Industrial Facilities Exemption Certificate No.99-699 issued October 12, 1999. The amendment requested is an increase in personal property from \$300,00 to \$371,905. In addition, Dymet is requesting from the State of Michigan revocation of \$52,000 abatement in real property. Due to customer demand, it was necessary for Dymet to expend their entire capital budget on machinery and equipment.

FINANCIAL IMPACT: No change from the original certificate.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an amendment to the certificate for the remainder of the 6 year request.

The Public Hearing opened at 6:10pm to hear and consider any comments from the public. Business Development Specialist, Matt Dugener, explained the item. No comments were heard from the public.

Motion by Commissioner Benedict, seconded by Commissioner Schweifler to close the Public Hearing at 6:13pm and to approve the amendment to the Industrial Facilities Exemption Certificate for Dymet Corporation.

ROLL VOTE: AYES; Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

NAYS; None

ADOPTED

b. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 5-270 and 5-271 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code or Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 31, 2001, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Adoption of the resolution

The Public Hearing opened at 6:14pm to hear and consider any comments from the public. City Clerk, Gail Kunding, explained the item. No comments were heard from the public.

Motion by Commissioner Schweifler, seconded by Commissioner Aslakson to close the Public Hearing at 6:20pm and to approve the non-renewal of liquor license for those business that are in violation of City Code and/or Ordinances.

ROLL VOTE: AYES; Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

NAYS; None

ADOPTED

c. 2001-2002 CDBG/HOME Allocations. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing in regards to the

2001-2002 CDBG/HOME allocations in reference to the recommendations of the city's administration and the city's Citizen District Council and to make a preliminary allocation decision.

FINANCIAL IMPACT: Uncertain at this time.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

The Public Hearing opened at 6:21pm to hear and consider any comments from the public. CNS Director, Wilmern Griffin, explained the item. Comments were heard from; Diane Bohl, Community Outreach Director, Miles of Smiles; Pat Motney, CDC Rental Rehab; Steve Borstter, Oakview Neighborhood Assoc.; Martha Bottomly, 2237 Westwood, Volunteer Muskegon; Rick VerSalle, Truancy Program, Muskegon Public Schools; Jane Clingman Scott, 3485 Lake Dunes Dr, Neighborhood Investment Corp.; Peter Nash, West Michigan Legal Services; all comments were in request of monies to be allocated to the different organizations.

Motion by Commissioner Schweifler, seconded by Vice Mayor Sieradzki to close the Public Hearing at 6:55pm and accept administrations recommendation for CDBG with changes in the amount for Muskegon Community Health Project; West Michigan Veterans; Love, Inc.; HealthCare; American Red Cross; Volunteer Muskegon – Youth Survey; Volunteer Muskegon – Truancy; and Oakview Neighborhood Association to \$4,375 each.

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

NAYS; None

ADOPTED

Motion by Commissioner Spataro, seconded by Commissioner Schweifler to accept the recommendations of the Citizen's District Council for the HOME allocations.

ROLL VOTE: AYES; Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd.

NAYS; Benedict

ADOPTED

d. Barney Street from Valley to Roberts. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the **Barney Street from Valley to Roberts project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval of resolution and to create a special assessment district and assign two City Commissioners to the Board of As-

sessors.

The Public Hearing opened at 7:00 p.m. to hear and consider any comments from the public. City Engineer, Mohammed Al Shatel, explained the item. Comments were heard from Pat Motney, 925 Irwin, who had a concern for the confusing forms used. Commissioner Benedict supported the issue of the confusing forms for citizens.

Motion by Commissioner Spataro, seconded by Commissioner Shepherd to close the Public Hearing at 7:08 p.m. and to create the Special Assessment district and appoint Commissioner Shepherd and Commissioner Spataro to the Board of Assessors.

ROLL VOTE: AYES; Spataro, Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki,

NAYS; Benedict

ADOPTED

e. Laketon Avenue from Peck to Wood. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the **Laketon Avenue from Peck to Wood project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

The Public Hearing opened at 7:10 p.m. to hear and consider any comments from the public. City Engineer, Mohammed Al Shatel, explained the item. No comments were heard from the public.

Motion by Commissioner Shepherd, seconded by Commissioner Spataro to close the Public Hearing at 7:14 p.m. and to approve the creation of a special assessment district and to appoint Commissioner Shepherd and Spataro to the Board of assessors.

ROLL VOTE: AYES; Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro,

NAYS; Benedict

ADOPTED

COMMUNICATIONS: None

2001-29

CITY MANAGER'S REPORT: 1) Stray Cats.

SUMMARY OF REQUEST: At the City Commission meeting on 2/27/01, the City Commission requested staff to review the stray cat problem in the City and make a recommendation at this meeting. Staff has reviewed the situation and believes additional investigation into a solution is necessary before a final recommendation is provided. The following are the areas that staff have and will continue to investigate:

1. Cooperative effort with the County Health Department and Animal Control to abate stray cats;
2. Prohibition of nuisance feeding;
3. Licensing of cats; and
4. Neutering assistance program.

Motion by Commissioner Schweifler, seconded by Commissioner Spataro to refer the issue back to staff for further follow up, to be completed within one month time.

ROLL VOTE: AYES; Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

NAYS; None

ADOPTED

UNFINISHED BUSINESS: None

2001-30 NEW BUSINESS:

a. Rehabilitation of tax-reverted structure at 315 Catawba. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the Community and Neighborhood services department to bid out the total rehabilitation of the city-owned tax-reverted residential structure at 315 Catawba. The structure was obtained by the city last year through the tax-reversion process. During the rehabilitation process an eligible family will be selected to purchase the structure after rehabilitation through one of the city's Community Housing Development Organizations.

FINANCIAL IMPACT: The funding for the rehabilitation will be from the City's Home fund. The staff cost estimate is \$55,000.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Vice Mayor Sieradzki, seconded by Commissioner Aslakson to approve the rehabilitation of 315 Catawba.

ROLL VOTE: AYES; Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

NAYS; None

ADOPTED

b. Charter Parks. LEISURE SERVICES

SUMMARY OF REQUEST: To adopt the attached resolution creating eight new Charter Parks.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, seconded by Commissioner Aslakson to approve the eight new Charter Parks.

ROLL VOTE: AYES; Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

NAYS; None

ADOPTED

c. Farmer's Market Rate Increase. LEISURE SERVICES

SUMMARY OF REQUEST: To establish a new rate structure for the Farmer's Market.

FINANCIAL IMPACT: Approximately \$3,000 of new revenue

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, seconded by Commissioner Aslakson to approve the new rate structure for the Farmer's Market..

ROLL VOTE: AYES; Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler

NAYS; None

ADOPTED

d. Budgeted Vehicle Replacements. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase four Dodge ¾ ton 2WD pickup trucks at \$17,365.78 each and one Dodge 1 ton pickup at \$18,182.78 from Bill Snethkamp Dodge Inc., through the State of Michigan purchasing contract.

FINANCIAL IMPACT: \$87,645.90 (Equipment Fund)

BUDGET ACTIONS REQUIRED: None - \$97,000 Budgeted

STAFF RECOMMENDATION: Approval

Motion by Commissioner Shepherd, seconded by Commissioner Aslakson to approve the purchase of five pickup trucks for DPW.

ROLL VOTE: AYES; Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd

NAYS; None

ADOPTED

e. Consideration of Bids for 2001 Sidewalk Replacement Program.

ENGINEERING

SUMMARY OF REQUEST: The 2001 Sidewalk Replacement contract be awarded to Jordan Smith Concrete Construction out of Lake Odessa. Jordan Smith was the lowest, responsible bidder with a bid price of \$668,

872.25. However, E & K Contractors who worked on the sidewalk for the last four years, submitted the attached letter requesting that the contract be awarded to them.

FINANCIAL IMPACT: The construction cost of \$668,872.25 plus related engineering expenses.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Award Contract to Jordan Smith Concrete

Motion by Commissioner Aslakson, seconded by Commissioner Shepherd to award the sidewalk replacement contract to Jordan Smith Concrete.

ROLL VOTE: AYES; Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

NAYS; None

ADOPTED

f. Janitorial Services for 2001-2003. ENGINEERING

SUMMARY OF REQUEST: To award a janitorial services contract to Edwards Janitorial to clean City Hall/Police department and Public Service Building only for the next 3-years starting May 1st 2001 until April 30th of 2003 with an option on the fourth year. Edwards Janitorial was the lowest responsible bidder, with a bid price of;

City Hall/PD **2001**, \$51,561.30; **2002**, \$53,092.73; **2003**, \$54,700.59; **Total** \$159, 354.62.

Public Service Building **2001**, \$15,852.93; **2002**, \$16,304.92; **2003**, \$16,790.48; **Total**, \$48,948.33.

FINANCIAL IMPACT: The above stated annual costs

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Aslakson, seconded by Commissioner Schweifler to award the contract to Edwards Janitorial.

ROLL VOTE: AYES; Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro,

NAYS; None

ADOPTED

g. Concurrence with Housing Board of Appeals Finding of Facts and Order for the following:

1) 463 Houston

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **463 Houston** is unsafe, substandard, a public nuisance and that it will be demolished within thirty (30) days.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To concur with Housing Board of Appeals

2) 734 Hill

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **734 Hill Ave** is unsafe, substandard, a public nuisance and that it will be demolished within thirty (30) days.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To concur with Housing Board of Appeals

3) 423 Ottawa

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **423 Ottawa** is unsafe, substandard, a public nuisance and that it will be demolished within thirty (30) days.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To concur with Housing Board of Appeals

4) 667 Hill

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **667 Hill Ave** is unsafe, substandard, a public nuisance and that it will be demolished within thirty (30) days.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To concur with Housing Board of Appeals

5) 1659 Dyson

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Ap-

peals that the structure located at **1659 Dyson** is unsafe, substandard, a public nuisance and that it will be demolished within thirty (30) days.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To concur with Housing Board of Appeals

6) 485 Apple

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **485 E. Apple Ave** is unsafe, substandard, a public nuisance and that it will be demolished within thirty (30) days.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To concur with Housing Board of Appeals

7) 1885 Continental

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1885 Continental** is unsafe, substandard, a public nuisance and that it will be demolished within thirty (30) days.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To concur with Housing Board of Appeals

Motion by Commissioner Schweifler, seconded by Commissioner Aslakson to approve the demolition of 463 Houston, 734 Hill, 423 Ottawa, 667 Hill, 1659 Dyson, 485 E Apple Ave, and 1885 Continental.

ROLL VOTE: AYES; Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

NAYS: None

ADOPTED

h. SECOND READING-Amendment to General Employees Retirement System Ordinance. (Requested by Commissioner Spataro)

SUMMARY OF REQUEST: Written request to place the retirement for non-union employees amendment back on the City Commission agenda for a second reading.

This rescinds ordinance #2040, per Atty. Tom Johnson

Motion by Commissioner Spataro, seconded by Commissioner Aslakson to approve the amendment to General Employees Retirement System..

ROLL VOTE: AYES; Schweifler, Shepherd, Spataro, Aslakson

NAYS; Nielsen, Sieradzki, Benedict

ADOPTED

Motion by Commissioner Shepherd, seconded by Commissioner Spataro to suspend the rules and take public participation before any other business.

ROLL VOTE: AYES; Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

NAYS; None

ADOPTED

PUBLIC PARTICIPATION:

Various comments were heard.

ANY OTHER BUSINESS:

1. **Vice Mayor Sieradzki**, Questions on the Payne's Hotel, are we working to help them get the hotel done? Various discussion and comments heard.
2. **Commissioner Shepherd**, Wanted Manager report- Seaway & Southern property. City Manager, Bryon Mazade & Fire Marshal, Robert Grabinski updated the status.
3. **Vice Mayor Sieradzki**, request update on report on the investigation of his resident status. City Manager, Bryon Mazade, stated that he would have the results later in the week.

CLOSED SESSION: To discuss, pending litigation,

Motion by Commissioner Schweifler, seconded by Commissioner Spataro to go into closed session at 8:40 p.m.

ROLL VOTE: AYES; Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler

NAYS; None

ADOPTED

Motion by Commissioner Aslakson, seconded by Commissioner Benedict to Close the closed session at 8:43 p.m. and return to open session.

ROLL VOTE: AYES; Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd,

NAYS; None

ADOPTED

Motion by Commissioner Aslakson, seconded by Commissioner Spataro to concur with the advice of the City Attorney.

ROLL VOTE: AYES; Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki,

NAYS; None

ADOPTED

ADJOURNMENT:

The Regular Commission Meeting for the City of Muskegon was adjourned at 8:45pm.

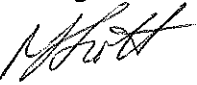
Respectfully submitted,



Gail Kunding, CMC/AAE

City Clerk

GK/da

Date: February 21, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Fisherman's Landing Concession Contract

SUMMARY OF REQUEST:

To renew the contract with Fisherman's Landing Inc for operation of Fisherman's Landing

FINANCIAL IMPACT:

Continues current agreement

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

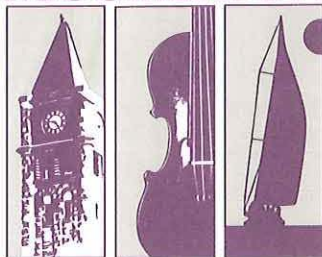
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: February 21, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Fisherman's Landing Concession Agreement

Fisherman's Landing Inc has operated Fisherman's Landing on behalf of the City for over 10 years. Their contract has expired. Staff would like to renew their contract under the same terms and conditions as in the past. The attorney staff has prepared the attached renewal agreement.

Basically the agreement is that Fisherman's Landing Inc runs the day-to-day operations of the facility including the campground. The City of Muskegon gets the launch ramp revenue, and Fisherman's Landing gets the campground and other fees such as fish cleaning and dump station. They schedule all special fishing tournaments.

This has been a great relationship and staff would like to continue it. Consequently, I request that you approve the renewal agreement and authorize the Mayor and Clerk sign the agreement.

Thank you for your consideration.

2001-26(c)

RENEWAL AGREEMENT
FISHERMAN'S LANDING, INC. CONCESSION AGREEMENT

The CITY OF MUSKEGON (City), 933 Terrace Street, Muskegon, Michigan, and Fisherman's Landing, Inc. (Concessionaire), of 2450 Ruddiman Drive, North Muskegon, Michigan, hereby agree as follows:

1. Renewal of Concession Agreement; Term. The parties agree to renew the Concession Agreement dated February 28, 1995, which was amended in 1996, concerning Concessionaire's use and operation of Fisherman's Landing facilities owned by the City for a term beginning February 28, 1999 and ending February 27, 2006.
2. Continuance of Rights and Obligations. The parties shall continue their rights and obligations, covenants and commitments under the Concession Agreement as set forth therein.

IN WITNESS WHEREOF the parties execute this AGREEMENT effective March 13, 2001.

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen
Its Mayor

And Gail A. Kunderinger
Gail A. Kunderinger
Its Clerk

FISHERMAN'S LANDING, INC.

By Thomas R. Kampenga
Thomas R. Kampenga
Its Pres.

And Don Irwin
Don Irwin
Its BOARD MEMBER

Date: March 13, 2001

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Second Final Amendment to 2000 Budget for Major Street Fund

SUMMARY OF REQUEST: Previously, the City Commission approved final amendments to City's 2000 budget including an amendment to the Major Street fund budget. At the time this amendment was presented, staff did not realize that we would be required to report in our 2000 CAFR the *full cost* of certain federally funded projects administered by MDOT. These are projects for which MDOT handled all bidding and contractor payments (i.e. the funds did not run through the City's books) and for which the City's direct financial participation was limited to a local match of between 2% and 20%. The main example is last year's improvements to US Route 31. The total cost of this project was \$2.3 million with a local share of only \$55,554. Nevertheless federal financial reporting requirements provide that we *report the total revenues and expenditures for the project*. While this has no financial impact on the Major Street fund (since both revenues and expenses are "grossed-up"), it does mean that the previously adopted budget amendment is inadequate. Accordingly, staff request that the revised budget amendment as shown below be adopted.

FINANCIAL IMPACT: Following is a comparison of the previously adopted Major Street fund amendment and the revised final amendment requested herein:

	1 st Final Amendment	2 nd Final Amendment
Revenues	\$3,535,900	\$6,690,171
Expenditures	\$4,136,000	\$7,290,271

The effect of this amendment is to increase both the revenue and expenditure budgets by \$3,154,271.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

Commission Meeting Date: March 13, 2001

Date: February 28, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *ABC*
RE: Sale of Buildable Vacant Lot on Dudley Avenue

SUMMARY OF REQUEST:

To approve the sale of the vacant buildable lot on Dudley Avenue (designated as parcel number 24-610-000-0136-00) described as URBAN RENEWAL PLAT NO 1 LOT 136 to Mr. Greg Lear of 550 W. Norton Avenue, Muskegon, MI. The subject property is 80 x 132 feet and is being offered to Mr. Lear for \$6,000. He plans to use the land for the construction of 1,200 sq. ft. single-family home. The home will contain 3 bedrooms, one and a half bathrooms, a full basement, and a 2 stall attached garage. The appraised value of the lot is \$6,000 and the Mr. Lear submitted the only bid of \$6,000.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None

Resolution No. 2001-26(f)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT IN MARQUETTE NEIGHBORHOOD FOR \$6,000.

WHEREAS, Mr. Greg Lear has placed a \$200 deposit for the parcel designated as parcel number 24-610-000-0136-00, located on Dudley Avenue;

WHEREAS, Mr. Greg Lear has submitted the only bid of \$6,000 for the parcel designated as parcel number 24-610-000-0136-00, located on Dudley Avenue;

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-610-000-0136-00, located on Dudley Avenue be sold to the above-mentioned buyer.

URBAN RENEWAL PLAT NO 1 LOT 136;

Adopted this 13th day of March, 2001

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

Nays: None

Absent None

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

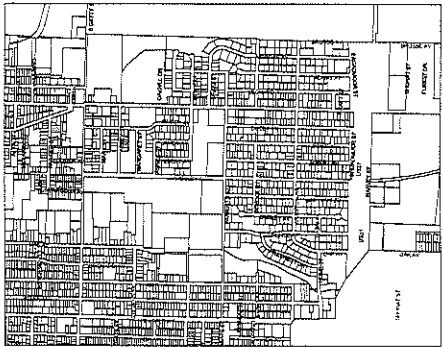
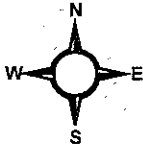
Attest: Gail Kunding
Gail Kunding, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on March 13, 2001.

By: Gail Kunding
Gail Kunding, Clerk

City-Owned Property Map
Vacant Lot on Dudley



REAL ESTATE PURCHASE AGREEMENT

2001-26(f)

THIS AGREEMENT is made March 12, 2001, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **GREGORY E. LEAR, Trustee of the Gregory E. Lear Trust**, pursuant to the Certificate of Trust Existence and Authority dtd _____, 2001, and recorded at Liber 1981, Muskegon County Records, Page 241, and **GALLOWAY BUILDERS, INC.**, a Michigan corporation, of 550 W. Norton Avenue, Muskegon, MI 49441 ("Buyer"),

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

Lot 136 of URBAN RENEWAL PLAT NO. 1;

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Six Thousand Dollars (\$6,000), payable, in cash, to Seller at Closing.

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Zoning Contingency.** This purchase agreement is contingent upon the Buyer obtaining all necessary zoning adjustments, such as variances, site plan approvals, or other zoning actions, in order to allow construction of the home which is depicted in certain plans and specifications which have been submitted to the City for review of the design. If the said necessary adjustments have not been finally approved by the City's appropriate bodies within six (6) months of the date of this agreement, then the City shall have no obligation to close the transaction, and the Buyer may also determine to terminate the agreement. The Seller/City, by this agreement, has no responsibility or duty to grant or deny any zoning adjustment, which decision shall be entirely left to the appropriate body.

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

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS." BUYER 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.

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

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

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

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

WITNESSES:

Shawna Kull
Shawna Kull

Linda Lotter
Linda

SELLER: CITY OF MUSKEGON

Fred J. Nielsen
Fred J. Nielsen, Mayor

Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

GREGORY E. LEAR TRUST

U/A DTD 11/___/1997

Lenna J. Aguilar
Lenna J. Aguilar

By Gregory E. Lear 385-60-8231
Gregory E. Lear, Trustee
Social Security No. or Tax Identification No.

Thomas Ballinger

and

GALLOWAY BUILDERS, INC.,
a Michigan corporation

By _____
Gregory E. Lear, Its _____

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

QUIT-CLAIM DEED

2001-26(f)

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

QUIT CLAIMS to GREGORY E. LEAR, Trustee of the Gregory E. Lear Trust, pursuant to the Certificate of Trust Existence and Authority dtd _____, 2001, and recorded at Liber _____, Muskegon County Records, Page _____, and GALLOWAY BUILDERS, INC., a Michigan corporation, of 550 E. Norton Avenue, Muskegon, MI 49441,

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

Lot 136 of URBAN RENEWAL PLAT NO. 1;

for the sum of Six Thousand Dollars(\$6,000).

PROVIDED, HOWEVER, Grantees, or their assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantees or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantees or their assigns. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, twenty-five percent (25%) completion of the dwelling described in the said building permit. In the event of reversion of title of the above described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantees covenant that the parcel described above shall be improved with not more than one (1) single family home. This covenant shall run with the land.

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

Dated this 13th day of March, 2001.

Signed in the presence of:

CITY OF MUSKEGON

Shawna Hull
Shawna Hull

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

Linda Potter
Linda Potter

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 15th day of March, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT

This form is issued under authority of P.A. 134 of 1966 and 330 of 1993 as amended.

This form must be filed when you choose not to enter the amount paid for real estate on the deed. It is required whether the transfer is taxable or not. It is not necessary when the amount paid is entered on the deed. This form must be completed and signed by either the seller or his/her authorized agent.

1. County Muskegon	2. City or Township Muskegon
3. Seller's Name and Mailing Address The City of Muskegon 933 Terrace Street Muskegon, MI 49440	4. Purchaser's Name and Mailing Address Gregory E. Lear Trust Galloway Builders, Inc. 550 W. Norton Ave. Muskegon, MI 49441
5. Type and Date of Document ___ Land Contract Date: <u>x</u> Deed Date: 04/10/01	6. Cash Payment 7. Amount of County Tax \$6.60 8. Amount of Mortgage/Land Contract 9. Amount of State Tax \$45.00
10. If consideration is less than market value, state market value	11. Total Consideration(add lines 6&8) \$6,000.00 12. Total Revenue Stamps \$51.60

13. Legal Description of Real Estate Transferred:

Lots 136, Muskegon Urban Renewal Plat No. 1, part of Section 21, Town 10 North, Range 16 West, as recorded in Liber 19 of Plats, Pages 6, 7 and 8, Muskegon County Records.

State of Michigan }
 }ss.
County of }

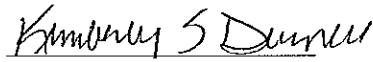
I certify that the information above is true and complete to the best of my knowledge and that the value stated is the full market value of the property.

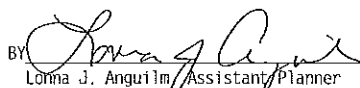
Dated this day of

Signed:

Subscribed and sworn to before me this day of

The City of Muskegon


Notary Public

BY 
Lonna J. Anguilm, Assistant Planner

My Commission Expires

KIMBERLY S. DURNELL
Notary Public, Muskegon County, MI
My Commission Expires 6-8-2004

PROPERTY TRANSFER AFFIDAVIT

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct taxable value. It must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property V/L Dudley Muskegon, Michigan 49442	2. County Muskegon	4. Date of Transfer (or land contract was signed) 04/10/01
3. City/Township/Village of Real Estate Muskegon	☒ City ☐ Township ☐ Village	5. Purchase Price of Real Estate \$2000
6. Property Identification Number (PIN) If you don't have a PIN, attach legal description. 61-24-610-000-0136-00		PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.
7. Seller's (Transferor) Name The City of Muskegon	8. Buyer's (Transferee) Name and Mailing Address Gregory E. Lear Trust 550 W. Norton Ave. Muskegon, MI 49441	

Items 9 - 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See the back for a complete list.

9. Type of Transfer
☐ Land Contract ☐ Lease
☒ Deed ☐ Other (specify)

10. Is the transfer between related persons?	☐ Yes ☒ No	11. Amount of Down Payment
12. If you financed the purchase, did you pay market rate of interest?	☐ Yes ☐ No	13. Amount Financed (Borrowed)

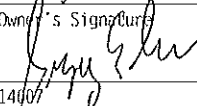
Exemptions

The Michigan Constitution limits how much a property's taxable value can increase while it is owned by the same person. Once the property is transferred, the taxable value must be adjusted by the assessor in the following year to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-m). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ transfer from one spouse to the other spouse
- ☐ change in ownership solely to exclude or include a spouse
- ☐ transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- ☐ transfer to effect the foreclosure or forfeiture of real property
- ☐ transfer by redemption from a tax sale
- ☐ transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ transfer resulting from a court order unless the order specifies a monetary payment
- ☐ transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- ☐ transfer to establish or release a security interest (collateral)
- ☐ transfer of real estate through normal public trading of stocks
- ☐ transfer between entities under common control or among members of an affiliated group
- ☐ transfer resulting from transactions that qualify as a tax-free reorganization
- ☐ other, specify:

Certification

I certify that the information above is true and complete to the best of my knowledge.

Owner's Signature 	Date	If signer is other than the owner, print name and title.
---	------	--

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

} SS

Title Commitment # 414007

That The 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:

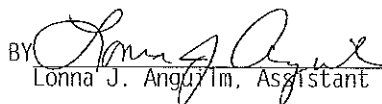
V/L Dudley
Muskegon, Michigan 49442

AND

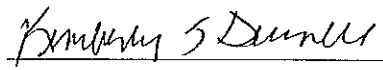
1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land contract, option, etc. other than the contract with the grantees in a certain deed of even date hereof.
3. That the parties in possession other than the affiant(s) are 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):

The City of Muskegon

BY 
Lonna J. Anguilo, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 10th day of April


Notary Public _____ County _____
My Commission Expires: _____

KIMBERLY S. DURNELL
Notary Public, Muskegon County, MI
My Commission Expires 6-8-2004

FILE # 414007
DATE: April 10th 2001
PROPERTY ADDRESS: V/L Dudley

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

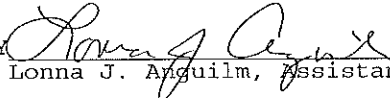
Please check one of the following:

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

SELLER(S):

The City of Muskegon

BY


Lonna J. Anguilm, Assistant Planner

ACCOMMODATION LETTER

Date: April 10, 2001

RE: V/L Dudley
Muskegon, Michigan 49442

Escrow No.: 414007

We, the undersigned buyers and sellers, herein acknowledge and agree that the closing, held as of this date, on the above captioned property, is not being disbursed, and will not be considered complete until the following requirements have been met.

File to be held for Thomas Galloway's signature on April 11, 2001.

If the above requirements have not been fulfilled by papers signed today will be null and void and all monies will be returned to the remitter(s). Upon making such delivery, and performance of any other services included above, you will thereupon be released and acquitted from any further liability concerning the deposit, it being expressly understood that liability in any event is limited by the terms and conditions set forth herein. By acceptance of this agency, you are in no way assuming any responsibility for the validity or authenticity of the subject matter of the deposit.

The undersigned further agree to hold harmless and Transnation Title Insurance Company for loss or damage resulting from failure to perform.

Kimberly S. Dunell
Closing Agent

Lender and/or Broker

Gregory E. Lear Trust

BY Gregory E. Lear
Gregory E. Lear, Trustee

and

Galloway Builders, Inc.

BY Thomas Galloway
Thomas Galloway, Owner
The City of Muskegon

BY Lonna J. Anglin
Lonna J. Anglin, Assistant Planner

DELIVERY INSTRUCTIONS:

Buyers: ___ Mail ___ Delivery by Salesperson ___ Pickup
Sellers: ___ Mail ___ Delivery by Salesperson ___ Pickup
Listing Commission: ___ Pickup ___ Deliver
Selling Commission: ___ Pickup ___ Deliver

MUSKEGON REAL ESTATE BOARD
ADDENDUM TO BUY and SELL AGREEMENT

Date: April 10, 2001.

Office of Phone REALTOR, MUSKEGON, MI

1. Addendum to Buy Sell Agreement dated covering property at V/L Dudley, Muskegon, Michigan 49442 and legally described as:

Lots 136, Muskegon Urban Renewal Plat No. 1, part of Section 21, Town 10 North, Range 16 West, as recorded in Liber 19 of Plats, Pages 6, 7 and 8, Muskegon County Records.

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

The date of closing is to be April 10, 2001.

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

Kimberly S. Dannel
Witness

Gregory E. Lear Trust

BY [Signature]
Gregory E. Lear, Trustee

and

Galloway Builders, Inc.
BY [Signature]
Thomas Galloway, Owner

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

Kimberly S. Dannel
Witness

The City of Muskegon

BY [Signature]
Lonna J. Anguillm, Assistant Planner

ACKNOWLEDGEMENT OF HOMESTEAD EXEMPTION AFFIDAVIT
AND REQUEST TO RESCIND/WITHDRAW HOMESTEAD EXEMPTION
AND PROPERTY TRANSFER AFFIDAVIT

FILE # 414007

DATE: April 10th 2001

The undersigned acknowledges receipt of the Property Transfer Affidavit form (Michigan Department of Treasury form No. L-4260) as same is required by Public Act 415 of 1994 which imposes obligations on purchasers/transferees to file said form within 45 days of the date of transfer. The undersigned further acknowledges that Transnation Title Insurance Company is under no obligation to provide said form but does so as an accommodation to the undersigned. The undersigned assume(s) all liability relative to compliance with the Act and, accordingly, holds the Company harmless from and against any liability relative thereto.

Please check one of the following:

- ☐ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.
- ☒ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

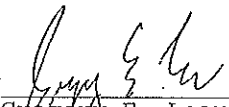
The undersigned acknowledges receipt of the Homestead Exemption Affidavit form (Michigan Department of Treasury Form No. 2368) as same is required by Public Act 415 of 1994 which imposes obligations on purchasers/transferees to file said form within 45 days of the date of transfer. The undersigned further acknowledges that Transnation Title Insurance Company is under no obligation to provide said form but does so as an accommodation to the undersigned. The undersigned assume(s) all liability relative to compliance with the Act and, accordingly, holds the Company harmless from and against any liability relative thereto.

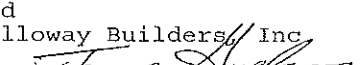
Please check one of the following:

- ☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.
- ☐ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

PURCHASER(S) :

Gregory E. Lear Trust

BY 
Gregory E. Lear, Trustee

and
Galloway Builders, Inc.
BY 
Thomas Galloway, Owner

SURVEY WAIVER

Date: April 10, 2001

RE: 414007

To: TRANSNATION TITLE INSURANCE CO
570 SEMINOLE ROAD, SUITE 102
MUSKEGON MI 49444

Property Address:
V/L Dudley
Muskegon, Michigan 49442
County: Muskegon

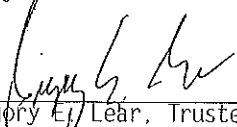
We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

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 TRANSNATION TITLE INSURANCE CO and RE/MAX of Muskegon, 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.

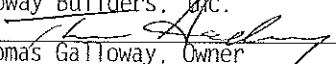
PURCHASER(S):

Gregory E. Lear Trust

BY 
Gregory E. Lear, Trustee

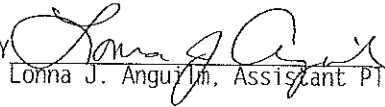
and

Galloway Builders, Inc.

BY 
Thomas Galloway, Owner

SELLER(S):

The City of Muskegon

BY 
Lonna J. Anguino, Assistant Planner

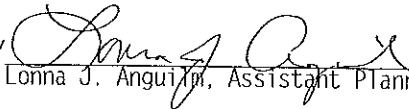
SALESPERSON WAIVER OF LIABILITY

PROPERTY ADDRESS: V/L Dudley
Muskegon, Michigan 49442

We, the undersigned, are entering into a transaction with a salesperson associated with RE/MAX of Muskegon and/or its subsidiary, who is acting as a principal in this transaction. We understand that RE/MAX of Muskegon does not interfere with transactions of their independent contractors, salespeople or associates, nor do they pass judgment on the wisdom or fairness of the transaction's price, terms, financing, purchaser's credit, condition of property, title or survey items, and any other matter(s) relating to the transaction. The undersigned parties to the transaction, therefore, relieve the RE/MAX of Muskegon and/or its subsidiary and officers of any liability whatsoever in connection with this transaction.

Seller(s):

The City of Muskegon

BY 
Lonna J. Anguino, Assistant Planner

Dated: April 10, 2001

Salesperson _____

REAL ESTATE PURCHASE AGREEMENT

2001-26(f)

THIS AGREEMENT is made March 12, 2001, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **GREGORY E. LEAR, Trustee of the Gregory E. Lear Trust**, pursuant to the Certificate of Trust Existence and Authority dtd _____, 2001, and recorded at Liber 1981, Muskegon County Records, Page 242, and **GALLOWAY BUILDERS, INC., a Michigan corporation**, of 550 W. Norton Avenue, Muskegon, MI 49441 ("Buyer"),

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

Lot 136 of URBAN RENEWAL PLAT NO. 1;

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Six Thousand Dollars (\$6,000), payable, in cash, to Seller at Closing.

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Zoning Contingency.** This purchase agreement is contingent upon the Buyer obtaining all necessary zoning adjustments, such as variances, site plan approvals, or other zoning actions, in order to allow construction of the home which is depicted in certain plans and specifications which have been submitted to the City for review of the design. If the said necessary adjustments have not been finally approved by the City's appropriate bodies within six (6) months of the date of this agreement, then the City shall have no obligation to close the transaction, and the Buyer may also determine to terminate the agreement. The Seller/City, by this agreement, has no responsibility or duty to grant or deny any zoning adjustment, which decision shall be entirely left to the appropriate body.

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

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS." BUYER 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.

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

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

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

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

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

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

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Shawna Hill
Shawna Hill

Linda Potter
Linda Potter

Lonna J. Arguilla
Lonna J. Arguilla

SELLER: CITY OF MUSKEGON

Fred J. Nielsen
Fred J. Nielsen, Mayor

Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

GREGORY E. LEAR TRUST

U/A DTD 11/___/1997

By Gregory E. Lear 3856082-31

Gregory E. Lear, Trustee

Social Security No. or Tax Identification No.

Thomas A. Galloway
and

GALLOWAY BUILDERS, INC.,
a Michigan corporation

By _____
Gregory E. Lear, Its _____

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

Commission Meeting Date: March 20, 2001

Date: March 1, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cll*
RE: Sale of Non-Buildable Lot on Catherine Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel # 24-205-074-0007-00 and Map # 24-31-29-233-010) on Catherine Avenue to Danny R. Ezell of 676 Catherine Avenue. Approval of this sale will allow Mr. Ezell to expand his current 29 ft. lot to 58 feet frontage (see map attached). The subject parcel is being offered to Mr. Ezell for \$100. There is no other adjacent property owner.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2001-26(g)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A NON-BUILDABLE LOT FOR \$100.

WHEREAS, Danny R. Ezell has deposited \$100 for map # 24-31-29-233-010, for the subject parcel located between Catherine Avenue and Kenneth Street;

WHEREAS, this lot is considered non-buildable under the City's Zoning Ordinance, and there are no other opportunities to sell a portion to another adjacent property owner;

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

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

NOW THEREFORE BE IT RESOLVED, that map # 24-31-29-233-010 (W29 Ft Lot 7 Blk 74) be sold to Danny R. Ezell for \$100.

Resolution adopted this 13th day of March, 2001.

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

Nays: None

Absent: None

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

Attest: Gail Kunderger
Gail Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on March 13, 2001.

By: Gail Kunderger
Gail Kunderger, Clerk

McLaughlin Neighborhood



Note: Highlighted parcels are city-owned.

QUIT-CLAIM DEED

2001-26(g)

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

QUIT CLAIMS to DANNY RAY EZELL, a single man, of 676 Catherine Avenue, Muskegon, MI 49442, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

The West 29 feet of Lot 7 of Block 74 of the Revised Plat of 1903 of the City of Muskegon;

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

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

Dated this 13th day of March, 2001.

Signed in the presence of:

CITY OF MUSKEGON

Linda Potter
Linda Potter

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

Jo Ann Krukowski
Jo Ann Krukowski,

and Gail A. Kunding
Gail A. Kunding, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 15th day of March, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 03/13/01

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 7, 2001

RE: Sister Cities Contribution

SUMMARY OF REQUEST:

To authorize contributing \$1,000 to the Sister Cities Program for the purpose of financial support for Muskegon High School students to travel to Omuta, Japan.

FINANCIAL IMPACT:

\$1,000.00

BUDGET ACTION REQUIRED:

None – expenditure to come from the Contributions to Other Agencies portion of the General Fund Budget.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.

Date: March 13, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
1992 S. Getty, Muskegon, MI

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the existing 2000 SDM license at 1992 S. Getty to Ken's Super-Serv Inc. from Cindy's Food Mart into their name (part one) and Raj & Sidhu, Inc. is then requesting the license be transferred into their name (part two). All fees are paid.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All Departments are recommending approval.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

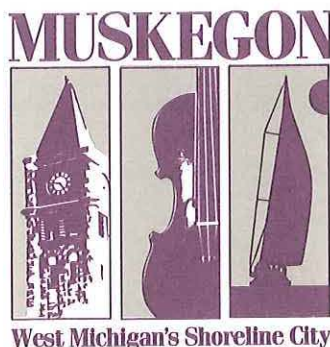
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



RECEIVED
FEB 23 2001
City Clerks Office

February 16, 2001

To: The City Commission through the City Manager

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

Re: Transfer of Ownership of Liquor License at 1992 S. Getty Street

The Muskegon Police Department has received a request from the Liquor Control Commission for an investigation concerning the transfer of the current 2000 SDM license located at 1992 S. Getty Street. The applicants involved are Ken's Super-Serv Inc. and Raj & Sidhu, Inc.

Ken's Super-Serv Inc. is requesting the current license to be transferred from Cindy's Food Mart's Inc. into their name (part one). Raj & Sidhu Inc is then requesting the license then to be transferred into their name.

Our department has spoken with Kenneth Kamp (W/M, DOB 9-22-50) about this transfer. For purposes of the sale of this business Mr. Kamp is in need of the license to be placed into his name before the transfer to the new owners, Raj & Sidhu Inc.

We also met with both parties of Raj & Sidhu Inc., Rajwinder Grewal (W/M 7-31-79), of 3150 Chicago Dr, Hudsonville MI 49426, and Jaswant Sidhu (W/M 10-23-62), of 24559 Emily Dr, Brownstown, MI 48183. We were advised that Mr. Sidhu will be an owner and Mr. Grewal will be managing the business. Mr. Grewal is not a citizen of the USA but does have permanent Resident Alien status.

We have searched our records and conducted a Michigan Criminal History Check and find no reason to deny this request.

TK/cmw

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Michigan Department of Consumer & Industry Services

LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

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

95172 NLL

BUSINESS NAME AND ADDRESS: (include zip code)

KEN'S SUPER-SERV, INC.

1992 S. GETTY, MUSKEGON, MI 49442 MUSKEGON COUNTY

REQUEST FOR:

TRANSFER OWNERSHIP OF 2000 SDM LICENSE FROM CINDY'S FOOD MARTS, INC.

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

KENNETH D. KAMP

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

15945 ORCHARD POINT DR
SPRING LAKE, MI 49456 616 842 1883

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 9-22-50

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted: 1-3-01

DATE OF BIRTH:

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted:

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

Investigation of Business and Address to be Licensed

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

Does applicant intend to have dancing or entertainment?

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

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

Property is a gas station.

Section 3.

Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4.

Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No

2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No

3. Should this request be granted by the Commission? ☒ Yes ☐ No

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

Signature (Sheriff or Chief of Police)

Date

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

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

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

STEP 2 95176 NLL

RAJ & SIDHU, INC.

BUSINESS NAME AND ADDRESS: (include zip code)

1992 S. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

TRANSFER OWNERSHIP OF 2000 SDM LICENSE FROM KEN'S SUPER-SERV, INC.

Section 1.

APPLICANT INFORMATION

APPLICANT #1:

JASWANT S. SIDHU

APPLICANT #2:

RAJWINDER S. GREWAL

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

24559 EMILY DR
BROWNSTOWN, MI 48183 616 662 1000

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

3150 CHICAGO DR
HUDSONVILLE, MI 49426 616 662 4847

DATE OF BIRTH: 10-23-62

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

o Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted: 2-1-01

DATE OF BIRTH: 7-31-79

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

o Does the applicant have permanent Resident Alien status?

☒ Yes ☐ No

o Does the applicant have a Visa? Enter status:

Date fingerprinted: 1-3-01

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor

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

Section 2.

Investigation of Business and Address to be Licensed

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

Does applicant intend to have dancing or entertainment?

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

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

Property is a gas station.

Section 3.

Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4.

Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No

2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No

3. Should this request be granted by the Commission? ☒ Yes ☐ No

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

Signature (Sheriff or Chief of Police)

Date

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

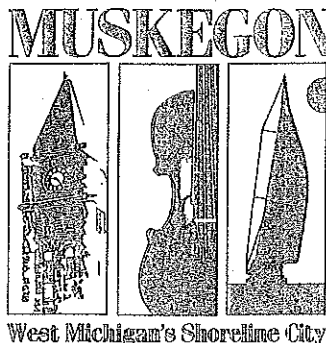
Police Dept.
616/724-6750
FAX/722-5140

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



March 6, 2001

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

Dear Ms. Vines:

A request has been received from the Liquor Control Commission to transfer ownership of the existing 2000 SDM license at 1992 S. Getty from Cindy's Food Marts. A SDM license permits the sale of beer and wine for consumption off the premises. On Tuesday, March 13, 2001, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting March 13, 2001, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

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

Linda Potter
Deputy Clerk

Cc: William Wright

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

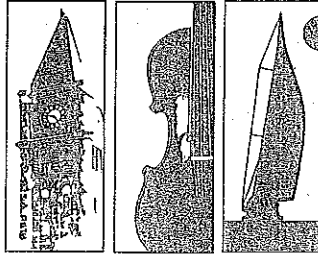
Public Works
616/724-4100
FAX/722-4188

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

March 6, 2001

Mr. Kenneth D. Kamp
Mr. Jaswant S. Sidhu
Mr. Rajwinder S. Grewal

Dear Gentlemen:

This letter is to inform you that your request to transfer ownership of the 2000 SDM licensed business will be presented to the City Commission on March 13, 2001. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

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

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

Sincerely,

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

Linda Potter
Deputy Clerk

LIQUOR LICENSE REVIEW FORM

NOV 29 2000

Business Name: Ken's Super-Serv, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kenneth D. KampBusiness Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000Police 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

Bill R

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

Muskegon City Commission
933 Terrace St
Box 536
Muskegon, MI 49443-0536

November 14, 2000
REQUEST ID# 95176
STEP 2

The Liquor Control Commission has received an application from:
Raj & Sidhu, Inc. request to transfer ownership of 2000 SDM licensed business
from Ken's Super-Serv, Inc. located at 1992 S. Getty, Muskegon, MI 49442,
Muskegon County. Stockholders:
Jaswant S. Sidhu 24559 Emily8 Dr Brownstown, MI 48183 616 662 1000
Rajwinder S. Grewal 3150 Chicago Dr, Husonville, MI 48426 616 662 4847

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

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

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

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

PLEASE RETURN YOUR RESPONSE TO:

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

LC-3104 Rev. 6/90
4880-2068
nll

Wail K

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

LOCAL GOVERNMENT 15-DAY NOTICE

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

Muskegon City Commission
933 Terrace St
Box 536
Muskegon, MI 49443-0536

November 14, 2000
REQUEST ID# 95172 step 1

The Liquor Control Commission has received an application from:
Ken's Super-Serv, Inc. request to transfer ownership of 2000 SDM licensed
business from Cindy's Food Marts, Inc. located at 1992 S. Getty, Muskegon, MI
49442, Muskegon County. Stockholder Kenneth D. Kamp
15945 Orchard Point Dr, Spring Lake, MI 49456 616 842 1883

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

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

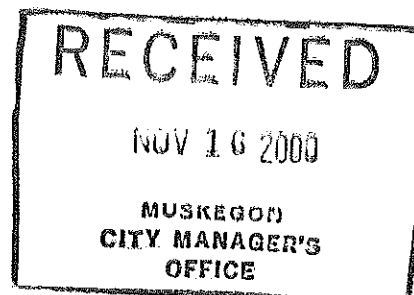
Although local governing body approval is not required by the Michigan Liquor
Control Act for off-premise licenses, the local governing body, or its designee,
may notify the Commission within 15 days of receipt of this letter if the
applicant location will not be in compliance with all appropriate state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

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

PLEASE RETURN YOUR RESPONSE TO:

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

LC-3104 Rev. 6/90
4880-2068
nll



MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

Step 1, ID# 95176

RESOLUTION

2001-27(b¹)

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

called to order by Mayor Nielsen on March 13, 2001 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Schweifler and Supported by Commissioner Aslakson

That the request from Ken's Super-Serv, Inc. to transfer ownership of 2000 SDM licensed business from Cindy's Food Marts, Inc. located at 1992 S. Getty, Muskegon, MI 49442, Muskegon County. Stockholder Kenneth D. Kamp, 15945 Orchard Point Dr, Spring Lake, MI 49456.

be considered for approval
(Approval or Disapproval)

Approval

Yeas: 5

Nays: 2

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

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

State of Michigan)
County of Muskegon) SS

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

City Commission at a Regular
(Regular or Special)

meeting held on the 13th of March, 2001
(Date)

(Signed)

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

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

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

SEAL

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION

Step 2 ID#95176

RESOLUTION

2001-27(b²)

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

called to order by Mayor Nielsen on March 13, 2001 at 5:30 P.M.

the following resolution was offered:

Moved by Commissioner Schweifler and Supported by Commissioner Aslakson

That the request from Raj & Sidhu, Inc. request to transfer ownership of 2000 SDM licensed business from Ken's Super-Serv, Inc. located at 1992 S. Getty, Muskegon, MI 49442. Stockholders are Jaswant S. Sidhu and Rajwinder S. Grewal

be considered for Approval
(Approval or Disapproval)

Approval

Yeas: 5

Nays: 2

Absent: 0

Disapproval

Yeas:

Nays:

Absent:

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

State of Michigan)
County of Muskegon) SS

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

City Commission at a Regular
(Regular or Special)

meeting held on the 13th of March, 2001
(Date)

(Signed)

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

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

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

SEAL

LIQUOR LICENSE REVIEW FORM

NOV 29 2000

Business Name: Raj & Sidhu, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jaswant S. Sidhu & Rajwinder S. GrewalBusiness Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000Police Department Approved ☒ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kundinger, City Clerk
Liquor License Coordinator

MEMO

To: Chief Tony Kleibecker

CC: Det. Sgt. Dean Roesler

From: Det. Kurt Dykman

Date: 02-01-01

Re: Transfer of ownership of Liquor License at 1992 S. Getty St., Muskegon, MI.
49442.

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Ken's Super-Serv Inc. and Raj & Sidhu, Inc. This is a two-part transfer.

Ken's Super-Serv Inc. is requesting the current license to be transferred from Cindy's Food Mart's Inc. into their name (part one) then Raj & Sidhu Inc is requesting the license then to be transferred into their name. 1992 S. Getty St is currently a 2000 SDM licensed business.

I have spoke with Kenneth Kamp M/W 9-22-50 about this transfer. For purposes of the sale of this business Mr. Kamp is in need of the license to be placed into his name before the transfer to the new owners, Raj & Sidhu Inc. I met with both parties of Raj & Sidhu Inc., Rajwinder Grewal, W/M 7-31-79, of 3150 Chicago Dr, Hudsonville MI 49426, and Jaswant Sidhu, W/M 10-23-62, of 24559 Emily Dr, Brownstown, MI 48183. This investigator was advised that Mr. Sidhu will be an owner and Mr. Grewal will be managing the business. Mr. Grewal is not a citizen of the USA but does have permanent Resident Alien status.

I have searched MPD records and conducted a Michigan Criminal History Check and find 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/Raj

LIQUOR LICENSE REVIEW FORM**Business Name:** Raj & Sidhu, Inc.**AKA Business Name (if applicable):** _____**Operator/Manager's Name:** Jaswant S. Sidhu & Rajwinder S. Grewal**Business Address:** 1992 S. Getty
Muskegon, MI 49442**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:** December 5, 2000Police Department Approved ☐ Denied ☐ No Action Needed ☐**Income Tax** Approved ☒ ^{ok} Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☐ Remaining Defects _____

_____**Department Signature** **Gail A. Kundering, City Clerk**
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Ken's Super-Serv, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kenneth D. Kamp

Business Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax ☒ ~~Non-Compliant~~ ^{9/8} Approved ☒ ^{1/4/01} Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature 

Gail A. Kundinger, City Clerk
 Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Raj & Sidhu, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jaswant S. Sidhu & Rajwinder S. Grewal

Business Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____

Gail A. Kunding, City Clerk
 Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM**Business Name:** Ken's Super-Serv, Inc.**AKA Business Name (if applicable):** _____**Operator/Manager's Name:** Kenneth D. Kamp**Business Address:** 1992 S. Getty
Muskegon, MI 49442**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: December 5, 2000Police 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 *D. Smith* 11/30/00Gail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Ken's Super-Serv, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kenneth D. Kamp

Business Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000

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 per Brenda Moore /LL

Gail A. Kundering, City Clerk
 Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Raj & Sidhu, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jaswant S. Sidhu & Rajwinder S. GrewalBusiness Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000Police 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 per. Brenda Moore / LPGail A. Kunderinger, City Clerk
Liquor License Coordinator

Potter, Linda

From: Cameron, Mike
Sent: Tuesday, March 06, 2001 1:34 PM
To: Potter, Linda
Subject: Liquor Lic. Application

I spoke to Brenda and she remembers looking at the property at 1992 S. Getty and Zoning has no problem with this site.

Sorry for the delay. I don't have the form so if you need it signed please send me another one.

Thanks

CINDY'S FOOD MARTS, INC.

812 W. LAKETON
MUSKEGON, MI 49441

EXPLANATION	AMOUNT

7173

9-91-720

PAY
AMOUNT
OF*Two hundred fifty and 00/100*

DOLLARS

CHECK
AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
11/2/00	City of Muskegon		7173

\$ 250.00

Security Features
Included.
Details on Back.NATIONAL CITY BANK OF MICHIGAN/ILLINOIS
KALAMAZOO, MICHIGAN

⑈00007173⑈ ⑆072000915⑆ 4038013415⑈

Khoj

CINDY'S FOOD MARTS, INC.

812 W. LAKETON
MUSKEGON, MI 49441

EXPLANATION	AMOUNT

7171

9-91-720

PAY
AMOUNT
OF*Fifteen and 00/100*

DOLLARS

CHECK
AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
11/2/00	State of Michigan		7171

\$ 15.00

Security Features
Included.
Details on Back.NATIONAL CITY BANK OF MICHIGAN/ILLINOIS
KALAMAZOO, MICHIGAN

⑈00007171⑈ ⑆072000915⑆ 4038013415⑈

Khoj

MANJIT GREWAL 08-00
3150 CHICAGO DR.
HUDSONVILLE, MI 49426

74-5/724
7515464852

1009

Date 1-3-01

Pay to the order of CITY OF MUSKEGON \$ 250
two hundred fifty Dollars

OLD KENT

Old Kent Bank
111 Lyon Street NW.
Grand Rapids, MI 49503-2406

001

Memo LCC

⑆072400052⑆ 7515464852⑈ 1009

TREASURES OF THE BAY

MANJIT GREWAL 08-00
3150 CHICAGO DR.
HUDSONVILLE, MI 49426

74-5/724
7515464852

1008

Date 1-3-01

Pay to the order of STATE OF MI \$ 15
fifteen Dollars

OLD KENT

Old Kent Bank
111 Lyon Street NW.
Grand Rapids, MI 49503-2406

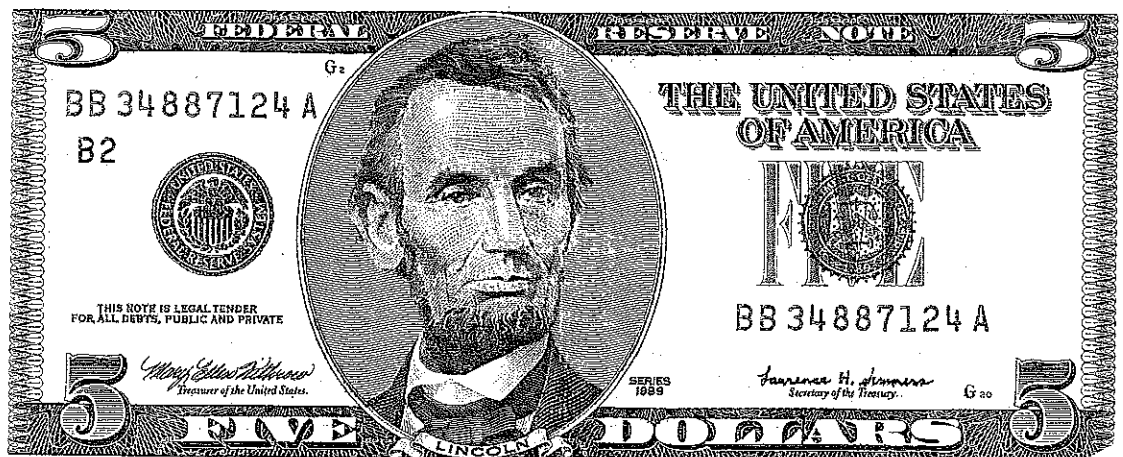
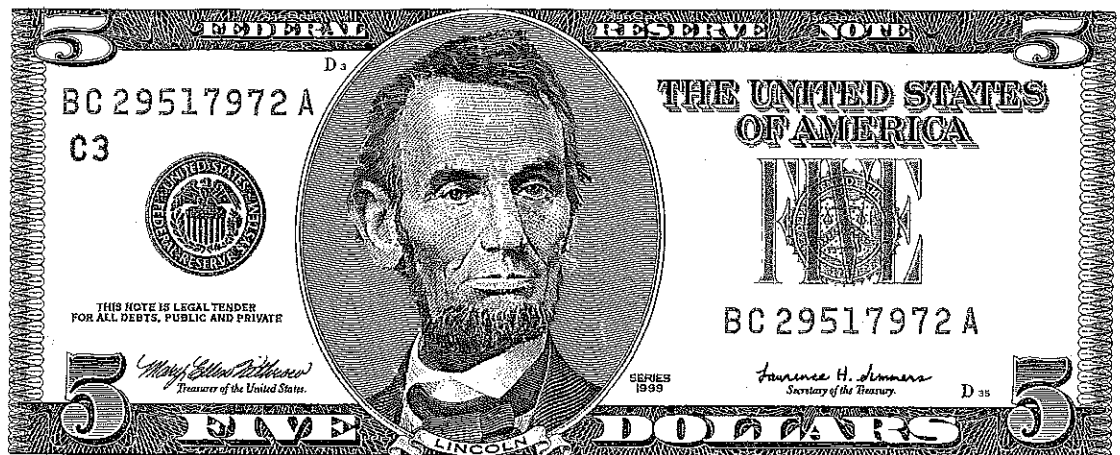
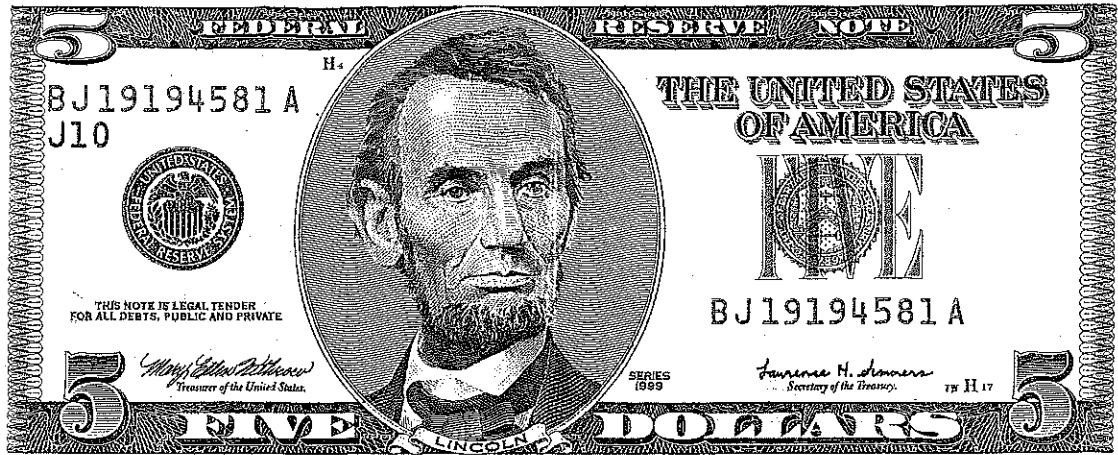
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Memo LCC

⑆072400052⑆ 7515464852⑈ 1008

TREASURES OF THE BAY

and 15⁰⁰
cash



LIQUOR LICENSE REVIEW FORM**Business Name:** Ken's Super-Serv, Inc.**AKA Business Name (if applicable):** _____**Operator/Manager's Name:** Kenneth D. Kamp**Business Address:** 1992 S. Getty
Muskegon, MI 49442**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:** December 5, 2000**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** Linda Potter**Gail A. Kundering, City Clerk**
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM**Business Name:** Raj & Sidhu, Inc.**AKA Business Name (if applicable):** _____**Operator/Manager's Name:** Jaswant S. Sidhu & Rajwinder S. Grewal**Business Address:** 1992 S. Getty
Muskegon, MI 49442**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: December 5, 2000Police 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 Linda Potter**Gail A. Kundering, City Clerk**
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Raj & Sidhu, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Jaswant S. Sidhu & Rajwinder S. GrewalBusiness Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☒ Remaining Defects _____

_____Department Signature Robert B. HalinskiGail A. Kunder, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Ken's Super-Serv, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Kenneth D. KampBusiness Address: 1992 S. Getty
Muskegon, MI 49442

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: December 5, 2000Police Department Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☐ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspection Services Compliance ☒ Remaining Defects _____

_____Department Signature Robert B. LiableGail A. Kundering, City Clerk
Liquor License Coordinator

Commission Meeting Date: March 13, 2001

Date: March 1, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request for an Amendment to an Industrial
Facilities Exemption Certificate – Dymet Corporation

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Dymet Corporation, 1901 Peck Street, Muskegon, Michigan, a manufacturer of powder metallurgy component parts, has requested an amendment to their Industrial Facilities Exemption Certificate No. 99-699 issued October 12, 1999. The amendment requested is an increase in personal property from \$300,000 to \$371,905. In addition, Dymet is requesting from the State of Michigan revocation of \$52,000 abatement in real property. Due to customer demand, it was necessary for Dymet to expend their entire capital budget on machinery and equipment.

FINANCIAL IMPACT:

No change from the original certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an amendment to the Industrial Facilities Exemption Certificate for Dymet Corporation for the remainder of the 6 year request.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2001-28(a)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING AN AMENDMENT TO
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
DYMET CORPORATION**

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 12, 1999 this Commission by resolution approved Industrial Facilities Certificate District # 99-699 as requested by Dymet Corporation, 1901 Peck Street, Muskegon, Michigan, 49441; and

WHEREAS, Dymet Corporation has filed an application for an amendment to Industrial Facilities Tax Exemption Certificate #99-699 for the installation of new machinery and equipment; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on March 13, 2001 at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

- 1) The Muskegon City Commission finds and determines that the amendment to the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Dymet Corporation, for the amendment of Industrial Facilities Tax Exemption Certificate #99-699 with respect to installation of additional machinery and equipment on the following described parcel of real property situated within the City of Muskegon Industrial Development District # 99-699 to wit:

Lots 4, 5, 6, and 7, of Block 2 of Dennis Smith & Co's South Side Addition, on part of the Northeast ¼ of Section 31, Town 10 North, Range 16 West, as recorded in Liber 3 of the Plats, Page 3 in the Office of the Muskegon County Register of Deeds.

And;

Lots 8, 9, 10, 11, and 12 of Block 2 of Dennis Smith & Co's South side Addition, on part of the Northeast ¼ of Section 31, Town 10 North, Range 16 West, as recorded in Liber 3 of Plats, Page 3 in the Office of the Muskegon County Register of Deeds.

- 3) The Industrial Facilities Tax Exemption Certificate #99-699 is amended and shall be and remain in force and effect for the remainder of the original six (6) year period on personal property.

Adopted this 13th Day of March, 2001

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

Nays: None

Absent: None

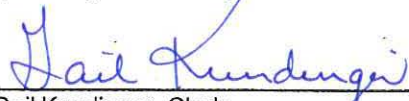
BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunderger, 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 March 13, 2001.


Gail Kunderger, Clerk

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. **The application should be filed after the district is established and no later than (within) six months after the commencement of the project.** This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. **(The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.**

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature		Application No.	
Date Received		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) Dymet Corporation		b. Standard Industrial Classification Code (Sec. 2(10)) Four Digit Code 3399	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1901 Peck Street, Muskegon, MI 49441		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) Same	(Attach Legal Description)	e. City/Twp./Village Muskegon	f. County Muskegon
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ REHABILITATION (SEC. 3(1)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located Muskegon	a. School Code 6101 0
5. Explain Applicant's Principal Type of Business (Detailed description of operations)		4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.")	

Dymet is a manufacturer of powder metallurgy component parts for the automotive, office furniture, hand tool, farm & Garden and instruments and and controls industries. Operations include compacting, sintering, heat treating, machining and tool & die making.

6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.)

N/A

b. Explain Degree and Type of Obsolescence Affecting Existing Facility.

N/A

7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility

The tax exemption is being sought for the purchase of a used Press in 1999 and purchase of another 2 presses in 2000. Presses are being purchased from outside the state of Michigan.

8. a. Cost of land improvements (Itemize) Excluding cost of land	\$ a. 0
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)	b. 0
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)	c. 371,905
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)	d. 0
TOTAL PROJECT COST (see attachment)	\$ 371,905

9. List Time Schedule for Start and Finish of Construction Stages and Equipment Installation. Project dates must be projected and completed within a two year period. (See Instructions, page 4, items 2 and 4.)

NOTICE AFTER DEC. 31, 1983: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before this application is filed. Estimate dates when applicable.

THIS SECTION MUST BE COMPLETED WITH ACTUAL DATES. (REFERENCE TO SEE ATTACHMENTS NOT ACCEPTABLE).

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements: 10/30/1999 12/30/2001

- 10a. Are the Buildings Owned or Leased by the Operator of the Facility? ☒ OWNED ☐ LEASED (Attach copy of lease.)
- b. Is Applicant Liable for Payment of Ad Valorem Taxes on This Property? ☒ YES ☐ NO
- c. Are Machinery and Equipment, Furniture and Fixtures Owned or Leased by the Operator of this Facility? ☒ OWNED ☐ LEASED (Attach a copy of the lease.)
11. Will the Property for Which This Application is Filed be Included in an:
- a. State Enterprise Zone or State Renaissance Zone ☐ YES ☒ NO
- b. 307 Site Contaminated Property File Number _____ Clerk's Certification ☐ YES ☒ NO

12. If State Education Taxes are abated, attach Michigan Jobs Commission Letter of Commitment.

N/A

- a. Enter total number of employees at site prior to start of project. 40
- b. Number of existing jobs that can be identified at this site that will be retained as a result of this project? 40
- c. Number of new jobs at this site expected to be created within 2 years of project completion? 4

13. Has the project caused or will it cause, a relocation of employment from one or more Michigan governmental units to the unit in which the project is or will be located?

a. ☐ YES☒ NO

b. Number of Jobs Involved in Facility Relocation

N/A

c. Previous Location of Facility (City, Township, Village)

N/A

d. Attach a certified copy of the resolution passed by the governmental unit from which employment is to be transferred consenting to the transfer of employment. Date resolution was adopted _____

14. Rehabilitation applications: Complete a, b and c. **Attach assessor's statement of valuation for the entire plant rehabilitation district.**

a. SEV of Real Property (Exclude Land)

b. SEV of Personal Property (Exclude Inventory)

c. Total SEV

as of Dec. 31, 19____

N/A

N/A

N/A

15a. The Facility is Located in the following Type of District Established by the Local Governing Unit:

☐ INDUSTRIAL DEVELOPMENT DISTRICT☐ PLANT REHABILITATION DISTRICT

b. Name of Governing Unit that Established District

City of Muskegon

c. Date District was Established

Attach certified copy of resolution and drawing of district.

NOTICE AFTER DEC. 31, 1983: Section 9(2)(b) provides that a written request (Date stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16a. Is This Application for a Speculative Building (Sec. 3(8))?

☒ NO - Go to 17 below☐ YES - Complete b, c and d

b. Name of Governmental Unit Which Passed Resolution to Establish a Speculative Building.

c. Date of Resolution (Attach copy)

d. Date of Construction Commenced (See page 4, item 4)

e. Attach a Certified statement from the building owner and assessor that the building has not been occupied since completion of construction. (See page 4, item 13.)

☐ Owner☐ Assessor

17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

N/A

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information John Holman	Title President	Phone 231-726-5061
Mailing Address 1901 Peck Street, Muskegon, MI 49441		
Type Name of Company Officer John Holman	Signature 	
Title President	Date 2/21/01	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken	DOCUMENTS REQUIRED
☐ ABATEMENT APPROVED FOR _____ Years Ending December 30, _____ (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed.	☐ 1. Application plus attachments. (See inst. pg. 4, # 1-7) ☐ 2. Notice to the public prior to hearing to establish district. ☐ 3. Resolution establishing district. ☐ 4. Notice to taxing authorities prior to hearing to approve application. ☐ 5. List of taxing authorities notified. ☐ 6. Resolution approving application. ☐ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☐ 8. 3222 (formerly T-1044A) (if applicable). ☐ 9. Speculative building resolution & affidavits.
☐ DISAPPROVED	
20. Name of Local Government Body	Date of Action on This Application

Attached hereto is a copy of the application and all documents required.

Signature of Clerk	Date	Phone
Clerk's Mailing Address	City	ZIP Code

State Tax Commission Rule Number 57:

Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.

Applications received after October 31 will be acted upon in the following year.

Mail completed application and all attachments to:

**State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971**

If you have any questions, please call (517) 373-2408 or 373-3302.



**DYMET
CORPORATION**
1901 PECK STREET
MUSKEGON MICHIGAN 49441

231-726-5061
FAX 231-728-1465

February 20, 2001

Original Addendum to Tax Abatement Request
Dated October 11, 1999

Cost of New Machinery / Equipment / Furniture / Fixtures

<u>Description</u>	<u>Expected Date of Installation</u>	<u>Expected Cost</u>
Purchase and install 200T Bussmann Press	October 30, 1999	\$130,000
Purchase and install additional press	July/August 2000	\$ 60,000
Purchase and install additional press	July/August 2001	<u>\$ 60,000</u>
	Subtotal	\$250,000
 Purchase and install furniture and partitions	 July/August 2001	 <u>\$50,000</u>
	Total	\$300,000



**DYMET
CORPORATION**
1901 PECK STREET
MUSKEGON MICHIGAN 49441

231-726-5061
FAX 231-728-1465

February 20, 2001

Current Addendum to Tax Abatement Request

Cost of New Machinery / Equipment / Furniture / Fixtures

<u>Description</u>	<u>Expected Date of Installation</u>	<u>Expected Cost</u>
Purchase and install 200T Bussmann Press	October, 1999	\$130,000
Purchase and install 30T Gasbarre Press	November, 2000	\$ 89,320
Purchase and install 60T Gasbarre Press	December, 2000	<u>\$152,585</u>
Total		<u>\$371,905</u>



City of Muskegon Industrial Development District Summary Sheet

Company Summary:

Dymet Corporation of 1901 Peck Street has requested the amendment of Industrial Facilities Exemption Certificate #99-699. Dymet is installing \$300,000 in personal property and is adding 4 new employees. Dymet Corporation manufactures powder metallurgy component parts for the automotive, office furniture hand tool, farm & garden, and instruments and controls industries. This company has either met or exceeded all of their previous IFT goals. Dymet Corporation has historically been a stable company and employer for the Muskegon area. Due to customer demand, it was necessary for Dymet to expend their entire capital budget on machinery and equipment.

Employment Information:

Racial Characteristics:

White	32
Minority	8
Total	40

Gender Characteristics:

Male	28
Female	12
Total	40

Total No. of Anticipated New Jobs: 4

Investment Information:

Real Property:	\$0
Personal Property	\$371,905
Total:	\$371,905

Property Tax Information: (Annual)

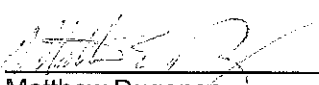
Total New Taxes Generated	\$10,041
Value of Abatement	\$5,020
Total New Taxes Collected	\$5,020

Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$1,200

Company Requirements:

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


Matthew Dugener
Business Development

Ken James
Affirmative Action



**DYMET
CORPORATION**
1901 PECK STREET
MUSKEGON MICHIGAN 49441

231-726-5061
FAX 231-728-1465
johnholman@dymetcorp.com

February 20, 2001

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

Attention: Diane Wright – Manager Exemption Section
Subject: Dymet Corporation Industrial Facilities Exemption

Dear Ms. Wright,

Pursuant to instructions from Ms. Debby Abbruzze of your office, Please accept this letter as a request from Dymet Corporation to revoke the real portion of our Industrial Facilities Exemption Certificate (No. 99-699). Due to a need to purchase additional machinery to meet production demand, our entire capital budget for this project was expended on personal property. The estimated \$52,000, identified in our application for real property improvements, has been reallocated to the purchase of machinery and equipment.

At the present time the City of Muskegon is processing a request from Dymet to amend the personal property component of our certificate. If you have any comments or questions or require any additional information, please do not hesitate to contact me at the phone, fax or email numbers shown above. Thank you for your prompt attention to this request.

Sincerely,

John Holman
President

Cc: Debby Abbruzze – State Tax Commission
Lonna Anguilm – Muskegon City Ass't Planner
Gail Kunderinger – Muskegon City Clerk
Dennis Burns – Muskegon City Assessor

Date: March 13, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Recommendation for Annual Renewal of Liquor Licenses

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 5-270 and 5-271 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code or Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 31, 2001, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

LIST OF VIOLATIONS

<u>BUSINESS</u> <u>NAME</u>	<u>ADDRESS</u>	<u>FORM</u>	<u>REG.</u> <u>FEE</u>	<u>C/O</u>	<u>\$ DUE</u>
Rite-Aid	821 Apple	X	X	X	22.00
Jalapeno's	1601 Beach	X	X		1,835.86
Clover Bar	817 Forest				1,004.42
Tom's Drink All	1500 Getty			X	
H & J Party Store	1813 Getty	X	X	X	594.78
Joey's Place	157 Getty				1,222.04
VFW	165 Getty		X		
Express Lane	1992 Getty			X	
Sunny Mart	1100 Hackley			X	
Adolph's	2185 Henry	X	X		1,023.45
Sardine Room	2536 Henry	X	X		
Lakeshore Tavern	1963 Lakeshore	X	X		36.28
Lakeside Pharmacy	1965 Lakeshore		X		195.29
Sorrento's USA Café	2020 Lakeshore	X	X		1,850.62
Musk. Country Club	2801 Lakeshore	X	X		
Beach Party Store	3200 Lakeshore				59.83
H & J Market	381 Laketon	X	X		
Main Event	677 Laketon				1,582.74
Express Lane	812 Laketon			X	
Wesco	1075 Laketon			X	
Kwik-Way	45 E Muskegon	X	X	X	231.48
Brutters	978 Pine			X	839.06
Super Stop	2390 Sherman	X	X	X	
Applebees	1825 Sherman	X	X		
Someplace Else	1508 W Sherman				637.65
Frontier Liquor	631 W Southern			X	
Rafferty's Restaurant	601 Terrace Point				217.52
Musk. Family Foods	1157 Third			X	
Brunswick	441 W Western	X	X		
Racquets	446 W Western				952.75
Eagles	625 W Western	X	X		

CITY OF MUSKEGON - LIQUOR LICENSE RENEWAL FOR 2001

UNPAID MONIES DUE TO THE CITY OF MUSKEGON

PREPARED BY: TAMMIE THOMPSON, REVENUE CLERK

DATE: March 2, 2001

BUSINESS	ADDRESS	PARCEL#	TAX YEAR	AMOUNT DUE	INVOICES	AMOUNT DUE	WATER	AMOUNT DUE	TOTAL DUE
POP A TOP TAVERN & DELI	2185 HENRY ST	24-900-251-5015-00	2000	714.26			330-085-101	309.19	\$ 1,023.45
BEACH PARTY STORE	3200 LAKESHORE DR	24-900-251-0670-00					322-045-101	59.83	\$ 59.83
LAKETON QUICK STOP	939 E LAKETON AVE	24-900-251-0840-00	2000	251.10					\$ 251.10
BRUTTERS INC	978 PINE ST	24-900-251-0925-00	2000	591.50			210-082-503	247.56	\$ 839.06
LIL IRELAND	817 E FOREST AVE	24-900-251-3775-00	2000	1004.42					\$ 1,004.42
DOCKER'S	3505 MARINA VIEW	24-900-251-1695-00	2000	2187.42			399-245-701	513.41	\$ 2,700.83
H J PARTY STORE	1813 GETTY ST	24-900-251-2570-00	2000	228.78	9810514	231.00			\$ 459.78
H J PARTY STORE	1813 GETTY ST	24-900-251-2570-00			9818207	135.00			\$ 135.00
GRIFF INC	1934 PECK ST						218-400-201	141.44	\$ 141.44
HARBOUR TOWNE YACHT CLUB	3425 FULTON	24-900-251-2695-00	2000	463.13					\$ 463.13
J P ALLENS/NATHANIEL ALLEN	913 PINE ST				9805738	122.00			\$ 122.00
MARQUETTE INC DBA/JALAPENOS	1601 BEACH ST	24-900-251-3955-00	2000	1835.86					\$ 1,835.86
JOEYS PLACE	157 GETTY ST	24-900-251-3205-00	2000	1222.04					\$ 1,222.04
KWIK WAY FOOD MARKET	45 E MUSKEGON	24-900-251-3475-00	2000	5.00	9816640	25.00	211-145-601	126.48	\$ 156.48
KWIK WAY FOOD MARKET	45 E MUSKEGON	24-900-251-3475-00			9818208	75.00			\$ 75.00
LAKESHORE TAVERN	1963 LAKESHORE DR	24-900-251-3585-00	2000	36.28					\$ 36.28
LAKESHORE PHARMACY	1965 LAKESHORE DR	24-900-251-3610-00	2000	195.29					\$ 195.29
MUSKEGON FURY HOCKEY	470 W WESTERN	24-900-251-4440-00	2000	373.86					\$ 373.86
MAIN EVENT	677 W LAKETON	24-900-251-3905-00	2000	1333.64			329-002-502	249.10	\$ 1,582.74
DEANS MARKET	1157 THIRD ST	24-900-251-1610-00					214-030-002	198.84	\$ 198.84
POLISH NATL ALLIANCE	871 PULASKI	24-900-251-5005-00	2000	228.78					\$ 228.78
RACQUEST RESTRUNG	446 W WESTERN						212-271-002	952.75	\$ 952.75
RAFFERTYS RESTAURANT	601 TERRACE POINT						299-095-501	217.52	\$ 217.52
RITE AID	821 E APPLE				9812255	22.00			\$ 22.00
THE GLENSIDE PUB	1504 W SHERMAN	24-900-251-6160-00	2000	602.65	9815327	35.00			\$ 637.65
SORRENTOS' USA CAFÉ	2020 LAKESHORE DR	24-900-251-6425-00	2000	150.66	9815596	122.00	316-065-503	1577.96	\$ 1,850.62
TOTAL				\$ 11,424.67		\$ 767.00		\$ 4,594.08	\$ 16,785.75

paid 3-5-01

paid 3-5-01

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
LIQUOR LICENSE RENEWALS

Please take notice that a public hearing will be held on Tuesday, March 13, 2001, at 5:30 p.m. for the renewal of liquor licenses held within the City of Muskegon. The public hearing will be held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan. Any interested person wishing to address the City Commission regarding this matter is welcome to attend and voice their opinions.

ADA POLICY

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

Please publish March 3 and March 10, 2001.

Acct #101-20215-5354

Gail A. Kundering, CMC/AAE
Muskegon City Clerk

CITY OF MUSKEGON - LIQUOR LICENSE RENEWAL FOR 2001

UNPAID MONIES DUE TO THE CITY OF MUSKEGON

PREPARED BY: TAMMIE THOMPSON, REVENUE CLERK

DATE: March 13, 2001

BUSINESS	ADDRESS	PARCEL#	TAX YEAR	AMOUNT DUE	INVOICES	AMOUNT DUE	WATER	AMOUNT DUE	TOTAL DUE
LAKETON QUICK STOP	939 E LAKETON AVE	24-900-251-0840-00	2000	253.60					\$ 253.60 <i>escrow</i>
BRUTTERS INC	978 PINE ST	24-900-251-0925-00	2000	597.38			210-082-503	247.56	\$ 844.94
J P ALLENS/NATHANIEL ALLEN	913 PINE ST				9805738	122.00			\$ 122.00 <i>escrow</i>
JOYES PLACE/PATS ROADHOUSE	157 GETTY ST	24-900-251-3205-00	2000	1,234.19					\$ 1,234.19
THE GLENSIDE PUB	1504 W SHERMAN	24-900-251-6160-00	2000	608.64	9815327	35.00			\$ 643.64 ✓
SORRENTOS' USA CAFÉ	2020 LAKESHORE DR	24-900-251-6425-00	2000	152.16	9815596	122.00	316-065-503	1,628.84	\$ 1,903.00
SORRENTOS' USA CAFÉ	2020 LAKESHORE DR	24-900-251-6425-00			9816701	122.00			\$ 122.00
TOTAL				\$ 2,845.97		\$ 401.00		\$ 1,876.40	\$ 5,123.37

LIST OF VIOLATIONS

<u>BUSINESS</u> <u>NAME</u>	<u>ADDRESS</u>	<u>FORM</u>	<u>REG.</u> <u>FEE</u>	<u>C/O</u>	<u>\$ DUE</u>
H & J Party Store	1813 Getty			X	
Joey's Place	157 S. Getty				1,234.19
Sunny Mart	1100 Hackley			X	
Sorrento's USA Café	2020 Lakeshore	X	X		2,025.00
Wesco	1075 Laketon			X	
Kwik-Way	45 E Muskegon			X	
Brutters	978 Pine			X	844.94
Applebees	1825 Sherman	X	X		
Someplace Else	1508 W Sherman				643.64

H & J Market

LIST OF VIOLATIONS - 1813 GETTY

1. Repair or replace rotting fascia on store exterior.
2. Repair or replace damaged ceiling tiles.
3. Remove all extension cords.
4. Repair exterior block wall on North side of building.
5. Freezer unit on exterior of building needs to be repaired or removed.
6. "Open" sign powered by extension cord.
7. Coolers powered by extension cords.
8. Open junction boxes in cooler.
9. Repair or replace bathroom fan.
10. Storage not permitted in front of electrical equipment.
11. Outlet covers missing.
12. MC cable enters load center without fitting.
13. Service sink faucet broken.
14. Return air grill needs cleaning.

Sunny Mart

LIST OF VIOLATIONS - 1100 W. HACKLEY

1. Front window glass pane broken.
2. Storage must be maintained minimum 18" from ceiling.
3. Aisle clearance must be maintained at 36".
4. Freezer door kick plate needs repair.
5. Barrier free counter access required for newly installed service counter.
6. Exterior outlets not weatherproof.
7. All extension cords must be removed.
8. Main electrical panel overfilled.
9. Storage not permitted in front of electrical equipment.

Mickey Sangh
759-0120

Wesco

LIST OF VIOLATIONS - 1075 W LAKETON

1. Crash protection needed for propane tank.
2. Storage in exit way not allowed.
3. Storage shall be 36" from heating unit.
4. Storage shall be minimum 18" from ceiling.
5. Storage not permitted in front of electrical panel (load center).
6. Aisles must be maintained at 36".
7. Address on door or window should be white letters for contrast. Must be visible from street.
8. Need 6-month inspection on hood fire suppression. Last service noted was 6/99.
9. Metal caps needed for fire suppression nozzle on hood.
10. Fire extinguisher (wet chemical) needs to be mounted.
11. Cover missing on pump relay.
12. Power cord through ceiling by ATM not permitted.
13. Close open knock out in junction box in hall.
14. Exterior outlets not weatherproof.
15. Rubber cord not permitted as a replacement for permanent wiring.
16. Backflow prevention required on filters for soda.
17. Need individual backflow prevention on carbonation pumps.

Kwik-Way

LIST OF VIOLATIONS - 45 E MUSKEGON

1. Remove deadbolts on exit door-install panic hardware.
2. Storage must be minimum 18" from ceiling.
3. Replace numerous damaged ceiling tiles.
4. Cooler has serious structural damage to floor, ceiling needs to be repaired or replaced.
5. Light covers need to be secured.
6. Fascia rotted on building exterior.
7. Graffiti to be removed from exterior of building.
8. Block wall in need to structural repair on North side - cracked and mortar needs repair.
9. 3/8 flex not permitted for wiring to switch and outlet in stockroom.
10. Exterior lights incomplete.
11. Timer improperly wired.
12. Storage not permitted in front of electrical equipment.
13. Romex improperly terminated at load center.
14. Rubber cord not permitted to pass through wall.
15. All extension cords must be removed.
16. Bonding jumper missing on water meter.
17. Globes missing on cooler light.
18. Open junction box in cooler.
19. Hall light incomplete.
20. Water heater needs to be panned.
21. Storage not permitted in front of furnace.
22. Bathroom exhaust fan needs cleaning.
23. Gas meter needs sump posts.
24. Walk in cooler condensate-needs drain.

Brutters

LIST OF VIOLATIONS – 978 PINE

1. Repair rear door exit, must have panic hardware. Latches or hasps not allowed on door.
2. Door hardware needs repair on cooler door.
3. Vacuum breaker required on utility sink.
4. Cords for lights cannot be spliced.
5. All CO2 tanks must be secured.
6. Exit and emergency lights must be repaired or replaced.
7. Conduit under bar damaged.
8. All extension cords must be removed.
9. String Christmas lights must be removed.
10. Wires in basement improperly terminated.
11. Close all unused openings in electrical boxes.
12. Fire extinguishers mounted too high – shall only be 4' from ground level.
13. Need signage for extinguishers.
14. Extinguishers need service.
15. Propane grill must be removed.
16. Exit sign required on rear door.
17. Storage near hot water heater in basement not permitted.
18. Storage not allowed under stairwell in basement.
19. All paint must be removed.
20. Capacity for building needs to be re-figured. Contact Fire Inspector.

TO: Linda Potter
CC: Chief Tony Kleibecker
FROM: Det. Kurt Dykman
DATE: 2-28-01
RE: Annual Renewal
City Liquor Licensed Establishments

This investigator received a listing of all licensed liquor establishments in the city of Muskegon from the city clerk's office as received by the Liquor Control Commission. A 2000 incident search was done on each establishment with attention given to any alcohol/liquor reports. No major problems were evident but there were several establishments that have been cited for the sale of alcohol to minors, some of those have served a three-day suspension of their license.

Listed below are those with records of those sales:

Dasmesh Mart, 1301 E. Apple – one (1) sale to minor.

Sunny Mart, 1100 Hackley – one (1) sale to minor.

H&J Market, 381 Laketon – one (1) sale to minor.

Express Lane, 812 W. Laketon – served ten-day suspension for three prior violations.

Brutters Bar, 978 Pine – one (1) narcotics arrest inside & about three outside.

Super Stop, 2390 Sherman – one (1) sale to minor.

Porthole Bar (Nauty's), 1300 W. Sherman – served three-day suspension.

Frontier Mart, 631 W. Southern – two (2) sale to minor.

Racquets, 446 W. Western Ave – served three-day suspension.

Besides the listed violations I find no reason to revoke, oppose the issuance, renewal or transfer of any liquor license.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt Dykman', with a long horizontal line extending to the right.

Detective Kurt Dykman

Potter, Linda

From: Hichue, Laura
Sent: Monday, March 05, 2001 10:24 AM
To: Potter, Linda
Subject: Liquor License Renwals

The following establishments do not have a current Certificate of Occupancy (either permanent or temporary):

821 E. Apple	Rite Aid
1500 Getty	Tom's Drinkall
1813 Getty	H & J Market
1992 Getty	Express Lane (reinspection set for Friday)
1100 W. Hackley	Sunny Mart
812 W. Laketon	Express Lane (reinspection set for Friday)
1075 W. Laketon	Wesco
45 E. Muskegon	Kwik-Way
978 Pine	Brutters
2390 W. Sherman	Super Stop
631 W. Southern	Frontier Mart
1157 Third	Muskegon Family Foods

If you have any questions, please contact me at 6758.

Laura

2001-28(b)

**RESOLUTION RECOMMENDING STATE WITHHOLD
RENEWAL OF LIQUOR LICENSES FOR CODE
VIOLATIONS**

THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that
whereas, the following business establishments in the City of Muskegon have liquor
licenses and are found to be in violation of Article XIII, Section 5-270 and 5-271 of the
Code of Ordinances of the City of Muskegon:

SEE ATTACHED LIST OF VIOLATIONS

AND WHEREAS, a hearing was held on March 13, 2001, before the City Commission to
allow such licensees an opportunity to refute the determination of the City Commission
that such establishments are in non-compliance with the City Code of Ordinances and
renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-
Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon hereby recommends that these liquor licenses not be approved for renewal,
and a copy of this Resolution be sent to the State Liquor Control Commission. If any of
these establishments come into compliance before March 31, 2001, they will be removed
from this Resolution.

Approved and adopted this 13th day of March, 2001.

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

NAYS: None

ABSENT: None

By: Gail A. Kunding
Gail A. Kunding, City Clerk

2001-28(b)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 13, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

Gail A. Kunding

Gail A. Kunding, City Clerk

LIST OF VIOLATIONS

<u>BUSINESS</u> <u>NAME</u>	<u>ADDRESS</u>	<u>FORM</u>	<u>REG.</u> <u>FEE</u>	<u>C/O</u>	<u>\$ DUE</u>
H & J Party Store	1813 Getty			X	
Joey's Place	157 S. Getty				1,234.19
Sunny Mart	1100 Hackley			X	
Kwik-Way	45 E Muskegon			X	
Brutters	978 Pine			X	

Commission Meeting Date: March 13, 2001

Date: March 6, 2001
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department CNS
RE: Public Hearing regarding 2001 – 2002
CDBG/HOME Allocations.

SUMMARY OF REQUEST: To conduct a public hearing in regards to the 2001 – 2002 CDBG/HOME allocations in references to the recommendations of the city's administration and the city's Citizen's District Council and to make a preliminary allocation decision.

FINANCIAL IMPACT: Uncertain at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the administration recommendation.

COMMITTEE RECOMMENDATION: See attached spreadsheet.

2001 - 2002 CDBG / HOME ACTIVITY

<i>Community Development Block Grant</i>					
<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1 Muskegon Community Health Project <i>"Miles for Smile Dental Services"</i>	\$ 5,000.00 *	\$ 5,000.00		0	
2 West Michigan Veterans <i>Veterans Assistance</i>	5,000.00 *	5,000.00		0	
3 Love, Inc <i>Free Home Repair to low-income</i>	8,600.00 *	5,000.00		0	
4 HealthCare <i>Health screening to low-income</i>	5,951.00 *	5,000.00		0	
5 American Red Cross <i>Senior Transportation</i>	5,000.00 *	5,000.00		0	
6 Volunteer Muskegon <i>Youth Survey/Mapping</i>	23,700.00 *	5,000.00		0	
7 Volunteer Muskegon <i>Keep Kids in School Truancy</i>	80,000.00 *	5,000.00		0	
8 Legal Aid of Western Michigan <i>Counseling/Legal Education</i>	36,814.00 *	-		0	
9 Family Services Center, Inc <i>Comprehensive Housing Assistance</i>	74,713.25 *	-		0	
10 Oakview Neighborhood Association <i>Repairing of Community Center Roof</i>	7,231.00 *	-	\$ 5,000.00		
11 Fire/Inspection <i>Dangerous Building/Demolition</i>	155,000.00	85,000.00	85,000.00		
12 Leisure Services <i>Playground equipment at McCrea Park</i>	60,000.00	-	30,000.00		
13 Community and Neighborhood Services <i>Housing & Rehabilitation Services</i>	570,246.00	510,000.00	510,000.00		
14 Community and Economic Development <i>Code Enforcement</i>	86,000.00	45,000.00	45,000.00		

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
15 Community and Neighborhood Services CDBG Administration	\$ 182,267.00 **	155,000.00	155,000.00		
16 Depart of Public Works Senior Transit	97,307.02 *	47,000.00	47,000.00		
17 Manager's Office Contract Compliance	30,000.00	15,000.00	15,000.00		
18 Engineering / CNS Sidewalk Assessment Relief	180,000.00	100,000.00	100,000.00		
19 Planning/DPW City-lot upkeep program	90,000.00	75,000.00	75,000.00		
20 Leisure Services Inner city-youth recreation	90,500.00 *	70,000.00	70,000.00		
21 Finance Dept Repayment of Shoreline Dr. Bond	240,000.00	240,000.00	240,000.00		
Total CDBG Request	2,033,329.27	1,377,000.00	1,377,000.00		
Total CDBG Allocated	1,387,000.00				
Allocated/Request Difference	\$ (646,329.27)	\$ 10,000.00	\$ 10,000.00		
Total Amt of Public Service*	529,816.27	152,000.00	\$ 122,000.00		
<i>Public Service mandated Amt < or = to 15%</i>	208,050.00				
Difference	\$ (321,766.27)	\$ 56,050.00	\$ 86,050.00		
Total Amt of City Administration Request	212,267.00	155,000.00	\$ 155,000.00		
<i>Administrative mandated Amt 20%</i>	277,400.00				
Difference	\$ 65,133.00	\$ 122,400.00	\$ 122,400.00		

HOME

City Commission

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1 Community and Neighborhood Services <i>Tax-reverted Infill</i>	\$ 125,000.00	114,800.00	\$ 114,800.00		
2 Community and Neighborhood Services <i>Tax-reverted Rehabilitation</i>	\$ 100,000.00	100,000.00	\$ 100,000.00		
3 Community and Neighborhood Services <i>HOME Rental Rehabilitation</i>	100,000.00	30,000.00	\$ -		
4 Community and Neighborhood Services <i>HOME Infill Program</i>	130,000.00	130,000.00	\$ 130,000.00		
5 Community and Neighborhood Services <i>HOME Administration</i>	57,200.00 ***	57,200.00	\$ 57,200.00		
6 <i>Neighborhood Investment Corp</i> <i>Housing Rehab, Neighborhood Imp.</i>	75,000.00 ****	40,000.00	\$ 70,000.00		
7 Bethany Housing Ministries, Inc <i>Housing Rehabilitation</i>	40,000.00 ****	40,000.00	\$ 40,000.00		
8 Muskegon County Habitat for Humanity <i>New Construction/Rehabilitation</i>	31,000.00 ****	30,000.00	\$ 30,000.00		
9 Trinity Village Non-Profit Housing Corp <i>Single-Family Acquisition</i>	59,935.00 ****	30,000.00	\$ 30,000.00		
Total Amt of HOME Request	718,135.00	\$ 572,000.00	\$ 572,000.00		
Total Amt HOME Allocation	572,000.00	\$ 572,000.00	\$ 572,000.00		
Difference	\$ (146,135.00)	0	0		
 Total Amt of HOME Administration	\$ 57,200.00	\$ 57,200.00	\$ 57,200.00		
Total Amt mandated = 10%	\$ 57,200.00	\$ 57,200.00	\$ 57,200.00		
Difference	0	0	0		
 Total amt of HOME CHDO request	\$ 205,935.00	\$ 110,000.00	\$ 170,000.00		
Total Amt mandated 15%	85,800.00	\$ 85,800.00	\$ 85,800.00		
Difference	\$ (120,135.00)	\$ (24,200.00)	\$ (84,200.00)		

NOTE

*Public Service, **City CDBG Administration, ***HOME Administration, ****CHDO Request

Q:CNS\Common\Excel\01.02_Act

City of Muskegon Commission
3//13/01

Muskegon Community Health Project
"Miles of Smiles"

History:	<u>Encounters</u>	<u>Visits</u>	<u>Patients</u>	<u>Cost/% Total</u>	<u>Referrals</u>
'98	113/246	5		\$ 6,820--26%	
'99	319/623	17	129/360	\$21,675--50%	
'00	<u>229/486</u> 661	<u>20</u> 42	<u>195/419</u> 324	<u>\$28,060—49%</u> \$56,555	28 @ estimated \$40,000

Proposed Minimum:

'01	140/434	10		28,638/44%	
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- Local public dollars used to leverage private/corporate funds
- MOS nominated by Wilmern Griffen in 2001 for the HUD Best Practices Model Award

Peter Sartorius, Finance & Special Projects Coordinator
Dianne Bohl, Outreach Coordinator

Memo

To: Mayor Nielsen and City Commissioners
From: Bryon L. Mazade, City Manager *BLM*
CC: Wil Griffin
Date: 03/13/01
Re: CDBG Budget

At last night's City Commission work session the CBO component of the proposed CDBG budget was discussed at length. The concern was that the proposed CDC recommendation was to not fund any CBO's except Oakview Neighborhood Association. One potential solution that was discussed is to take the \$30,000 proposed for playground equipment and the \$5,000 proposed for Oakview and divide that amount (\$35,000) evenly among eight organizations. This would provide each of those agencies with \$4,375. The agencies and their amounts would be as follows:

Muskegon Community Health Project	\$ 4,375.00
West Michigan Veterans	\$ 4,375.00
Love, Inc.	\$ 4,375.00
HealthCare	\$ 4,375.00
American Red Cross	\$ 4,375.00
Volunteer Muskegon – Youth Survey	\$ 4,375.00
Volunteer Muskegon – Truancy	\$ 4,375.00
Oakview Neighborhood Association	<u>\$ 4,375.00</u>
Total	\$35,000.00

Date: February 21, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Arena Basketball Floor Sale

SUMMARY OF REQUEST:

To authorize the sale of the basketball floor at Walker Arena to Wings Stadium

FINANCIAL IMPACT:

\$10,000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

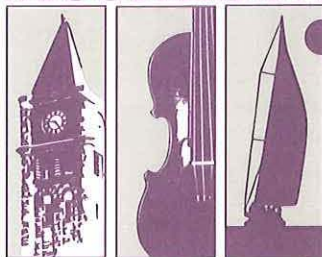
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: February 21, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott *RS*

Re: Arena Basketball Floor Sale

Wings Stadium has asked to purchase the basketball floor from Walker Arena. They have offered \$10,000. We have also received a second quote of \$7,999. We have also checked with a flooring company and found the quote to be a fair price.

The basketball floor has not been used for many years and is almost 40 years old. It needs resurfacing and new baskets. It takes up a lot of storage space in the arena. This space would be turned into an additional lockerroom, which will in turn, generate additional ice rental into the building.

The agreement with Wings Stadium will also allow the arena to use the floor when necessary either free, or for an additional rental fee later on. A new floor would cost at least \$70,000.

I would ask that you authorize the sale of the basketball floor at Walker Arena to Wing Stadium for \$10,000.

Thank you for your consideration.



Administration 231•726•2939

FAX 231•726•4620

Tickets 231•726•2400

Operated by Arena Management Group, L.L.C.

February 20, 2001

Dear Sir or Madam:

The L.C. Walker Arena (City of Muskegon) currently owns a wooden basketball floor, which I estimate, was purchased in the year 1960. The floor, in my opinion, considering it's age is in "fair" shape. I have spoken with Bill Gappy at Horner Flooring about the floor. He thought refinishing the floor would cost between \$10,000.00 and \$15,000.00. When asked if he could give me a fair market value of the floor, he said he would not put anything in writing. In regards to the Wings stadium bid of \$10,000.00(below), Bill stated that he felt it was a good one.

The reason we are looking into the options for the basketball flooring is that we have received two bids to purchase the flooring. The first bid, from Wings stadium, was an offer of \$10,000.00. The second bid was an offer of \$7,999.00 from Becker Arena Products. Wings stadium knew that we had the basketball floor and therefore made us an offer.

If the bid from Wings stadium were to be accepted, I would include a stipulation that we could use the floor at least three times at no cost. Or we could include whatever provision you would like (of course there would still be the cost of transportation and man hours for pick up and return of the floor).

The last Basketball event held here in the arena was the Grand Rapids Hoops in 1997. This event drew approximately 1000 people. The L.C. Walker arena will be housing an invitational basketball tournament this summer for youth in July 2001, but it will be played on the cement floor. The reason for playing on the cement is that there will be two games playing simultaneously.

The sale of this floor opens possibilities to us. The storage of this flooring takes up a very large room that I believe could be used to generate additional ice rental income as well as used for storage space. If we had this space available to us on a permanent basis, I estimate an additional ice rental income of approximately \$15,000.00. Since these bids have come in, and we do not know if this opportunity will come along again, I am asking you to consider these bids for purchase of the basketball flooring.

Sincerely,

A handwritten signature in dark ink, appearing to read "Neil Hawryliw".

Neil Hawryliw
Arena Director

NH/pw

935 FOURTH STREET • MUSKEGON, MICHIGAN • 49440

PHONE: 231.726.2939 • FAX: 231.726.4620



955 4th Street at Shoreline Drive • Muskegon, Michigan • 49440-1099



Wings Stadium

December 29, 2000

Walker Arena
ATTN: Mr. Neil Hawriliw
470 W Western Avenue
Muskegon, MI 49440

Dear Neil,

Wings Stadium would like make an offer of \$10,000.00 for the Walker Arena's old Basketball Floor, including Goals. If this is acceptable please let me know by January 15, 2001. My phone number is (616) 345-1125 ext. 265.

Have a Safe and Happy New Year!

Sincerely,

Andrea Pluta
Event Coordinator

cc: Ted Parfet
Ernest Fitzgerald
Paul Pickard

3600 Van Rick Drive
Kalamazoo, Michigan
49001

(616) 345-1125

Ticket Office:

(616) 345-5701

Fax:

(616) 345-6452

February 1, 2001

Mr. Neil Hawryliw
L. C. Walker Arena
955 4th Street
Muskeegan, MI 49440

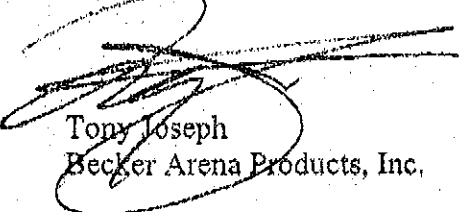
Re: L. C. Walker Arena old basketball flooring

Dear Neil:

Pursuant to our conversation regarding the 40 year old L. C. Walker 112' x 62' Maple Basketball Flooring that you have in storage, Becker Arena Products, Inc. would like to offer the sum of \$7,999.00 for the entire lot. Based on our assessed value of the flooring, we believe that this is a fair market value for your asset.

Should you have any further questions regarding our offer, please feel free to contact us at 1-800-234-5522.

Best regards,



Tony Joseph
Becker Arena Products, Inc.

Becker Arena Products, Inc.
3270 County Road 42 West
Burnsville, MN 55337-4804

On Ice Performance-Plus



(952) 890-2690
(800) 234-5522
(952) 890-2680 Fax

www.beckerarena.com

Date: March 13, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
BARNEY STREET FROM VALLEY TO ROBERTS

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Barney Street from Valley to Roberts project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2001-28(d)

Resolution At First Hearing Creating Special Assessment District
For **Barney Street from 2.5' East of the Easterly R-OW line of Valley to 20' West of the
Westerly R-O-W line of Roberts**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 13, 2001** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 13, 2001**, there were 17.79 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Spataro and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **35.86%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays Benedict

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 13, 2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

BARNEY Street from VALLEY TO ROBERTS

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of All properties abutting Barney from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 13 TH DAY OF MARCH, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CREATING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Barney Avenue from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON MARCH 3, 2001.

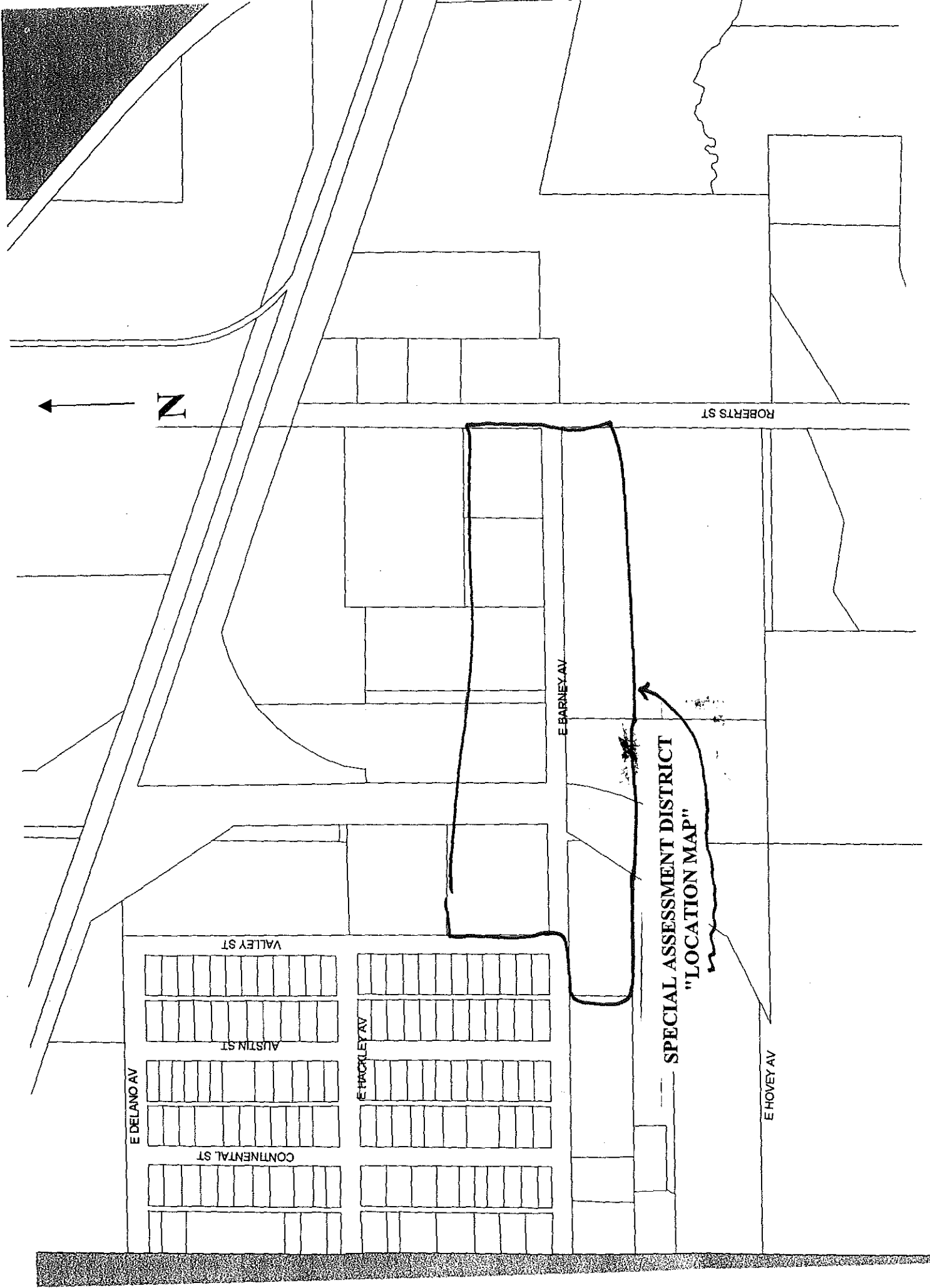
DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2ND DAY OF MARCH, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF March, 2001.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02



ROBERTS ST

E BARNEY AV

SPECIAL ASSESSMENT DISTRICT
"LOCATION MAP"

E HOVEY AV

E HACKLEY AV

CONTINENTAL ST

AUSTIN ST

VALLEY ST

E DELANO AV

ENGINEERING FEASIBILITY STUDY

For

BARNEY STREET FROM VALLEY TO ROBERTS

The reconstruction of Barney Street between Valley to Roberts, see attached location map, was initiated by the City due to the conditions of the road and the fact that this project was on the five year capital improvement plan. The proposed improvement consists of total removal of all existing pavements including curb and gutter and the placement of a new street pavement that will include a new curb and gutter. In addition to the roadway work, we will, if the district is created, construct a new 12" water main that would replace the existing 6" as well as replace the existing lift station.

A memo from the Assessor's office, which addresses the appraisal and benefit information is attached.

The preliminary cost estimate for the work associated with paving is approximately \$300,000 with the length of the project being approximately 1,572 lineal feet or 2,959.58 of assessable front footage. This translates into an estimated improvement cost of \$101.37 per assessable foot. The assessment figure will be at a cost not to exceed \$36.36 per front foot as established in the 2001 Special Assessment for this of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

February 28, 2001

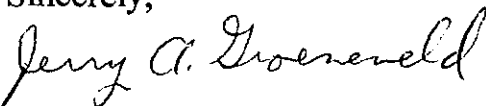
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Barney Avenue between Roberts Street and Valley Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 28, 2001.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$36.35 appears reasonable in light of analysis that indicates a possible enhancement of \$38.25. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3
Senior Appraiser

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

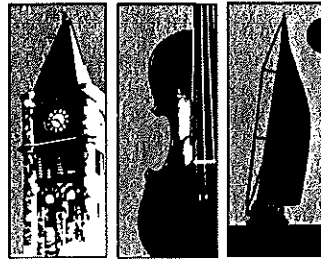
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

March 2, 2001

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following paving project:

Barney Avenue, Valley Street to Roberts Street.

The proposed special assessment district will be located as follows:

All parcels abutting Barney Avenue from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street.

It is proposed that a portion of the above improvement will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 13, 2001 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held to confirm the special assessment roll after the project is under way. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

Estimated Costs

The total estimated cost of the street portion of the project is \$300,000 of which approximately 35.86% (\$107,580.73) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street assessment, which covers improvements to the roadway, may be paid in installments over a period of up to ten (10) years. Any work on drive approaches or sidewalks will be assessed to the property at actual contract prices and these costs may also be paid in installments over ten (10) years. Please note this work is in addition to the street special assessment.

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

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
BARNEY AVENUE H-1527
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the sidewalk assessment for you to the extent that funds are available.

Application Requirements:

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

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$22,800
2	26,040
3	29,340
4	32,580
5	35,160
6	37,800
7	40,380
8	43,020
For each extra, add	3,240

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

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

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

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

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation. Sidewalk repairs must be completed by the City of Muskegon. Costs incurred from repairs done by a private contractor or by doing them yourself, will not be reimbursed.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By: MARCH 13, 2001

Project Title: Barney Avenue, Valley Street to Roberts Street.
Project Description: All parcels abutting Barney Avenue from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street.

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:

Parcel Number

MAP Number:

Assessable Frontage: Feet

Estimated Front Foot Cost:

ESTIMATED TOTAL COST

Property Description

A PARCEL IN NE 1/4 OF SW 1/4 SEC 33 T10N R16W DESC AS: COM AT CENTER OF SD SEC TH S 89 DEG 31 MIN ALG EW 1/4 LINE 906 FT TH S 00 DEG 48 MIN 652.5 FT TH N 89 DEG 31 MIN 40 FT TO POB TH N 00 DEG 48 MIN E 602.5 FT TH N 89 DEG 31 MIN E 260 FT TH S 00 DEG 48 MIN W 602.5 FT TH S 89 DEG 31 MIN W 260 FT TO POB.

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____	Owner _____
Signature _____	Signature _____
Address _____	Address _____

Thank you for taking your time to vote on this important issue.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**LAKETON, WOOD TO PECK
& BARNEY, ROBERTS TO VALLEY**

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

- All parcels abutting Laketon from Peck Street to 350' west of the centerline of Hoyt Street & from 680' east of the centerline of Hoyt Street to 147' west of the westerly ROW of Wood Street &
- All properties abutting Barney from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 13, 2001 AT 5:30 O'CLOCK P.M.

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

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **March 3, 2001**

Gail Kunding, City Clerk
ADA POLICY

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

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

H-1527

Barney Avenue, Valley Street to Roberts Street.

24-133-300-0001-00	MCINTYRE JOHN R/LISA LYN	ASSESSABLE FEET:	40
24-31-33-300-001	PO BOX 1088	COST PER FOOT:	\$36.35
@ 0E BARNEY AV	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$1,454.00
24-133-300-0002-00	BAY CARTAGE CO	ASSESSABLE FEET:	260
24-31-33-300-002	2653 OLTHOFF ST	COST PER FOOT:	\$36.35
@ 0E BARNEY AV	MUSKEGON MI 49444-2680	ESTIMATED P.O. COST:	\$9,451.00
24-133-300-0014-00	GETTYRIDGE	ASSESSABLE FEET:	286.98
24-31-33-300-012	696 PINE MEADOWS LN	COST PER FOOT:	\$36.35
@ 0E BARNEY AV	WILLIAMSTON MI 48895-1669	ESTIMATED P.O. COST:	\$10,431.72
24-133-300-0015-00	TRIDONN DEVELOPMENT CO	ASSESSABLE FEET:	211.8
24-31-33-300-022	1838 RUDDIMAN	COST PER FOOT:	\$36.35
@ 0E BARNEY AV	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$7,698.93
24-133-300-0009-00	INTRA CITY DISPATCH	ASSESSABLE FEET:	314.76
24-31-33-300-007	951 E BARNEY AVE	COST PER FOOT:	\$36.35
@ 951E BARNEY AV	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$11,441.53
24-133-300-0001-10	MUSKEGON TOOL PROPERTY C	ASSESSABLE FEET:	250
24-31-33-300-001	1000 E BARNEY AVE	COST PER FOOT:	\$36.35
@ 1000E BARNEY AV	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$9,087.50
24-133-300-0004-00	JOHNSTONS ENTERPRISES	ASSESSABLE FEET:	284.67
24-31-33-300-024	7300 CLYDE PARK SW	COST PER FOOT:	\$36.35
@ 1122E BARNEY AV	GRAND RAPIDS MI 49509	ESTIMATED P.O. COST:	\$10,347.75

H-1527

Barney Avenue, Valley Street to Roberts Street.

24-133-300-0005-00	BAY CARTAGE CO	ASSESSABLE FEET:	209.67
24-31-33-300-021	2653 OLTHOFF ST	COST PER FOOT:	\$36.35
@ 2285 ROBERTS S	MUSKEGON MI 49444-2680	ESTIMATED P.O. COST:	\$7,621.50

24-133-300-0016-00	BT OH INC	ASSESSABLE FEET:	833.5
24-31-33-300-013	PO BOX 28606	COST PER FOOT:	\$36.35
@ 2399 ROBERTS S	ATLANTA GA 30358-0606	ESTIMATED P.O. COST:	\$30,297.73

24-861-000-0193-00	TRINITY VILLAGE II LTD	ASSESSABLE FEET:	268.2
24-31-33-304-002	DIVIDEND HOUSING ASSOC.	COST PER FOOT:	\$36.35
@ 0 VALLEY ST	MUSKEGON MI 49444-0000	ESTIMATED P.O. COST:	\$9,749.07

SUM OF ASSESSABLE FOOTAGE:	<u>2959.58</u>	SUM OF ESTIMATED P.O. COST:	<u>\$107,580.73</u>
----------------------------	----------------	-----------------------------	---------------------

% OF TOTAL PROJECT:	35.8602443333333
---------------------	------------------

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

MAR 06 2001

City Clerks Office

To have your vote count, please

Return This Card By: MARCH 13, 2001

Project Title: Barney Avenue, Valley Street to Roberts Street.
Project Description: All parcels abutting Barney Avenue from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street.

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	951 E BARNEY AVE
Parcel Number	24-133-300-0009-00
MAP Number:	24-31-33-300-007
Assessable Frontage:	314.76 Feet
Estimated Front Foot Cost:	\$36.35 per Foot
ESTIMATED TOTAL COST	\$11,441.53

Property Description

N 228.5 FT OF S 1/2 OF NW 1/4 OF SW 1/4 SEC 33 T10N R16W LYING W OF M R & N RW EXC W 833 FT & EX N 33 FT OF W 196 FT THEREOF

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Charles Link Jr.

Owner _____

Signature [Signature]

Signature _____

Address 951 East BARNEY

Address _____

Thank you for taking your time to vote on this important issue.

INTRA CITY DISPATCH

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By: MARCH 13, 2001

RECEIVED
MAR 07 2001
City Clerks Office

Project Title: Barney Avenue, Valley Street to Roberts Street.
Project Description: All parcels abutting Barney Avenue from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street.

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	0 E BARNEY AVE
Parcel Number	24-133-300-0015-00
MAP Number:	24-31-33-300-022
Assessable Frontage:	211.8 Feet
Estimated Front Foot Cost:	\$36.35 per Foot
ESTIMATED TOTAL COST	\$7,698.93

Property Description

COM AT SE COR SW 1/4 SEC 33 T10N R16W TH N ALONG N/S 1/4 LINE TO S LINE OF BARNEY AVE TH W 541.35 FT TO POB TH CONTINUE W 611.8 FT TO ELY LINE OF GT RR RW TH SLY ALONG ELY LINE SAID RW TO W LINE OF NE 1/4 OF SW 1/4 TH S ALONG SAID LINE 178 FT TO S LINE SAID NE 1/4 OF SW 1/4 TH E ALONG SAID LINE 784 FT TH N 0 DEG 04 MIN E 621.9 FT TO POB EXC E 400 FT THEREOF

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Tridonn Development

Signature _____

Address _____

Owner Tridonn Development Co.

Signature Donald E. Haggelund

Address 1838 Ruddiman, N. Muskegon

Thank you for taking your time to vote on this important issue.

TRIDONN DEVELOPMENT CO

H-1527 BARNEY STREET, ROBERTS TO VALLEY

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

		TOTAL NUMBER OF PARCELS =10									
		FOR		OPPOSE							
	FEET	PERCENTAGE	#	ADD	MAP #	FT	#	ADD	MAP #	FT	
TOTAL ASSESSABLE FRONT FOOTAGE	2959.58						4	0	24-31-33-300-022	211.8	
							5	951	24-31-33-300-007	314.76	
FRONT FEET OPPOSED	526.56	17.79%									
RESPONDING FRONT FEET IN FAVOR		0.00%									
NOT RESPONDING - FRONT FEET IN FAVOR	2433.02	82.21%									
TOTAL FRONT FEET IN FAVOR	2433.02	82.21%									

TOTALS

0

526.56

Date: March 13, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
LAKETON AVE. FROM PECK TO WOOD

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Laketon Ave. from Peck to Wood project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2001-28(e)

Resolution At First Hearing Creating Special Assessment District
For **Laketon from Peck Street to 350' west of the centerline of Hoyt Street & from 680' east
of the centerline of Hoyt Street to 147' west of the westerly ROW of Wood Street**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 13, 2001** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 13, 2001**, there were 0.0 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

- Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Shepherd and Spataro and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
 4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 7.74% of the cost of the street improvement will be paid by special assessments.
 5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Aslakson, Nielsen, Schweifler, Shepherd, Sieardzki, Spataro

Nays Benedict

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 13, 2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

LAKETON AVENUE from PECK TO WOOD

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **All properties abutting** Laketon from Peck Street to 350' west of the centerline of Hoyt Street & from 680' east of the centerline of Hoyt Street to 147' west of the westerly ROW of Wood Street

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 13 TH DAY OF MARCH, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CREATING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Laketon Avenue, from Peck Street to 170' west of the centerline of Leahy Street & from 233.5' east of the centerline of Hoyt Street to 147' west of the westerly ROW of Wood Street.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON MARCH 3, 2001.

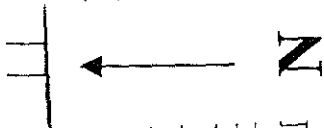
DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2ND DAY OF MARCH, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

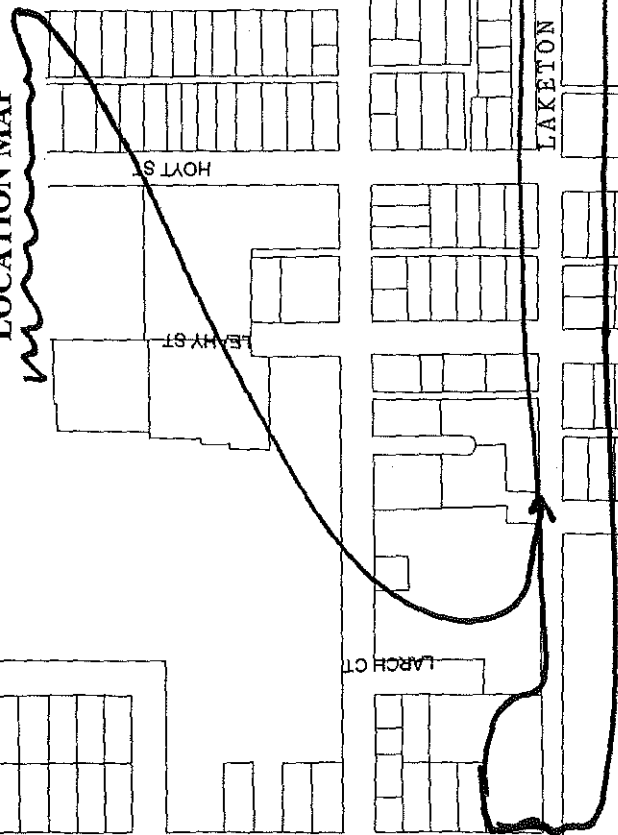
SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF March, 2001.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02



SPECIAL ASSESSMENT DISTRICT
"LOCATION MAP"



JEFFERSON ST

SANFORD ST

PECK ST

LARCH CT

LEAHY ST

HOYT ST

LAKETON

TERRACE ST

SMITH ST

WOOD ST

MANZ ST

REYNOLDS ST

HOWDEN ST

JIROCH ST

CLINTON ST

ENGINEERING FEASIBILITY STUDY LAKETON AVENUE PECK TO WOOD

The proposed improvements on **Laketon Avenue, Peck to Wood**, see attached location map, consists of milling and resurfacing the existing pavement as well as constructing a left turn lane where one doesn't exist.

The City, due to the following reasons, initiated the proposed improvements:

1. The road surface has deteriorated to a point where typical maintenance activities such as patching, crack sealing and resurfacing are no longer feasible and would have no impact on the life of the pavement. It is also evident that the pavement condition is at a critical stage where holding off this improvement might increase the possibility for the need to reconstruct rather than mill-resurface.
2. Accident history for 1997, 1998 & 99 revealed a total of 15-left turn related accident. Therefor, by constructing a left turn lane the number of left turn related accidents should drop considerably, if not eliminated.

A memorandum from the Equalization office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate of the project is \$350,000. The total length of the project is 2,819' with 1,530.80 of assessable footage. This translates into an estimated improvement cost of \$228.64 per assessable foot. However, the assessment amount will be at a cost not to exceed \$17.70 per assessable front foot.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

February 28, 2001

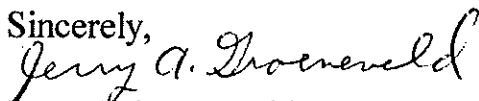
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Laketon Avenue between Wood Street and Peck Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 28, 2001.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$17.70 appears reasonable in light of analysis that indicates a possible enhancement of \$18.58. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3
Senior Appraiser

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

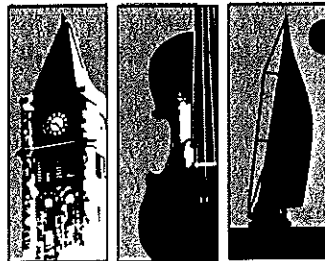
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

March 2, 2001

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following paving project:

Laketon Avenue, Peck Street to Wood Street.

The proposed special assessment district will be located as follows:

All parcels abutting Laketon Avenue, from Peck Street to 170' west of the centerline of Leahy Street & from 233.5' east of the centerline of Hoyt Street to 147' west of the westerly ROW of Wood Street.

It is proposed that a portion of the above improvement will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 13, 2001 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held to confirm the special assessment roll after the project is under way. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

Estimated Costs

The total estimated cost of the street portion of the project is \$350,000 of which approximately 7.74% (\$27,095.16) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street assessment, which covers improvements to the roadway, may be paid in installments over a period of up to ten (10) years. Any work on drive approaches or sidewalks will be assessed to the property at actual contract prices and these costs may also be paid in installments over ten (10) years. Please note this work is in addition to the street special assessment.

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

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

**CITY OF MUSKEGON
LAKETON AVENUE H-1442
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the sidewalk assessment for you to the extent that funds are available.

Application Requirements:

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

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$22,800
2	26,040
3	29,340
4	32,580
5	35,160
6	37,800
7	40,380
8	43,020
For each extra, add	3,240

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

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

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

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

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation. Sidewalk repairs must be completed by the City of Muskegon. Costs incurred from repairs done by a private contractor or by doing them yourself, will not be reimbursed.

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: MARCH 13, 2001

Project Title: Laketon Avenue, Peck Street to Wood Street.

Project Description: All parcels abutting Laketon Avenue, from Peck Street to 350' west of the centerline of Hoyt Street & from 233.5' east of the centerline of Hoyt Street to 147' west of the westerly ROW of Wood Street.

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 0

Parcel Number

MAP Number:

Assessable Frontage:

Estimated Front Foot Cost:

ESTIMATED TOTAL COST

Property Description

R P EASTONS 2ND SUB DIV OF PART OF SEC 32 T 10 N R 16 W W 90 FT OF E 536.36 FT OF LOT 1 BLK 1

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

Thank you for taking your time to vote on this important issue.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**LAKETON, WOOD TO PECK
& BARNEY, ROBERTS TO VALLEY**

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

- **All parcels abutting Laketon from Peck Street to 350' west of the centerline of Hoyt Street & from 680' east of the centerline of Hoyt Street to 147' west of the westerly ROW of Wood Street**
&
- **All properties abutting Barney from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 13, 2001 AT 5:30 O'CLOCK P.M.

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

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **March 3, 2001**

Gail Kundering, City Clerk
ADA POLICY

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

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

H-1442

Laketon Avenue, Peck Street to Wood Street.

24-720-001-0001-00	SCHUITEMA HENRY L	ASSESSABLE FEET:	59
24-31-32-127-010	1433 BEARDSLEY AVE	COST PER FOOT:	\$17.70
@ 0	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,044.30

24-810-000-0003-00	ALLISON LARRY S	ASSESSABLE FEET:	50
24-31-32-127-003	4059 W. RIVER ROAD	COST PER FOOT:	\$17.70
@ 0E LAKETON A	MUSKEGON MI 49445-9606	ESTIMATED P.O. COST:	\$885.00

24-205-308-0010-10	CITY OF MUSKEGON	ASSESSABLE FEET:	59
24-31-29-386-015	BETWEEN WOOD & SMITH	COST PER FOOT:	\$17.70
@ 0E LAKETON A		ESTIMATED P.O. COST:	\$1,044.30

24-205-307-0010-10	CITY OF MUSKEGON	ASSESSABLE FEET:	91
24-31-29-385-014	BETWEEN SMITH & PINE	COST PER FOOT:	\$17.70
@ 0E LAKETON A		ESTIMATED P.O. COST:	\$1,610.70

24-205-306-0010-00	CITY OF MUSKEGON	ASSESSABLE FEET:	90
24-31-29-384-008	BETWEEN PINE & TERRACE	COST PER FOOT:	\$17.70
@ 0E LAKETON A		ESTIMATED P.O. COST:	\$1,593.00

24-810-000-0001-00	ALLISON LARRY S	ASSESSABLE FEET:	64.7
24-31-32-127-001	4059 W RIVER ROAD	COST PER FOOT:	\$17.70
@ 287 E LAKETON A	MUSKEGON MI 49445-9606	ESTIMATED P.O. COST:	\$1,145.19

24-810-000-0002-00	ALLISON LARRY S	ASSESSABLE FEET:	50
24-31-32-127-002	4059 W RIVER ROAD	COST PER FOOT:	\$17.70
@ 293 E LAKETON A	MUSKEGON MI 49445-9606	ESTIMATED P.O. COST:	\$885.00

H-1442

Laketon Avenue, Peck Street to Wood Street.

24-810-000-0004-00	WARNER-SCHUITEMA	ASSESSABLE FEET:	150
24-31-32-127-004	327 E LAKETON	COST PER FOOT:	\$17.70
@ 309E LAKETON A	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$2,655.00

24-810-000-0007-00	SCHUITEMA HENRY L	ASSESSABLE FEET:	50
24-31-32-127-007	1433 BEARDSLEY AVE	COST PER FOOT:	\$17.70
@ 327E LAKETON A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$885.00

24-810-000-0008-00	WARNER-SCHUITEMA	ASSESSABLE FEET:	85.1
24-31-32-127-008	327 E LAKETON AVE	COST PER FOOT:	\$17.70
@ 329E LAKETON A	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,506.27

24-530-000-0001-00	HACKLEY HOSPITAL	ASSESSABLE FEET:	259
24-31-29-358-001	1700 CLINTON ST	COST PER FOOT:	\$17.70
@ 115E LARCH AVE	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$4,584.30

24-675-005-0001-00	CITY OF MUSKEGON	ASSESSABLE FEET:	523
24-31-32-101-001	MARSH FIELD	COST PER FOOT:	\$17.70
@ 1800 PECK ST		ESTIMATED P.O. COST:	\$9,257.10

SUM OF ASSESSABLE FOOTAGE:	<u>1530.80</u>	SUM OF ESTIMATED P.O. COST:	<u>\$27,095.16</u>
----------------------------	----------------	-----------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS	43	% OF TOTAL PROJECT:	7.74147428571429
------------------------------------	----	---------------------	------------------

H-1442 LAKETON AVE., WOOD TO PECK

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

TOTAL NUMBER OF PARCELS =12												
			#	ADD	FOR	MAP #	FT	#	ADD.	OPPOSE	MAP #	FT
	FEET	PERCENTAGE										
TOTAL ASSESSABLE FRONT FOOTAGE	1530.80											
FRONT FEET OPPOSED		0.00%										
RESPONDING FRONT FEET IN FAVOR		0.00%										
NOT RESPONDING - FRONT FEET IN FAVOR	1530.80	100.00%										
TOTAL FRONT FEET IN FAVOR	1530.80	100.00%										
TOTALS							0					0

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 03/13/01

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 7, 2001

RE: Stray Cats

SUMMARY OF REQUEST:

At the City Commission meeting on 3/27/01, the City Commission requested staff to review the stray cat problem in the City and make a recommendation at this meeting. Staff has reviewed the situation and believes additional investigation into a solution is necessary before a final recommendation is provided. The following are the areas that staff has and will continue to investigate:

- 1) Cooperative effort with the County Health Department and Animal Control to abate stray cats;
- 2) Prohibition of nuisance feeding;
- 3) Licensing of cats; and
- 4) Neutering assistance program.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

That City staff pursues the aforementioned potential solution to the City's stray cat problem.

COMMITTEE RECOMMENDATION:

None

March 5, 2001

TO WHOM IT MAY CONCERN:

On the varmint (cat) problem.....

If your city hall, all municipal and county government buildings became infested with rats and mice would the city commission wait for an investigation, research, study or consultants to immediately solve the problem or use the stall tactics? Hmm?

Universities stress immediate action is of utmost importance for problem solving. If there is no regulation enact one in detail; not a dog regulation incomplete (for example). What should a master do after his dog craps in an area not his own? In one hand unenforcibly does not carry a pooper scooper to carry the doo doo home. Those who bring scoopers return them empty. Complete that law this month!

As you keep citizens content votings will be in your favor.

Respectfully submitted,

Ben Szczesny
Ben Szczesny
1941 Gutler Ave.

S

RECEIVED

MAR 12 2001

City Clerks Office

Commission Meeting Date: March 13, 2001

Date: March 5, 2001

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Rehabilitation of tax-reverted structure

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services department to bid out the total rehabilitation of the city-owned tax-reverted residential structure at 315 Catawba. The structure was obtained by the city last year through the tax-reversion process. During the rehabilitation process an eligible family will be selected to purchase the structure after rehabilitation through one of the city's Community Housing Development Organizations.

FINANCIAL IMPACT: The funding for the rehabilitation will be from the city's HOME funding. The staff cost estimate is \$55,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: The Land Reutilization Committee approved the project.



315 Catawba – Request by Community & Neighborhood Services to complete a full rehabilitation of the home.

Due to its numerous code violations, this house is on the Inspection Department's list of dangerous properties. Once the rehab is complete, CNS plans to sell the home to a low/moderate income family. The house is located in an area that currently possesses a significant number of empty lots. After completion of the project, it is the hope of the department to initiate some in-fill activity in the neighborhood.

Staff report given by W. Griffin, presented options for either option of demolition or rehabilitation of the four bedroom home. The lot next door may come up for possible tax sales and could be combined with 315 Catawba for a larger lot size.

S. Sieradzki moved to recommend to City Commission to approve full rehabilitation of 315 Catawba. Unanimously supported.

OTHER

S. Sieradzki acknowledged and thank L. Van Reese for his years of service on the committee.

The meeting adjourned at 4:06 p.m.

dm/1/19/01

DANGEROUS BUILDING INSPECTION REPORT

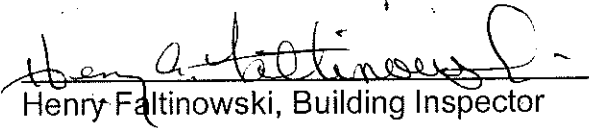
315 CATAWBA

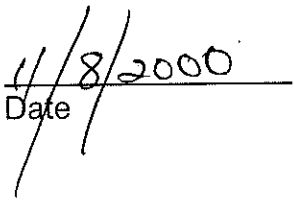
11/8/00

Inspection Noted:

1. Cracked foundation walls, tuck pointing needed.
2. Deteriorated front porch steps.
3. Missing siding on home.
4. Roof system on home severely damaged, roof covering, sheathing, and fascia.
5. Chimneystack needs repair, flashing.
6. Interior electrical, plumbing, mechanical and building inspection required before any permits or occupancy will be issued.

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


Henry Faltinowski, Building Inspector


Date

Date: February 21, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Charter Parks

SUMMARY OF REQUEST:

To adopt the attached resolution creating eight new
Charter Parks

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

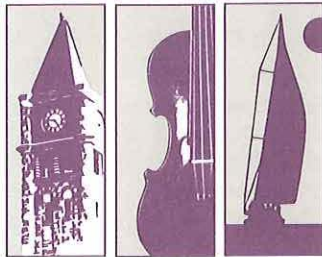
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

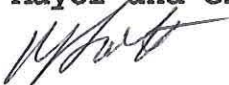
MUSKEGON



West Michigan's Shoreline City

Date: February 21, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Charter Parks

The attached resolution creates eight additional Charter Parks. The only park no included from the previous list is Sheldon Park. We discovered that the schools failed to deed the entire park to us. They have indicated that they will do that in March.

The resolution includes Lakeshore and Addison, Jaycee's Launch Ramp, Lake Michigan Park, Kruse Park, Bronson Park, The Gas Company property (PMP), Richards Park, and the park at Peck and Ransom (Bott Park).

I would ask that you adopt the attached resolution creating these parks as Charter Parks.

Thank you for your consideration.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

Resolution No. 2001-30(b)

A Resolution Establishing Certain Charter Parks.

Recitals

The City of Muskegon's Charter was amended in 1998 by the addition of Article XX providing for the establishment of charter parks.

The City Commission has examined certain parks located in the City and has determined that the lands involved are owned in fee simple by the City and that they should be preserved as parks. Public notice of this proposed action by the City Commission has been given.

For the purpose of preserving the said parks, in accordance with the provisions of Article XX of the City Charter and subject to those provisions, the City, by this Resolution, intends to establish the said parks as charter parks. In accordance with the Charter, after recording this Resolution no such park land may be sold, mortgaged, transferred or conveyed by the City, except with the approval of the majority of the electors voting at an election held in the City.

NOW, THEREFORE, the City Commission of the City of Muskegon hereby resolves that the following parks, identified by name in this Resolution, are declared by the City Commission of the City of Muskegon to be charter parks. The said lands shall be preserved as parks in accordance with the said Charter provisions.

The legal descriptions of the lands included in the said parks are attached and incorporated in this Resolution. This Resolution may be recorded with the Muskegon County Register of Deeds for the purpose of giving record and public notice of this determination and designation by the City Commission.

The parks to be deemed charter parks upon recording of this Resolution, and their legal descriptions, are as follows:

Lakeshore & Addison Charter Park:

Deeded to the City of Muskegon in 1952 and recorded at Liber 611, Page 249:

Part of Lot 21 of Block 611 of the Revised Plat of 1903 of the City of Muskegon, as per plat of record in the office of the Register of Deed for Muskegon County, described as commencing at the Northeast corner of said Lot 21; thence running South on Addison Street 140 feet; thence Northwesterly 100 feet; thence North 115 feet to Lake Street; thence East 100 feet to place of beginning.

Jaycees Launch Ramp Charter Park:

The West 200.00 feet of that part of Block 605 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, lying East of a line drawn North and South from the Easterly corner of Block 698 of said Revised Plat, and North of Lake Shore Drive. EXCEPT the following described parcel: That part thereof lying West of the following described line; Commencing at said Easterly corner of Block 698; thence North 207.70 feet for Point of Beginning of said line; thence North $15^{\circ}29'15''$ East to the shore of Muskegon Lake, which is the Point of Ending of said line.

ALSO

That part of said Block 605, described as follows: Commencing at the most Easterly corner of Block 698 of said Revised Plat; thence North 72.90 feet to the Northerly line of Lakeshore Drive for Point of Beginning thence North $65^{\circ}03'30''$ West along the Northerly line of Lakeshore Drive 58.27 feet to a point which is the intersection of the Northwesterly line of Cottage Grove Avenue extended to the Northerly line of Lakeshore Drive; thence North $47^{\circ}09'45''$ East along said Northwesterly line of Cottage Grove Avenue extended 40.92 feet; thence North $15^{\circ}29'15''$ East 85.53 feet; thence South 134.80 feet to Point of Beginning.

Lake Michigan Charter Park:

That part of Block 713 of said Revised Plat of 1903 lying Northerly of the following described line: Commencing at a point on the shore of Lake Michigan, 1457.8 feet Southeasterly from the intersection of the East and West quarter line of Section 33, Town 10 North, Range 17 West, with the shore of Lake Michigan for Point of Beginning of said line; thence Northeasterly to the most Southerly corner of Block 706 of said Revised Plat of 1903 for Point of Ending of said line.

ALSO

Block 714 of said Revised Plat of 1903;

EXCEPT

That part there of included in Bluffton Bay Estates, a Site Condominium, recorded as Condominium Plan No. 61, in Muskegon County;

ALSO EXCEPT

That part of said Block 714, lying Northerly of the following described line: Commencing at the Southeast corner of Block 716 of said Revised Plat for Point of Beginning of said line; thence South 70° West 393 feet more or less to the shore of Lake Michigan for Point of Ending of said line;

ALSO

That part of Lot 12 of Block 702 of said Revised Plat of 1903, described as follows: Commencing at the Southwest corner of said lot for Point of Beginning; thence North $00^{\circ}43'48''$ East along the West line of said Lot 206.71 feet; thence south $63^{\circ}13'02''$ East 165.05 feet to the Northwesterly line of Sampson Street; thence South $48^{\circ}34'44''$ West along said Northwesterly line 200.00 feet to Point of Beginning.

Kruse Charter Park:

Block 712 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan

EXCEPT THE FOLLOWING:

Beachwood Subdivision No. 1, as recorded in Liber 14 of Plats, Page 19;

and

Beachwood Subdivision No. 2, as recorded in Liber 15 of Plats, Page 17;

ALSO

That part of Block 713 of said Revised Plat of 1903, lying Southerly of the following described line: Commencing at a point on the shore of Lake Michigan, 1457.8 feet Southeasterly from the intersection of the East and West quarter line of Section 33, Town 10 North, Range 17 West, with the shore of Lake Michigan for Point of Beginning of said line; thence Northeasterly to the most Southerly corner of Block 706 of said Revised Plat of 1903 for Point of Ending of said line.

Bronson Charter Park:

Government Lot 1 of Section 3, Town 9 North, Range 17 West, City of Muskegon, Muskegon County, Michigan.

Gas Company (PMP) Charter Park:

That part of Blocks 731, 732, 733 and 734 of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the Northeast corner of Block 715 of said Revised Plat of 1903; thence West 1554.00 feet; thence North $15^{\circ}11'30''$ West 433.10 feet for Point of Beginning; thence North $72^{\circ}56'30''$ West 363.00 feet; thence South $64^{\circ}30'00''$ West 315 feet more or less to the East shore of Lake Michigan; thence Northwesterly along said shore to a point where a line bearing South $89^{\circ}39'$ West from the Southeast corner of Block 738 of said Revised Plat, intersects said shore; thence North $89^{\circ}39'$ East 625 feet more or less to the Southeast corner of said Block 738; thence South $25^{\circ}40'30''$ East 847.50 feet; thence South $87^{\circ}05'30''$ East 446.72 feet; thence South $62^{\circ}59'30''$ East 583.20 feet to the point of curvature of a $47^{\circ}31'39''$ curve; thence Southwesterly along the arc of said curve 187.37 feet to the point of tangency; thence South $26^{\circ}03'30''$ West 414.02 feet to Point of Beginning;

EXCEPT that part thereof deeded to the Muskegon Public Schools for Bluffton School in a Deed dated July 21, 1953, and recorded January 8, 1954, in Liber 632, Page 374.

Richards Charter Park:

That part of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 17, Town 10 North, Range 16 West, City of Muskegon, Muskegon County, Michigan; lying Southerly of the North Channel of the Muskegon River; Easterly of CSX Railroad Right of Way and Westerly of State Highway U S-31 Business Route. ALSO, Lot 1 of Block 545 and that part of Block 545 lying Westerly of State Highway U S-31 Business Route of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan.

Bott, Ransom and Peck Charter Park:

Part of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan described as follows: A triangle bounded on the Southerly side by Lot 1 of Block 228 of said Revised Plat; on the Easterly side by Ransom Street and on the West side by Peck Street. Formerly described as Block 54 of Sanford's Addition to the Village of Muskegon, as Recorded in Liber 1 of Plats, Pages 11 and 12. ALSO, entire Diana Avenue lying Southerly of said Block 54, between Ransom Street and Peck Street.

IT IS FURTHER RESOLVED, that the designation as a charter park does not require that the name of any such park cannot be changed in the future. The names of the parks set forth in this Resolution are for identification and reflect current decisions as to appropriate memorials or acknowledgements.

THIS RESOLUTION ADOPTED

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

NAYS None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

CERTIFICATE

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 13th day of March, 2001, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

Gail A. Kunderger
Gail A. Kunderger, City Clerk

PUBLIC NOTICE

City of Muskegon

Public Notice of Meeting to Consider the Establishment of Charter Parks

On March 13, 2001, the City Commission of the City of Muskegon will consider at its regular meeting the designation of certain city owned lands as Charter Parks. The lands to be considered include:

1. Lakeshore and Addison Park, located at the corner of Lakeshore and Addison Streets.
2. Jaycees Launch Ramp Park, at Lakeshore Drive and Cottage Grove Avenue.
3. Lake Michigan Park, located southerly of the Water Works and adjacent to Bluffton Bay Estates and Beachwood Park.
4. Kruse Park, located at the west end of Sherman Boulevard.
5. Bronson Park, located at the west end of Sherman Boulevard.
6. Gas Company (PMP) Park, located on Lake Michigan from near Bluffton School on Lakeshore Drive to the southerly boundary of Pere Marquette Park on Beach Street.
7. Richards Park, located at the northerly end of Ottawa Street.
8. Park at Ransom and Peck Streets, located at the intersection of Ransom and Peck, a triangular piece of land opposite Diana Avenue, otherwise known as "Bott Park."

Any person may appear at this meeting and be heard.

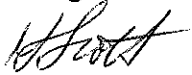
Any land designated as a Charter Park may not thereafter be sold, transferred, mortgaged or conveyed without an affirmative vote of the people of the City.

This is a regular City Commission meeting, which will be held in accordance with the Open Meetings Act of the State of Michigan.

CITY OF MUSKEGON

By _____
Gail A. Kunding, City Clerk

Published: February 24, 2001

Date: February 23, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Farmer's Market Rate Increase

SUMMARY OF REQUEST:

To establish a new rate structure for the Farmer's Market

FINANCIAL IMPACT:

Approximately \$3,000 of new revenue

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

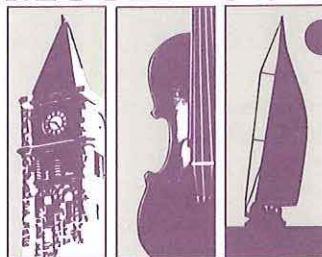
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: February 23, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Farmer's Market Rate Increase

Rates have remained the same for the Farmer's Market for several years. Cheri Burdick, the Market Master, did some research on what other markets are charging and came up with a new rate structure based how often people use the market.

I met with several of the long-term renters to discuss the increase. They were concerned about how the money would be spent. They would like us to do more advertising and some improvements to the facility including signage. We will try to get most of this done this year.

They were also concerned that we weren't charging the non-seasonal renters enough. However, when they realized we doubled the price for Saturday's they seemed to be supportive.

I am recommending that you adopt the attached rate structure for the Farmer's Market. It should generate at least \$3,000 in new revenues.

Thank you for your consideration.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

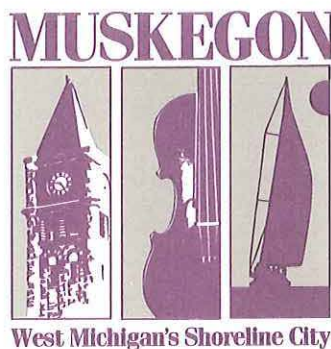
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



To: Muskegon Farmer's Market Vendors
Subject: 2001 Seasonal Stall Rate Increase

- - PLEASE READ - -

The Muskegon Farmer's Market and the Department of Leisure Services staff is recommending to the City Commission a new fee structure for rates to be more in line with sales season use.

In the past, we have raised all stall rents an equal amount, regardless of use. After checking with several other Michigan farmer's markets which are similar in size, services, population, and demographics the concept of rate increases based upon actual time used was inspired by how some of the other markets base their rates.

The Muskegon Farmer's market runs for an eight-month season. However, many of the vendors have a sales season of less than eight months. The average sales season is six months.

We have a few vendors with less than a four-month sales season. The rate increase for 2001 will reflect the use differential of the vendors.

USE- PERCENTAGE BASE RATE SCALE

Current Rates:

Front walk corner	\$300.00 per season
Front walk non-corner	275.00 " "
Back walk corner	175.00 " "
Back walk non-corner	150.00 " "

Daily rental - per stall	
Tuesdays, Thursdays, Saturdays:	10.00 " "

USE-PERCENT INCREASE (2001 ONLY)

0-2 Month Sales Season	No Increase
3 Month " "	10%
4 Month " "	12%
5 Month " "	15%
6 Month " "	18%
7 Month " "	20%
8 Month " "	25%
Daily rental - per stall	
Tuesdays and Thursdays:	\$10.00
Saturdays:	\$20.00

FARMER'S MARKET 2001 RATE SCHEDULE

	FRONT CORN.	FRONT REG.	BACK CORN.	BACK REG.
0-2	\$300.00	\$275.00	\$175.00	\$150.00
3 MO.	\$330.00	\$303.00	\$193.00	\$165.00
4 MO.	\$336.00	\$308.00	\$196.00	\$168.00
5 MO.	\$345.00	\$316.00	\$201.00	\$173.00
6 MO.	\$354.00	\$325.00	\$207.00	\$177.00
7 MO.	\$360.00	\$330.00	\$210.00	\$180.00
8 MO.	\$375.00	\$344.00	\$219.00	\$188.00

EXAMPLE: A vendor renting a front-walk corner stall for a sales season of six months would realize an 18% increase in their 2001 rental fees. The amount would be \$54.00 for the stall. $(\$300.00 \times .18) = \54.00 . NOTE: There will be NO PRORATION for partial month, regardless of which part of the month that you begin or end on.

Beginning in the 2002 sales season vendors MAY be charged an annual fee increase of up to 5% of the 2001 use-percent upgrade. This will be an "as needed" upgrade, not an automatic, annual upgrade.

INCLUDED WITH YOUR 2001 VENDOR INFORMATION SHEET WILL BE A FORM WHICH WILL HELP YOU TO EASILY FIGURE YOUR NEW STALL RENTAL FEES. FAILURE TO FILL IN AND RETURN THIS FORM WILL RESULT IN YOUR INCREASE BEING SET AT THE 25% FULL-SEASON RATE. VENDOR INFORMATION SHEETS WILL BE SENT OUT IN MARCH 2001, AND ARE DUE ON OR BEFORE JUNE 1, 2001.

If you have any questions about the rate increases, or how to figure your sales season...please phone me at home: (231) 821-1236

Thank you for your assistance!
Cheri Burdick

Date: 3/05/2001
To: Honorable Mayor and City Commission
From: Kelly DeFrench, DPW Supervisor
RE: Budgeted Vehicle Replacements

SUMMARY OF REQUEST: Approval to purchase four Dodge $\frac{3}{4}$ ton 2wd pickup trucks at \$17,365.78 each and one Dodge 1 ton pick up at \$18,182.78 from Bill Snethkamp Dodge, Inc, through the State of Michigan group purchasing contract.

FINANCIAL IMPACT: \$ 87,645.90 (Equipment Fund)

BUDGETED- \$ 97,000

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchases of four $\frac{3}{4}$ ton pick ups at \$ 17,365.78 each and one 1 ton pick up at \$18,182.78 from Bill Snethkamp Dodge

Memorandum

To: Bob Kuhn, Director of Public Works

From: Kelly DeFrench

Date: 03/07/01

Re: Budgeted Vehicle Replacement

We have included in the 2001 Equipment budget for the replacement of four ¾ ton pick ups and one 1 ton pick up.

The new ¾ ton trucks will replace # 495,497,501 and 504, these are older trucks assigned to various Departments that have high mileage.(see attached)

The new 1 ton will replace #30098 and will be used in the Traffic Dept. We will rotate #30098 over to the Highway Department.

We have budgeted \$97,000.00 for these purchases

The low bid through the State Purchasing contract is Bill Snethkamp Dodge Inc.

State Purchasing Contract

Bill Snethkamp

¾ Ton Pick up \$17365.78 ea. x 4 = **\$ 69,463.12**

1 Ton Pick up \$ 18,182.78 ea. = **\$ 18,182.78**

Total \$ 87,645.90

Oakland County

Red Holman

¾ Ton Pick up \$ 17,919.00 ea x 4 = **\$ 71,676.00**

1 Ton Pick up \$ 19,332.00 ea. = **\$ 19,332.00**

Total \$ 91,008.00

30495 Year 1987 - 104,000 Miles

30497 Year 1987 - 97,000 Miles

30501 Year 1988 - 103,000 Miles

30504 Year 1989- 110,000 Miles

Date: March 13, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
2001 Sidewalk Replacement Program

SUMMARY OF REQUEST:

The 2001 Sidewalk Replacement contract be awarded to Jordan Smith Concrete Construction out of Lake Odessa. Jordan Smith was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$668,872.25.

However, E & K contractors who worked on the sidewalk for the last four years, submitted the attached letter requesting that the contract be awarded to them.

FINANCIAL IMPACT:

The construction cost of \$668,872.25 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Jordan Smith Concrete.

COMMITTEE RECOMMENDATION:

SIDEWALK REPLACEMENT PROGRAM FOR 2001

BID TABULATION

ITEM OF WORK	UNIT	QUANTITY	ENGINEER'S ESTIMATE		C&D HUGHES		E&K CONSTRUCTION		JORDAN SMITH CONCRETE		KENT COMPANIES		NOBLES INC	
			UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1 BORROW FILL	CU YD	50	\$15.00	\$750.00	\$10.00	\$500.00	\$25.00	\$1,250.00	\$4.00	\$200.00	\$6.00	\$300.00	\$13.86	\$693.00
2 CEMENT	TON	10	\$150.00	\$1,500.00	\$250.00	\$2,500.00	\$190.00	\$1,900.00	\$100.00	\$1,000.00	\$120.00	\$1,200.00	\$43.76	\$437.60
3 CONCRETE CURB, 6" X 14"	L FT	200	\$18.00	\$3,600.00	\$17.00	\$3,400.00	\$21.00	\$4,200.00	\$15.00	\$3,000.00	\$12.00	\$2,400.00	\$23.06	\$4,612.00
4 CONCRETE CURB & GUTTER, AS DIRECTED	L FT	50	\$20.00	\$1,000.00	\$24.00	\$1,200.00	\$23.00	\$1,150.00	\$15.00	\$750.00	\$14.00	\$700.00	\$23.06	\$1,153.00
5 CONCRETE DRIVE APPROACH, 6"	SQ YD	2,698	\$27.00	\$72,846.00	\$15.00	\$40,470.00	\$28.20	\$76,083.60	\$22.50	\$60,705.00	\$26.10	\$70,417.80	\$51.81	\$139,783.38
6 CONCRETE SIDEWALK, 4"	SQ FT	114,555	\$2.85	\$326,481.75	\$3.00	\$343,665.00	\$2.45	\$280,659.75	\$2.75	\$315,026.25	\$2.46	\$281,805.30	\$3.92	\$449,055.60
7 CONCRETE SIDEWALK, 6"	SQ FT	8,550	\$3.35	\$28,642.50	\$4.00	\$34,200.00	\$3.05	\$26,077.50	\$3.00	\$25,650.00	\$2.90	\$24,795.00	\$5.81	\$49,675.50
8 CONCRETE SIDEWALK RAMP, TYPE I OR TYPE III	SQ FT	11,550	\$3.65	\$42,157.50	\$3.00	\$34,650.00	\$3.95	\$45,622.50	\$2.75	\$31,762.50	\$2.80	\$32,340.00	\$3.91	\$45,160.50
9 EXCAVATION	CU YD	25	\$10.00	\$250.00	\$10.00	\$250.00	\$32.00	\$800.00	\$6.00	\$150.00	\$40.00	\$1,000.00	\$87.46	\$2,186.50
10 REMOVING CONCRETE CURB	L FT	1,200	\$5.00	\$6,000.00	\$6.00	\$7,200.00	\$9.00	\$10,800.00	\$3.00	\$3,600.00	\$9.00	\$10,800.00	\$3.22	\$3,864.00
11 REMOVING CONCRETE CURB & GUTTER	L FT	50	\$10.00	\$500.00	\$10.00	\$500.00	\$15.00	\$750.00	\$3.00	\$150.00	\$10.00	\$500.00	\$3.62	\$181.00
12 REMOVING CONCRETE DRIVE APPROACH	SQ YD	2,698	\$10.00	\$26,980.00	\$6.00	\$16,188.00	\$10.00	\$26,980.00	\$6.75	\$18,211.50	\$17.00	\$45,866.00	\$1.78	\$4,802.44
13 REMOVING CONCRETE SIDEWALK	SQ FT	138,405	\$1.30	\$179,926.50	\$2.00	\$276,810.00	\$1.25	\$173,006.25	\$1.40	\$193,767.00	\$1.50	\$207,607.50	\$0.86	\$119,028.30
14 ROOT CUTTING FOR S. W. INSTALLATION, 10"- 20" TREES	EACH	170	\$25.00	\$4,250.00	\$50.00	\$8,500.00	\$35.00	\$5,950.00	\$25.00	\$4,250.00	\$30.00	\$5,100.00	\$30.50	\$5,185.00
15 ROOT CUTTING FOR SW. INSTALLATION, 20"- 30" TREES	EACH	170	\$50.00	\$8,500.00	\$75.00	\$12,750.00	\$60.00	\$10,200.00	\$35.00	\$5,950.00	\$40.00	\$6,800.00	\$30.50	\$5,185.00
16 ROOT CUTTING FOR S. W. INSTALLATION, TREES OVER 30"	EACH	60	\$75.00	\$4,500.00	\$100.00	\$6,000.00	\$100.00	\$6,000.00	\$45.00	\$2,700.00	\$50.00	\$3,000.00	\$30.50	\$1,830.00
17 RETAINING WALL 18" BY 8" WITH RE-ROD	L FT	100	\$25.00	\$2,500.00	\$30.00	\$3,000.00	\$25.00	\$2,500.00	\$20.00	\$2,000.00	\$42.00	\$4,200.00	\$11.44	\$1,144.00
TOTAL				\$710,384.25		\$791,783.00		\$673,929.60		\$668,872.25		\$698,831.60		\$833,976.82

E+K CONSTRUCTION OF HOLLAND CO. INC.

13134 QUINCY STREET
HOLLAND MI 49424

Phone 616-3991921
Fax 616-399-3110
Email Ekcon@wmol.com

Mohammed S. Al-Shatel
City of Muskegon
933 Terrace Str.
P.O. Box 536
Muskegon MI 49443-0536

RE: 2001 Sidewalk Replacement Program

RECEIVED
CITY OF MUSKEGON
February 28, 2001

FEB 28 2001

ENGINEERING DEPT.

Dear Mohammed,

I am writing this letter in regards to the Feb 20 bid letting on the 2001 sidewalk replacement project. I ask the city to consider E+K Constructions past experience and workmanship on previous Sidewalk projects.

With the bids being so close there are also factors that you cant put A price on. Because we have done past projects we know what the city expects with workmanship and getting done in a timely manner. I also believe we have learned a good system in performing the project that works for all departments and people involved. E+K has always took these projects seriously.

Its always hard being 2nd by a small amount and I am not saying anything bad or misleading about any other contractor but I think E+K's experience would be in the cities best interest.

Whatever the outcome thank-you for your time and we look forward to working with the City of Muskegon in the future.

Sincerely

Jack Kalkman President E+K Construction of Holland Co. Inc.



Date: March 13, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Janitorial Services for 2001 - 2003

SUMMARY OF REQUEST:

To award a janitorial services contract to Edwards Janitorial to clean City Hall/police department and Public Service Building only for the next 3-years starting May 1st 2001 until April 30th of 2003 with an option on the fourth year. Edwards Janitorial was the lowest responsible bidder, see attached tabulation sheet, with a bid price as follow;

	2001	2002	2003	Total
City Hall & P.D	\$51,561.30	\$53,092.73	\$54,700.59	\$159,354.62
Public Service Building	\$15,852.93	\$16,304.92	\$16,790.48	\$48,948.33

FINANCIAL IMPACT:

The above stated annual costs

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To award a three year contract to Janitorial

COMMITTEE RECOMMENDATION:

BID TABULATION
JANITORIAL SERVICES CONTRACT - 2001-2002-2003

[illegible]

DATE: March 5, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection
Services Dept.

RE: Concurrence with the Housing Board of Appeals
Finding of Facts and Order for 463 Houston

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **463 Houston** 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.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

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

Location & Ownership: This 4-unit apartment house is located on Houston near seventh street. The property is owned by Daniel Heller who sold the property on a land contract to CJ Investments (Charles Wishart) whom quit claimed the property back to Heller in December of 2000.

History: A dangerous building inspection was conducted on 1/24/00. On 1/27/00 a notice and order was sent to the owner. The owner did not comply with the order and the Housing Board of Appeals heard the case on 4/6/00. The board declared the structure unsafe and forwarded the case to the commission on May 9, 2000. A Temporary restraining order was filed and the Courts remanded the case back to the housing board of appeals on July 6, 2000 and the Board gave the owner 120 days to complete all repairs. On 12/5/00 Mr. Wishart submitted a copy of a quit claim deed proving that he gave the property back to Dan Heller. The Board reviewed the case again on January 4, 2001. Mr. Heller did not show up to the meeting and the condition of the home remains the same. The Board declared the structure dangerous and forwarded the case to the commission for concurrence in the demolition of the structure.

State Equalized Value: \$19,300.00

Estimated cost of repairs: \$15,000.00

City Commission Recommendation: The Commission will consider this item at it's meeting on 3/13/01.



463 HOUSTON



DANGEROUS BUILDING INSPECTION
463 HOUSTON
1/24/2000

APARTMENT HOUSE

1. Front apartment is completely stripped and in need of complete building, electrical and plumbing.
2. Broken out windows and ripped screens.
3. Damaged apartment entry doors.
4. Illegal use of extension cords supplying other apartments with electrical service.
5. Need electrical, plumbing, and mechanical certified safe.
6. Soffit on roof system is falling off.
7. Cornice of roof needs completion.

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 G. Faltinowski 1/25/2000
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRED IN: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3		NOTE: Non owner-occupants must use licensed contractors for most electrical, plumbing or mechanical repair work. Call 724-6758 for more information.
4		APT. 2 & 5 NOTE: <i>to be removed</i> Has roaches.
5	B	APT. 2 BATH Faucet is dripping.
6	B	APT. 2 BATH Has low cold water pressure.
7	B	APT. 2 BATH Has low hot water pressure.
8	B	APT. 2 ENTRY Door is loose or coming off of its hinges.
9	B	APT. 2 ENTRY door doorstop is broken or missing.
10	A	APT. 2 GENERAL Dwelling or unit is infested with cockroaches.
11	B	APT. 2 GENERAL Roof leaks.
12	B	APT. 2 GENERAL Floor covering has holes, rips or is missing or is not sealed on edges.
13		APT. 2 NOTE: Must use good workmanship.
14	A	APT. 2 STAIRWAY Common lighting not working.
15	A	APT. 3 Waste is leaking.
16	B	APT. 3 <i>Water damage</i> Ceiling is water damaged.
17	B	APT. 3 Wall(s) is/are water damaged.
18	A	APT. 3 Step is broken or rotted.
19	b	APT. 3 Ceiling needs 1/2 in. drywall.
20	X B	BATH Toilet tank cover is broken or missing.
21	B	BATH Light fixture globe is broken or missing.
22		BATH - SINK NOTE: Water drips.

No	Cat	Violation
23	B	EXTERIOR Operable window(s) do not have a screen - must cover the complete bottom sash.
24	B	EXTERIOR - FRONT DOOR Needs closure.
25		EXTERIOR - FRONT DOOR Repalce - not properly repaired.
26	A	EXTERIOR - UPPER FRONT Remove cover from space heater vent.
27	A	EXTERIOR - UPPER WEST Window has broken or cracked glass.
28	A	EXTERIOR - W SIDE REAR Window has broken or cracked glass.
29	A	EXTERIOR GENERAL Window has broken or cracked glass.
30	B	EXTERIOR GENERAL Operable window(s) do not have a screen - must cover the complete bottom sash.
31	B	EXTERIOR GENERAL Window screen is torn or damaged.
32	A	LIVING ROOM Window has broken or cracked glass.
33	B	REAR BEDROOM Ceiling tile are missing or falling down.
34	A	REAR BEDROOM Smoke detector is missing or inoperative near the bedrooms.
35	B	REAR BEDROOM Does not have privacy door.
36	B	REAR BEDROOM door doorstop is broken or missing.
37	B	REAR BEDROOM Door hardware is broken, missing or incomplete.
38	B	REAR BEDROOM Ceiling water stained.

END OF LIST

no JRM
OK
12/11/77

Affirmative Action
616/724-6703
FAX/724-6700

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-4178

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

Engineering
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FAX/724-6790

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FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

NOTICE AND ORDER

January 27, 2000

Daniel Heller
P. O. Box 181
Hesperia, Mi. 49421

Dear Property Owner:

Subject: 463 Houston (apartment house)
W ½ lot 5, Block 370

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

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

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

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

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski".

Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action

616/724-6703
FAX/724-6790

Assessor

616/724-6708
FAX/724-6768

Cemetery

616/724-6783
FAX/722-4188

Civil Service

616/724-6716
FAX/724-6790

Clerk

616/724-6705
FAX/724-6768

**Comm. & Neigh.
Services**

616/724-6717
FAX/724-6790

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Manager's Office

616/724-6724
FAX/724-6790

Mayor's Office

616/724-6701
FAX/724-6790

**Neigh. & Const.
Services**

616/724-6715
FAX/724-6790

Planning/Zoning

616/724-6702
FAX/724-6790

Police Dept.

616/724-6750
FAX/722-5140

Public Works

616/724-4100
FAX/722-4188

Treasurer

616/724-6720
FAX/724-6768

Water Dept.

616/724-6718
FAX/724-6768

Water Filtration

616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: March 23, 2000

TO: Daniel Heller

SUBJECT: Dangerous Building Case #00-20 – 463 Houston

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

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

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

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

Inspection Services
City of Muskegon

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner
Clint Todd

The motion carried.

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

Mr. Huffman was in attendance. He asked for an extension of 30 days to call for an inspection and to take care of the shed. This case will be brought back to the May meeting if not complete. John Warner, supported by Randy Mackie made a motion to support the extension.

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner
Clint Todd

The motion carried.

#00-20 – 463 HOUSTON – DANIEL HELLER, PO BOX 181, HESPERIA, MI.

Mr. Heller did not attend the meeting. The Staff recommended to declare this structure substandard, unsafe, a public nuisance and forward to the City Commission. Randy Mackie made a motion, supported by John Warner to accept the Staff recommendation and forward the case to City Commission for concurrence.

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Robert Johnson
Fred Nielsen
William Anderson
Randy Macki
John Warner
Clint Todd

The motion carried.

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-4178

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
616/724-6720
FAX/724-6768

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

Water Filtration
616/724-4106
FAX 755-5290



MUSKEGON HOUSING BOARD OF APPEALS

DATE: April 10, 2000
CASE: 00-20 -463 Houston

Mr. Daniel Heller
PO Box 181
Hesperia MI 49421

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon MI on April 6, 2000. The Inspection Services Department of the City of Muskegon, having inspected the building structure located upon the property, described as the **West ½ of Lot 5, Block 370, also known as, 463 Houston Ave**, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

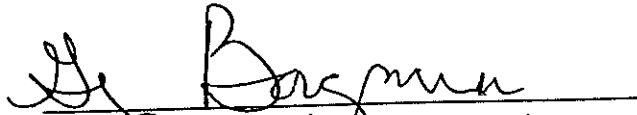
The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

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

It is, therefore, ordered that the owners or other interested parties take such action ~~to repair or~~ remove said structure, or appeal this order within 20 days of the receipt of this order.

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

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

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

Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

May 10, 2000

Daniel Heller
PO Box 181
Hesperia MI 49421

Dear Property Owner:

SUBJECT: 463 Houston
Muskegon, Michigan

On May 9, 2000, the Muskegon City Commission concurred in the determination previously made by the Muskegon Housing Board of Appeals that the subject property is unsafe, a public nuisance and a dangerous building under the City Code. As a result, the Commission ordered that the building be demolished within thirty (30) days.

If this building is not demolished by June 9, 2000, the City will proceed to cause it to be demolished and the costs associated therewith will be filed as a lien against the property.

Please note that you have the right to appeal this order to the circuit court for the County of Muskegon by filing a petition within twenty (20) days from the date of this letter.

Should you have any questions concerning this matter, please do not hesitate to contact me at 724-6765.

Sincerely yours,

Robert Grabinski
Fire Marshal/Inspection Services

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

The Honorable Timothy G. Hicks
Circuit Judge

IN RE: DANIEL HELLER,

FILE NO. 00-40139-AS

David L. Bossenbroek (P24289)
BRITTON & BOSSENBROEK, P. C.
Attorneys for Daniel Heller

G. Thomas Johnson (P15523)
PARMENTER O'TOOLE
Attorneys for City of Muskegon

ORDER REMANDING TO HOUSING BOARD OF APPEALS

At a session of said Court held in the County Building in the City of Muskegon,
County and State aforesaid on this 12th day of July, 2000.

PRESENT: HONORABLE TIMOTHY G. HICKS, CIRCUIT JUDGE

The parties having stipulated and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that this cause is remanded to the City of Muskegon Housing
Board of Appeals for further action in accordance with this Order.

IT IS FURTHER ORDERED that the Building Permit No. 00-0451 issued for the
premises at 463 Houston on June 14, 2000, and then later withdrawn as inadvertently issued, is
hereby ordered reinstated, with a requirement that the work be commenced within 30 days from
July 6, 2000. A copy of the said permit is attached to this Order. In its discretion the City may
substitute a new Building Permit with the same provisions.

IT IS FURTHER ORDERED that the matter shall be brought before the Housing Board
of Appeals by the City for review, but that the Plaintiff or persons in concert with Plaintiff may

act upon the building permit upon the entry of this Order. This Order shall have the effect of a Housing Board of Appeals' order made pursuant to the first paragraph of Section 4-25 of the city ordinances ordering the house secured and thereafter repaired.

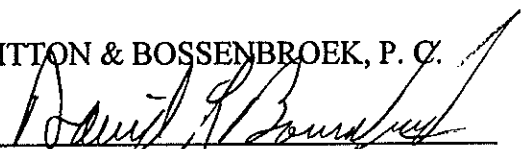
IT IS FURTHER ORDERED that the court retains jurisdiction of this matter in the event further review is necessary.



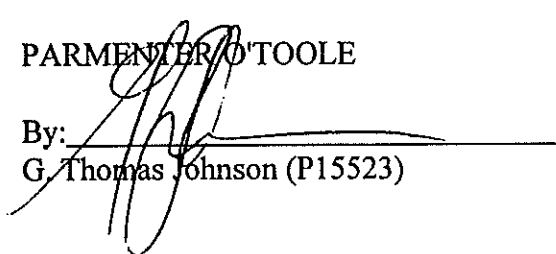
Honorable Timothy G. Hicks
Circuit Judge

APPROVED FOR ENTRY:

BRITTON & BOSSEN BROEK, P. C.

By: 
David L. Bossenbroek (P24289)

PARMENTER O'TOOLE

By: 
G. Thomas Johnson (P15523)

11-15 003

~~THANK YOU~~



463 + Houston
(MC) (RECEIVED)
NAME _____
WORK _____

Upair Dwell

PROTECT THIS CARD SO IT IS VISIBLE FROM ALL ANGLES

231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

July 12, 2000

Charles Wishart
1210 Amity # 1
Muskegon MI 49442

Dan Heller
PO Box 181
Hesperia MI 49421

Dear Property Owner:

Subject: Dangerous Building Case #00-20 – 463 Houston Ave., Muskegon MI.

FINDING OF FACTS & ORDER

At the July 6, 2000 meeting of the Muskegon Housing Board of Appeals, it was agreed by the Board to **GRANT** Case #00-20 – 463 Houston Ave., *120 days to complete all repairs*. If repairs are made and final inspections are completed within the agreed upon timetable (b October 4, 2000) you will not have to come back to the Hosing Board of Appeals. If repairs are not complete and a final inspection has not been conducted, this case will be heard before the Board again on October 5, 2000.

If you have any questions, please call the Inspections Department at (231) 724-6715.

Sincerely,

Robert Grabinski
Fire Marshal/Inspection Services

200 DEC -5 PM 3:12

Mark F. Hinchell
REGISTER OF DEEDS

QUIT CLAIM DEED

THE GRANTOR(S) CHARLES H. WISHART, JR. and wife, JENNIFER L. WISHART of
1210 Amity Ave., #1, Muskegon, MI 49442

QUIT CLAIM(S) TO DANIEL HELLER and wife, MARY KAY HELLER of P.O. Box 181,
Hesperia, MI 49421

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

West 1/2 of Lot 5, Block 370. Also known as 463 Houston, Ave., City of Muskegon, Michigan 49442.
24-205-370-0005-00

Subject to all roads, highways, easements, reservations and use restrictions of record.

This deed is granted to release any interest grantor's hold for 463 Houston Ave., City of Muskegon,
Muskegon, Michigan, as listed in a Assignment and Sales Agreement between the parties, commencing
May 1, 2000.

This deed is granted with the understanding grantee's will be responsible for any liability for repairs,
demolition, zoning violations, or any other civil or criminal liability, future or pending, concerning the City
of Muskegon or Muskegon County".

This deed is exempt from transfer tax per M.C.L.A. 207.505(a).

for the sum of One and 00/100th (\$1.00) Dollar.

Dated this 5th day of December, 2000

Signed in presence of:

Kim L. Noirot
Kim L. Noirot
Janeet Hunt
Janeet Hunt

Signed by:

Charles H. Wishart, Jr.
Charles H. Wishart, Jr.
Jennifer L. Wishart
Jennifer L. Wishart

STATE OF MICHIGAN)
COUNTY OF OCEANA)

The foregoing instrument was acknowledged before me this 5th day of December,
2000, by Charles H. Wishart, Jr. and wife, Jennifer L. Wishart, as grantor's.

Kim L. Noirot
Kim L. Noirot - Notary
Newaygo County, Michigan
My commission expires: 06/09/2002
Acting in Oceana County, MI

When Recorded Return To:
Daniel & Mary Heller
P.O. Box 181
Hesperia, MI 49421

Send Subsequent Tax Bill To:
Same

Drafted by
Mark R. Schropp, P.C.
Attorney at Law
93 North Division, P.O. Box 381
Hesperia, Michigan 49421
231-364-1335

REVIEW CASES CONTINUED:

#00-05 – 491 E APPLE AVE (CONTINUED):

A roll call vote was taken.

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
Rev. Anderson
Clint Todd
Mayor Nielsen

NAYS:

EXCUSED

ABSENT:

The motion Carried.

#00-20 – 463 Houston – Charles Wishart – Muskegon MI

Mr. Grabinski informed the Board that this case was in circuit court this morning as a matter of fact and there is an order that remains this case back to Housing Board of Appeals. If you recall when this case first came before you this property was owned by Mr. Heller and then proceeded through with the dangerous building process. The court has asked to take this back to HBA because of some problems with that process. They also asked that we institute the building permit that they applied for and Mr. Wishart has applied for that and it is issued at this time. What he is requesting is 30 days per unit there is 4 units and it works out to 120 days to have it ready to get some occupants in there. Reviewing that with him the staff recommends to grant 120 days to complete repairs.

John Warner made a motion to accept staff's recommendation and grant the 120 days. Randy Mackie supported the motion. A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENCE:

Greg Borgman
Fred Nielsen
John Warner
Randy Mackie
Clint Todd
William Anderson
Jerry Bever

The Motion Carried.

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

Date: 01/08/01

To: Dan Heller, PO Box 181, Hesperia MI 49421
Owners Name & Address

None known at this time
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, January 4, 2001 does hereby order that the following structure(s) located at 463 Houston, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

W ½ of Lot 5, Blk 370

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

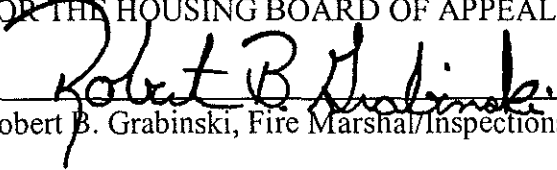
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case in 30 days to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:


Robert B. Grabinski, Fire Marshal/Inspections Dept

Dated: January 8, 2001

case for 60 days in order to allow barb close on the sale and let the new owner come talk to staff and submit a time table for repairs.

Randy Mackie, Supported by John Warner, made a motion to support Staff's recommendation to table the case for 60 days.

A roll call vote was taken:

Ayes:

Greg Borgman
Fred Nielsen
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Clinton Todd
William Anderson

ABSENT:

The Motion Carried.

00-20 - 463 Houston - Dan Heller, PO BOX 181 , Hesperia MI 49421

Mr. Grabinski informed the board of the history of the case. He stated that the case was started in 1999. It is a property that was owned by Dan Heller and was sold to Mr. Charles Wishart. Due to some financial constraints and other issues, Mr. Wishart quit claimed the property back to Mr. Heller. Mr. Heller has not contacted us since September of 2,000. We have seen no activity at this property. NO traffic nothing being done. In essence, Mr. Wishart took out the permit, so that one is voided also. Because of those things and because of the structure, it is Staff's recommendation that you declare this building substandard, unsafe, a public nuisance and forwards the case to the City Commission for concurrence.

John Warner made a motion, supported by Randy Mackie to declare the structure substandard, unsafe, a public nuisance and to forward the case to the City Commission for Concurrence.

A roll call vote was taken:

Ayes:

Greg Borgman
Fred Nielsen
John Warner
Randy Mackie
Jerry Bever

NAYES:

EXCUSED:

Clinton Todd
William Anderson

ABSENT:

The motion carried.

Discussion:

Fred Nielsen asked if Mr. Wishart ever said why he turned the property back over to Mr. Heller. Grabinski said a couple of reasons, One because he bit off more than he could chew. Once he got in the structure and realized the magnitude of the job, he realized that he didn't have the money to finish it. Nielsen said that he was glad that Mr. Wishart admitted that and stated that Mr. Wishart was a good man, Borgman agreed. End of Discussion.

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT

Affecting land in Muskegon County, Michigan
described as follows:

The West 1/2 of Lot 5, Block 370 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-370-0005-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1999 City taxes.

STATE AND COUNTY TAXES

1998 County tax due in the amount of \$976.52, plus penalties and interest.

1999 County tax due in the amount of \$990.45, plus penalties and interest.

SPECIAL ASSESSMENTS

City of Muskegon invoice due in the amount of \$100.00, plus penalties and interest.

City of Muskegon infraction information unavailable at this time.

Delinquent water usage due in the amount of \$362.01.

TAX SALES

State Equalized Value \$19,300.00.
Taxable Value \$18,259.00.

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

DATE: March 5, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection Services Dept.

RE: Concurrence with the Housing Board of Appeals Finding of Facts and Order for 734 Hill Ave.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **734 Hill 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.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

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

Location & Ownership: This Two-unit rental home is located on Hill Avenue near Kenneth Street. The owner is Conseco Mortgage Company of Tempe Arizona.

History: On 9/22/00 a dangerous building inspection was conducted. On 10/31/00 a notice and order was sent to the owner. On 1/4/00 the housing board of appeals declared the structure dangerous and an order to demolish the structure was sent tot he owner on 1/8/00. On 3/2/01 Stacy from Conseco Mortgage called and stated that the bank would be filing a Temporary Restraining Order.

State Equalized Value: \$14,300.00 Estimated cost of repairs: \$8,000.00

City Commission Recommendation: The Commission will consider this item at it's meeting on 3/13/01.

734 HILL





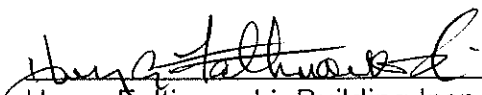
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

734 HILL STREET
9/22/00

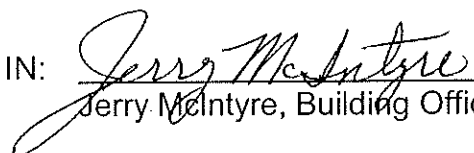
Inspection Noted:

1. Roof covering deteriorating.
2. Fascia on home and trim in need of repair and paint.
3. Garage roof in state of structural collapse.
4. Garage walls, siding rotting.
5. Interior inspections by building, electrical, plumbing and mechanical inspectors are required before any permits or certificates of occupancy will be issued.

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


Henry Palatinowski, Building Inspector

9/22/2000
Date

CONCURRED IN: 
Jerry McIntyre, Building Official

9-25-2000
Date

CITY OF MUSKEGON

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

DATE: 10/31/00

Address of the Property: 734 Hill St., Muskegon, Michigan

Description of the Structure: E 35 Ft of Lot 12, block 88, Revised Plat (of 1903) of the City of Muskegon, according to the recorded plat thereof in Liber 3 of Plats, Page 71, Muskegon MI County Records.

TO: Conseco Mortgage
[Name of Owner]

7360 S. Kyrene, Tempe AZ, 85283
[Address of Owner]

[Names of Other Interested Parties]

[Addresses]

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

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

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

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

FAILURE TO COMPLY

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

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Dept.
Position

Dated: 10/31/00

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 734 Hill St., Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(Please see attached inspection report)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Dept.
Position

Dated: 11/01/00

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

Date: 01/08/01

To: Conseco Mortgage, 7360 S. Kyrene, Tempe AZ, 85283
Owners Name & Address

None Known at this time
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, January 4, 2001, does hereby order that the following structure(s) located at 734 HILL, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

E 35 Feet of Lot 12, Block 88

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

The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case in 30 days to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:


Robert B. Grabinski, Fire Marshal/Inspections Dept

Dated: January 8, 2001

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
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Finance
231/724-6713
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Fire Dept.
231/724-6792
FAX/724-6985

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

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

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

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

Mayor's Office
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FAX/726-2501

Planning/Zoning
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FAX/724-6790

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

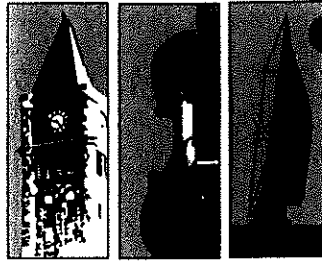
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

February 26, 2001

Mr. Bill Poplaski
Rep. for Owner
(Conseco Mortgage)
Fax: (231) 733-0941

Re: 734 Hill Street, Muskegon MI

Dear Mr. Poplaski:

I have attached the Order to demolish the structures at 734 Hill Street that was issued by the Housing Board of Appeals. Originally I had told you that this case has been heard before the City commission and that they concurred with the Housing Board for the structure(s) to be demolished. This is incorrect. The City Commission has not heard the case yet. This means that a Restraining order is not necessary at this point.

I have also attached the dangerous building inspection report as you requested. Please have the owner's contact Mr. Bob Grabinski at (231) 724-6715 to discuss their plans with the property at 734 Hill Street.

Sincerely,

Cathy Everett
Inspection Services Dept
Secretary

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT

Affecting land in Muskegon County, Michigan
Described as follows:

The East 35 feet of Lot 12, Block 88, Revised Plat (of 1903) of the City of Muskegon,
according to the recorded plat thereof in Liber 3 of Plats, Page 71, Muskegon County
Records

Permanent Property No.: 61-24-205-088-0012-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said the Treasurer in the form of an assessment roll has received information. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurer of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 2000 City Tax

STATE OR COUNTY TAXES

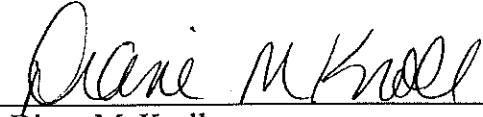
1999 Winter tax is due in the amount of \$810.89 if paid by 10-31-00 or
\$818.00 if paid by 11-30-00

State Equalized Value \$14,300.00
Taxable Value \$13,348.00

NOTE: No Homestead filed

NOTE: Invoices, Infractions, Special Assessments and Water bills have
not been checked. Contact the City Treasurer for this information.

BY


Diane M. Kroll

DATE: September 20, 2000 at 8:00AM

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

DATE: March 5, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection Services Dept.

RE: Concurrence with the Housing Board of Appeals Finding of Facts and Order for 423 Ottawa.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **423 Ottawa** 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.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG Commercial clearance funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Concur with the Housing Board of Appeals.

Location & Ownership: This commercial property (Sealmore Corp) is located on Ottawa Street between Jackson and Sumner. Jim Vaandering owns the property.

History: An inspection was conducted on 9/5/00. Some correspondence was received by the City from an engineering company that Mr. Vaandering contracted out to complete repairs. The proposal was denied by the Fire Marshal on 10/19/00. A notice and order was sent on 11/1/00. On 11/13/00 a structural inspection was conducted by an engineer and found that the structure could not with stand the snow load. On 11/21/00 the building was ordered to shut down. On 1/4/01, the Housing Board of Appeals heard the case and ordered that the structure be demolished. The condition of the structure remains the same.

State Equalized Value: \$23,600.00 Estimated cost of repairs: \$35,000.00

City Commission Recommendation: The Commission will consider this item at it's meeting on 3/13/01.

423 OTTAWA

CENSUS #2 JACKSON HILL

9/5/00





CITY OF MUSKEGON
INSPECTION DEPARTMENT

DANGEROUS BUILDING INSPECTION REPORT

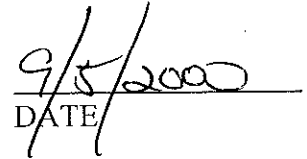
423 OTTAWA
9/5/00

INSPECTION NOTED:

1. Exterior walls on building have serious structural cracks, walls starting to fail, bowing.
2. Structural beams, Headers, lintels failing
3. Improper fire separation from business shop area.
4. Means of egress, exiting violations, hazards, blocked off, no steps on one exit door.
5. Roofing deteriorated, failing structural covering.
6. Shop ceiling falling away from rafter – ceiling joists.
7. Parapet caps on roofing missing, loose.
8. Shop overhead door in need of structural repair.

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


HENRY RALTINOWSKI, BUILDING INSPECTOR


DATE

To: Bob Grabinski

Re: 423 Ottawa

Upon inspection of the above address I found the following problems to exist

Plumbing

1. Chemical waste piping to be in state of disrepair
2. Little or no support on any piping
3. Unsure as to if chemical waste piping is approved for application
4. No apparent venting of fumes
5. Sanitary system unkempt

Mechanical

1. Unit heaters not vented
2. Mechanical systems in severe state of disrepair
3. No apparent life safety systems in place

Rick Clark

Plumbing/Mechanical Inspector

City of Muskegon

FIRE SAFETY CODE VIOLATIONS

SEALMORE CORPORATION
423 OTTAWA

*Jim Vanderings
Plant mgr*

September 5, 2000

1. Address shall meet requirements for size, height and placement (color contrast).
2. Key box needed for fire department access.
3. Structural integrity of building considered dangerous building by fire and building inspector.
4. Open penetrations in ceiling, walls (leaking roof).
5. Numerous electrical hazard (temporary use of extension cords and improper wiring of machinery).
6. Heating hazard gas fire fueled heating not vented properly, wired incorrectly and poor installation. Danger to occupant.
7. Improper storage of flammable liquids. Shall meet N.F.P.A. and Uniform Fire Code requirements.
8. Improper storage of hazardous materials and also have exceeded the exempt amounts that are allowed on site.
9. No containment for hazardous materials.
10. Need hourly separations from office to shop.
11. Numerous amounts of ground contamination.
12. Exits (2 doors) blocked that currently have exit signs on them.
13. Need to meet N.F.P.A. 10 requirements for fire extinguishers.
14. Emergency contingency waste plan shall be in place and submitted to local fire department.
15. All M.S.D.S. sheets shall be submitted to fire department.

16. There are currently 14 ^{55 gal} gallon drums of corrosives on site with some 5 gallon oxidizers that may total 8-10 containers. All hazardous materials spills shall be remediated.

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

Date: 01/08/01

To: James Vaandering, 423 Ottawa, Muskegon MI 49442
Owners Name & Address

None Known at this time
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, January 8, 2001 does hereby order that the following structure(s) located at 423 Ottawa, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

Lot 3, Block 145

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

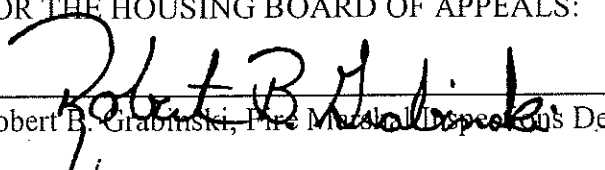
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case in 30 days to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:


Robert B. Grabinski, Fire Marshal/Inspection Dept

Dated: Jan 8, 2001

Alternative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
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FAX/724-4178

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FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

November 21, 2000

Jim Vaandering
Seal More Corporation
423 Ottawa St.
Muskegon MI 49442

Re: Dangerous Building Case # 00-70 – 423 Ottawa St., Muskegon MI

Dear Mr. Vaandering:

Due to accumulated snow and the belief of this office that your structure will not support any snow load, you are hereby ordered, to cease all operations and vacate the property.

If you have any questions, please contact me at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

Cc: Bryon Mazade, City Manager
Pat Simpson, Fire Chief



Engineering Dimensions, Inc.

975 W. Broadway • Muskegon, MI 49441
Tel. (231) 765-2200 • Fax (231) 765-2551
www.engineeringdimensions.com

COMPLETE FACILITY PROCESS & ENVIRONMENTAL ENGINEERING SERVICES • MECHANICAL • ELECTRICAL & CONTROL SYSTEMS • ENVIRONMENTAL & SAFETY • MATERIAL HANDLING & AUTOMATION • ARCHITECTURAL & CIVIL • INDUSTRIAL & QUALITY • CAD & DRAFTING • PLANT LAYOUT • SITE PLANNING • FACILITY DESIGN • HVAC • PROCESS PIPING • POWER DISTRIBUTION • PLC PROGRAMMING

November 13, 2000

Mr. James Vaandring
Sealmore Corporation
423 Ottawa
Muskegon, MI 49442

Dear Jim,

RE: Structural study of your building

I have examined your building and found that the existing roof structure is not adequate to handle a snow load. The foundations appear to be in good shape. I saw no indication of settling on any of the walls.

The end walls are both in need of partial rebuilding due to freeze-thaw cycles pushing the brick, etc out from the center of the wall. The front wall should be rebuilt from above the windows to the top. The rear wall should be rebuilt around the southwest corner.

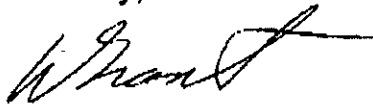
The sidewalls are currently structurally sound, but they will soon be destroyed unless they are repaired where moisture has gotten into the wall. All holes need to be filled with structural concrete or concrete blocks and mortar and the entire surface made water tight by means of siding or stucco and paint.

The roof can be corrected by one of two possible methods. The first is to tear off all of the roofing including the roof deck and rebuilding with new 2x12's to create a pitch of 6" to three separate roof drains. These new 2x12's would need to be nailed to the existing Douglas Fir 2x12's in the back part of the plant. The front part of the plant would require new 2x12's to replace the existing 2x8's as well as 2x12's nailed to these to create the roof pitch. The roof deck could be 3/4" plywood with two layers of 1 1/2" rigid insulation and a fully adhered EPDM membrane. The membrane will need to extend up over the parapet walls, using suitable cant strips to waterproof the entire roof. There are several points on the inside of the building that require new columns, beams, and angles as well as existing columns that need to be straightened in order to support this type of roof.

The second method would be to raise all of the parapet walls to a level top and install new roof trusses with a minimum of a 4/12 pitch over the 32-foot span of the roof. This could be sheeted with ½' plywood and covered with conventional shingles. Insulation could be added under this roof at a later date. This method would require adequate venting of the ridge and soffits to prevent moisture from accumulating below the roof deck.. This method would need watertight siding to be installed on the gable ends. This could come down in the front to the top of the windows.

If I can be of any further assistance or if you have any questions, please do not hesitate to call me at 231-755-2200 extension 60.

Sincerely,



William G. Grant, P. E.
ENGINEERING DIMENSIONS, INC.

CITY OF MUSKEGON

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

Address of the Property: 423 Ottawa, Muskegon, Michigan

Description of the Structure: Lot 3, BLK 145

TO: James Vaandering
[Name of Owner]

423 Ottawa, Muskegon MI 49442
[Address of Owner]

NONE KNOWN

[Names of Other Interested Parties]

[Addresses]

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

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

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

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

FAILURE TO COMPLY

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

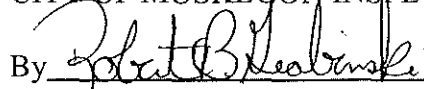
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **423 Ottawa**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(Please see the attached inspection report)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By



Robert B. Grabinski, Fire Marshal/Inspection Dept.

Position

Dated: 11/1/00

City of Muskegon
231/724-6700
FAX/724-1214

Auditor
231/724-6708
FAX/724-5181

Cemetery
231/724-6783
FAX/724-5617

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

Clerk
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FAX/724-4178

Comm. & Neigh.
Services
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FAX/724-2501

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Fire Dept.
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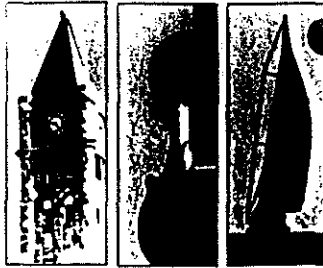
Public Works
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FAX/722-4188

Treasurer
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FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

October 19, 2000

Sealmore Corporation
James Vaandering
423 Ottawa
Muskegon MI 49442

Ref: Tailored Building Systems Proposal

Dear Mr. Vaandering:

I have received the listed proposal and find it deficient in several areas. Therefore, your proposal is denied. Following are some of the areas of concern. This is not a complete list but will address some of the obvious problems.

First, using this proposal only places a "shell" over the existing structure. It does nothing to address the structural problems, identified by this office and the engineer you hired, with the current structure.

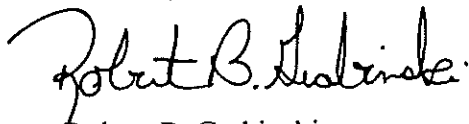
Second, there are several electrical, mechanical, plumbing, and fire code issues that must be addressed to allow further occupancy.

Finally, if the current structure is to be removed upon construction of the proposed building the plans do not indicate this and are incomplete. The code would require that architectural drawings, sealed by a Michigan licensed architect, be submitted for review and approval prior to construction. These must include structural, plumbing, mechanical, and electrical plans.

Due to the above disapproval and based on this offices observations, as well as the recommendations of your engineer, you are required to cease operations and vacate your present location on or before November 1, 2000. This action is necessitated by the condition of your facilities and with the safety, health, and welfare of you and your employees in mind.

If you have any questions, please contact me at 724-6715.

Sincerely,

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is fluid and cursive, with the first name "Robert" and last name "Grabinski" clearly legible.

Robert B. Grabinski,
Fire Marshal

C Tom Johnson, City Attorney
✓ Bryon Mazade, City Manager
Pat Simpson, Fire Chief

~~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

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

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



Inspections

September 14, 2000

Mr. Jim Vaandering, Plant Manger
Sealmore Corporation
423 Ottawa
Muskegon, MI 49440

Dear Jim:

On September 5, 2000 a fire inspection was conducted at your facility. During the inspection several violations were noted and you were informed about those items. At the conclusion of the inspection it was determined that the building structural integrity is within question. Therefore, per the Uniform Fire Code this building located at 423 Ottawa has been deemed an unsafe building.

U.F.C. 103.4.1.3 Unsafe heating or electrical equipment and structural hazards. When the chief deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electrical fixture or any appurtenance thereto, or anything regulated under a nationally recognized standard in or upon any building, structure or premises not specifically mentioned in this code, to be defective or unsafe so as to create a hazard, the chief is authorized to serve upon the owner or the person having control of the property a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. The chief is authorized to affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag shall only be removed by the order of the chief when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices listed in this section, the chief shall immediately notify the building official to investigate such hazard and cause such hazard to be abated as required by the Building Code.

Sealmore Corporation
September 14, 2000
Page 2

U.F.C. 103.4.5 Unsafe Buildings. Buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are, for the purpose of Section 103.4.5, unsafe buildings. Such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

During a recent inspection conducted by the engineer that was hired by you and your company it was determined that this building does not have potential to be upgraded to meet current applicable code requirements for safe occupancy. Therefore, the date of November 1, 2000 has been targeted for abandonment because of snow load overstressing. Also, electrical, containment, accesses, storage, MSDS, fire extinguisher and other code problems need to be addressed within 30 days, or before October 5, 2000.

Sincerely,

A handwritten signature in black ink, appearing to read "Major Metcalf", written in a cursive style.

Major Metcalf
Fire Inspector

15471 Oak Drive; Spring Lake, MI 49458
phone & fax: (616)842-3361

Brechting Bridge &
Engineering, Inc

Fax

To: MAJOR METCALF, FIRE Insp. From: Frank J. Brechting Jr. P.E.
Fax: (231) 722-6697 Pages: (incl. this sheet) 3
Phone: _____ Date: 9-13-00
Re: SEALMORE CORP. CC: JAMES VAANDERING
☒ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Please call if all pages not received.

cc. BUILDING INSPECTIONS
FIRE INSPECTIONS
CITY ATTORNEY

Brechting Bridge & Engineering, Inc.

FRANK J. BRECHTING JR. P.E., PRESIDENT
15471 OAK DRIVE SPRING LAKE, MI 49456
PH & FAX: (616) 842-3361
E-MAIL: frankbrechting@novagate.com

September 13, 2000

Mr. Major Metcalf
Fire Inspector
City of Muskegon Fire Department
75 W. Walton
Muskegon, MI 49440

Re: Sealmore Corporation Building
423 Ottawa St., Muskegon, MI

Dear Major:

Brechting Bridge & Engineering, Inc. was contracted by James Vaandering, CEO of Sealmore Corp. to perform an inspection and engineering evaluation of the structural system in this building. Frank J. Brechting Jr. P.E. and Frank J. Brechting III P.E. completed a thorough inspection of the primary structural system on Sept. 8, 2000.

This building was closed to use as in "imminent danger of collapse" by the City of Muskegon Building Inspector on Sept. 6, 2000. Our job order included:

- A. A thorough inspection and evaluation of the existing structural system to function for temporary occupancy.
- B. Repair recommendations to bring the building up to a level of safe occupancy, even on a temporary basis.
- C. Engineered evaluation of the roof system and walls with engineering recommendations to upgrade, or replace as needed to bring the structure in compliance with applicable codes.

It is our findings that certain minor repairs and upgrades could be utilized to bring this structure to a level of safe use on a temporary basis. Such repairs include:

1. The re-alignment and anchoring of the W8X31 structural column in the center of the building
2. The straightening-up of the pipe column supporting the wood beam near the western ¼ of the building.
3. The addition of a span of wood beam and columns to support the ceiling joists at approximately 28-36' from the western wall
4. The addition of a plate diaphragm placed below the S10X25.4 steel centerline beam supporting the ceiling joists in the eastern half of the manufacturing area.

We envision a minimum diaphragm detail to be simply a continuous 16" strip of ¾" plywood with (2) deck screws @ 3" long screwed into each ceiling joist on both sides of the centerline beam. This will tie the joists into the beam and bottom flange while adding security to the outside walls.

Brechting Bridge & Engineering, Inc.

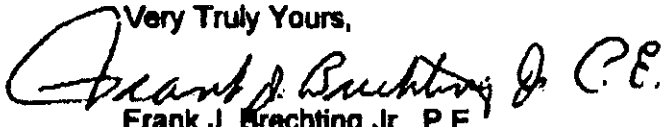
Page 2 of 2

5. The fencing off of the western 25 feet of the building with security fencing to keep people out of this area. No evaluation with upgrade recommendations has been completed for this crumbling portion of the building.

Due to the extremely poor workmanship and condition of this structure, Brechting Bridge & Engineering, Inc. does not consider this building to have the potential to be upgraded to meet current applicable code requirements for safe occupancy. Therefore, work item C, "Engineered evaluation of the roof system and walls with engineering recommendations to upgrade, or replace as needed to bring the structure in compliance with applicable codes", was not performed.

Our analysis shows this building to be overstressed with any snow load and we recommend an abandonment date of November 1, 2000.

Very Truly Yours,



Frank J. Brechting Jr., P.E.
President

encl:

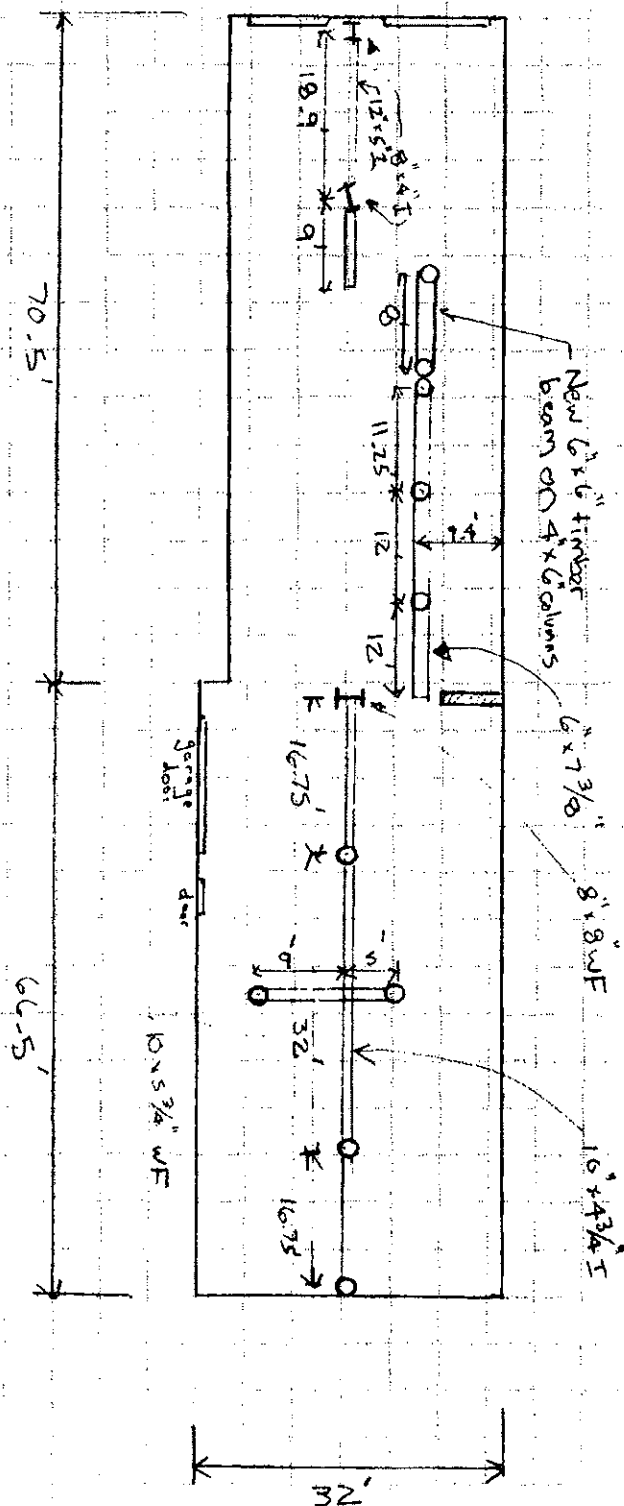
cc. James Vaandering - Sealmore Corp.
Brian Grabinski - City of Muskegon Building Inspector
City of Muskegon Fire Inspections
City of Muskegon Attorney

BRECHTING BRIDGE & ENGINEERING, INC.

15471 Oak Drive
Spring Lake, MI 49456
Phone & Fax (616) 842-3361

Name SEALMORE CORP. Sheet _____ of _____
Location _____ Computed _____ Date _____
Job No. _____ Checked _____ Date _____
Client _____

PLAN VIEW



**BRECHTING BRIDGE
& ENGINEERING, INC.**

15471 Oak Drive
Spring Lake, MI 49456
Phone & Fax (616) 842-3361

Name SEALMORE Corp. Sheet _____ of _____
Location _____ Computed _____ Date 9/8/00
Job No. _____ Checked _____
Client _____

Mr. Robert B. Grabinski
Fire Marshal - City of Muskegon

Dear Robert,

Brechting Bridge inspected and engineered certain repairs for the Sealmore Corp. industrial building at 423 Ottawa St, Muskegon, MI. on Sept. 7 and 8, 2000. We were contracted by Jim Vaandering, Plant Manager, to address structural defects noted by the City Building Inspector on Sept. 5, 2000. These defects were the basis for closure of this manufacturing facility until clearance for occupancy by a professional engineer or architect.

Frank J. Brechting Jr. P.E. and Frank J. Brechting III P.E. made this inspection and performed preliminary engineering calculations to determine that temporary use could be permitted following minor repairs. Specifically the repairs include the re-alignment of two structural columns with base and cap fixture and the addition of a replacement girder support for the ceiling and roof rafter system near the rear third of the building.

The above repairs have been completed and we believe that an order for temporary occupancy can be issued with a stipulation of compliance with modifications and/or repairs determined after a complete inspection and analysis has been performed.

Let it be known that this recommendation for temporary occupancy does not extend to periods of snow load on the roof.

Respectfully submitted,

Frank J. Brechting Jr. P.E.
9-E-00

**AGREEMENT BETWEEN
OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT made as of _____ day of _____

in the year of Two Thousand by and between the Sealmore Corporation

(hereinafter called OWNER) and Brechting Bridge & Engineering, Inc.

(hereinafter called ENGINEER).

OWNER intends to:

1. Have the business building at 423 Ottawa in Muskegon structurally inspected and analyzed by a Professional Structural Engineer.
2. Secure structural recommendations to meet minimum building code requirements.

NOW THEREFOR Brechting Bridge & Engineering, Inc. agrees to furnish professional services.

IN WITNESS WHEREOF, the parties hereto have affixed their hands and seals,

this _____ day of _____, 2000

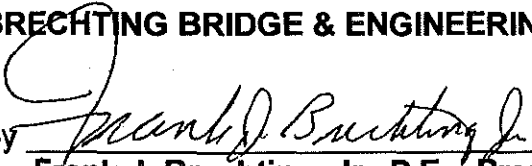
ACCEPTED:

SEALMORE CORPORATION

By 
Jim Vaandering

Date: 9/8/00

BRECHTING BRIDGE & ENGINEERING, INC.: ENGINEER

By 
Frank J. Brechting, Jr., P.E. - President

Date: 9/8/00

DATE: March 5, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection Services Dept.

RE: Concurrence with the Housing Board of Appeals Finding of Facts and Order for 667 Hill.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **667 Hill** 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.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

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

Location & Ownership: This single family home is located on Hill Avenue near Holt Street. The owner is Associates Home Equity and the Agent is Dave Lue of Century 21 Homestead in Fremont.

History: A dangerous building inspection was conducted on 9/19/00. On 10/20/00 a notice and order was sent. On 11/27/00 Dave Lue of Centry-21 Homestead called inquiring about the status of the case. He claimed he was the agent for the owners. On 11/27/00 a notice of hearing was sent and on 12/6/00 a letter was received from Mr. Dave Lue asking staff to recommend to the housing board of appeals to table the case to allow time for him to get a buyer for the property. On 12/7/00 the board declared the structure as dangerous but delayed forwarding to the City Commission for concurrence for 30 days. There has been nothing further from Mr. Lue to this date.

State Equalized Value: \$13,200.00 Estimated cost of repairs: \$10,000.00

City Commission Recommendation: The Commission will consider this item at it's meeting on 3/13/01.





667 HILL

7/18/00

CENSUS #3 AUGELL
NEIGHBORHOOD

FILE COPY

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

667 HILL

9/19/00

Inspection noted:

1. Missing siding, deteriorating window frames, broken out windows.
2. Roof covering on home failing.
3. Fascia rotting.
4. Interior wall damage, holes through exterior walls, animals going in home.
5. Shed rotted, deteriorating.
6. Doors knocked off rooms.
7. Home- shed canopy rotted, not to code.
8. Interior inspection by electrical, plumbing, and mechanical required before any permits or certificates of occupancy will be issued.

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

Henry A. Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

9/19/2000
DATE

CONCURRED IN. Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

9-19-2000
DATE

CITY OF MUSKEGON

FILE COPY

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

Address of the Property: 667 HILL AVE.
Muskegon, Michigan

Description of the Structure: LOT 6 BLK 90

TO: ASSOCIATES HOME EQUITY
[Name of Owner]

PO BOX 200418, DALLAS, TX 75320 - 0418
[Address of Owner]

ORLANS ASSOC. P.C. DAWN ALLI
CENTRY 21 - KAREN PATITUCCI

3001W. Big Beaver, Suite 600, Troy MI 48084
2440 Glade St. Muskegon MI 49444

[Names of Other Interested Parties]

[Addresses]

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

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

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

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

FAILURE TO COMPLY

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

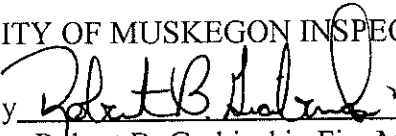
SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 667 HILL, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

PLEASE SEE THE ATTACHED INSPECTION REPORT

CITY OF MUSKEGON INSPECTION DEPARTMENT

By



Robert B. Grabinski, Fire Marshal/Inspection Dept.

Position

Dated: 10/20/00

(Detailed records of inspections are attached for further information.)

FILE COPY

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

NOTICE OF HEARING

Address of the Property: 667 HILL AVE. Muskegon, Michigan

Description of the Structure: Lot 6 Blk 90

TO: Associates Home Equity 451 7th St. SW Washington DC 20024
[Name of Owner] [Address of Owner]

Associates Home Equity. PO Box 200418, Dallas Tx 75320-0418

Orlans Associates Pc Attn: Dawn Alli 3001 W Big Beaver, Ste 600, Troy MI 48084

Centry 21 Attn: Karen Patitucci 2440 Glade ST., Muskegon MI 49444
[Names of Other Interested Parties] [Addresses]

Please take notice that on Thursday, December 7, 2000, the City of Muskegon Housing Board of Appeals will hold a hearing at The City of Muskegon City Hall, 933 Terrace St., in the Commission Chambers (room 103), on the first floor at 5:30 P.M., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on October 20, 2000.

At the hearing on Thursday, December 7, 2000, at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Cathy Everett
Cathy Everett, Secretary



231-924-5816
FAX COVER SHEET

City of Muskegon
933 Terrace Street
PO Box 536
Muskegon MI 49443-0536

Phone: (231) 724-6715
Fax: (231) 728-4371

To: Dave Lue - Century 21 Homestead
From: Cathy Everett, Inspections Dept Secretary
Date: 11/27/00

Total number of pages sent, including cover sheet: 6

Please phone to verify receiving document: _____

Please review and phone/fax comments, etc.: _____

For your information only: _____

Instructions:

Per your Request, Following is all the
paper work that was sent to the owners &
other interested parties listed in our title search
from Transvation title on 1607 Hill, Muskegon
MI.

Thank you

(CLe)



Homestead Real Estate, Inc.

36 West Main
Fremont, Michigan 49412
Business (231) 924-5880
Fax (231) 924-5816
Toll Free 1-800-583-1463
E-Mail akarnema@ncats.net

December 6, 2000

Mr. Robert Grabinski
Housing Board of Appeals
City of Muskegon Fire Marshall
933 Terrace, PO Box 536
Muskegon MI 49443-0536

Re: 667 Hill St., Muskegon/ Dangerous Building Inspection Report

Mr. Grabinski:

A few weeks back I was asked by Associates to assist them with the sale of the property located at the above address. I have also been conversing with your office and the building inspection people regarding the conditions noted at the property.

I have found a few prospects for the property, that have shown interest in it, however no one has made a decision to purchase at this time. I feel confident that a sale will be made in the near future and that purchaser will be applying for the necessary permits and correcting the deficiencies on that property.

My request if for the Housing Board of Appeals to grant an extension so that we can accomplish these goals. I apologize for not being able to respond to your postings earlier, however they went to a Real Estate Office in Muskegon. I only learned about this last month.

I have a conflict that will not allow me to attend the ¹²⁻⁷⁻⁰⁰~~7-7-2000~~ meeting. If you have any questions regarding my request, please feel free to contact me at the number listed above.

I thank you and the Board for their consideration in this matter.

Sincerely,

Dave Lue, Associate Broker

cc: Associates



Homestead Real Estate, Inc.

36 West Main
Fremont, Michigan 49412
Business (231) 924-5880
Fax (231) 924-5816
Toll Free 1-800-583-1463
E-Mail akarnema@ncats.net

December 6, 2000

Mr. Robert Grabinski
Housing Board of Appeals
City of Muskegon Fire Marshall
933 Terrace, PO Box 536
Muskegon MI 49443-0536

Re: 667 Hill St., Muskegon/ Dangerous Building Inspection Report

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My request is for the Housing Board of Appeals to grant an extension so that we can accomplish these goals. I apologize for not being able to respond to your postings earlier, however they went to a Real Estate Office in Muskegon. I only learned about this last month.

I have a conflict that will not allow me to attend the 7-7-2000 meeting. If you have any questions regarding my request, please feel free to contact me at the number listed above.

I thank you and the Board for their consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Dave Lue".

Dave Lue, Associate Broker

cc: Associates

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

Date: 12/13/00

To: Associates Home Equity, 451 Seventh Street SW, Washington DC 20024
Owners Name & Address

Orlans Associates PC Attn: Dawn Alli, 3001 W Big Beaver, Ste 600, Troy MI 48084

Centry 21 Homestead, Attn: Dave Lue, 36 W Main Street, Freemont MI 49412
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, December 7, 2000, does hereby order that the following structure(s) located at 667 Hill, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

Lot 6, Block 90

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

The director of inspections is ordered to delay for 30 days placing before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Fire Marshal/Inspections Dept

Dated: December 13, 2000

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT

Affecting land in Muskegon County, Michigan
Described as follows:

Lot 6, Block 90, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3
of Plats, page 71, Muskegon County Records.

Permanent Property No.: 61-24-205-090-0006-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said the Treasurer in the form of an assessment roll has received information. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurer of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 2000 City Tax

STATE OR COUNTY TAXES

1996 Winter tax due in the amount of \$693.55 if paid by 10-31-00
1997 Winter tax due in the amount of \$721.80 if paid by 10-31-00
1998 Winter tax due in the amount of \$609.62 if paid by 10-31-00
1999 Winter tax due in the amount of \$769.23 if paid by 10-31-00
(Said amount includes specials & water/sewer of \$255.73)
State Equalized Value \$13,200.00
Taxable Value \$11,802.00

NOTE: Homestead filed

NOTE: Invoices, Infractions, Special Assessments and Water bills have
not been checked. Contact the City Treasurer for this information.

BY



Diane M. Kroll

DATE: September 15, 2000 at 8:00AM

DATE: March 5, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection Services Dept.

RE: Concurrence with the Housing Board of Appeals Finding of Facts and Order for 1659 Dyson.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1659 Dyson** 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.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

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

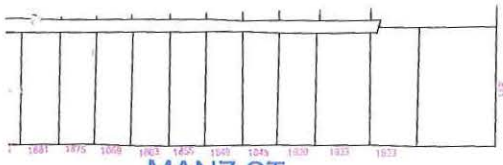
Location & Ownership: This single-family residence is located on Dyson St. near Dale Ave. The owner is Karen Rios and Tonya Betts of 2164 Austin St. in Muskegon.

History: A dangerous building inspection was conducted on 5/10/00. A notice and order to repair or remove a structure was sent on 5/10/00. A notice of hearing for the Housing Board of Appeals was sent on 8/17/00. The Boards decision was sent on 8/24/00. The condition of the home has not changed since the date of the dangerous building inspection report and there has been no contact from the owner.

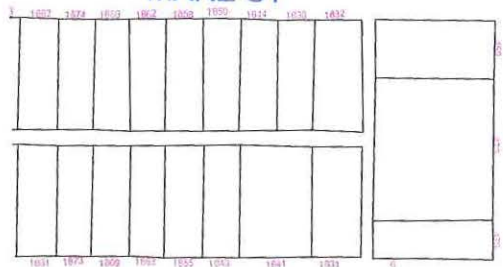
State Equalized Value: \$10,900.00

Estimated cost of repairs: \$9,000.00

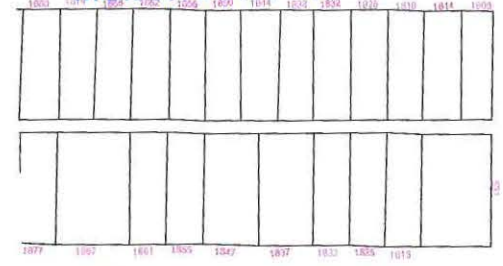
CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on 3/13/01.



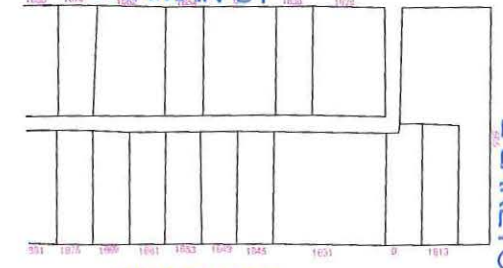
MANZ ST



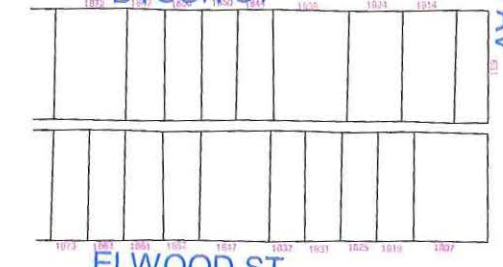
MCILWRAITH ST



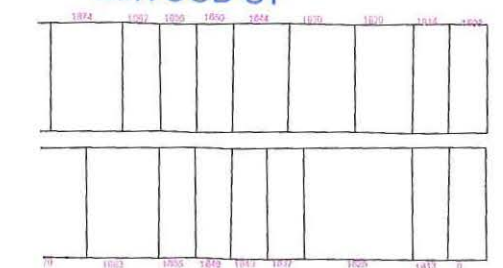
JARMAN ST



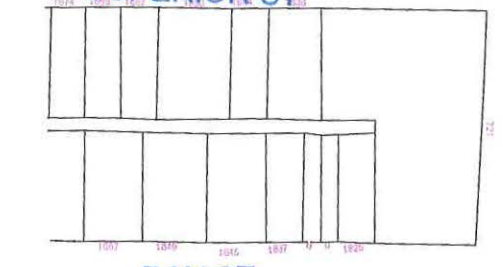
DYSON ST



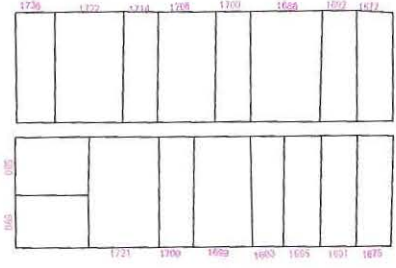
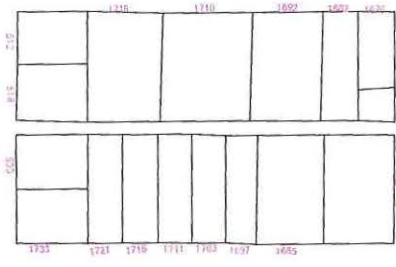
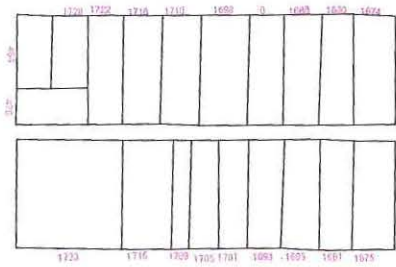
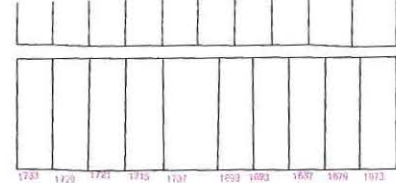
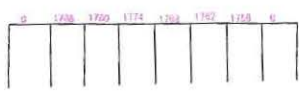
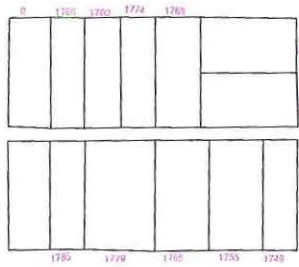
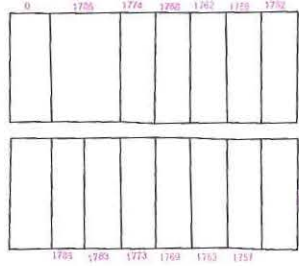
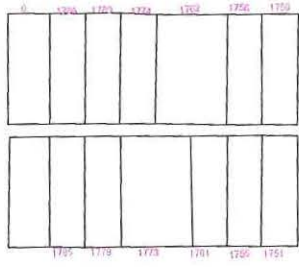
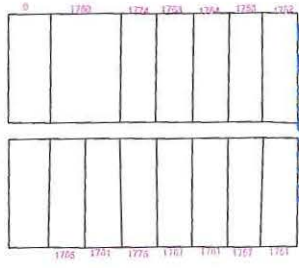
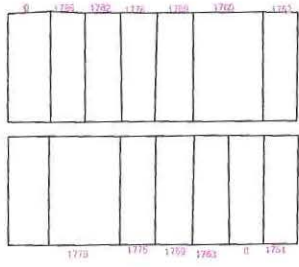
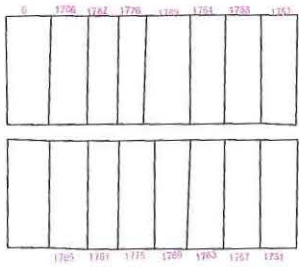
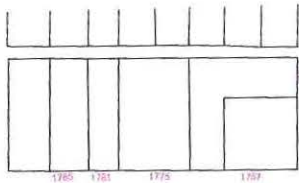
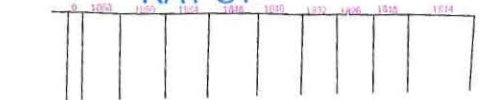
ELWOOD ST



SUPERIOR ST

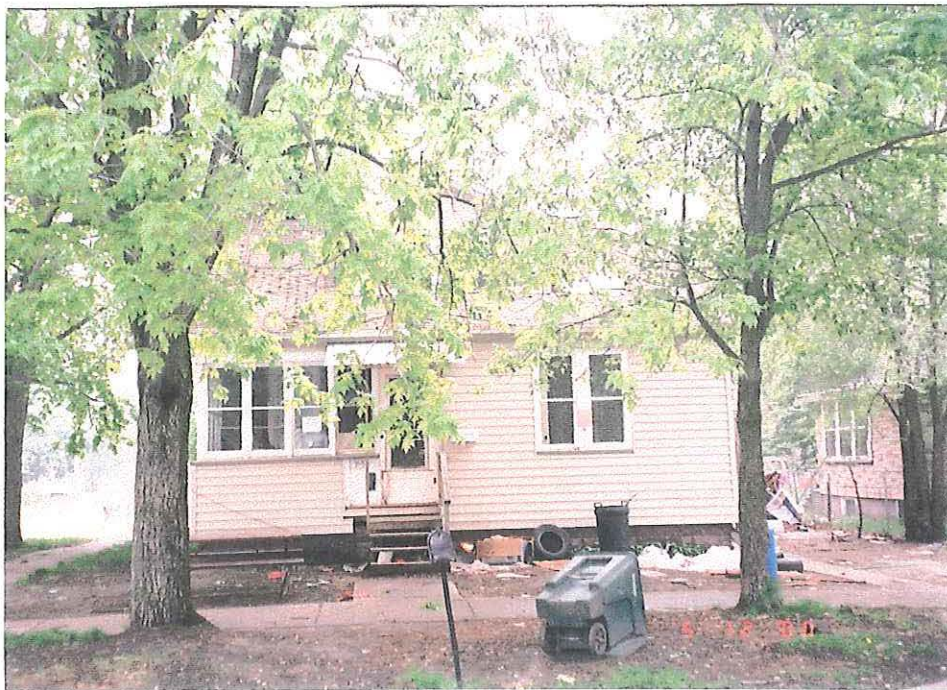


RAY ST



1659 Dyson

Census #5



5/12/00

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
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Fire Dept.
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Treasurer
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FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION REPORT

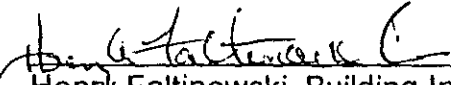
1659 DYSON

5/10/00

Inspection Noted:

1. Complaint, no gas for heat, occupied with children
2. Electrical not to code, numerous extension cords to supply electric portable heaters.
3. Animal waste throughout home.
4. Human waste on basement floor - sewer back up - leaking plumbing.
5. Furnace not operable needs certificate of safety.
6. Broken ceiling tile basement.
7. Foundation wall repair needed.
8. Front entry steps need to be brought up to code.
9. Roof covering repair needed.
10. Fascia repair needed on roof.

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


Henry Faltinowski, Building Inspector

5/10/2000
Date

CONCURRED IN: 
Jerry McIntyre, Building Official

5/10/2000
Date

CITY OF MUSKEGON INSPECTION REPORT

March 15, 2000

AT 9:45 p.m.

FOR DYSON 1659

PAGE

No	Cat	Violation
1		NOTE: Effective June 15, 1997 no certificates of compliance will be issued until all fees and debts to the City for that property have been paid in full.
2		NOTE: Code requires owners to notify City in writing within 10 days of transferring ownership. Notice must include name, address and phone number of new owner.
3		NOTE: Non owner-occupants must use licensed contractors for most electrical, plumbing or mechanical repair work. Call 724-6758 for more information.
4	A	BASEMENT Sewer is backed up and needs to be cleaned out.
5	A	BASEMENT Sewer has backed up and the sewage spill was not cleaned up-scrub area with bleach water and rinse.
6	A	BASEMENT Step is broken or rotted.
7	A	BASEMENT Furnace needs an inspection by a mechanical contractor and must be certified safe.
8	A	BASEMENT Fuse box does not have type "S" fuses - must be installed according to wire size.
9	B	BASEMENT Fuse has doubled up circuits.
10	A	BASEMENT Sub panel is not grounded.
11	A	BASEMENT Fuse or circuit panel has circuit with too large of fuse for the size of wire.
12	A	BASEMENT Fuse panel cover is not installed.
13	B	BASEMENT Fused blow constantly.
14	B	BASEMENT Doesn't have a smoke detector as required by code.
15	B	BASEMENT Furnace is not wired on its own separate circuit with a disconnect near the furnace.
16	B	BASEMENT Laundry does not have its own circuit. Must have 20 amp outlet on its own circuit.
17		BASEMENT - FURNACE Furnace is inoperative
18	B	BASEMENT - LAUNDRY AREA Outlet is broken, loose or not working.
19	B	BASEMENT - WATER HEATER Hot water shutoff is leaking.
20	B	BATHROOM

CITY OF MUSKEGON INSPECTION REPORT

March 15, 2000

AT 9:45 p.m.

FOR DYSON 1659

PAGE

No	Cat	Violation
21	B	BATHROOM Light fixture is broken or loose. Floor covering has holes, rips or is missing or is not sealed on edges.
22	B	BATHROOM Light fixture globe is broken or missing.
23	B	BATHROOM Ceiling has peeling paint.
24	B	BATHROOM Metal strip used to cover a seam on the floor is missing or not secured.
25	B	BATHROOM Vent fan is defective.
26	B	BATHROOM - BY TUB Wall or walls has a hole or holes or large cracks in it.
27	C	CEILING Ceiling needs repair and finishing.
28	B	DINING ROOM Ceiling tile are missing or falling down.
29	B	DINING ROOM Outlet is broken, loose or not working.
30	B	EXTERIOR Has peeling paint and is not protected from weather by properly applied water-resistant paint or waterproof finish.
31	B	EXTERIOR Window has glazing that is missing or deteriorated.
32	B	EXTERIOR Light fixture globe is broken or missing.
33	B	EXTERIOR Chimney has loose or missing brick or mortar.
34	B	EXTERIOR Operable window(s) do not have a screen - must cover the complete bottom sash.
35	B	EXTERIOR Roof has some shingles or parts of shingles missing.
36	B	EXTERIOR Upper front window is undersized and does not fit.
37		EXTERIOR Window screens must be framed or wood stripped.
38		EXTERIOR Rear fascia eaves are rotted or missing.
39		EXTERIOR The north side is full of trash and debris.
40	B	FRONT BEDROOM Room is not supplied with 2 sources of power. Must have 2

- duplex wall outlets or outlet and one overhead light.
- 41 B FRONT BEDROOM - CLOSET
Door hardware is broken, missing or incomplete.
- 42 B GARAGE
Has wires that are not stapled up.
- 43 B GARAGE

CITY OF MUSKEGON INSPECTION REPORT

March 15, 2000

AT 9:45 p.m.

FOR DYSON 1659

PAGE

No	Cat	Violation
44	B	Roof leaks. Siding has holes in it or is rotted or missing.
45	B	GARAGE The garage is full of belongings and too difficult to inspect.
46	B	KITCHEN Cabinets are not in good repair.
47	B	KITCHEN Window lock(s) is/are missing or inoperative.
48	B	KITCHEN Light fixture globe is broken or missing.
49	B	KITCHEN Door hardware is broken, missing or incomplete.
50	B	KITCHEN Outlet is broken, loose or not working.
51	B	KITCHEN Hot water runs constantly.
52	B	KITCHEN Does not have a duplex receptacle on its own 20 amp circuit. If within 6' of sink or tub must have GFIC.
53	B	KITCHEN - SINK FAUCET Faucet is broken or incomplete.
54	A	LIVING ROOM Window sash is broken, rotted or missing.
55	B	LIVING ROOM Ceiling has peeling paint.
56	A	LIVING ROOM Smoke detector is missing or inoperative near the bedrooms.
57	B	LIVING ROOM Door does not fit tight-install weatherseal.
58	A	LIVING ROOM Door glass cracked or broken.
59		NOTE: Tenant does not have a key to the house.
60	B	REAR BEDROOM Door is loose or coming off of its hinges.
61	A	UPSTAIRS - BEDROOM Has an extension cord that is creating a hazard.

- 62 A UPSTAIRS - BEDROOM
Window has broken or cracked glass.
- 63 A UPSTAIRS - BEDROOM
Smoke detector is missing or inoperative near the bedrooms.
- 64 B UPSTAIRS - BEDROOM
Room is not supplied with 2 sources of power. Must have 2 duplex wall outlets or outlet and one overhead light.
- 65 B UPSTAIRS - BEDROOM
Wall and ceiling are not finished.
- 66 B UPSTAIRS - BEDROOM
Window check stop or window stop is missing.
- 67 A UPSTAIRS - HALLWAY

CITY OF MUSKEGON INSPECTION REPORT

March 15, 2000

AT 9:45 p.m.

FOR DYSON 1659

PAGE

No	Cat	Violation
===	===	=====
		Handrail is missing.
68	A	UPSTAIRS - HALLWAY
		Window has broken or cracked glass.
69	A	UPSTAIRS - HALLWAY
		Smoke detector is missing or inoperative near the bedrooms.
70	B	UPSTAIRS - HALLWAY
		Floor vent is loose.
END OF LIST		

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
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231/724-6718
FAX/724-6768

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

MUSKEGON



West Michigan's Shoreline City

FILE

NOTICE AND ORDER

May 10, 2000

Karen Rios/Tonya Betts
1659 Dyson
Muskegon MI 49442

Marty Crowell
11513 Apple Drive
Nunica MI 49448

Dear Property Owner:

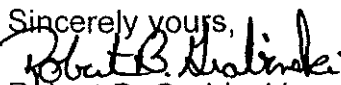
Subject: 1659 Dyson
E 55 FT LOT 17 BLK 102

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

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

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

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

Sincerely yours,

Robert B. Grabinski

Fire Marshal/Inspection Services

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

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FAX/724-6768

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Neigh. & Const.
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FAX/724-6768

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



CITY OF MUSKEGON

**NOTICE OF HEARING ON
DANGEROUS AND UNSAFE CONDITIONS**

August 4, 2000

Karen Rios/Tonya Betts
1659 Dyson
Muskegon MI 49442

Marty Crowell
11513 Apple Drive
Nunica MI 49448

Dear Property Owner:

SUBJECT: Dangerous Building Case #: 00-40 – 1659 Dyson, Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, August 17, 2000** at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

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

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

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

Inspection Services
City of Muskegon

FILE COPY

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

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FAX/726-5181

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FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: August 24, 2000
CASE: #00-40 – 1659 Dyson, Muskegon MI

Karen Rios
2164 Austin
Muskegon MI 49442

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on , August 17, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **E 55 Ft, Lot 17 Blk 102**, also know as, **1659 Dyson**, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

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

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

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure. **However, there will be a 90 day delay in forwarding this case to the City Commission for concurrence of demolition. If repairs are not complete, this case will be heard at the City Commission meeting in November, 2000.**

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



Greg Borgman, Chairman
MUSKEGON HOUSING BOARD OF APPEALS

TRANSNATION TITLE INSURANCE COMPANY

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

The East 55 feet of Lot 17, Block 102, of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-102-0017-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1999 Summer taxes.

STATE AND COUNTY TAXES

1999 County taxes are due in the amount of \$757.21 if paid by May 31, 2000.

TAX SALES

State Equalized Value \$10,900.00.
Taxable Value \$10,014.00.

NOTE: No Homestead filed.

NOTE: Special assessments, invoices, and infractions were not checked.

By 
Diane M. Kroll

Date - May 17, 2000

DMK/jao

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

DATE: March 5, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection Services Dept.

RE: Concurrence with the Housing Board of Appeals Finding of Facts and Order for 485 E Apple Ave.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **485 E Apple 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.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals

Location & Ownership: This single family home is located on E Apple Avenue between Williams and Chestnut. The United States HUD owns this property.

History: A dangerous building inspection was conducted on 9/22/00. A notice and order to repair or remove the structure(s) was sent on 10/31/00. The owner did not respond to the notice and order therefore, the case was heard before the Housing Board of Appeals on 12/7/00 and was declared unsafe.

State Equalized Value: \$7,900.00

Estimated cost of repairs: \$10,000.00

CITY COMMISSION RECOMMENDATION:

The Commission will consider this item at it's meeting on 3/13/01.



485 E APPLE AVE

7/26/00

Census # 3

CITY OF MUSKEGON

DANGEROUS BUILDING INSPECTION REPORT

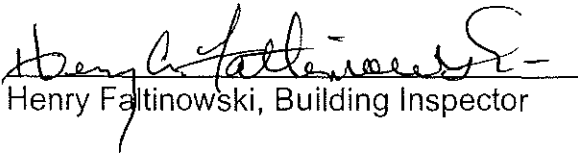
485 E APPLE AVENUE

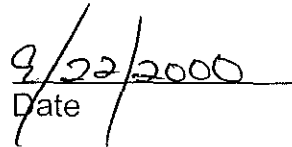
9/22/00

Inspection Noted:

1. Foundation wall has open gaps in brick loose brick.
2. Cracked, peeling siding.
3. Wall ceiling damage ion interior of home.
4. Damaged flooring.
5. Plumbing violations, hot water heater connections.
6. Porch roof deteriorating.
7. Debris thrown in yard.
8. Broken out windows.
9. Interior inspections required by building, electrical, plumbing and mechanical inspectors before any permits or certificates of occupancy will be issued.

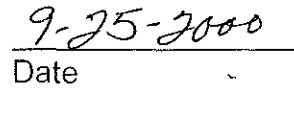
BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Faltinowski, Building Inspector


Date

CONCURRED IN:


Jerry McIntyre, Building Official


Date

CITY OF MUSKEGON

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

DATE: 10/31/00

Address of the Property: 485 E Apple Ave., Muskegon, Michigan

Description of the Structure: W 1/2 Lot 5 Blk 66

TO: UNITED STATES OF AMERICA HUD
[Name of Owner]

451 7th St. SW, Washington DC 20024
[Address of Owner]

Community Mortgage Services Inc.
[Name of Other Interested Party]

24275 Northwestern Highway Suite 201, Southfield MI 48075-2598
[Address of Other Interested Party]

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

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

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

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

FAILURE TO COMPLY

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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 485 E APPLE AVE., Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

(PLEASE SEE ATTACHED INSPECTION REPORT)

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Dept.
Position

Dated: 10/31/00

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

NOTICE OF HEARING

Address of the Property: 485 E. APPLE AVE. Muskegon, Michigan

Description of the Structure: W ½ Lot 5 Blk 66

TO: United States of America Hud
[Name of Owner]

451 7th St. SW Washington DC 20024
[Address of Owner]

Community Mortgage Services Inc.

[Names of Other Interested Parties]

24275 Northwestern Highway Suite 201,
Southfield MI 48075-2598

[Addresses]

Please take notice that on Thursday, December 7, 2000, the City of Muskegon Housing Board of Appeals will hold a hearing at The City of Muskegon City Hall, 933 Terrace St., in the Commission Chambers (room 103), on the first floor at 5:30 P.M., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on October 31, 2000.

At the hearing on Thursday, December 7, 2000, at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Cathy Everett
Cathy Everett, Secretary

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

Date: 12/15/00

To: United States Hud, 451 7th St. SW Washington DC
Owners Name & Address

Community Mortgage Services Inc., 24275 Northwestern Highway, Suite 201,
Shouthfield MI 48075 - 2598

Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, December 7, 2000, does hereby order that the following structure(s) located at 485 E Apple Ave, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

W ½ Lot 5 Blk 66

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

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

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT

Affecting land in Muskegon County, Michigan
Described as follows:

The West ½ of Lot 5, Block 66, Revised Plat ~~(06~~ 1903) of the City of Muskegon,
according to the recorded plat thereof in Liber 3 of Plats, Page 71, Muskegon County
Records.

Permanent Property No.: 61-24-205-066-0005-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said the Treasurer in the form of an assessment roll has received information. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurer of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 2000 City Tax

STATE OR COUNTY TAXES

1999 Winter tax paid in the amount of \$449.96

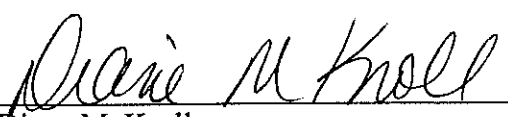
State Equalized Value \$7,900.00

Taxable Value \$6,741.00

NOTE: No Homestead filed

NOTE: Invoices, Infractions, Special Assessments and Water bills have not been checked. Contact the City Treasurer for this information.

BY


Diane M. Kroll

DATE: September 20, 2000 at 8:00AM

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

DATE: March 5, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Fire Marshal/Inspection Services Dept.

RE: Concurrence with the Housing Board of Appeals Finding of Facts and Order for 1885 Continental.

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1885 Continental** 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.

FINANCIAL IMPACT: The cost of the demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

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

Location & Ownership: This single family home is located on Continental Street near Holbrook Avenue. The owner is Allen Ecklund.

History: On 8/22/00, a letter was sent to the owner regarding the electrical service being an imminent danger. On 8/31/00 a dangerous building inspection was conducted. On 9/5/00 a notice and order was sent. There had been no contact from the owner and no change in the condition of the home so the case was heard by the HBA on 11/2/00. The board found the structure(s) to be substandard, unsafe and a public nuisance but delayed forwarding the case to the City Commission for 30 days.

State Equalized Value: \$13,100.00

Estimated cost of repairs: \$20,000.00

CITY COMMISSION RECOMMENDATION:

The Commission will consider this item at it's meeting on 3/13/01.

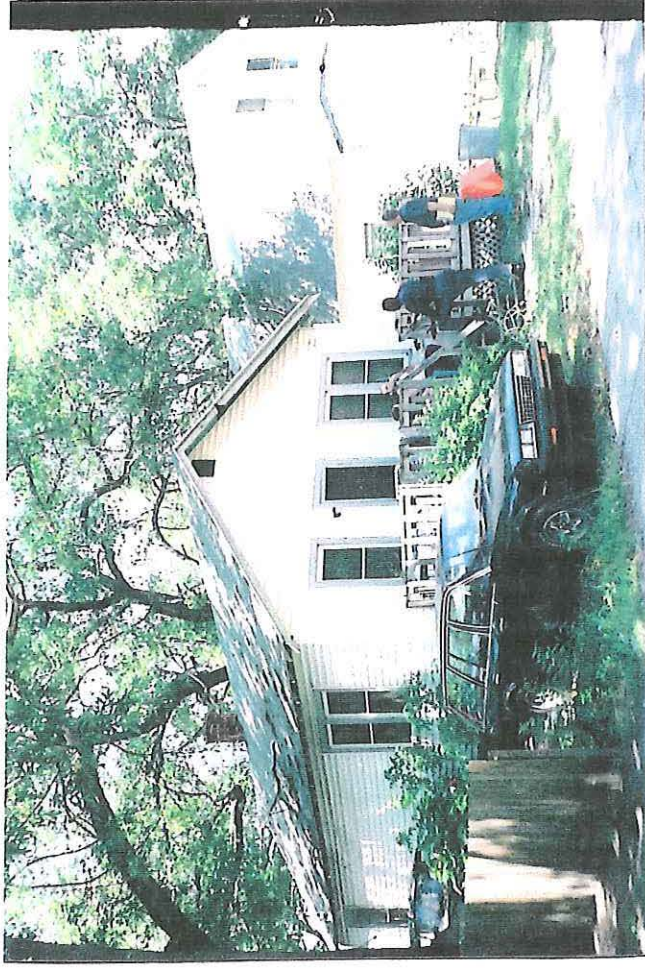
[illegible]

AUSTIN ST

AUSTIN ST

1925	1949	1937	1924	0	1923
0	11	1533	1076	1014	1003

TURNER AV



1885 Continental

8/10/00

Alternative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

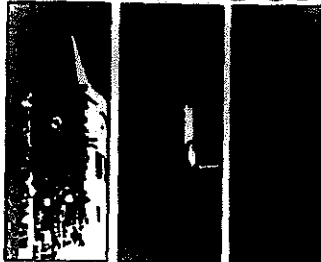
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

August 22, 2000

Alan Ecklund
1885 Continental St.
Muskegon, MI 49442

FILE COPY

Re: 1885 Continental St

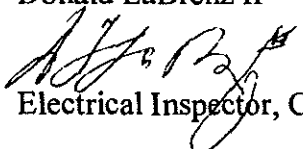
As the result of an inspection at the above referenced property, it was determined that the electrical service was and is an imminent danger to life and property. Because of hazards found during this inspection, electrical utilities will be terminated on August 28, 2000 if repairs are not made pursuant to City ordinance Section 4-92.1 being Article 90-11 of the Electrical code.

A licensed electrical contractor must make all repairs of safety and code violations, and an inspection must be scheduled before electrical utilities can be restored.

The above mentioned violation is a safety issue and in no way should be construed as including any other code violations at the above mentioned property.

Should you have any questions, please feel free to call me at (616) 724-6758.

Donald LaBrenz II


Electrical Inspector, City of Muskegon

cc: File
Fire Department
Consumers Energy

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

1885 CONTINENTAL

8/31/00

FILE COPY

Inspection noted:

1. Structural foudation wall problems. Wall failing with large cracks in wall.
2. Rotted, missing basement window sills and frames.
3. Ceiling damaged on interior of home peeling paint, water infiltration.
4. Roof on home in need of repair shingles need to check for sheathing rafter damage.
5. Chimney in need of repair.
6. Back porch has been removed, leaving a 3 foot drop out of the back door.
7. Cars, refrigerators filling up back yard.
8. Garage – Roof deteriorating.
9. Stove venting not to code.
10. Electrical Hazzards in garage – very dangerous.
11. Garage being used as repair garage.
12. Home and Garage has serious electrical hazzards. Home & garage electrical must be brought up to code.
13. Plumbing hazzards must be brought up to code.
14. Mechanical systems must be certified safe.
15. Front porch needs structural repair to code. Steps, guardrail, handrail support.

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 G. Raltinowski
HENRY RALTINOWSKI, BUILDING INSPECTOR

8/31/2000
DATE

CONCURRED IN:

Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

8-31-00
DATE

Administrative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

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231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

NOTICE AND ORDER

September 5, 2000

Alan Ecklund
1885 Continental
Muskegon MI 49441

Dear Property Owner:

Subject: 1855 Continental
Continental Addition Lot 17, Block 1

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

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

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

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

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

FILE COPY

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS
NOTICE OF HEARING

Date: October 23, 2000

Address of the Property: 1885 Continental, Muskegon, Michigan

Description of the Structure: Urban Renewal Plat No. 4 Lot 705

TO: Alan Ecklund
[Name of Owner]

1885 Continental, Muskegon MI 49442
[Address of Owner]

Pace Setters Corp. 4035 Broadmoor, Kentwood MI, 49512
[Names of Other Interested Parties] [Addresses]

Please take notice that on Thursday, November 2, 2000, the City of Muskegon Housing Board of Appeals will hold a hearing at City of Muskegon City Hall, 933 Terrace St. Muskegon MI 49443 in the City Commission Chambers (Rm 103) at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on June 12, 2000.

At the hearing on Thursday, November 2, 2000, at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Fire Marsha/Inspections Dept
Position

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT

Affecting land in Muskegon County, Michigan
Described as follows:

Lot 17, Block 1, Continental Addition to the City of Muskegon, as recorded in the plat thereof Liber 6 of Plats, Page 4, Muskegon County Records.

Permanent Property No.: 61-24-215-001-0017-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said the Treasurer in the form of an assessment roll has received information. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurer of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 2000 City Tax

STATE OR COUNTY TAXES

1997 Winter tax due in the amount of \$2898.12 if paid by 10-31-00
1998 Winter tax due in the amount of \$919.49 if paid by 10-31-00
1999 Winter tax due in the amount of \$764.02 if paid by 10-31-00
(Said amount includes water/sewer of \$92.82)
State Equalized Value \$13,100.00
Taxable Value \$10,819.00

NOTE: No Homestead filed

NOTE: Invoices, Infractions, Special Assessments and Water bills have not been checked. Contact the City Treasurer for this information.

BY 
Diane M. Kroll

DATE: September 15, 2000 at 8:00AM

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

February 27, 2001

Gail Kunding
City Clerk
City of Muskegon
933 Terrace Street
Muskegon, MI 49440

Madam Clerk,

Please accept this notice as my written request to place the following ordinance amendment on the city commission agenda for the meeting scheduled on March 13, 2001.

Motion: To amend the non-union employee pension ordinance so that the retirement requirements are changed from 55 years of age with 30 years of service to 55 years of age with 25 years of service.

Attachments: Letter from City Attorney dated February 1, 2001.
Letter from City Attorney dated February 22, 2001.

Please also attach a copy of the ordinance with the proposed changes.

Thank You,

A handwritten signature in black ink, appearing to read "Lawrence O Spataro", written in a cursive style.

Lawrence O Spataro
Commissioner, Ward III

February 1, 2001

ATTORNEY CLIENT PRIVILEGE

Mr. Bryon Mazade
City Manager
City of Muskegon

Re: Pension ordinance renewal

Dear Bryon,

You asked if the pension ordinance, if it is brought up again on a renewed motion, needed to have a first and second reading, as if it were entirely new. After checking the admittedly sparse authority, and reviewing the language of the Charter, in my opinion it may be renewed as a second reading, and may be adopted at that meeting by vote of a majority of the members in office, provided there are no material changes in the language or provisions of the ordinance. This has to be done within a reasonable time after the previous consideration of the ordinance.

The Charter says that an ordinance may not be adopted on the same day as it is proposed, except by unanimous consent of all the members in office. Thus our need for two readings. Out of state authorities lead to a comment in one of our treatises that an ordinance may come up and be reconsidered if it has been read the required number of times and has been defeated, if the reconsideration is within a reasonable time. The implication is that it does not have to go through all the readings again.

The purpose of repeated readings is, of course, to insure careful deliberation, something that has occurred even though the ordinance was defeated on the second reading. I do not find any authority requiring that the ordinance has to go through the proposal, or first reading, process in this situation. I am not aware of any practice, rule or commission policy to the contrary, but if there is one, that would prevail.

Yours truly,

Tom Johnson

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

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

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

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

Retired
Robert L. Forsythe
Arthur M. Rude

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

February 22, 2001

Fred J. Nielsen, Mayor
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

Dear Fred:

This letter responds to your request that I give you a legal opinion concerning the effect of the vote taken at city commission meeting of February 13 which resulted in the approval of the pension enhancement for non-represented employees. You supplied me with a tape and letter which appears to be derived from the legal opinion of a lawyer not connected with the city, and I have reviewed Robert's Rules of Order, the tape you supplied, my memory of the incident which I viewed on Channel 77, and the city commission rules.

The answer to your question is somewhat complicated, and unfortunately is being given in response to what I see as a largely political set of considerations. My resistance in such situations, which I expressed to you, comes from the fact that unfortunately some of the people who receive the answer will likely consider my opinion political. In fact my opinion is based on what I perceive the rules to be and the politics of the situation are of no concern whatsoever to me.

Two basic mistakes were made at the meeting, one of which has no special effect, and the other of which leaves the commission with an unresolved motion concerning the pension enhancement. They are as follows:

1. The motion "to call the question" was really a motion "for the previous question" or "to terminate debate." Such a motion, by Robert's Rules, requires a two-thirds majority to pass. Its only effect is to cut off debate and move to consideration of the question before the commission -- that is the main motion. In our case on February 13, the motion "to call the question" only passed by a four-to-three majority and therefore should have failed.

However in light of my opinion regarding the effect of the rest of the motions on this subject, this mistake is without consequence.

The only result of this first mistake is that, in the future, when a member moves the previous question or moves to end debate, a two-thirds vote is required.

2. Commissioner Shepherd's motion was characterized in various ways, but amounted to a

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George A. Parmenter, 1903-1993
Cyrus M. Pappen, 1903-1996
Harold M. Street, 1912-2000

motion to rescind the previous action of the commission. **In my opinion, the substance of what was said and intended is more important than the exact words.** Thus when Commissioner Shepherd moved to "bring back before the commission" the pension enhancement, and when later Commissioner Spataro and Commissioner Aslakson, and others characterized the motion as a "motion to reconsider," in all cases the terminology used was incorrect. The motion made amounted to a motion to rescind the previous action. ("Reconsideration" is only available at the same meeting when the main motion has been voted upon).

A motion to rescind does not require a member of a previous majority to make it. It requires only that a majority of the members of the commission approve it. Since all the members of the commission were present and a majority of the members approved it, the voting requirement was satisfied.

However, as Commissioner Aslakson recognized during the voting, the effect of this motion was merely to rescind the previous action concerning pension enhancement. The action takes us back to the posture of the commission before the last vote on pension enhancement occurred, after the second reading on January 9. Therefore, no action has been taken on the pension enhancement and that motion may be made for discussion and vote.

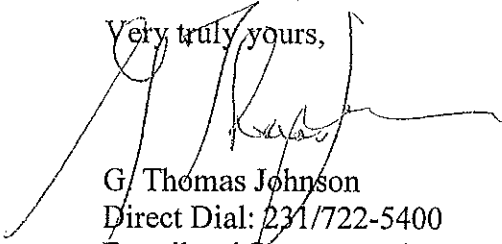
Therefore in my opinion the vote on Commissioner Shepherd's motion, although all parties used the wrong terminologies, was a legal vote which had the effect of rescinding the previous action concerning the pension for unrepresented employees. However, even though the various commissioners understood the rescinding vote to be, in addition, a vote to approve the pension enhancement, and apparently several commissioners thought that the two actions were combined in the same motion, that is not the case.

A new motion on second reading concerning the pension must be made, since the previous action was rescinded.

Your letter also cites commission policies regarding submission of agenda items prior to meetings, time periods, etc. These policies do not prevent the commission from taking action if it so desires on any matter. In fact we have often seen almost spontaneous actions and votes on motions take place. The absence of such materials in agenda packets may indeed constitute good cause or reason to argue against having a vote on a motion, or for somebody to move to table or postpone, etc. but the rules about such materials in themselves do not prevent commission action.

If there are any questions please feel free to call.

Very truly yours,



G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com

GTJ:mmf

c: Bryon Mazade
City Commissioners

City of Muskegon
Muskegon County, Michigan

ORDINANCE NO. 2042

The City Commission of the City of Muskegon hereby ORDAINS:

Appendix B of the Code of Ordinances of the City of Muskegon concerning the General Employees Retirement System is amended as follows:

1. **Voluntary Retirement Conditions:**

Section 5.1. A person may retire upon satisfaction of each of the following requirements:

- (1) The person has filed written application for retirement with the board of trustees not less than 30 days nor more than 90 days prior to the date retirement is to be effective;
- (2) The person terminates all city employment prior to the date retirement is to be effective;
- (3) The person has met an applicable age and service condition for retirement.

The age and service conditions for voluntary retirement are as follows:

- (1) *Benefit group general.* The person has either:
 - (i) If represented by a labor organization at the time of retirement or separation from service, attained age sixty (60) years or older and has ten (10) or more years of credited service in force, or
 - (ii) If not represented by a labor organization at the time of retirement or separation from service, attained age sixty (60) years or older and has five (5) or more years of credited service in force, or
 - (iii) Attained age fifty-five (55) years or older and has thirty (30) or more years of credited service in force, or
 - (iv) Attained age fifty-four (54) years and has twenty-six (26) or more years of credited service in force. A person may only qualify under this subsection if the person is a non-bargaining unit employee that retires prior to December 31, 1987; or
 - (v) Effective January 1, 1995, attained age sixty (60) years or older and has five (5) or more years of credited service in force and is represented by the Public Employees of the Southwestern Michigan Clerical and Technical Union (clerical and technical employees) at the time of retirement or separation from service; or

(vi) Effective January 1, 2001 and if not represented by a labor organization at the time of retirement or separation from service, attained age fifty-five (55) years or older and has twenty-five (25) or more years of credited service in force.

Upon retirement as provided in this section a person shall be paid a pension computed according to Section 6.

This ordinance adopted:

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

Adoption Date: 3-13-01
Effective Date: 3-30-01
First Reading: 12-12-99
Second Reading: 3-13-01

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding
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 13th day of March, 2001, 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: March 13, 2001

Gail A. Kunding
Gail A. Kunding, CMC/AAE
Clerk, City of Muskegon

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