CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 14, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

HONORS AND AWARDS:

a. Certificate of Recognition to Muskegon High School Big Red Football Team CITY CLERK

b. Certificate of Recognition to Muskegon High School Big Red Girls Basketball Team CITY CLERK

c. Certificate of Recognition to Muskegon Catholic Central High School Football Team CITY CLERK

CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

b. Community Relations Committee 2003 Appointment CITY CLERK

c. Liquor License Request – Opportunity LLC 978 Pine St. CITY CLERK

d. Liquor License Request – TDDK, Inc. 450-452 W. Western CITY CLERK

e. Sidewalk Vacation- Park Terrace Apartments CITY COMMISSION

PUBLIC HEARINGS:

a. Create Special Assessment District on: 2003 Sidewalk Program (W-5) ENGINEERING

b. Resolution for Development District On-Premise Liquor License for Thomas Harris PLANNING & ECONOMIC DEVELOPMENT

NEW BUSINESS:

a. Vacation of the Eastern Portion of Alley in Block 346 PLANNING AND ECONOMIC DEVELOPMENT

b. Sale of Buildable Vacant Lot on Ducey Ave. PLANNING & ECONOMIC DEVELOPMENT

CLOSED SESSION: to discuss pending litigation

City of

Muskegon

State of Michigan

2003 -001 a)

Certificate of Recognition

WHEREAS; It gives us a great deal of pleasure to express to all the members of the Muskegon High School Big Reds Football team, on behalf of all the citizens of Muskegon, our sincere congratulations on your successful season; and

WHEREAS; the Muskegon High School Big Red Football Team under the direction of Coach Tony Annese and his assistant coaches, guided the team to win the District Division 1 Championship, and

WHEREAS; chosen by Chronicle sports writers and other coaches the Big Red's placed 10 players on this year's All-Area Team, and

WHEREAS; this honor squad includes Jermar Jackson, Jamaine Wilson, Demonte Collins, Tom Vreden, Larry Perry, Josh Cammon, Ross Davis, DeAngelo Clar, Quentin Watts and Tim McDaniel, and

WHEREAS; the Big Reds with their many wins showed our Community the great desire and competitive quality they have when playing football, and

SO, NOW THEREFORE BE IT RESOLVED that I Mayor Warmington speaking on behalf of the, City Commission and entire community deem it an honor and pleasure to present this Certificate of Recognition to the Muskegon High School Big Reds Football team for giving us all a very exciting year of football.

IN WITNESS WHEREOF, I have hereunto set our hands and cause the seal of the City of Muskegon to be affixed this 14th day of January, 2003.

Steve Warmington, Mayor	Karen Buie, Vice Mayor
Stephen Gawron, Commissioner	Bill Larson, Commissioner
Clara Shepherd, Commissioner	Lawrence Spataro, Commissioner
Robert Schweifler, Commissioner	

City of

Muskegon

State of Michigan

2002 - 01 b)

Certificate of Recognition

WHEREAS, the Big Reds Girl's Basketball team from Muskegon High School under the coaching of Cecil Hammond ended the best basketball season in their school history at a 24 win and 1 loss, and

WHEREAS, they won the Class A District Championship leading them to the Class A Regional Title Games, and

WHEREAS, with seniors Sandifer, Churchwell and Coley setting a praiseworthy model of leadership for their teammates, and

WHEREAS, this will be a team that future Muskegon High School girls basketball teams will be assessed by, and

SO, NOW THEREFORE BE IT RESOLVED, that I Mayor Warmington speaking on behalf of the, City Commission and entire community deem it an honor and pleasure to present this resolution to the Muskegon High School Big Reds Girl's Basketball team for their endeavor at the Class A Regional Title.

IN WITNESS WHEREOF, I have hereunto set our hands and cause the seal of the City of Muskegon to be affixed this 14th day of January, 2003.

Steve Warmington, Mayor

Karen Buie, Vice Mayor

Stephen J. Gawron, Commissioner

Bill Larson, Commissioner

Clara Shepherd, Commissioner

Robert Schweifler, Commissioner

Lawrence Spataro, Commissioner

City of

Muskegon

State of Michigan

2003 - 01 c)

CERTIFICATE OF RECOGNITION

WHEREAS; it gives me a great deal of pleasure to express to all the members of the Muskegon Catholic Central Crusaders Football team our sincere congratulations for an exciting, hard-fought, and successful season with 36 wins and 4 loses, and

WHEREAS; under the guidance of Coach Mike Holmes, the Crusaders ranked No. 1 in Division 7 and finished State runner up in the Regional Championship game, and

WHEREAS; Joe Perri and Bill Cassleman were rewarded with positions on the Associated Press Class C All-State Team, and

WHEREAS; this fine team of young men demonstrated an outstanding spirit of dedication, ethusiam and hard work, and

SO, NOW THEREFORE BE IT RESOLVED, that I Mayor Warmington speaking on behalf of the, City Commission and entire community deem it an honor and pleasure to present this Certificate of Recognition to the Muskegon Catholic Central Crusaders football team for their remarkable year in football.

IN WITNESS WHEREOF, I have hereunto set our hands and cause the seal of the City of Muskegon to be affixed this 14th day of January, 2003.

Steve Warmington, Mayor

Karen Buie, Vice Mayor

Stephen J. Gawron, Commissioner

Bill Larson, Commissioner

Clara Shepherd, Commissioner

Robert Schweifler, Commissioner

Lawrence Spataro, Commissioner

2003 - 02 a)

Date: **January 14, 2003**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Approval of Minutes**

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, December 9, 2002; and the Regular Commission Meeting that was held on Tuesday, December 10, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

2003-08 (a)

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 14, 2003

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, January 14, 2003.

Mayor Warmington opened the meeting with a prayer from Pastor Paul Erban of Journey Community Church, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington; Vice-Mayor Karen Buie: Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2003-01 HONORS AND AWARDS:

a. Certificate of Recognition to Muskegon High School Big Red Football Team CITY CLERK

Commissioner Larson presented a Certificate of Recognition to Coach Tony Annese.

b. Certificate of Recognition to Muskegon High School Big Red Girls Basketball Team CITY CLERK

Commissioner Shepherd presented a Certificate of Recognition to Coach Cecil Hammond.

c. Certificate of Recognition to Muskegon Catholic Central High School Football Team CITY CLERK

Commissioner Gawron presented a Certificate of Recognition to Coach Mike Holmes.

2003-02 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, December 9, 2002 and the Regular Commission Meeting that was held on Tuesday, December 10, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. **Community Relations Committee 2003 Appointment Recommendations** CITY CLERK

SUMMARY OF REQUEST: To approve recommendations from the Community Relations Committee for appointments to City Boards and Committees.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of Recommendations.

c. **Liquor License Request – Opportunity LLC 978 Pine St.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Opportunity, LLC to transfer ownership of the 2002 Class C-SDM licensed business with dance-entertainment permit from Pine Street Tavern, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

e. **Sidewalk Vacation- Park Terrace Apartments** CITY COMMISSION

SUMMARY OF REQUEST: After receiving a survey of the property on which the Park Terrace apartments are being built, it was discovered that there is a dedicated sidewalk running through the middle of the property. This sidewalk dedication needs to be removed to permit clear title.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Schweifler, second by Vice Mayor Buie to approve the Consent Agenda minus item d.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSES

2003-03 ITEMS REMOVED FROM CONSENT AGENDA:

d. **Liquor License Request – TDDK, Inc. 450-452 W. Western** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from TDDK to transfer ownership of the 2002 Class C licensed business with dance-entertainment permit from Key Food & Equipment Company. They are also requesting a new SDM license to be held in conjunction. This request also includes an official permit for food, entertainment, two additional bars and outdoor service area.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Larson, second by Commissioner Schweifler to approve the request from TDDK, INC., to transfer ownership of 2002 Class C Licensed Business with Dance Permit, located at 450-452 W. Western, Muskegon, MI 49440, Muskegon County, from Key Food & Equipment Company. And New Entertainment Permit.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

2003-04 PUBLIC HEARINGS:

a. **Create Special Assessment District on: 2003 Sidewalk Program (W-5)** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1st 2003.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the project for special assessment create a special assessment district for the project and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:55 to hear and consider any comments from the public. Commissioner Spataro asked to be excused due to a conflict of interest. . Comments were heard from Bill Grimm of 205 Washington Ave., and Dave Mason, owner of 1905 6th in regards to doing work themselves. Comment was heard in agreement from Robert Green of 393 Washington Ave. Franklin Enterprises General Manager Richard Gould of 1307 Spruce Ave., Grant, MI agreed to work on W. Southern but was opposed to work on 8th St.

Motion by Commissioner Schweifler, second by Commissioner Larson to close the Public Hearing at 6:10.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Warmington, Buie

Nays: None

Absent: Spataro

MOTION PASSES

Motion by Commissioner Schweifler, second by Commissioner Gawron to create a Special Assessment District on 2003 Sidewalk Program (W-5) and appoint two City Commissioners to the Board of Assessors.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Warmington, Buie, Gawron

Nays: None

Absent: Spataro

MOTION PASSES

b. **Resolution for Development District On-Premise Liquor License for Thomas Harris** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing on the request for a Development District ON-Premise Liquor License for Thomas Harris and approve the resolution. The request is necessary due to a lack of available liquor licenses in the City of Muskegon. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approval of the liquor license will allow for a new restaurant in the downtown area of Muskegon, which will ultimately result in increased revenue for the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To hold a public hearing and approve the resolution.

COMMITTEE RECOMMENDATION: The Downtown Development Authority approved the request at their regular meeting on December 17, 2002.

The Public Hearing opened at 6:15 to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to close the Public Hearing at 6:21 and approve the Development District On-Premise Liquor License for Thomas Harris and approve the resolution.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nays: None

MOTION PASSES

2003-05 NEW BUSINESS:

a. **Vacation of the Eastern Portion of Alley in Block 346** PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to vacate the eastern portion of the alley in block 346, adjacent to Samuel Lutheran Church on Webster Ave.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

RECOMMENDATION: The Planning Commission and staff recommend denial of the request because of residents need to access garages from the alley.

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Planning Commission and Staff and deny the request of vacation of the eastern portion of the alley in Block 346, adjacent to Samuel Lutheran Church on Webster Ave.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

b. **Sale of Buildable Vacant Lot on Ducey Ave.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1292 Ducey Ave. (designated as parcel number 24-611-000-0431-00) described as URBAN

RENEWAL PLAT NO 2 LOT 431 OF THE REVISED PLAT (OF 1903) OF THE CITY OF MUSKEGON to Lartice Jones, a single man, of 2412 Reynolds Street, Muskegon Heights, MI. The lot is 100 X 132 ft. and is being offered to Lartice Jones for $7,100. They plan to use the land for the construction of a single-family, 30' X 60', modular home. The home will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The appraised value of the lot is $7,000 and Lartice Jones submitted the only bid of $7,100.

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

BUDGET ACTION REQUIRED: None

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

Motion by Vice Mayor Buie, second by Commissioner Larson to approve the sale of a vacant buildable lot at 1292 Ducey Ave. to Lartice Jones of 2412 Reynolds St., Muskegon Heights, Mi for $7,100 and authorize both the Mayor and Clerk to sign resolution.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSES

2003-06 CLOSED SESSION: to discuss pending litigation

Motion by Commissioner Schweifler, second by Vice Mayor Buie to go into close session at 6:30pm to discuss pending litigation.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro,

Nays: None

MOTION PASSES

Motion by Commissioner Schweifler, second by Commissioner Shepherd to go into open session at 6:52pm.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington,

Nays: None

MOTION PASSES

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:10pm.

Respectfully submitted,

Gail Kundinger

Gail Kundinger, MMC

2003 - 02 b)

Date: **January 14, 2003**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Community Relations Committee 2003 Appointment Recommendations**

SUMMARY OF REQUEST: To approve recommendations from the Community Relations Committee for appointments to City Boards and Committees.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of Recommendations

COMMITTEE RECOMMENDATION:

Community Relations Committee
2003 Appointment Recommendations

BOARD OF CANVASSERS	Wanda Matsey
BOARD OF REVIEW	Don Haas Georgia Strube Sandra Talsma
CEMETERY	Dan Achterhoff
CITIZEN'S POLICE REVIEW BOARD	Trooper Brett Sova William Muhammad Irene Navarro Dolly Hippchen Ann Craig David Burlingame Jon Osborn
CIVIL SERVICE	Deborah Smith
CONSTRUCTION CODE BOARD OF APPEALS	Matt Tighe Vicki Webster Kevin Donovan
DOWNTOWN DEVELOPMENT/BROWNFIELD	Ben Bifoss Rich Taylor Martha Bottomley
ELECTION COMMISSION	John Bronsema
EQUAL OPPORTUNITY COMMITTEE	George Bennett Roger Sustaita Quinton Cooley
HISTORIC DISTRICT COMMISSION	Jackie Hilt Lois Cole Annette Medema

HOSPITAL FINANCE AUTHORITY

Brandi Gary
Thomas Schaefer

HOUSING CODE BOARD OF APPEALS

John Warner
Randy Mackie

INCOME TAX BOARD OF REVIEW

John Moran

LAND REUTILIZATION COMMITTEE

Sally Messner
Lisa Fox

LEISURE SERVICES BOARD

Billie Bruce
Bryan Chapman
James Messick

LOCAL DEVELOPMENT FINANCE AUTHORITY

Faye Redmond

LOCAL OFFICER'S COMPENSATION COMMISSION

Brian A. Barber
Jodi L. Hernandez
Susie M. Johnson

PLANNING COMMISSION

Tom Harryman
Tom Johnson
Tim Michalski

ZONING BOARD OF APPEALS

Raymond Hilt

2003 02 c)

Date: **January 14, 2003**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Liquor License Request**
Opportunity, L.L.C.
978 Pine Street

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Opportunity, L.L.C. to transfer ownership of the 2002 Class C-SDM licensed business with dance-entertainment permit from Pine Street Tavern, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All money owed to the City has been paid. All Departments are recommending approval.

2003 - 02 c)

Date: **January 14, 2003**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Liquor License Request**
Opportunity, L.L.C.
978 Pine Street

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Opportunity, L.L.C. to transfer ownership of the 2002 Class C-SDM licensed business with dance-entertainment permit from Pine Street Tavern, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Treasurer's Office is recommending disapproval due to money owed to the City.

Item 10.3.02L
AM

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

LOCAL APPROVAL NOTICE

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

Req ID: 195645

Date: October 21, 2002

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

Applicant: OPPORTUNITY, L.L.C.

Home Address And Phone No:
MALACHI F. WILLIAMS, JR., 628 ADA AVENUE, MUSKEGON, MI 49442 H(231)726-6108

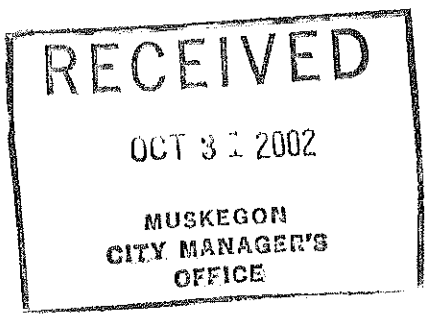
Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

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

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

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

sfs



LC-1305 REV 9/17
4880-1234

mailed 10-30-02
AD

Req ID #195645

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

RESOLUTION 2003 - 02 c)

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

called to order by Mayor Warmington on January 14, 2003 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Schweifler and supported by Vice Mayor Buie

That the request from OPPORTUNITY, L.L.C. TO TRANSFER OWNERSHIP OF 2002 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 978 PINE, MUSKEGON, MI 49442, MUSKEGON COUNTY, FROM PINE STREET TAVERN, INC. (STEP II).

be considered for Approval (Approval or Disapproval)

APPROVAL		DISAPPROVAL	
Yeas:	7	Yeas:	
Nays:	0	Nays:	
Absent:	0	Absent:	

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

Recommended (Recommended or not Recommended) for issuance

State of Michigan)
§
County of Muskegon)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission (Township Board, City or Village Council) at a Regular (Regular or Special) meeting held on January 14, 2003 (Date).

SEAL

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

Muskegon Police Department

Anthony L. Kleibecker

Chief of Police

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

November 21, 2002

To: The City Commission through the City Manager

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

Re: Liquor License Transfer at 978 Pine Street

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation concerning 978 Pine Street. Applicants, Malachi F Williams Jr. of Opportunity, L.L.C. are requesting to transfer ownership of 2002 Class C-SDM licensed business with Dance-Entertainment from Pine Street Tavern.

Mr. Williams has had no experience of owning an alcohol service establishment but has been made aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances. He currently is employed with Michigan Department of Corrections and plans to keep that job while running the bar at 978 Pine Street.

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

TK/cmw

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 11-21-2002

Re: Liquor License Transfer

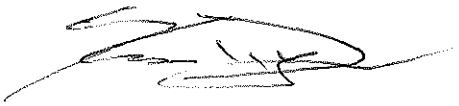
Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Malachi F. Williams Jr., 628 Ada Avenue, Muskegon, MI. 49442 who represents Opportunity, L.L.C., 978 Pine, Muskegon, MI. 49442.

Malachi F. Williams Jr. is requesting to transfer ownership of 2002 Class C-SDM licensed business with Dance-Entertainment from Pine Street Tavern, Inc. Mr. Williams has had no experience of owning an alcohol service establishment but has been made aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances. He currently is employed with Michigan Department of Corrections and plans to keep that job while running the bar at 978 Pine Street.

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

Respectfully submitted,



Det. Kurt Dykman

data/common/Williams

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, L.L.C.

AKA Business Name (if applicable): previously Pine Street Tavern

Operator/Manager's Name: Malachi F. Williams, Jr.

Business Address: 978 Pine

Reason for Review:

New License ☐ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: 11-19-02

Police Department	**Approved**	☑	**Denied**	☐	**No Action Needed**	☐
Income Tax	**Approved**	☐	**Owing**	☐	**Amount:**	_____
Treasurer	**Approved**	☐	**Owing**	☐	**Amount:**	_____
Zoning	**Approved**	☐	**Denied**	☐	**Pending ZBA**	☐
Clerk's	**Approved**	☐	**Owing**	☐	**Amount:**	_____
Fire/Inspection Services	**Compliance**	☐	**Remaining Defects**	_____		

RECEIVED
NOV 5 2002

Department Signature A. L. Kleber
11-22-02

Gail A. Kundinger, City Clerk
Liquor License Coordinator

mailed 10.30.02 AA

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

RECEIVED
NOV 01 2002
MUSKEGON POLICE DEPT.
CHIEF of POLICE

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

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

Date: October 21, 2002
REF#: 195645

Chief Law Enforcement Officer

Applicant:

OPPORTUNITY, L.L.C. REQUESTS TO TRANSFER OWNERSHIP OF 2002 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT AND ~~OFFICIAL PERMIT (FOOD)~~, LOCATED AT 978 PINE, MUSKEGON, MI 49442, MUSKEGON COUNTY, FROM PINE STREET TAVERN, INC. (STEP II).

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

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

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

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

LC-1972 Rev. 9/17
4880-1658

sfs

POLICE INSPECTION REPORT ON L OR LICENSE REQUEST
Req ID #195645 (Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services
MICHI LIQUOR CONTROL COMMISSION
7150 Harris Drive mailed 10-30-02 AM
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.

BUSINESS NAME AND ADDRESS: (include zip code)
OPPORTUNITY, L.L.C., 978 PINE, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:
REQUEST TO TRANSFER OWNERSHIP OF 2002 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT AND ~~OFFICIAL PERMIT (FOOD)~~, FROM PINE STREET TAVERN, INC. (STEP II). AM

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
MALACHI F. WILLIAMS, JR. – MEMBER	
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 628 ADA AVENUE MUSKEGON, MI 49442 H(231)726-6108	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: 1-11-1956 If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted:

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission.

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

Section 2. Investigation of Business and Address to be Licensed

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

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

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

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

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

Section 4. Recommendation

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

B. L. Kleinheksel 11-22-02
Signature (Sheriff or Chief of Police) Date

MUSKEGON POLICE DEPARTMENT

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

mailed 10-30-02 MA

REQ ID: 195645

LOCAL LAW ENFORCEMENT AGENCY REPORT

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

OPPORTUNITY, L.L.C. (231) 726-6108
APPLICANT/LICENSEE PHONE NUMBER

978 Pine St. Muskegon Muskegon MI
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

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

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

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

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

LAW ENFORCEMENT RECOMMENDATION

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

REMARKS:

11-21-02
DATE SUBMITTED

OFFICER'S SIGNATURE

Muskegon Police (231) 724-6750
DEPARTMENT NAME PHONE NUMBER

980 Jefferson St. Muskegon
ADDRESS CITY

LC-693N REV 5/98
4880-0652

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, L.L.C.

AKA Business Name (if applicable): previously Pine Street Tavern

Operator/Manager's Name: Malachi F. Williams, Jr.

Business Address: 978 Pine

Reason for Review:

New License ☐ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: 11-19-02

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 _____ 11/5/02

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, L.L.C.

AKA Business Name (if applicable): previously Pine Street Tavern

Operator/Manager's Name: Malachi F. Williams, Jr.

Business Address: 978 Pine

Reason for Review:

New License ☐ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: 11-19-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☑ Amount: $ 599.92 + $ 601.38 + $ 123.18 = $ 1169.53
2002 Personal Property Tax due 2/14/03.
Water/Sewer due.
Bills are attached

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature _____ 11/08/02

Gail A. Kundinger, City Clerk
Liquor License Coordinator

Next Screen

Charges and Payments Summary

Usage History | Chrgs/Pymt Hist | Balance by Utility | Inquire EAP

Organization #	900	Bill Grp #			
Account #	210082503	Start at Date	111301	Owner	Route 210
Service Address	00978 PINE ST				
Customer Name	BRUTTERS			Account Status F	Date 91002
Mailing Address	01323 MARQUETTE AVE MUSKEGON, MI 49442				
# of Units		Unit Name		# of Meters	1
Account Balance	127.18+	Current Charges	127.18+	Arrears	+
Deposit Amount		Deposit Date		Comments	YES

Dtl	Charge Date	Due Date	Charge	Payment	EAP Payment	Description
☐	100302	110402	127.18+	+	+	CHARGES
☐	90902		+	322.51-	+	PAYMENT
☐	71002	81902	180.93+	+	+	CHARGES
☐	40502	52802	141.58+	+	+	CHARGES
☐	40202		+	187.23-	+	PAYMENT
☐	10702	30402	187.23+	+	+	CHARGES
☐	10202		+	306.92-	+	PAYMENT
☐	111301		16.24+	+	+	CHARGES

GO

CITY OF MUSKEGON -- 2002 Winter TAX BILL

Bill #: 14336

MESSAGE TO TAXPAYER

THIS IS A CITY OF MUSKEGON 2002 PROPERTY TAX BILL PAYABLE ON OR BY FEBRUARY 14, 2003. OUR PHONE NUMBER IS 231-724-6720 AND OFFICE HOURS ARE 8:30 AM - 5:00 PM, MON - FRI, EXCLUDING HOLIDAYS. AFTER FEBRUARY 14, 2003, PENALTY OF 3% IS ADDED. MARCH 1, 2003 & AFTER, THE REAL ESTATE PROPERTY TAX IS PAYABLE TO THE MUSKEGON COUNTY TREASURER WITH A 4% PENALTY PLUS 1% PER MONTH.

PROPERTY INFORMATION

Property Assessed To: BRUTTERS INC
BRUCE JOHNSON
978 PINE ST
MUSKEGON, MI 49442

MUSKEGON PUBLIC SC

Property #: 61-24-900-251-0925-00 School Dist: 61010

Prop. Addr: 978 PINE ST Bill #: 14336

Legal Description:
PERSONAL PROPERTY 978 PINE ST

OPERATING FISCAL YEARS

The taxes on this bill will be used for governmental operations for the following fiscal year(s):

County: 10/01/02-09/30/03 School: 07/01/02-06/30/03
City: 01/01/03-12/31/03 State : 10/01/02-09/30/03

This does NOT affect when the tax is due or its amount.

Taxes are based upon Taxable Value.
1 mill equals $1.00 per $1,000 of Taxable Value.
Amounts with no millage are either Special Assessments or other charges being added to this tax bill.

TAX DETAIL

Taxable Value: 10,600
State Equalized Value: 10,600 Class: 251

TAXING UNIT	MILLS	TAX
COUNTY	8.89940	94.33
M.A.I.S.D.	3.75960	39.85
CITY	10.07860	106.83
HACKLEY LIBRARY	2.40000	25.44
STATE EDUCATION	6.00000	63.60
MPS OPERATIONS	18.00000	190.80
MPS DEBT	7.00000	74.20
Total Tax:	56.13760	595.05
Administration Fee:		4.88
TOTAL AMOUNT DUE:		599.93

% Declared as Homestead 0.00

Please detach along perforation. Keep the top portion.

Bill #: 14336

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

This tax is due by 02/14/2003
After 02/14/2003, additional interest and fees apply.

2002 Winter Tax for Property Number: 61-24-900-251-0925-00

Pay this tax to:
ATTN: CITY OF MUSKEGON TREASURER
P.O. BOX 1825
TROY, MI 48099-1825

TAXPAYER NOTE: Are your name & mailing address correct?
If not, please make corrections below. Thank you.

Property Addr: 978 PINE ST

Make check payable to: CITY OF MUSKEGON

599.93

To: BRUTTERS INC
BRUCE JOHNSON
978 PINE ST
MUSKEGON MI 49442

Amount Remitted: _____

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, L.L.C.

AKA Business Name (if applicable): previously Pine Street Tavern

Operator/Manager's Name: Malachi F. Williams, Jr.

Business Address: 978 Pine

Reason for Review:

New License ☐ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: 11-19-02

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☐ Remaining Defects _____

Department Signature Mike Lee

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Opportunity, L.L.C.

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Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature _____

Gail A. Kundinger, City Clerk
Liquor License Coordinator

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Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspection Services Compliance ☒ Remaining Defects _____

Department Signature Robert B. Drabinski 11/05/02

Gail A. Kundinger, City Clerk
Liquor License Coordinator

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Police Department
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(231)724-4100
FAX: (231)722-4188

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FAX: (231)724-6768

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

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

MUSKEGON

West Michigan's Shoreline City

January 8, 2003

Mr. Malachi F. Williams, Jr.
628 Ada Avenue
Muskegon, MI 49442

Dear Mr. Williams:

This letter is to inform you that your request to transfer ownership of the 2002 Class C-SDM licensed business with dance-entertainment permit from Pine Street Tavern will be presented to the City Commission on January 14, 2003. This meeting begins at 5:30 p.m. and is located in the Commission Chambers, 933 Terrace, Muskegon, MI.

The transfer is being recommended for denial by the Treasurer due to money owed the City.

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

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Affirmative Action
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FAX: (231)722-1214

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FAX: (231)755-5290

MUSKEGON

West Michigan's Shoreline City

January 8, 2003

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

Dear Ms. DeYoung:

We have received a request from the Liquor Control Commission reference Opportunity, L.L.C., 978 Pine Street, desire to transfer ownership of the 2002 Class C-SDM License. A SDM license permits the sale of beer and wine for consumption off the premises only; and a Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. On Tuesday, January 14, 2003, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on January 14, 2003, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Affirmative Action
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FAX: (231)722-1214

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FAX: (231)724-6768

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

MUSKEGON

West Michigan's Shoreline City

January 22, 2003

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

REF: #195645
978 Pine
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the resolution, police inspection report (LC-1800), the local law enforcement agency report, print card and check for the liquor license change request mentioned above.

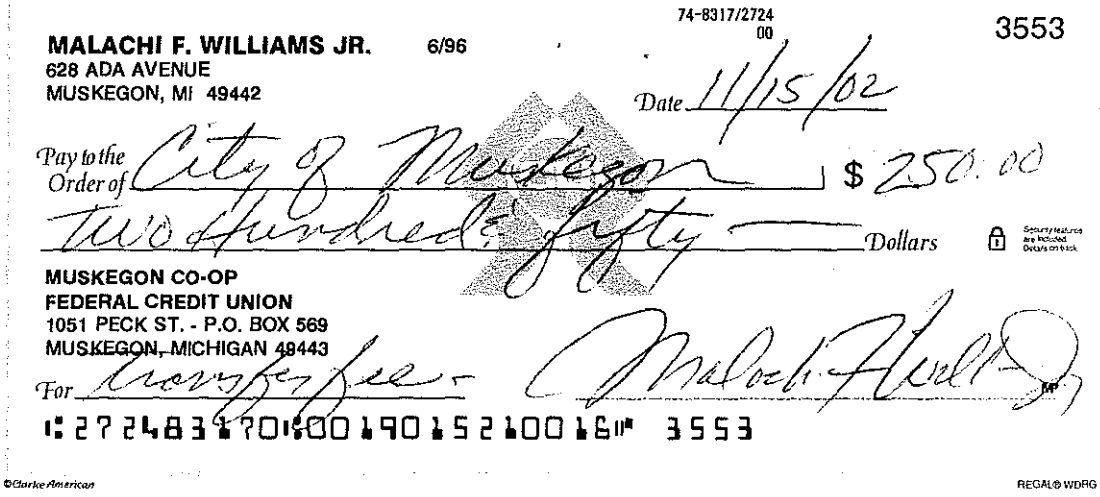
Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.



74-8317/2724
00

3553

MALACHI F. WILLIAMS JR. 6/96
628 ADA AVENUE
MUSKEGON, MI 49442

Date 11/15/02

Pay to the Order of City of Muskegon $ 250.00

Two Hundred Fifty Dollars

Security features are included. Details on back.

MUSKEGON CO-OP
FEDERAL CREDIT UNION
1051 PECK ST. - P.O. BOX 569
MUSKEGON, MICHIGAN 49443

For Transfer Fee

Malachi Williams

⑈272483⑈?0⑆00190152⑆00⑆6⑈ 3553

©Clarke American

REGAL® WDRG

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

7000 0520 0013 9683 9999

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

1-22-03
LCC for
Postmark Here
98 Pi
& 450-452 W. Western

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

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

1-14-03
Comm. Meeting.

City, State, ZIP+ 4

PS Form 3800, February 2000 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Liquor Control Commission
7150 Harris
P.O. Box 30005
Lansing, MI 48909-7505

COMPLETE THIS SECTION ON DELIVERY

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

JEREMY HALL

C. Signature

X MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN ☐ Agent ☐ Addressee

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

JAN 24 2003

POST OFFICE BOX 30026
LANSING, MICHIGAN 48909

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

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)*
7000 0520 0013 9683 9999

PS Form 3811, July 1999 — Domestic Return Receipt — 102595-99-M-1789

on consent

950 Taylor Avenue
Grand Haven, Michigan 49417
Phone: 616.842.2425
Fax: 616.842.1618
e-mail: thiggins@reendersinc.com

Reenders, Inc.

Memo

2003 - 02 e)

To: Gail Kundinger, Clerk, City of Muskegon

From: Thomas C. Higgins

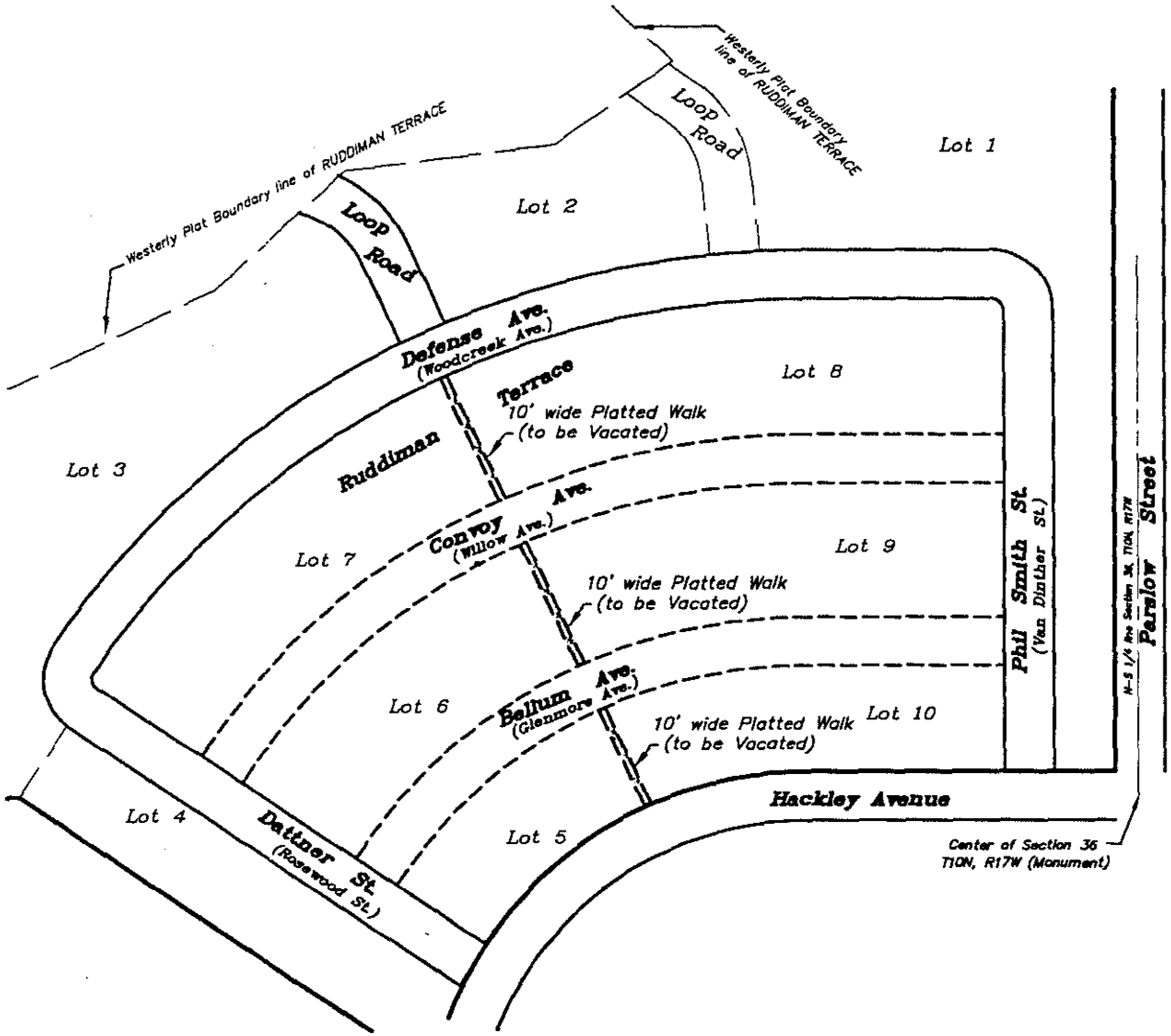
CC: Bryon Mazade, City Manager
Brenda Moore, Planning Department
Mohammad Al-Shatel, City Engineer
File

Date: January 9, 2003

Re: Sidewalk Vacation

After receiving a survey of the property on which the Park Terrace apartments are being built, we discovered that there is a dedicated sidewalk running through the middle of the property. This sidewalk dedication needs to be removed to permit clear title. We have inquired with the planning department who referred the question to the City Attorney to determine the proper method of vacating this sidewalk. It is the Attorney's opinion that this request must go directly before the City Commission. We ask that this matter be placed on the City Commission Agenda at the earliest possible date. I have attached a legal description of the dedicated sidewalk for your records. Please let me know when you schedule the hearing so that I might attend to answer any questions.

Exhibit "A"



DECRIPTION OF WALKWAYS TO BE VACATED:

All of the Platted 10 foot Walks in the Plat of Ruddiman Terrace, part of Section 36, T10N, R17W, City of Muskegon, Muskegon County, Michigan, as recorded in Liber 12 of Plats on Pages 33 and 34.

Scale 1" = 200'

Nederveld Associates Surveying, Inc.
Engineering — Surveying
5570 32nd Avenue / P.O. Box 10
Hudsonville, Michigan 49426

File No. 02200812E2D Date: 1-06-03 by SA

02200812E2 SA 01/06/03 10:3

CITY OF MUSKEGON

RESOLUTION #2003-02(e)

RESOLUTION TO VACATE A PORTION OF A DEDICATED SIDEWALK

WHEREAS, a request has been received to vacate a dedicated sidewalk in the City of Muskegon; and,

WHEREAS, the City Commission held a public meeting on January 14, 2003, to consider the request, and, subsequently, recommended the vacation; and,

WHEREAS, due notice had been given of said meeting on January 14, 2003, to consider the request.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission deems it advisable to vacate the dedicated sidewalk described as:

> All of the Platted 10 foot walks in the Plat of Ruddiman Terrace, part of Section 36, T10N, R17W, City of Muskegon, Muskegon County, Michigan, as recorded in Liber 12 of Plats on Pages 33 and 34.

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

Adopted this 14th day of January, 2003.

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Absent: None

By _____
Stephen L. Warmington, Mayor

and _____
Gail A. Kundinger, MMC, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on January 14, 2003.

Gail A. Kundinger, MMC
Clerk, City of Muskegon

PREPARED BY AND RETURN TO:
City of Muskegon
933 Terrace
Muskegon, MI 49440

2003 - 03 d)

Date: **January 14, 2003**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Liquor License Request**
TDDK, Inc.
450-452 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from TDDK, Inc. to transfer ownership of the 2002 Class C licensed business with dance-entertainment permit from Key Food & Equipment Company. They are also requesting a new SDM license to be held in conjunction. This request also includes an official permit for food, entertainment, two additional bars and outdoor service area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

KHC/TEH
11/25/02

Req ID # 196413

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

RESOLUTION 2003 - 02 d)

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

called to order by Mayor Warmington on January 14, 2003 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Larson and supported by Commissioner Schweifler

That the request from TDDK, INC. TO TRANSFER OWNERSHIP OF 2002 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 450-452 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM KEY FOOD & EQUIPMENT COMPANY. AND NEW ENTERTAINMENT PERMIT

be considered for Approval
(Approval or Disapproval)

APPROVAL		DISAPPROVAL	
Yeas:	7	Yeas:	
Nays:	0	Nays:	
Absent:	0	Absent:	

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan)
§
County of Muskegon)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission (Township Board, City or Village Council) at a Regular (Regular or Special) meeting held on January 14, 2003 (Date).

SEAL

(Signed) Gail Kundinger
Gail Kundinger City Clerk (Township, City of Village Clerk)

933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City of Village)

RAR / TDDK
196413
11/25/02

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

LOCAL APPROVAL NOTICE

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

Req ID: 196413

Date: November 12, 2002

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

Applicant: TDDK, INC.

Home Address And Phone No:
DAVID J. HARRIS, 1790 SUN DOLPHIN DRIVE, MUSKEGON, MI 49444 H(231)798-1948/B(231)733-2725
DANIEL H. HARRIS, 1790 SUN DOPHIN DRIVE, MUSKEGON, MI 49444 B(231)733-2725
KENNETH J. HARRIS, 1790 SUN DOLPHIN DRIVE, MUSKEGON, MI 49444 H(231)798-0050/B(231)733-2725
THOMAS A. HARRIS, 1790 SUN DOLPHIN DRIVE, MUSKEGON, MI 49444 B(231)733-2725

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

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

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

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

sfs

196413
11/25/02
KAC/TMA

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
Liquor Control Commission
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909
LOCAL GOVERNMENT 15 DAY NOTICE

TO: MUSKEGON CITY COMMISSION
933 TERACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

DATE: November 12, 2002
REQ ID#: 196413

The Liquor Control Commission has received an application for:
A NEW SDM LICENSE TO BE HELD IN CONJUNCTION WITH 2002 CLASS C LICENSED BUSINESS, LOCATED AT 450-452 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, TRANSFERRING OWNERSHIP TO TDDK, INC. FROM KEY FOOD & EQUIPMENT COMPANY.

Home Address and Phone No:
DAVID J. HARRIS, 1790 SUN DOLPHIN DRIVE, MUSKEGON, MI 49444
H(231)798-1948/B(231)733-2725
DANIEL H. HARRIS, 1790 SUN DOPHIN DRIVE, MUSKEGON, MI 49444 B(231)733-2725
KENNETH J. HARRIS, 1790 SUN DOLPHIN DRIVE, MUSKEGON, MI 49444
H(231)798-0050/B(231)733-2725
THOMAS A. HARRIS, 1790 SUN DOLPHIN DRIVE, MUSKEGON, MI 49444 B(231)733-2725

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 the notification.

Please return your response to:
Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909

sfs

Muskegon Police Department

Anthony L. Kleibecker
Chief of Police

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

January 3, 2003

To: The City Commission through the City Manager

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

Re: Liquor License Transfer at 450-452 W Western

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant TDDK, Inc. regarding 450-452 W. Western, Muskegon, MI 49440. TDDK, Inc. is comprised of four applicants: David Harris, Daniel Harris, Kenneth Harris, and Thomas Harris. They are requesting to transfer ownership of 2002 Class C licensed business with Dance/Entertainment permit from Key Food & Equipment Company and request a new SDM license to be held in conjunction. This request also includes the following: O.P. Food, 2 additional bars and Outdoor Service Area.

The applicants representing TDDK Inc. are current business owners but have had no experience in owning an alcohol service establishment. They have been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

TK/cmw

MEMO

To: Chief Tony Kleibecker

From: Det. Kurt Dykman

Date: 12-3-02

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant TDDK, Inc. of 450-452 W. Western, Muskegon, MI. 49440. TDDK, Inc. is comprised of four applicants: David Harris, Daniel Harris, Kenneth Harris, and Thomas Harris.

TDDK, Inc. is requesting to transfer ownership of 2002 Class C licensed business with Dance/Entertainment permit from Key Food & Equipment Company and request a new SDM license to be held in conjunction. This request also includes the following: O.P. Food, 2 additional bars and Outdoor Service Area. The applicants representing TDDK Inc. are current business owners but have had no experience in owning an alcohol service establishment. They have been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances.

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

Respectfully submitted,

Det. Kurt Dykman

data/common/Harris

LIQUOR LICENSE REVIEW FORM

Business Name: TDK, Inc

AKA Business Name (if applicable): Previously: Key Food + Equipment Co.

Operator/Manager's Name: David, Daniel, Kenneth + Thomas Harris

Business Address: 450-452 W. Western

Reason for Review:

New License ☒ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____

Police Department	**Approved**	☑	**Denied**	☐	**No Action Needed**	☐
Income Tax	**Approved**	☐	**Owing**	☐	**Amount:**	_____
Treasurer	**Approved**	☐	**Owing**	☐	**Amount:**	_____
Zoning	**Approved**	☐	**Denied**	☐	**Pending ZBA**	☐
Clerk's	**Approved**	☐	**Owing**	☐	**Amount:**	_____
Fire/Inspection Services	**Compliance**	☐	**Remaining Defects**	_____		

Department Signature R. L. Kleiman

Gail A. Kundinger, City Clerk
Liquor License Coordinator

KAR
TH 4
11-R5-02

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

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

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

Date: November 12, 2002
REF#: 196413

Chief Law Enforcement Officer

Applicant:

TDDK, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2002 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 450-452 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM KEY FOOD & EQUIPMENT COMPANY; AND REQUESTS A NEW SDM LICENSE TO BE HELD IN CONJUNCTION. O.P. FOOD, ENTERTAINMENT, 2 ADDITIONAL BARS and OUTDOOR SERVICE AREA.

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

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

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

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

LC-1972 Rev. 9/17
4880-1658

sfs

POLICE INSPECTION REPORT ON LI[illegible]OR LICENSE REQUEST
Req ID # 196413 (Authorized by MCL 436.1217)

Michigan D[illegible]artment of Consumer & Industry Services
MICHI[illegible] LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

THH
KAR
11-25-02

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

BUSINESS NAME AND ADDRESS: (include zip code)
TDDK, INC., 450-452 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY

REQUEST FOR:
REQUEST TO TRANSFER OWNERSHIP OF 2002 CLASS C LICENSED BUSINESS WITH DANCE PERMIT FROM KEY FOOD & EQUIPMENT COMPANY; AND REQUEST A NEW SDM LICENSE TO BE HELD IN CONJUNCTION. OP-FOOD, Entertainment 2 Add Bar Permits, Outdoor Service Permit

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
DAVID J. HARRIS – STOCKHOLDER	DANIEL H. HARRIS – STOCKHOLDER
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1790 SUN DOLPHIN DRIVE MUSKEGON, MI 49444 H(231)798-1948/B(231)733-2725	HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1790 SUN DOPHIN DRIVE MUSKEGON, MI 49444 B(231)733-2725
DATE OF BIRTH: 3-27-56 If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted: 11-27-02	DATE OF BIRTH: 2-22-58 If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted: 11-27-02

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission.

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

Section 2. Investigation of Business and Address to be Licensed

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

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

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

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

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

Section 4. Recommendation

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

B L. Sherlock 1-6-03
Signature (~~Sheriff or~~ Chief of Police) Date

MUSKEGON POLICE DEPARTMENT

POLICE INSPECTION REPORT ON L. .OR LICENSE REQUEST
Req ID # 196413 (Authorized by MCL 436.1217)

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

KAD
TLH
11-25-02

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

BUSINESS NAME AND ADDRESS: (include zip code)
TDDK, INC., 450-452 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY

REQUEST FOR:
REQUEST TO TRANSFER OWNERSHIP OF 2002 CLASS C LICENSED BUSINESS WITH DANCE PERMIT FROM KEY FOOD & EQUIPMENT COMPANY; AND REQUEST A NEW SDM LICENSE TO BE HELD IN CONJUNCTION. New OP Food Entertainment Permit, 2 Add'l Bars New Outdoor Service Permit

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
KENNETH J. HARRIS – STOCKHOLDER	THOMAS A. HARRIS – STOCKHOLDER
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1790 SUN DOLPHIN DRIVE MUSKEGON, MI 49444 H(231)798-0050/B(231)733-2725	HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1790 SUN DOLPHIN DRIVE MUSKEGON, MI 49444 B(231)733-2725
DATE OF BIRTH: 3-11-60 If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted: 11-27-02	DATE OF BIRTH: 2-2-55 If the applicant is not a U.S. Citizen: ° Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No ° Does the applicant have a Visa? Enter status: Date fingerprinted: 11-27-02

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission.

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

Section 2. Investigation of Business and Address to be Licensed

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

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

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

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

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

Section 4. Recommendation

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

R. L. Kleinheksel — 1-6-03
Signature (Sheriff or Chief of Police) — Date

MUSKEGON POLICE DEPARTMENT

190413

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION
7150 Harris Dr.
P.O. Box 30005
Lansing, Michigan 48909

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE: TDDK, INC.

ADDRESS: 450 W WESTERN MUSKEGON MI 49440

TYPE OF LICENSE: CLASS-C / SDM

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

- [X] Operating our restaurant for the sale of food
- [ ] Operating night league bowling, tournaments or Sunday morning bowling
- [ ] Registering golfers
- [ ] Registering Skiers
- [ ] Registering Tennis Players
- [ ] Other: (Not listed above)

During the Hours of:

Weekdays — A.M. to — A.M.

Sundays 7:00 A.M. to 12 NOON A.M.

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

Licensee or Applicant Signature:

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permit; allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- [X] Recommended: Comments: _____
- [ ] Recommended except for _____ permit
- [ ] Not Recommended

Signed: (Include title and date)

A.L. Klenke 1-6-03 CHIEF OF POLICE

LC- 1112 4/97 6880-01184

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

REQ ID: 196413
KAR
THH
11-25-02

LOCAL LAW ENFORCEMENT AGENCY REPORT

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

TDDK, INC.
APPLICANT/LICENSEE

PHONE NUMBER

450-452 W. Western Ave. | Muskegon | Muskegon | 49440
STREET ADDRESS | CITY | TOWNSHIP | COUNTY | ZIP

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

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

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

Music/bands

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

LAW ENFORCEMENT RECOMMENDATION

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

REMARKS:

12-3-02
DATE SUBMITTED

A. L. Kleinhuber
OFFICER'S SIGNATURE

Muskegon Police | (231) 724-6750
DEPARTMENT NAME | PHONE NUMBER

980 Jefferson St. | Muskegon
ADDRESS | CITY

LC-693N REV 5/98
4880-0652

LIQUOR LICENSE REVIEW FORM

Business Name: TDDK, Inc

AKA Business Name (if applicable): Previously: Key Food & Equipment Co.

Operator/Manager's Name: David, Daniel, Kenneth & Thomas Harris

Business Address: 450-452 W. Western

Reason for Review:

New License ☒ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____

Police Department	**Approved** ☐	**Denied** ☐	**No Action Needed** ☐			
Income Tax	**Approved** ☒	**Owing** ☐	**Amount:** _____			
Treasurer	**Approved** ☐	**Owing** ☐	**Amount:** _____			
Zoning	**Approved** ☐	**Denied** ☐	**Pending ZBA** ☐			
Clerk's	**Approved** ☐	**Owing** ☐	**Amount:** _____			
Fire/Inspection Services	**Compliance** ☐	**Remaining Defects** _____				

Department Signature _____

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: TDDK, Inc

AKA Business Name (if applicable): Previously: Key Food & Equipment Co.

Operator/Manager's Name: David, Daniel, Kenneth & Thomas Harris

Business Address: 450-452 Mt. Western

Reason for Review:

New License ☒ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____

Police Department	**Approved** ☐	**Denied** ☐	**No Action Needed** ☐			
Income Tax	**Approved** ☐	**Owing** ☐	**Amount:** _____			
Treasurer	**Approved** ☑	**Owing** ☐	**Amount:** _____			
Zoning	**Approved** ☐	**Denied** ☐	**Pending ZBA** ☐			
Clerk's	**Approved** ☐	**Owing** ☐	**Amount:** _____			
Fire/Inspection Services	**Compliance** ☐	**Remaining Defects** _____				

Department Signature _____ 11/27/02

Gail A. Kundinger, City Clerk
Liquor License Coordinator

RECEIVED
NOV 26 2002
CITY OF MUSKEGON
PLANNING DEPARTMENT

LIQUOR LICENSE REVIEW FORM

Business Name: TDDK, Inc

AKA Business Name (if applicable): Previously: Key Food & Equipment Co.

Operator/Manager's Name: David, Daniel, Kenneth & Thomas Harris

Business Address: 450-452 W. Western

Reason for Review:

New License ☒ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____

Police Department Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

are we sure we want take-out?

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: TDDK, Inc

AKA Business Name (if applicable): Previously: Key Food & Equipment Co.

Operator/Manager's Name: David, Daniel, Kenneth & Thomas Harris

Business Address: 450-452 W. Western

Reason for Review:

New License ☒ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____

Police Department	**Approved** ☐	**Denied** ☐	**No Action Needed** ☐		
Income Tax	**Approved** ☐	**Owing** ☐	**Amount:** _____		
Treasurer	**Approved** ☐	**Owing** ☐	**Amount:** _____		
Zoning	**Approved** ☐	**Denied** ☐	**Pending ZBA** ☐		
Clerk's	**Approved** ☐	**Owing** ☐	**Amount:** _____		
Fire/Inspection Services	**Compliance** ☐	**Remaining Defects** _____ Fire Inspection shall be schedule after transfer of ownership.			

Department Signature _____

Gail A. Kundinger, City Clerk
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: TDDK, Inc

AKA Business Name (if applicable): Previously: Key Food & Equipment Co.

Operator/Manager's Name: David, Daniel, Kenneth & Thomas Harris

Business Address: 450-452 W. Western

Reason for Review:

New License ☒ **Transfer of Ownership** ☒ **Dance Permit** ☐

Drop/Add Name on License ☐ **Transfer Location** ☐

Drop/Add Stockholder Name ☐ **New Entertainment Permit** ☐

Other _____

Deadline for receipt of all information: _____

Police Department	**Approved** ☐	**Denied** ☐	**No Action Needed** ☐		
Income Tax	**Approved** ☐	**Owing** ☐	**Amount:** _____		
Treasurer	**Approved** ☐	**Owing** ☐	**Amount:** _____		
Zoning	**Approved** ☐	**Denied** ☐	**Pending ZBA** ☐		
Clerk's	**Approved** ☐	**Owing** ☐	**Amount:** _____		
Fire/Inspection Services	**Compliance** ☒	**Remaining Defects** Will require inspections prior to opening			

Department Signature Robert B. Scalzi

Gail A. Kundinger, City Clerk
Liquor License Coordinator

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MUSKEGON

West Michigan's Shoreline City

January 8, 2003

Mr. Thomas Harris
Mr. David Harris
Mr. Daniel Harris
Mr. Kenneth Harris
1790 SunDolphin Drive
Muskegon, MI 49444

Dear Sirs:

This letter is to inform you that your request to transfer ownership of the 2002 Class C licensed business with dance permit and a new SDM license for 450-452 W. Western Street Tavern will be presented to the City Commission on January 14, 2003. 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 Nelson Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

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

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

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

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

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

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

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

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MUSKEGON

West Michigan's Shoreline City

January 8, 2003

Ms. Mary Jo McCann, President
Nelson Neighborhood Association
461 W. Webster
Muskegon, MI 49440

Dear Ms. McCann:

We have received a request from the Liquor Control Commission reference TDDK, Inc., 450-452 W. Western, desire to transfer ownership of the 2002 Class C license and for a new SDM license. A SDM license permits the sale of beer and wine for consumption off the premises only; and a Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. On Tuesday, January 14, 2003, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on January 14, 2003, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

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

RESOLUTION

REQ ID# 196413

2003-02(d)

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

called to order by Mayor Warmington on January 14, 2003 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Larson and supported by Commissioner Schweifler

That the request from TDDK, INC. to transfer ownership of 2002 Class C licensed business with Dance Permit located at 450-452 W. Western, Muskegon MI 49440, Muskegon County from Key Food & Equipment Company; request new Entertainment Permit and new Outdoor Service (1 area)

be considered for Approval (Approval or Disapproval)

APPROVAL		DISAPPROVAL	
Yeas:	7	Yeas:	
Nays:	0	Nays:	
Absent:	0	Absent:	

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

Recommended (Recommended or not Recommended) for issuance

State of Michigan)
§
County of Muskegon)

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

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

meeting held on January 14, 2003. (Date)

SEAL

(Signed) Gail Kundinger (Township, City of Village Clerk)

Gail Kundinger, City Clerk
933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City of Village)

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

Assessor/Equalization
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FAX: (231)726-5181

Cemetery Department
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FAX: (231)726-5617

City Manager
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FAX: (231)722-1214

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

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

Community and
Neigh. Services
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FAX: (231)724-6768

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

MUSKEGON

West Michigan's Shoreline

Never sent 2-25-03 with auction service

January 22, 2003

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

REF: #196413
450 – 452 W. Western
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the resolution, police inspection report (LC-1800), the local law enforcement agency report, print cards and check for the liquor license change request mentioned above.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
Liquor Control Comm
7150 Harris
P.O. Box 30005
Lansing, MI 48909

COMPLETE THIS SECTION ON DELIVERY

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

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

1-22-03 LCC for 450-452 W. Western

Postmark Here

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

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

City, State, ZIP+4

1-14-03 Comm. Meeting

6666 E896 E700 0250 0002

2. Article Number (Copy from service lat
7000 0520 001

PS Form 3811, July 1999

2601

HARRIS GROUP, INC.
1790 SUN DOLPHIN
MUSKEGON, MI 49444

9-32/720

DATE 11/27/02

PAY TO THE ORDER OF City of Muskegon $250.00

Two Hundred Fifty and 00/100 DOLLARS

BANK ONE.
Bank One
Detroit, Michigan 48226

FOR _____

MP

⑈002601⑈ ⑆072000326⑆ 2850000296971⑈

2609

HARRIS GROUP, INC.
1790 SUN DOLPHIN
MUSKEGON, MI 49444

9-32/720

DATE 1/7/03

PAY TO THE ORDER OF City of Muskegon $200.00

Two Hundred and 00/100 DOLLARS

BANK ONE.
Bank One
Detroit, Michigan 48226

FOR _____

MP

⑈002609⑈ ⑆072000326⑆ 2850000296971⑈

Commission Meeting Date: January 14, 2003 2003 - 04 b)

Date: **December 18, 2002**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBL

RE: **Public Hearing for Resolution for Development District On-Premise Liquor License for Thomas Harris**

SUMMARY OF REQUEST:

To hold a public hearing on the request for a Development District On-Premise Liquor License for Thomas Harris and approve the attached resolution. The request is necessary due to a lack of available liquor licenses in the City of Muskegon. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT:

Approval of the liquor license will allow for a new restaurant in the downtown area of Muskegon, which will ultimately result in increased revenue for the City.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To hold a public hearing and approve the attached resolution.

COMMITTEE RECOMMENDATION:

The Downtown Development Authority approved the request at their regular meeting on December 17, 2002,

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2003 - 04 b)

A resolution concerning the issuance of a Development District On-Premise Liquor License pursuant to Sections 521 of the Liquor Control Code of 1998.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. Thomas Harris has applied for a Development District On-Premise Liquor License for the premises at 441 W. Western Avenue, formerly known as the Brunswick Building.

2. It is required that the Downtown Development Authority and the City Commission approve the issuance of such license before application may be made to the Michigan Liquor Control Commission.

3. A hearing was held on December 17, 2002, at a regular meeting of the DDA, and the said hearing was publicly noticed in *The Muskegon Chronicle*, and mailed to the neighborhood association involved, as well as the applicant. Public notice was determined by the DDA to be sufficient.

4. A hearing was held January 14, 2003, at the regular meeting of the City Commission. Notice was mailed and deemed satisfactory.

DDA Findings

The DDA found the following facts to be true, based upon the application and the materials placed before the DDA in the public hearing:

1. The business shall be a full service restaurant, which prepares food on the premises, and shall be open to the public.

2. The business will be open for food service not less than ten (10) hours per day five (5) days per week.

3. At least 50% of the gross receipts of the business will be derived from the sale of food for consumption on the premises. "Food" does not include beer or wine.

4. The business has dining facilities that will seat more than twenty-five (25) persons.

5. The business is located in the Downtown Development Authority's Development District, which has a population of less than 50,000. The District is duly established under 1975 PA 197.

6. The DDA, after hearing, has found that the issuance of the license will prevent further deterioration within the Development District and will promote economic growth within the Development District.

7. It appears, based upon the showings at the hearing, that the City of Muskegon has issued all appropriate on-premise licenses that are available under Section 531(1) of the Liquor Control Code of 1998. Further, the DDA is satisfied, after hearing, that an appropriate on-premise escrowed license is not readily available in the City of Muskegon, where the entire Development District is located. The DDA has found that such license is not readily available, taking into account all appropriate economic feasibility factors, including the fair market value of any such license, which is not determinable, for the reason that no such license is available after diligent inquiry by the applicant. Further, the DDA has considered the size and scope of the proposed operation and applicant's efforts to purchase a license. No sale of any such license has been offered or available.

8. The DDA, after public hearing, held after notice on December 17, 2002, has approved the issuance of the said Development District On-Premise license.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

The City Commission has reviewed the findings of the DDA and held its own hearing, and concurs with the findings of the Downtown Development Authority, and approved in concurrence with the Authority that the Class C license should be issued to Thomas Harris at 441 W. Western Avenue, the premises formerly known as the Brunswick Building. The City Commission recommends to the Liquor Control Commission the issuance of the said requested license.

This resolution passed.

Ayes 7

Nays 0

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on January 14, 2003. 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. Kundinger
Gail A. Kundinger, MMC
City Clerk

Thermoformed
Products Incorporated

DEC 3 2002
PLANNING DEPARTMENT

12/02/2002

Dear Sir or Madam:

The purpose of this letter is to inform you the Downtown Development Authority (DDA), and subsequently the, City of Muskegon, that I would like to request a liquor license issued by the State of Michigan. The liquor license is being requested at the location that would greatly enhance the downtown. The location is on Western Avenue formally known as the Brunswick Building. In order for the Michigan Liquor Control Commission to implement the licensing investigation we must obtain approval from the DDA.

I will be at the next DDA meeting to answer any questions you may have. If you have any further questions please contact me at 231-733-2725 ext. 610

Sincerely,

Tom Harris

1790 Sun Dolphin Drive • Muskegon, MI 49444-1833 • 800-984-3766 • In Michigan: 231-733-1113 • Fax: 231-739-4502

NOTICE OF PUBLIC HEARINGS

CITY OF MUSKEGON
COUNTY OF MUSKEGON, MICHIGAN

CLASS "C" LIQUOR LICENSE FOR THE PROPERTY FORMERLY KNOWN AS
THE BRUNSWICK BUILDING
441 W WESTERN AVENUE

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that two public hearings are scheduled to determine whether the City of Muskegon and its Downtwon Development Authority shall approve the issuance of a class "C" (on premises) liquor license for a restaurant to be located at the former Brunswick Building at the above address in the City of Muskegon. The hearings are scheduled:

Before the Downtown Development Authority on September 30, 2002 at 4 p.m. in the Conference Room 103, Muskegon City Hall, 933 Terrace Street, Muskegon, MI 49440

Before the City Commission on October 8, 2002 at 5:30 p.m. in the City Commission Chambers, Muskegon City Hall, 933 Terrace Street, Muskegon, MI 49440

Any comments may be made at the hearing or by mail received prior to the hearing.

RECEIVED
NOV 6 2001
MUSKEGON
CITY MANAGER'S
OFFICE

Bryon

RECEIVED
SEP 19 2001
MUSKEGON
CITY MANAGER'S
OFFICE

September 19, 2001

TO: MUSKEGON CITY COUNCIL

FROM: MICHIGAN LIQUOR CONTROL COMMISSION

SUBJECT: DEVELOPMENT DISTRICT ON PREMISES LICENSES

This is information relative to the new type of on premises license created by Act No. 440 of the Public Acts of 1996, being section 1521 of the Michigan Liquor Control Code of 1998, being MCL 436.1521(1) (formerly known as (f/k/a) Section 436.17k(1).

436.1521(1) of the Michigan Complied Laws provides that in addition to on premises quota licenses and on premises resort licenses, the Commission may issue not more than 50 Tavern or Class C licenses to persons operating certain qualifying businesses located in development districts.

Development districts are defined in subsection (6)(a) of section 436.1521 of the Michigan Compiled Laws as follows:

". . .(i) An authority district established under the tax increment finance authority act, Act No. 450 of the Public Acts of 1980, being sections 125.1801 to 125.1830 of the Michigan Compiled Laws."

(ii) An authority district established under the local development financing act, Act No. 281 of the Public Acts of 1986, being section 125.2151 to 125.2174 of the Michigan Compiled Laws."

(iii) A downtown district established under Act No. 197 of the Public Acts of 1975, being sections 125.1651 to 125.1681 of the Michigan Compiled Laws."

(iv) A principal shopping district established under Act No. 120 of the Public Acts of 1961, being sections 125.981 to 125.987 of the Michigan Compiled Laws, before January 1, 1996."

The conditions that must be met prior to the issuance of a development district license contained in subsection (1) of 436.1521 of the Michigan Compiled Laws are as follows:

". . .(a) The business is a full service restaurant, is open to the public, and prepares food on the premises."

(b) The business is open for food service not less than 10 hours per day, 5 days per week."

(c) At least 50% of the gross receipts of the business are derived from the sale of food for consumption on the premises, excluding beer and wine."

(d) The business has dining facilities to seat not less than 25 persons.

(e) The business is located in a development district with a population of not more than 50,000 in which the authority, after a public hearing, has found that the issuance of the license would prevent further deterioration within the development district and promote economic growth within the development district. The Commission shall not issue the license unless the local unit of government within which the authority is located, after holding a public hearing, passes a resolution concurring in the findings of the authority.

(f) The business demonstrates to the Commission that an escrowed license is not readily available in any local unit of government in which the development district is located."

Initial applications for on premises licenses under the provisions of 436.1521(1) of the Michigan Compiled Laws will be made to the development district where the proposed business is to be located and not to the Liquor Control Commission offices. The Liquor Control Commission will not maintain lists of interested applicants nor submit names of the applicants to the development districts for consideration.

In order for the Liquor Control Commission to implement the licensing investigation process for applications under the provisions of 436.1521(1) of the Michigan Complied Laws, the following documents must be received:

(1) Written verification from the development authority identifying the statutory provisions under which it was established and certification that its population is not more than 50,000.

(2) A copy of the notice of public hearing held by the development district.

(3) A copy of written findings of the development district which state that the issuance of the license to the applicant at a specific location would prevent further deterioration within the development district and promote economic growth.

(4) A copy of the notice of public hearing held by the local legislative body.

(3) A copy of the resolution passed by the local legislative body which concurs in the findings of the authority for issuance of a license to the applicant at a specific location.

Once these documents are received, Liquor Control Commission license application forms and instructions will be mailed to the applicant and the customary licensing process will be implemented. This process will include receipt of recommendations from both the local legislative body and the local law enforcement agency.

It is important to note that the Liquor Control Commission may issue not more than 50 Tavern or Class C licenses in development districts throughout the State and applications may be considered by the Liquor Control Commission without regard to the order in which the applications are received.

The provisions of 436.1521(4) of the Michigan Compiled Laws further prohibit the issuance of a Specially Designated Merchant license, a Specially Designated Distributor license or any other license that allows the sale of alcoholic liquor for consumption off the premises. Act 440 of the Public Acts of 1996 further expanded the definition of a Brewpub license to allow the beer produced at the premises to be sold for consumption off the premises. Therefore, the provisions of 436.1521(4) of the Michigan Compiled Laws prohibit the issuance of a Brewpub license in conjunction with an on premises license issued under this section 1521(1).

Licenses issued under the provisions of 436.1521(1) of the Michigan Compiled Laws may transfer ownership and may transfer location within the development district in which originally issued. The same conditions and procedures outlined above will be applicable to a transfer location of licenses issued under 436.1521 of the Michigan Compiled Laws within the development district.

If you have any further questions, please contact the Escrow/Quota Unit of the Licensing Division at (517)-322-1400.

A:\DEVDLIC2.B17

P.A.1952, No. 150, § 1.
P.A.1955, No. 42, § 1.
P.A.1955, No. 126, § 1.
P.A.1957, No. 275, § 1.
P.A.1960, No. 151, § 1.
P.A.1962, No. 35, § 1.
P.A.1964, No. 172, § 1.
P.A.1965, No. 39, § 1.
P.A.1966, No. 196, § 1.
C.L.1970, § 436.17.
P.A.1976, No. 416, § 1.
P.A.1976, No. 417, § 1.
P.A.1976, No. 418, § 1.
P.A.1977, No. 2, § 1.
P.A.1978, No. 6, § 1.
P.A.1979, No. 74, § 1.
C.L.1979, § 436.17.
P.A.1980, No. 6, § 1.
P.A.1980, No. 185, § 1.
P.A.1980, No. 302, § 1.
P.A.1981, No. 187, § 1.
P.A.1983, No. 21, § 1.
P.A.1983, No. 81, § 1.
P.A.1985, No. 123, § 1.
P.A.1986, No. 7, § 1.
P.A.1987, No. 191, § 1.
P.A.1988, No. 207, § 1.
P.A.1989, No. 118, § 1.
P.A.1992, No. 136, § 1.
P.A.1994, No. 185, § 1.
P.A.1995, No. 113, § 1.
P.A.1995, No. 138, § 1.
P.A.1996, No. 71, § 1.

American Law Reports

Construction of provision precluding sale of intoxicating liquors within specified distance from another establishment selling such liquors, 7 ALR3d 809.
Revocation or suspension of liquor license because of drinking or drunkenness on part of licensee or business associates, 36 ALR3d 1301.
Validity and construction of statute or ordinance respecting employment of women in places where intoxicating liquors are sold, 46 ALR3d 369.
Security interests in liquor licenses, 56 ALR4th 1131.

Law Review and Journal Commentaries

First amendment freedoms: Annual survey of Michigan law 1975. Peter M. Alter, Ellen J. Alter, 22 Wayne L.Rev. 365 (1976).

Library References

Intoxicating Liquors ⇐59(1).
WESTLAW Topic No. 223.
C.J.S. Intoxicating Liquors § 95.

Notes of Decisions

State-owned lands 1

1. State-owned lands

Liquor control commission may not issue license for premises constituting land of which state is fee owner, even though land is under lease to another. Op.Atty.Gen., 1951–52, No. 1321, p. 129.

Real estate property acquired by Huron-Clinton metropolitan authority was not state-owned within the meaning of that term as used in P.A.1949, No. 174, which prohibited the issuance of licenses for sale of alcoholic liquor on state owned lands. Op.Atty.Gen.1949–50, No. 1227, p. 551.

P.A.1933, Ex.Sess., No. 8, § 17 as amended by P.A.1949, No. 174, prohibited the liquor control commission from issuing licenses for use on state owned lands and such licenses in existence on the effective date of the amendatory act could not be renewed or transferred for use thereon. Op.Atty.Gen.1949–50, No. 1024, p. 288.

436.1521. Tavern or class "C" licenses, issuance

Sec. 521. (1) In addition to any licenses for the sale of alcoholic liquor for consumption on the premises that may be available in the local governmental unit under section 531(1), and the resort and resort economic development licenses authorized in section 531(2), (3), and (4), the commission may issue not more than 50 tavern or class C licenses to persons who operate businesses that meet all of the following conditions:

(a) The business is a full service restaurant, is open to the public, and prepares food on the premises.

(b) The business is open for food service not less than 10 hours per day, 5 days a week.

(c) At least 50% of the gross receipts of the business are derived from the sale of food for consumption on the premises. For purposes of this subdivision, food does not include beer and wine.

(d) The business has dining facilities to seat not less than 25 persons.

(e) The business is located in a development district with a population of not more than 50,000, in which the authority, after a public hearing, has found that the issuance of the license would prevent further deterioration within the development district and promote economic growth within the development district. The commission shall not issue the license unless the local unit of government within which the authority is located, after holding a public hearing, passes a resolution concurring in the findings of the authority.

(2) The individual signing the application for the license shall state and demonstrate that the applicant attempted to secure an appropriate on-premise escrowed license or quota license issued under section 531 and that, to the best of his or her knowledge, an on-premise license or quota license issued under section 531 is not readily available within the local unit of government in which the applicant proposes to operate.

(3) If in any licensing year the sale of food for consumption on the premises of the business represents less than 50% of the gross receipts for the business, the commission, after due notice and proper hearing, shall revoke the license issued under subsection (1).

(4) Not more than 1 license shall be issued under subsection (1) to any individual, partnership, limited partnership, limited liability company, corporation, or any combination of any of the above, including stockholders, general partners, or limited partners. A license issued under this section is transferable as to ownership or location only within the development district.

(5) The commission shall not issue a specially designated merchant license, specially designated distributor license, or any other license that allows the sale of alcoholic liquor for consumption off the premises in conjunction with a license issued under subsection (1) or at the premises for which a license has been issued under subsection (1).

(6) The commission shall not issue a license under this section if the local governmental unit within which the development district is located has not issued all appropriate on-premise licenses available under section 531(1) or if an appropriate on-premise escrowed license is readily available in any local unit of government in which the development district is located. The commission shall not issue more than 2 licenses authorized under this section in any city or municipality with a population greater than 50,000. If an applicant's proposed location is within more than 1 development district, the applicant shall obtain the approval of both or all of the applicable local units of government or development districts.

(7) The commission may issue the licenses under this section without regard to the order in which the applications for the licenses are received.

(8) The commission shall annually report to the legislature the names of the businesses issued licenses under this section and their locations.

(9) As used in this section:

(a) "Development district" means any of the following:

(*i*) An authority district established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(*ii*) An authority district established under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(*iii*) A downtown district established under 1975 PA 197, MCL 125.1651 to 125.1681.

(*iv*) A principal shopping district established under 1961 PA 120, MCL 125.981 to 125.987, before January 1, 1996.

(b) "Escrowed license" means a license in which the rights of the licensee in the license or to the renewal of the license are still in existence and are subject to renewal and activation in the manner provided for in R 436.1107 of the Michigan administrative code.

(c) "Readily available" means available under a standard of economic feasibility, as applied to the specific circumstances of the applicant, that includes, but is not limited to, the following:

(*i*) The fair market value of the license, if determinable.

(*ii*) The size and scope of the proposed operation.

(*iii*) The existence of mandatory contractual restrictions or inclusions attached to the sale of the license.

P.A.1998, No. 58, § 521, Imd. Eff. April 14, 1998. Amended by P.A.1998, No. 282, Imd. Eff. July 27, 1998.

Historical and Statutory Notes

P.A.1998, No. 282, in subsec. (1), in the introductory paragraph, inserted "and resort economic development"; deleted subsec. (1)(f), which read:

"The business demonstrates to the commission that an escrowed license is not readily available in any local unit of government in which the development district is located."

P.A.1998, No. 282, also, inserted subsec. (2); redesignated former subsecs. (2) to (4) as subsecs. (3) to (5), respectively; in subsec. (4), added the second sentence; inserted subsecs. (6) and (8); and redesignated former subsecs. (5) and (6) as subsecs. (7) and (9), respectively.

Prior Laws:

P.A.1933, Ex.Sess., No. 8, § 17k.
C.L.1979, § 436.17k.
P.A.1996, No. 440, § 1.

Library References

Intoxicating Liquors ⇐57.1.
WESTLAW Topic No. 223.
C.J.S. Intoxicating Liquors § 104.

436.1522. Banquet facility permits; issuance to on-premise licensees

Sec. 522. (1) The commission may issue 1 banquet facility permit to an on-premise licensee, as an extension of that on-premise license, for the serving of

NOTICE OF PUBLIC HEARINGS

CITY OF MUSKEGON
COUNTY OF MUSKEGON, MICHIGAN

CLASS "C" LIQUOR LICENSE FOR THE PROPERTY FORMERLY KNOWN AS THE BRUNSWICK BUILDING
441 W WESTERN AVENUE

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that two public hearings are scheduled to determine whether the City of Muskegon and its Downtwon Development Authority shall approve the issuance of a class "C" (on premises) liquor license for a restaurant to be located at the former Brunswick Building at the above address in the City of Muskegon. The hearings are scheduled:

Before the Downtown Development Authority on December 17, 2002 at 4 p.m. in the Conference Room 103, Muskegon City Hall, 933 Terrace Street, Muskegon, MI 49440

Before the City Commission on January 14, 2003 at 5:30 p.m. in the City Commission Chambers, Muskegon City Hall, 933 Terrace Street, Muskegon, MI 49440

Any comments may be made at the hearing or by mail received prior to the hearing.

publish 12-10-02

mailed 4.14.03
AM

Req ID #200052

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

RESOLUTION

2003-04(b)

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

called to order by Mayor Warmington on January 14, 2003 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Schweifler and supported by Commissioner Shepherd

That the request from THOMAS A. HARRIS FOR A NEW FULL YEAR CLASS C LICENSE ISSUED UNDER MCL 436.1521(1) (DOWNTOWN DEVELOPMENT AUTHORITY LICENSE) WITH DANCE-ENTERTAINMENT PERMIT TO BE LOCATED AT 441 W. WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY.

be considered for Approval (Approval or Disapproval)

APPROVAL		DISAPPROVAL	
Yeas:	7	Yeas:	
Nays:	0	Nays:	
Absent:	0	Absent:	

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

Recommended (Recommended or not Recommended) for issuance

State of Michigan)
§
County of Muskegon)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Commission (Township Board, City or Village Council) at a Regular (Regular or Special) meeting held on January 14, 2003. (Date)

SEAL

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

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

TO: Honorable Mayor and City commissioners 2003 - 04 a)

FROM: Engineering

DATE: January 14, 2003

RE: Public Hearing
Create Special Assessment District on:
2003 Sidewalk Program (W-5)

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1st 2003.

FINANCIAL IMPACT:

None at this time.

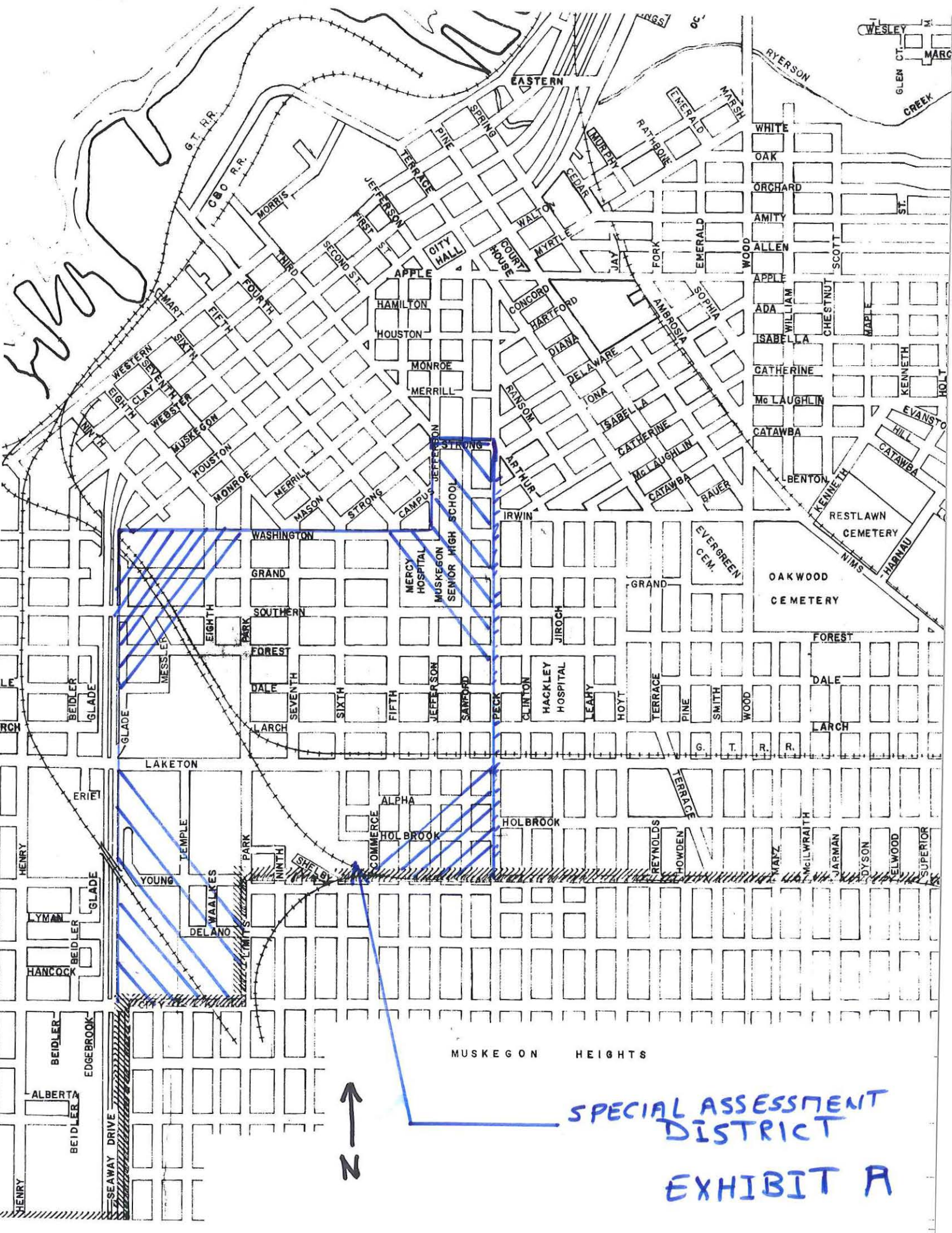
BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the project for special assessment, create a special assessment district for the project and assign two City Commissioners to the Board of Assessors by adopting the attached resolution.

COMMITTEE RECOMMENDATION:


EASTERN
SPRING
PINE
TERRACE
JEFFERSON
FIRST
SECOND ST.
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WESTERN
CLAY
WEBSTER
MUSKEGON
HOUSTON
MONROE
MERRILL
MASON
STRONG
CAMPUS
APPLE
HAMILTON
CITY HALL
COURT HOUSE
WALTON
MYRTLE
CEDAR
MURPHY
RATHBONE
EMERALD
MARSH
RYERSON
CREEK
GLEN CT.
WESLEY
WHITE
OAK
ORCHARD
AMITY
ALLEN
APPLE
ADA
ISABELLA
CATHERINE
McLAUGHLIN
CATAWBA
BENTON
CONCORD
HARTFORD
DIANA
DELAWARE
IONA
SABELLA
ARTHUR
RANSOM
SOPHIA
AMBROSIA
WILLIAM
CHESTNUT
MAPLE
SCOTT
WOOD
FORK
JAY
KENNETH
HOLT
EVANSTON
HILL
BAUER
IRWIN
WASHINGTON
GRAND
SOUTHERN
FOREST
DALE
LARCH
LAKETON
ERIE
HENRY
GLADE
BEIDLER
MESSLER
TEMPLE
PARK
YOUNG
WAALKES
DELANO
LYMAN
HANCOCK
ALBERTA
EDGEBROOK
SEAWAY DRIVE
LIMITS
SHELBY
COMMERCE
ALPHA
HOLBROOK
MERCY HOSPITAL
MUSKEGON SENIOR HIGH SCHOOL
JIROCH
HACKLEY HOSPITAL
CLINTON
SAMPSON
JEFFERSON
PECK
LEAHY
HOYT
TERRACE
PINE
SMITH
WOOD
REYNOLDS
HOWDEN
MAAZ
McILWRAITH
JARMAN
DYSON
ELWOOD
SUPERIOR
EVERGREEN CEM.
OAKWOOD CEMETERY
RESTLAWN CEMETERY
NIMS
HARNAU
G. T. R. R.
C&O R.R.
G.T. R.R.
MUSKEGON HEIGHTS
N
SPECIAL ASSESSMENT DISTRICT
EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

January 3, 2003

MUSKEGON
West Michigan's Shoreline City

CITY OF MUSKEGON
933 TERRACE ST
MUSKEGON, MI 49443 450

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Re: Parcel No: [illegible] @ **JEFFERSON ST**

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 project:

Sidewalk Replacement Program for 2003

The proposed special assessment district will be located as follows:

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by June 1, 2003.

AREA W5; bounded by Glade Street to the west; Washington Ave, Jefferson Street, and Strong Ave. to the north ; Peck Street to the east; South to the City Limits

The above improvement will be paid entirely by special assessment. The 2003 cost has been set at $5.40 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE CITY OF MUSKEGON COMMISSION CHAMBERS ON January 14, 2003 AT 5:30 P.M. You are entitled to appear at this hearing, either in person, by an agent, or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made to the City Clerk at or prior to the hearing.

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. (517-334-6521).

450

If you have questions about the permit requirements, the specific sections that need to be replaced, or if, the paint wears off or fades out, contact the Engineering Department at (231) 724-6707.

For property owners who may have difficulty affording the sidewalk assessment, there are three options:

(1) you can request to have your assessment payments spread over a ten-year period at a low interest 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%),

(2) if you are a low-income senior citizen you can leave the assessment as a lien against your property until the property is sold (contact the City Assessor's office for details), or

(3) if you are a low income homeowner of the property requiring sidewalk replacement, you may be eligible for free sidewalk replacement. An application for this free assistance is enclosed. If you believe you are eligible for this free assistance, your application must be submitted to the City's Department of Community and Neighborhood Services, no later than May 31, 2003 If your application is approved, you need to do nothing else; the City will make the repairs, and you will not be assessed for the replacement costs.

To help with your decision on how to proceed with these sidewalk repairs, we have enclosed the following information:

1. Standards for the identification of defective sidewalks and procedures for appeal

2. An explanation of the special assessment process and what costs will be included in your sidewalk assessment

3. An application for free sidewalk repairs, for eligible homeowners.

We suggest that you review the enclosed information carefully. Thank you for your cooperation in improving the City of Muskegon.

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

CITY OF MUSKEGON – NELSON NEIGHBORHOOD H-1557
SIDEWALK ASSESSMENT PROGRAM FOR 2003
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ **Birthdate:**_____ **Social Security #** ___-___-___

Spouse:_____ **Birthdate:**_____ **Social Security #** ___-___-___

Address: _____ **Phone:**_____ **Race:**_____

Parcel # _____ **Owner/Spouse Legally Handicapped Or Disabled? ( )Yes ( ) No**

(Please refer to your assessment letter for this information)

Number Living in Household:_____ List information for household members besides owner/spouse here.

Name_____ **Birthdate**_____ **Social Security #** ___-___-___

Name_____ **Birthdate**_____ **Social Security #** ___-___-___

Name_____ **Birthdate**_____ **Social Security #** ___-___-___

Name_____ **Birthdate**_____ **Social Security #** ___-___-___

INCOME INFORMATION

ANNUAL Household Income: $_____ **Wage earner:** _____
(Must include all household income)

_____ **Wage earner:** _____

_____ **Wage earner:** _____

_____ **Wage earner:** _____

Total: $_____

PROPERTY INFORMATION

Proof Of Ownership: ( ) Deed ( ) Mortgage ( ) Land Contract

Homeowner's Insurance Co: _____ **Expiration Date:**_____

Property Taxes: ( ) Current ( ) Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature:_____ **Date:**_____

By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED ( ) DENIED ( ) DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

The City's comprehensive sidewalk replacement program set minimum standards to help reduce potential accidents due to broken or uneven walkways. To establish sections of sidewalk that need to be replaced, the following criteria were followed:

1. **Rise or drop of more than ¾"**
2. **Broken or cracked in many pieces throughout.**
3. **Holes more than ¾" deep.**
4. **Badly spalled.**
5. **Open cracks more than ½" wide**
6. **Broken sections with loose pieces of concrete**
7. **Crumbling due to age, weather, and/or improper material used in the original construction, or for other reasons.**
8. **Side slope of more than 8% (1" for every12")**

ADDITIONAL CONDITIONS:

When one section doesn't need to be replaced, but the sections on each side do, all three sections must be replaced. When only a small area (one square foot or less) of a section is missing or broken, it will not need to be replaced provided that there is still 42" of good continuous sidewalk and there is no rise or drop,

Those sections that do not fall within the above criteria but are hazardous will be required to be replaced.

SIDEWALK SIZE:

Sidewalks are to be 5' wide with the exception of sidewalks that go around trees, in which case the minimum continuous width must be 42".

SIDEWALKS IN THE TERRACE:

Sidewalks that are located in the terrace between the city sidewalk and the curb will be inspected with the same criteria as the City sidewalks and may either be removed or replaced at the owners choice.

DRIVE APPROACHES:

If a drive approach is hazardous with deep holes or raised areas, or other hazards, it will be required to be replaced. If no approach is provided, but cars are crossing the terrace, an approach will be required, provided a legal driveway is permitted by the Zoning Ordinance.

STREET CORNERS AND ALLEYS:

The City will be responsible for the cost of all replacement of sidewalks at the street corners and where alleys cross the sidewalks. If the sidewalk is to be replaced at corners, it will be made handicapped accessible.

Requesting additional sections to be replaced:

Owners of property will be allowed to request that additional sections of sidewalk that are cracked or broken, but not hazardous, or if the owner wishes to have their total sidewalk replaced. This does not include property owners receiving CDBG funding to pay for their special assessment, the owners will be restricted to the required sections only.

APPEAL PROCESS:

If you feel the sidewalk does not meet the above criteria, you may appeal to the City Engineer @ (231) 724-6707. If you are still not satisfied after your appeal, you may request a hearing with the Sidewalk Review Board.

If you have any questions about the specific sections that need to be replaced, please contact the Engineering Department @ (231) 724-6707.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
SPECIAL ASSESSMENT DISTRICT

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

2003 SIDEWALK PROGRAM

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by June 1, 2003.

- **All parcels within area W-5 which is bounded by Glade Street to the west, Washington Ave. , Jefferson Street, and Strong Ave. to the north, Peck Street to the east and South to the City Limits.**

It is proposed that the total cost of the improvement will be paid through special assessments. The 2003 cost has been set at $5.40 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **January 14, 2003 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: **January 4, 2003**

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

January 13, 2003

313 Washington

City of Muskegon
933 Terrace Street
PO Box 536
Muskegon, MI 49443-0536

RE: Parcel No: 24-205-428-009-00 @ 324 W. Forest Avenue

Dear Special Assessment Committee:

I am unable to make it to the meeting on January 14, 2003 @ 5:30pm. I would like to say that I would like the Muskegon City Commission to consider to create a special assessment for the district which I live in for the Sidewalk Replacement Program for 2003.

I am low income and it would be of much help if this assessment passes, so that I might be able to get help on either payments or if the City of Muskegon would pay for the replacement of the sidewalks that they have marked.

Thank you for your time.

Sincerely,

Natalie S. Cyphers

Natalie S. Cyphers

CITY OF MUSKEGON

Resolution No. 2003 - 04 a)

Resolution At First Hearing Creating Special Assessment District
For **The 2003 Sidewalk Replacement Program (W5)**

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

RECITALS:

A hearing has been held on **January 14, 2003** 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 **January 14, 2003**, there were .76 % objections by the owners of the properties in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.

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

THEREFORE, BE IT RESOLVED:

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

2. The City Commission determines to proceed with the improvements as set forth in the engineer's survey, inspection, recommendation and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Spataro and Mayor Warmington and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon actual work preformed.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **100%** of the cost of the improvement will be paid by special assessments.

5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes, Commissioners Gawron, Larson, Schweifler, Shepherd, Warmington, Buie

Nays, None

Excused, Spataro

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 14, 2003**. 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. Kundinger
Gail A. Kundinger, Clerk

EXHIBIT A

SIDEWALK REPLACEMENT PROGRAM FOR 2003

SPECIAL ASSESSMENT DISTRICT

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by **June 1, 2003.**

All parcels within area W-5 which is bounded by Glade Street to the west, Washington Ave. , Jefferson Street, and Strong Ave. to north, Peck Street to the east and south to the City Limits.

AGENDA Item No. 2003.- 05 a)

MUSKEGON CITY COMMISSION MEETING – January 14, 2003

To: Honorable Mayor and City Commissioners
From: Planning Department
Date: January 3, 2003
Subject: Alley vacation

SUMMARY OF REQUEST

Request to vacate the eastern portion of the alley in block 346, adjacent to Samuel Lutheran Church on Webster Ave.

FINANCIAL IMPACT

None

BUDGET ACTION REQUIRED

None

RECOMMENDATION

The Planning Commission and staff recommend denial of the request because of residents need to access garages from the alley.

Hearing; Case 2002-56: Request to vacate a portion of the alley in Block 346, up to the easterly property line of 492 Houston Ave., by Shannon Brown. B. Moore presented the staff report. The west half of the subject alley (adjacent to Samuel Lutheran Church) was vacated in January of 2000. At that time, the remaining portion of alley was kept open as there were residents who needed the use of that portion of alley for access. Recently, the property owner at 492 Houston Ave. has constructed a fence, which encroaches upon a portion of the public portion of alley. She is therefore asking to vacate an additional portion of the alley. The property at the corner of Houston Ave. and 7th St. does require access from the alley for their garage. The current request is to vacate an additional portion of the alley, up to the property line between those two parcels, so that the alley would remain open adjacent to the home on the corner. The traffic committee has discussed this situation and feels that if the alley is vacated, the entire stretch should be vacated to eliminate a maintenance liability that is one lot deep. The fence, which was put up by the applicant, also blocks the neighbor from being able to easily access their garage. Staff has not received any phone calls from the public on this case. Staff has received 2 letters from residents in opposition of the request and copies were provided to the commission members. Staff recommends approval of the request only if the entire alley is vacated.

P. Sartorius noted that the applicant was not at the Planning Commission meeting. E. Cottrell stated that she is opposed to this request. The access to her garage is from the alley. Currently the applicant had put a fence up which causes her problems to get in and out of her garage. Should the fence remain, this would create even more problems for her with the removal of snow. P. Sartorius read the 2 letters. The first was from S. White of 504 Houston. She is in opposition to this request as she uses the alley in order to park on the rear of her property in the winter, as there is no parking allowed on the street during this time. She also has relatives who visit and they use the alley in order to park on the rear of her property. When she has a need to take items to the dump, a trailer is placed in her back yard through the alley. The second letter was from T. Henderson of 508 Houston. She had the same objections as S. White as they are mother and daughter and neighbors. S. Warmington stated that both the letters seem to be written by the same person, but they do have different signatures.

A motion to close the public hearing was made by B. Mazade, supported by J. Stewart and unanimously approved.

P. Veltkamp stated that he has some concerns since there are 3 people that need access to their properties from the alley. L. Spataro added that this request was due to an enforcement action. There would be an economic hardship to remove part of the fence to the applicant. He is concerned that the applicant was not at this meeting. Out of the 6 adjacent properties there were 3 objections. B. Mazade wanted to inform the other commission members that the applicant had gone before the City Commission in regards to the enforcement action. The applicant was advised at that time that an option for her was to petition for an alley vacation. The City Commission was willing to waive the fee for this meeting.

A motion that the vacation of the remaining alley in Block 346, be recommended to the City Commission for denial, based on lack of compliance with the City's Master Land Use Plan and conditions set forth in Section 2315 of the City of Muskegon Zoning Ordinance, was made by L. Spataro, supported by P. Veltkamp and unanimously approved.

RESOLUTION # 2003 - 05 a)

MUSKEGON CITY COMMISSION

RESOLUTION TO DENY VACATATION OF A PORTION OF PUBLIC ALLEY

WHEREAS, a petition has been received to vacate and discontinue the east half of the east/west alley (accessed off of Seventh St. between Muskegon and Houston Avenues) in block 346 in the City of Muskegon, and;

WHEREAS, the Planning Commission held a public hearing on December 12, 2002, to consider the petition, and;

WHEREAS, due notice had been given of said hearing as well as the January 14, 2002 City Commission hearing to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it not in the public interest to vacate and discontinue that portion of alley and that the alley shall remain open.

Adopted this 14th day of January, 2003.

Ayes: 7

Nays: 0

Absent: By: _____
Stephen J. Warmington, Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC, City Clerk

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on January 14, 2003.

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

Commission Meeting Date: January 14, 2003 2003 - 05 b)

Date: **January 8, 2003**

To: **Honorable Mayor & City Commission**

From: **Planning & Economic Development Department** CBC

RE: **Sale of Buildable Vacant Lot on Ducey Avenue**

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1292 Ducey Avenue (designated as parcel number 24-611-000-0431-00) described as URBAN RENEWAL PLAT NO 2 LOT 431 OF THE REVISED PLAT(OF 1903) OF THE CITY OF MUSKEGON to Lartice Jones, a single man, of 2412 Reynolds Street, Muskegon Heights, MI. The lot is 100 x 132 ft. and is being offered to Lartice Jones for $7,100. They plan to use the land for the construction of a single-family, 30' X 60', modular home. The home will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The appraised value of the lot is $7,000 and Lartice Jones submitted the only bid of $7,100.

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:

Resolution No. 2003 - 05 b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1292 DUCEY AVENUE IN MARQUETTE NEIGHBORHOOD FOR $7,100.

WHEREAS, Lartice Jones, a single man, has placed a $400 deposit for the parcel designated as parcel number 24-611-000-0431-00, located at 1292 Ducey Avenue;

WHEREAS, Lartice Jones, a single man, has submitted the only bid of $7,100 for the parcel designated as parcel number 24-611-000-0431-00, located at 1292 Ducey 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 24-611-000-0431-00, located at 1292 Ducey Avenue be sold to the above-mentioned buyer.

URBAN RENEWAL PLAT NO 2, LOT 431 OF THE REVISED PLAT (OF 1903) OF THE CITY OF MUSKEGON;

Adopted this 14th day of January, 2003

Ayes: 7

Nays: 0

Absent 0

By: _____
Stephen J. Warmington, Mayor

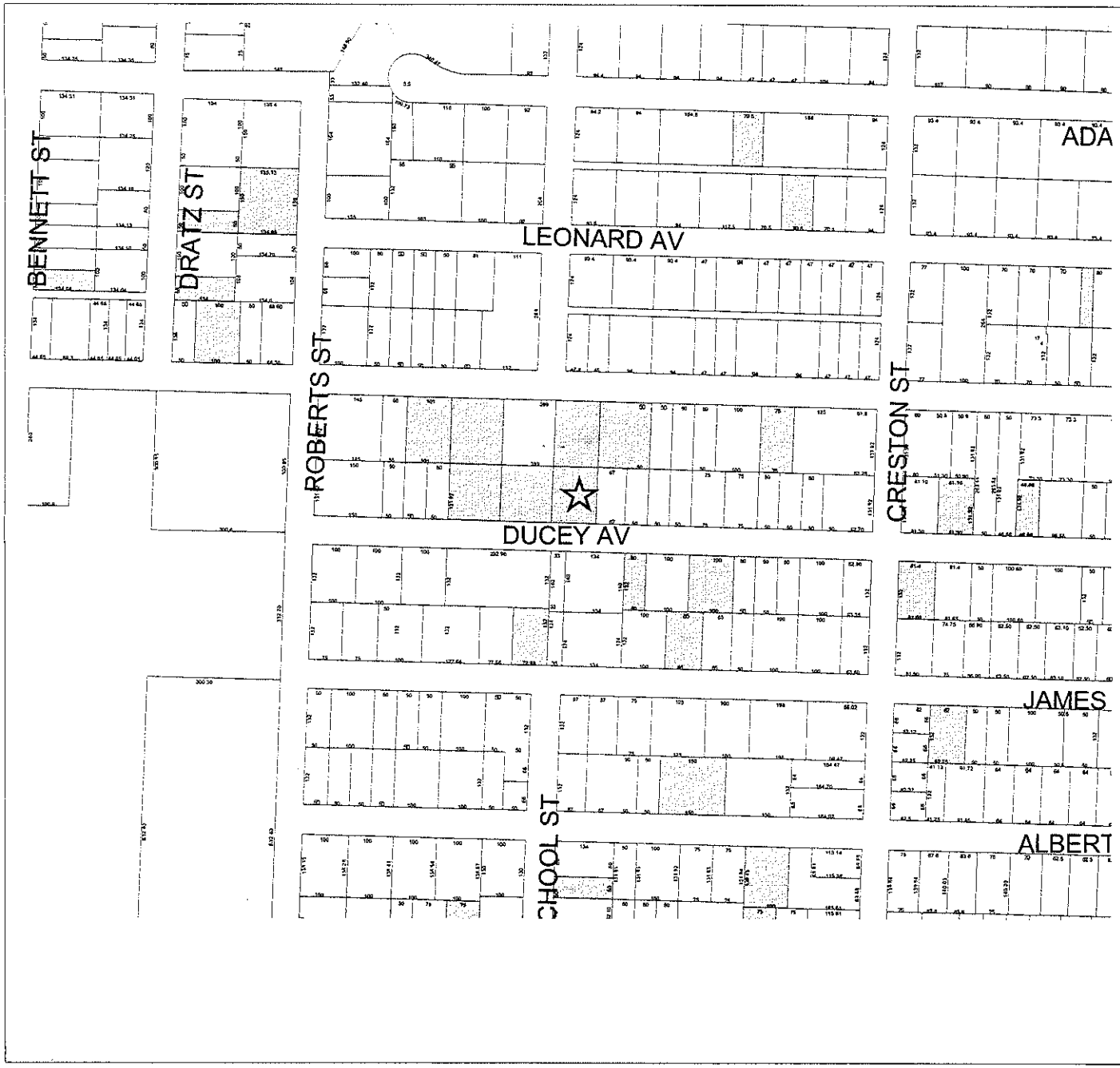
Attest: Gail A. Kundinger
Gail A. Kundinger, MMC, Clerk

CERTIFICATION

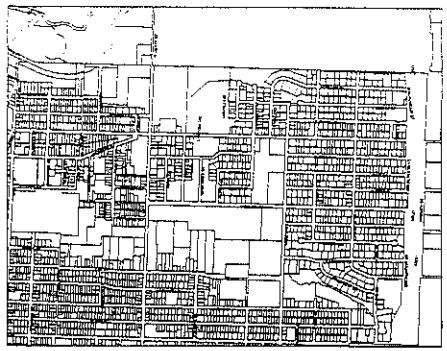
I hearby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on January 14, 2003.

By: Gail A. Kundinger
Gail A. Kundinger, MMC, Clerk

Vacant Buildable City-Owned Lot
1292 Ducey Avenue



☆ = Subject Property(ies) to be sold



Clerk's

LandAmerica

PRIVACY POLICY NOTICE

Dear LandAmerica Customer:

The Financial Services Modernization Act, known as the Gramm-Leach-Bliley Act, requires us to explain to our customers the ways in which we collect and use customer information.

The statement attached to or on the reverse side of this letter is the privacy policy of the LandAmerica family of companies. The three largest members of the family – Commonwealth Land Title Insurance Company, Lawyers Title Insurance Corporation, and Transnation Title Insurance Company – may issue policies and handle real estate closings in virtually every part of the country. Some companies in the family provide other real estate services, and some operate more locally. You may review a list of LandAmerica companies on our web site (http://www.landam.com). You may also visit our web site for an explanation of our privacy practices relating to electronic communication.

Our concern with the protection of your information has been a part of our business since 1876, when the company that is now Commonwealth Land Title Insurance Company issued its first policy. We will continue to protect the privacy, accuracy, and security of customer information given to us.

No response to this notice is required, but if you have questions, please write to us:

LandAmerica Privacy
P.O. Box 27567
Richmond, VA 23261-7567.

LandAmerica Insurance Companies: Commonwealth Land Title Insurance Company, Commonwealth Land Title Insurance Company of New Jersey, Industrial Valley Title Insurance Company, Land Title Insurance Company. Lawyers Title Insurance Corporation, Title Insurance Company of America, Transnation Title Insurance Company, Transnation Title Insurance Company of New York

LandAmerica Title Agents (wholly-owned): American Title Company of Dallas and Fort Worth, Austin Title Company, ATACO, Inc., Albuquerque Title Company, Atlantic Title & Abstract Company, Capitol City Title Services, Inc., Commercial Settlements, Inc., Commonwealth Land Title Company; Commonwealth Land Title Company of Austin, Dallas, Fort Worth, Houston, Puget Sound, and Washington; Congress Abstract Corp., Gulf Atlantic, Lawyers Title Company; Lawyers Title of Arizona, El Paso, Nevada, and San Antonio; New Mexico Title Co., Partners Title Company, Pikes Peak Title Services, Property Title Ins. Co., Rainier Title Company, Texas OneStop, Texas Title Company, Title Transfer Service, Inc., Transnation Title & Escrow, Wilson Title Company

LandAmerica Title Agents (partially owned): Bankers Alliance Title Agency, Biltmore Abstract, CFS Title Insurance Agency, Charleston Title Agency, Charter Title Company of Fort Bend, Chatham Settlement, E. Title Agency, First Growth-Commonwealth Title Agency, First Title & Escrow, Inc., Four Star Title Agency, HL Title Agency, Jones & Tatom Title & Trust, Land Canada LTD., Land Title Associates, Lawyers Title Galveston, Lion Abstract, Longworth Insured, M/I Title Agency, M and M Title Services, National Land Transfer (NJ and PA), NIA/ Lawyers Title Agency, RE/Affirm Title Agency, Residential Abstract, Residential Title, Sibcy Cline Title Agency, Title Affiliates of Central Florida, Naples, Clearwater, Graham, Indian River, Orlando, Polk County, Tampa Bay, and West Central Florida; TransOhio Residential Title Agency, TRI Title Agency, TRI-County Title Agency-Michigan, Tri-State Title Agency, University Title Services,

Inspections, Appraisals, Mortgage Servicing, and Ancillary Services: Inspectech, Inc., LandAmerica OneStop, Inc., LandAmerica Account Servicing, Inc., LandAmerica Default Service Co., REalitics, TransAccount Services, Inc.

QUIT-CLAIM DEED 2003 - 05 b)

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

QUIT CLAIMS to **LARTICE JONES**, a single man, of 2412 Reynolds Street, Muskegon Heights, MI 49444,

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

URBAN RENEWAL PLAT NO 2, LOT 431 OF THE REVISED PLAT
(OF 1903) OF THE CITY OF MUSKEGON
(1292 Ducey Avenue)

for the sum of Seven Thousand One Hundred and no/100 Dollars ($7,100.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 14th day of January, 2003.

Signed in the presence of:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

CITY OF MUSKEGON

By
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 27th day of January, 2003, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

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

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

REAL ESTATE PURCHASE AGREEMENT 2003 - 05 b)

THIS AGREEMENT is made January 14th, 2003, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 (ASeller≅), and **LARTICE JONES**, a single man, of 2412 Reynolds Street, Muskegon Heights, Michigan 49444 ("Buyer").

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

URBAN RENEWAL PLAT NO 2, LOT 431 OF THE REVISED PLAT (OF 1903) OF THE CITY OF MUSKEGON
(1292 Ducey Avenue)

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Seven Thousand One Hundred and no/100 Dollars ($7,100.00).

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the

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

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

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

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

9. **Closing.** The closing date of this sale shall be on or before April 14th, 2003 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

SELLER: CITY OF MUSKEGON

By _____
Stephen J. Warmington, Mayor

Gail A. Kundinger
Gail A. Kundinger, MMC, Clerk

BUYER:

Brian Lazor
Brian Lazor

Lartice Jones
Lartice Jones
SS No.: 362-78-4104

QUIT-CLAIM DEED 2003 - 05 b)

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

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(OF 1903) OF THE CITY OF MUSKEGON
(1292 Ducey Avenue)

for the sum of Seven Thousand One Hundred and no/100 Dollars ($7,100.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 14th day of January, 2003.

Signed in the presence of:

Irene Dempsey
Irene Dempsey

Linda Fotter
Linda Fotter

CITY OF MUSKEGON

By _____
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 27th day of January, 2003, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

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

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

SURVEY WAIVER

Date: March 19, 2003

RE: 423808

To: City of Muskegon

933 Terrace P.O. Box 536

Muskegon, MI 494430536

Property Address:

1292 Ducey Avenue

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 City of Muskegon and LANDAMERICA TRANSNATION TITLE INSURANCE, 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):

Lartice Jones

SELLER(S):

City of Muskegon,

BY

Brian Lazor, Assistant Planner

MUSKEGON REAL ESTATE BOARD
ADDENDUM TO BUY and SELL AGREEMENT

Date: March 19, 2003,

Office of City of Muskegon Phone REALTOR, MUSKEGON, MI

1. Addendum to Buy Sell Agreement dated covering property at 1292 Ducey Avenue, Muskegon, Michigan 49442 and legally described as:

   Lot 431, Muskegon Urban Renewal Plat No. 2, as recorded in Liber 19 of Plats, Pages 13-15, inclusive, Muskegon County Records.

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

   listed above is the complete legal description of property.

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

Witness

Lartice Jones

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

Witness

City of Muskegon,

BY

Brian Lazor, Assistant Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN }
}SS
COUNTY OF Muskegon }

Title Commitment # 423808

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

1292 Ducey Avenue
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):

City of Muskegon,

BY _____
Brian Lazor, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 19th day of March, 2003

AFFIDAVIT OF TITLE

STATE OF MICHIGAN }
}SS
COUNTY OF Muskegon }

Title Commitment # 423808

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

1292 Ducey Avenue
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):

City of Muskegon,

BY _____
Brian Lazor, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 19th day of March, 2003

KIMBER VANDERWALL
Notary Public, Muskegon County, Michigan
My Commission Expires 09/23/07

Kimber Vanderwall

Notary Public _____ County

My Commission Expires: _____

L-4260

Michigan Department of Treasury
2766 (Rev. 7-00)

This form is issued under authority of
P.A. 415 of 1994. Filing is mandatory.

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 1292 Ducey Avenue Muskegon, Michigan 49442	2. County Muskegon
3. City/Township/Village of Real Estate Muskegon	[X] City [ ] Township [ ] Village
4. Date of Transfer (or land contract was signed) 03/19/03	
5. Purchase Price of Real Estate 7,100.00	
6. Property Identification Number (PIN) If you don't have a PIN, attach legal description. 61-24-611-000-0431-00	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 City of Muskegon,	8. Buyer's (Transferee) Name and Mailing Address Lartice Jones 1292 Ducey Avenue Muskegon, Michigan 49442
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 [X] 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-n). 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
[ ] transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
[ ] 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.
[signature]	3/19/03	

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

FILE # 423808
DATE: March 19th 2003

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.

Y 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:

Y 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):

Lartice Jones