

Regular City Council Meeting

February 8, 2016

Agenda

7:30 p.m. **Call to Order**
Pledge of Allegiance
Roll Call
Approval of Minutes: Jan. 25, 2016
Approval of Bills:
Approval of Agenda
Public Comment

I. Old Business –

- 1) Consider approval of second reading of Dangerous Building Ordinance
- 2) Consider approval of second reading of Ordinance to adopt the 2012 International Property Maintenance Code

II. New Business

- 1) Consider applications for City Commissions:
 - a. Marsha Calus application for the Downtown Development Authority Board
- 2) Consider final approval and acceptance of dedication of sanitary sewer and water utilities and easements for Lexington Place Condominium and request for release of cash surety bond

IV. Discussion on Blight ordinance and unsafe structure structures

V. Discussion – Downtown

VI. Manager's Report

VII. Council Comments

VIII. Adjournment

The City of South Lyon
Regular City Council Meeting
January 25, 2016

Mayor Galeas called the meeting to order at 7:30 p.m.
Mayor Galeas led those present in the Pledge of Allegiance.

PRESENT: Mayor Galeas
Council Members: Dedakis, Kivell, Kramer, Kurtzweil, Rzyzi and Wedell
Also Present: City Manager Ladner, Chief Collins, Chief
Kennedy, Department Head Martin, Attorney Wilhelm, and Clerk/Treasurer Deaton

MINUTES

Councilmember Dedakis stated on page 11 it should say she understands instead of she understand. Councilmember Dedakis stated the word thru should be through. She stated the words between the ally is duplicated on page 14 and should be removed. The words to midnight should be removed at the bottom of page 17. Councilmember Kivell stated on page 10 the words blight ordinance should be changed to dangerous building ordinance.

CM 1-1-16 MOTION TO APPROVE MINUTES

Motion by Kivell, supported by Dedakis
Motion to approve minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

City Manager Ladner stated she would like to remove item #2 which is the presentation by Landmarc Development. She stated the developer has asked for this to be removed and placed back on an agenda when Carmine Avantini from CIB Planning can attend.

Attorney Wilhelm stated he would like to add an item under New Business related to 2 poverty exemption requests made to the Board of Review to waive attorney client privilege to allow City Manager, City Clerk and himself to speak openly with the Oakland County Sheriff's office.

CM 1-2-16 MOTION TO APPROVE AGENDA

Motion by Kivell, supported by Kramer

1/25/16

Motion to approve Agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Susan Walters Steinaker a resident of the City of Brighton stated she is here to rebuff statements that were made by a Councilmember. She stated she has a letter from a previous Council Member of Brighton stating there was not a blight busting team or discussion held regarding blight busting. She stated she commends the 3 Councilmembers that voted against hiring the Paul Burns Law Firm. Ms. Walters Steinaker gave a brief summary of the Bonner houses in Brighton and why they were tore down. She stated that no one from the City went inside the Bonner homes before they were tore down. The decision that the buildings were condemned and dangerous was based on the outside view. Mayor Galeas asked what all of this has to do with the City of South Lyon. Ms. Walter Stainauher stated there were things stated at previous South Lyon Council Meetings that weren't true, and over \$200,000 was paid to the Paul Burns Law Firm by the City of Brighton taxpayers and she doesn't want to see that happen in the City of South Lyon. She stated their DDA has purchased a lot of buildings and now they have vacant land they cannot do anything with.

OLD BUSINESS- None

NEW BUSINESS

1. Consider resignations from the City Commissions:
 - a. Holly Gerdorn resignation from the Downtown Development Board

City Manager Ladner stated Holly Gerdorn has sold her downtown business and she is resigning from the DDA Board. She further stated Holly has volunteered to assist in the future.

CM 1-3-16 MOTION TO ACCEPT RESIGNATION

Motion by Rzyzi, supported by Kurtzweil

Motion to accept resignation from Holly Gerdorn with thanks

VOTE: MOTION CARRIED UNANIMOUSLY

2. Removed
3. Presentation by Parks and Recreation Commission requesting action by the Council for expenditures related to updating plan for Volunteer Park Development

Diane Beagle and Erica Wilson representing the Parks and Recreation Commission gave a brief power point presentation discussing Volunteer Park Development Plan. Ms. Wilson stated they are asking for expenditure not to exceed \$10,000 from the City of South Lyon for Russel Design to revise the current development plan for Volunteer Park. Ms. Wilson explained the stakeholders, the reasoning for development, the economic impact, as well as the growth of the community. She explained the reasons the previously approved Master Plan for Volunteer Park didn't progress because of a lack of funding, scope of work exceeded volunteer capacity, and some of the aspects of the previous plan were too specific and grand. Ms. Wilson further stated they are seeking a City-led initiative which would include easier communication between all parties, a dedicated point person, quicker turn around on decisions, qualified for more fundraising/grant opportunities and it will show a commitment by the City to make this happen. Councilmember Rzyzi stated he would like to thank the Parks and Recreation Commission for bringing this to Council. He further stated we owe it to the sporting teams and the children to move forward with this. There is a need for more fields, and the economic impact can't be overstated, when families come to the City for sports games, they spend money at the restaurants, grocery stores, and it may bring them back in the future.

Councilmember Kramer stated he is currently on the Board for the Panthers, and they have had discussions regarding Volunteer Park and how much each organization could invest. He further stated there was some discussion who would take the lead and having the City take the lead is a good idea, and this is why the property was purchased to begin with.

Mayor Galeas stated he was part of the Panthers in the past and they fought for field time. He understands this is a big problem and we should move forward with this. He further stated utilizing space we already have is a good thing.

Councilmember Kurtzweil stated she was on Parks and Recreation for years and they tried to get funding, and clearly this is an opportunity for the City to develop something no other community has. The competitive edge is closing in on South Lyon and we are not winning. She stated this could be a real jewel in the community. She questioned if the plan will include keeping the walking trails. Marc Russel of Russel Design stated walking trails will be part of the plan, possibly some will be paved, some mulched and some natural. Councilmember Kurtzweil questioned if there will be lights for night games. Mr. Russel stated that was discussed, but they will have to continue to look into that. Councilmember Kurtzweil asked about seating. Mr. Russel stated there will be seating involved, but will probably be portable. Councilmember Kurtzweil stated the City of Milford has been fortunate to have a corporate sponsor of LaFontaine. She stated they have sponsored the new amphitheater in that City and they don't even have a dealership in Milford. She further stated the City of South Lyon needs to gain corporate sponsors for the City as well.

Councilmember Kramer asked what the timeline is to move forward with the Master Plan. Mr. Russel stated it will be a few months to discuss the needs, sponsor groups, and trying to understand how the needs for all the groups can co-exist. A focus group with all the stakeholders will be a good kick off point. Dean Whitcomb representing the Junior League stated the Master Plan drives us to what is on paper. He further stated while the request for funds tonight is fairly small, do not waste it, because this will require a seven figure deal. There are other groups ready to assist, but the City needs to take the lead especially when it comes to grants.

Councilmember Kivell stated this Master Plan was originally a concept. He asked if the Parks and Recreation Commission have looked for any grants. Ms. Beagle stated they have not looked for grants because the plan stalled out, it was too big. Councilmember Kivell stated the City wants to move forward with this plan which is why we purchased the land, but it is concerning that the City is the sole provisionary, except for Atchison Park. He further stated he hopes the Townships will assist with supplying ball parks for the kids as well. Dean Whitcomb of the Junior League stated he is currently discussing supplying sports fields in their townships as well. Councilmember Kivell thanked the Parks and Recreation Commission for continuing to work on this. Councilmember Kurtzweil stated she supports the motion and there is no advantage to the City that would require an RFP due to the unique nature of the services being provided. Further discussion was held regarding the need for the fields to be divided evenly among the different sports.

CM 1-4-16 MOTION TO APPROVE VOLUNTEER PARK EXPENDITURE

Motion by Kramer, supported by Kurtzweil

Motion to approve expenditure not to exceed \$10,000.00 for update of the Master Plan for Volunteer Park

VOTE:

MOTION CARRIED UNANIMOUSLY

Mayor Galeas recessed the meeting at 8:35 p.m.

Mayor Galeas reconvened the meeting at 8:45 p.m.

4. Consider approval of first reading of Dangerous Building Ordinance

City Attorney Wilhelm stated this is the proposed Dangerous Building Ordinance; this is strongly based on Michigan housing law, as well as some language pulled from the Brighton Ordinance. This is a multi-step process. Begins with administration building official or experts to determine the building is dangerous, it would then go before a hearing officer for an evidentiary hearing, and then an order would be set with a time frame for compliance. If it becomes a noncompliance situation, it would then go before the City Council and they would set a time frame for their own review. Council can affirm, modify or reverse the decision. He further stated they also have the right to appeal to the Circuit Court. Attorney Wilhelm stated there is an unreasonable repairs provision that states if the presumption of the cost of repair exceeds 100% of the assessed value of the building on the City's tax roll, prior to being deemed a dangerous building it will be demolished. He stated this provision was taken from the City of Brighton's Ordinance. Councilmember Kivell asked if the language can be modified if the building has surpassed this threshold if we want the building to remain intact? Attorney Wilhelm stated he believes this may be a judgment call from the beginning. Mayor Galeas stated he agrees we need to protect the historical integrity of our downtown is important, and we don't want this ordinance so rigid that buildings have to come down if they don't have to.

Councilmember Kurtzweil stated she wants to make sure the Dangerous Building Ordinance will include modular home parks. Attorney Wilhelm stated modular home parks have many of their own rules and regulations, and protection, he presumes it is not the case, but there may be other tools the City can use. She stated South Lyon Woods is a very blighted area, it is in our downtown area and it is not being maintained. When driving down Reynold Sweet Parkway, you can see this severely blighted area.

Attorney Wilhelm briefly described each section of the presented ordinance.

Councilmember Dedakis asked what other communities ordinances were looked at for this. Attorney Wilhelm stated he looked at Novi, Northville, Green Oak, Wixom, Brighton as well as others.

Mayor Galeas stated we need to stay pretty close the Brighton Ordinance because we know it was used successfully. He further stated other communities are struggling with this as well. He stated he likes the ordinance as written, and wants to make sure we do not venture far from what we know has worked.

Councilmember Kurtzweil stated the Planning Commission tried to get something in place 5 to 6 years ago when the economy was going bad. She further stated the brilliance of the Paul Burns Law Firm was that they were on the forefront of being able to go and advance the blight issues, and look at the City of Brighton's downtown. It is important to understand the collateral damage is the building will be gone and we will be better off. She further stated these ordinances are critical for the revitalizing of the downtown area. She further stated this will be a highly litigated and why would we veer away from the Brighton Ordinance.

Councilmember Kramer stated this Ordinance contains the parts of the Brighton Ordinance that succeeded through the Supreme Court and he likes the idea of having a hearing officer instead of Council acting as judge and jury.

Councilmember Kivell stated the hearing officer will be a benefit to all parties because they will have the knowledge of the building industry.

1-5-16 MOTION TO APPROVE FIRST READING OF DANGEROUS BUILDING ORDINANCE

Motion by Kramer, supported by Dedakis

Motion to approve the First Reading of the Dangerous Building Ordinance

VOTE:

MOTION CARRIED UNANIMOUSLY

5. Consider approval of first reading of Ordinance to adopt the 2012 International Property Maintenance Code

Attorney Wilhelm stated the City currently abides by a 1996 International Property Maintenance Code, but this is the updated version from 2012. He further stated he does want to point out he has included a provision for using the Construction Board of Appeals, instead of creating another Board.

Dennis Smith of Safebuilt stated this is ties together all construction codes. This is very standard stuff, nothing in this will hurt the City and this is nationally recognized. He stated most communities adopt this along with their own codes. Discussion was held regarding having conflicting ordinances versus the property maintenance code. Attorney Wilhelm stated there is a repeater on page 4 that states the

Ordinance adopting the 2012 International Property Maintenance Code will prevail. Attorney Wilhelm stated we can modify that if needed.

Councilmember Kurtzweil stated there is an advantage to adopting this code, there is already a body of case law in the country. This is a recognized code, and we need to be careful to modify this due to the case law which can be used if ever needed in litigation.

1-6-16 MOTION TO APPROVE THE FIRST READING OF THE ORDINANCE TO ADOPT THE 2012 IPMC

Motion by Kramer, supported by Kurtzweil

Motion to approve the first reading of the ordinance to adopt the 2012 International Property Maintenance Code

VOTE:

MOTION CARRIED UNANIMOUSLY

6. Consider Dorothy Street Sanitary Sewer Relocation Proposal for Professional Engineering Services

City Manager Ladner stated she has met with HRC regarding the relocation of a sanitary sewer line on Dorothy Street. The water line has had multiple sanitary sewer backups into at least two residential properties over the past 5 years, sometimes more often than once a year. She further stated this line is jetted at least once a month. Department Head Martin stated he cannot explain why the line seems to have changed over the last few years, but it has. We think the line has been in the ground for 60 years or so. He stated this line travels east from Dorothy Street down to McMunn Street. He further stated the line on McMunn Street is 8 feet underground so the fall from Dorothy Street is very slow. The leads coming down Dorothy Street do not fall on top of the pipe, but connect underneath it. Department Head Martin stated the fix isn't simple, but we will be able to get a proper drop if we can connect this to the Hagadorn line. He further stated this is a long term solution.

Councilmember Kivell stated he would like to make sure there is no other reasonable solution to keep this from happening that isn't a third of a millions dollars.

Councilmember Kurtzweil asked Department Head Martin if the problem is the size of the pipe or the lack of slope. Department Head Martin stated it is the flatness or lack of slope that is the problem.

CM 1-7-16 MOTION TO APPROVE THE PROPOSAL FOR ENGINEERING SERVICES AND AUTHORIZE THE CITY TO SOLICIT BIDS FOR THE RELOCATION OF THE LINE

Motion by Kramer, supported by Kivell

Motion to approve the proposal for engineering services and authorize the City to solicit bids for relocation of sewer line on Dorothy Street

VOTE:

MOTION CARRIED UNANIMOUSLY

1/25/16

7. Consider approval of repair for sanitary sewer line along Pontiac Trail near the Waters' Edge Complex to fix sewer line offset and existing sink hole conditions

Department Head Martin stated there is a sink hole is next to the entrance at Waters Edge Apartments. He further stated we don't know why this is occurring. Last year at this time, we rebuilt the manhole 20 feet to the east, but we don't think that has anything to do with this problem. We have filled the sinkhole twice and it is concerning. There is a manhole to the east of that, and when you look in the manhole, there is a very slow flow. The manhole we rebuilt has water gushing. We tried to send a camera through, but it could only go so far. The pipes may have separated. The only way to deal with this is to bypass the pump and drain the line, run it above ground, and dry out the line and then it can be dug. He further stated we don't have equipment to dig as far as we need to. He stated we need to dig 14 feet deep which requires a 30 foot wide hole. It drains the northwest edge of the City and it never stops flowing. We need to get this project moving, if this fails, we have nowhere to drain the northwest end of the City. Councilmember Kurtzweil asked how close the water hole is to the pond in front of Waters Edge, and is it possible it can just be leeching. Department Head Martin stated it is 50 yards away, but it is possible. He stated he believes there is something stopping the water from flowing through and causing the sink hole. Mayor Galeas stated they jettied the line and it is obvious there is something stopping the flow of water, possibly the pipe is broken. Councilmember Rzyzi stated if the sink hole is caused by the pond, possibly the cost should be shared with the Water's Edge Apartments. He further asked if we will have legal remedy if we find it is the fault of the pond. Attorney Wilhelm stated if there is a default in the pipe it is our responsibility, as of right now, there is no way of knowing what is causing this. Mayor Galeas stated it could be a cause of both things. Councilmember Kivell stated if we find later it is caused by the property owner, we can deal with that later. Further discussion was held regarding the cost.

CM 1-8-16 MOTION TO APPROVE DEPARTMENT HEAD MARTIN TO BEGIN BYPASS AND DETERMINE THE BEST CONTRACTOR TO BEGIN THE WORK NECESSARY.

Motion by Kramer, supported by Wedell

Motion to begin bypass and determine the best contractor to begin the work necessary

Councilmember Kurtzweil stated she would like to add that there is no advantage to City Council that the funds be sent out for competitive bidding due to the serious nature of the situation and the expenditure nature is for professional services therefore exempting us from competitive bidding for this matter.

VOTE:

MOTION CARRIED UNANIMOUSLY

8. Consider resolution asking for repeal of the new language in Section 57, subsection (3) of PA 269 of 2016

City Manager Ladner stated the MML and other organizations are working to have language that was adopted recently repealed and revised. The Governor signed this into law January 6th, at the same time he asked the legislature to enact new legislation to address the concerns addressed by other organizations such as associations of townships, counties, and school boards. The previous language in Section 57 prior to the amendments appropriately provided an allowance of elected officials to express their views without fear of violating the act. The new sub section does not appear to account for that allowance. The prohibition on any communication by television that references a local ballot question could seem to put every public access broadcast of a City Council meeting at risk for violating this new provision. There is also no allowance for a public broadcast of a debate or voter forum, even if that forum is a third party. Community newsletters and potentially even Election Day reminders that are mailed to residents could be banned under this language. She further stated because this language specifically bans communication on only local ballot questions, the provision creates inconsistent treatment between communication with residents on statewide ballot questions. Any violation does put the City at risk for a fine by the State. We have been asked by the involved parties to approve a resolution in support of having the language appealed. Councilmember Rzyzi stated the concept of this bill is to stop public funds from being used for influencing an Election. He doesn't think taxpayer money should be used to send information to people's homes to tell them how to vote. Councilmember Rzyzi stated this is just a piece of paper, and means nothing. We should not be involved in Lansing politics and he will vote no. Councilmember Kramer stated this doesn't affect the State, it just affects local communities. He further stated if you have a school board seeking a bond issue, they shouldn't be stopped from advocating for that bond issue. He stated as a tax payer, he wants any and all information available. Councilmember Kurtzweil stated she met with people in Lansing, and their justification was that some communities were using local politician's ads to gain approval of the ballot issue, and it was construed as a conflict of interest. The second issue is the super PAC that wants the business, and you can retain them to run a campaign, which may or may not be violation. She doesn't agree with supporting the agenda of MML. Councilmember Kivell stated the super PAC is a new way of circumventing the new law. He further stated we are all vulnerable because this could cripple the City's ability to set the record straight against anyone that is lying about something we want to get support for from the voters. He stated if this remains intact, we will not be able to discuss this with anyone 60 days before the Election; he is in favor of trying to get this language changed.

CM 1-9-16 MOTION TO SUPPORT RESOLUTION FOR REPEAL OF THE NEW LANGUAGE IN SECTION 57, SUBSECTION (3) OF PA 26- OF 2016

Motion by Kivell, supported by Kramer

Motion to approve support resolution for repeal of the new language in Section 57 Subsection (3) of PA26 of 2016

Councilmember Rzyzi stated he would like to reiterate this is just a piece of paper and the legislatures will do what they want to do, and we shouldn't be influencing voters.

1/25/16

Councilmember Dedakis stated she feels that every day our rights are being restricted and this particular law is limiting our freedom of speech and she doesn't agree with that, therefore she will be voting no. Councilmember Kivell stated although this isn't actionable, it does influence our legislatures if there is enough support.

VOTE: MOTION CARRIED- 3 OPPOSED

9. Approval for City Manager to attend the MLGMA Winter Institute

City Manager Ladner stated as part of the requirements necessary for maintaining the status of ICMA credentialed Manager and ongoing professional development for the benefit of the City, she is seeking permission to attend the MLGMA Winter Institute February 3rd – 5th in Port Huron. City Manager Ladner gave a brief summary of the agenda for the Institute. Councilmember Kivell stated we understand the benefit to the City and the importance of City employees to continuing training and that should be approved for the City Manager as well. Discussion was held regarding previous training classes the City Manager has attended in the past. Councilmember Dedakis stated we should always support further education will only benefit the City.

Councilmember Ryzyi asked what the required hours to remain a credentialed Manager are. City Manager Ladner stated she has to have 40 hours of training which can include workshops and reading books. She has attended many free training sessions as well. Councilmember Kurtzweil stated she agrees the continued education is important for the City employees, and the networking opportunities at the conferences are very important as well. Further discussion was held regarding the City Manager driving to the conference each day to Port Huron versus staying at a hotel. Councilmember Kurtzweil stated the conference doesn't stop at 5:00, the networking continues after the seminar and that is very important. Councilmember Kivell stated some of the best information is learned after the seminar during the networking.

CM 1-10-16 MOTION TO APPROVE REQUEST OF THE CITY MANAGER TO ATTEND THE MLGMA WINTER INSTITUTE

Motion by Kivell, supported by Kramer

Motion to support approve the request of the City Manager to attend the MLGMA Winter Institute

VOTE: MOTION CARRIED UNANIMOUSLY

10. Consideration of approval to waive attorney client privilege to allow City Manager, City Clerk and himself to speak openly with the Oakland County Sheriff's office regarding 2 poverty exemptions granted by the Board of Review

Attorney Wilhelm stated at the previous Council meeting there was a discussion regarding two poverty exemptions that were granted by the December Board of Review. There has been a criminal complaint filed with the South Lyon Police Department which is being handled by the Oakland County Sheriff's Office Special Investigations unit. The City Manager, and the City Clerk as well as he have been asked to answer questions to speak with them openly. He is now asking Council to waive attorney client privilege so that can be done. Councilmember Kivell stated it is understandable that we need to waive attorney client privilege to discuss this.

CM 1-11-16 MOTION TO WAIVE ATTORNEY CLIENT PRIVILEGE TO ALLOW CITY MANAGER, CITY CLERK AND ATTORNEY TO SPEAK OPENLY WITH SHERIFF DEPARTMENT REGARDING BOARD OF REVIEW

Motion by Kramer, supported by Wedell

Motion to waive attorney client privilege and authorize City Manager, Clerk and Attorney to speak with Oakland County Sheriff Department regarding investigation

Councilmember Kurtzweil stated she has some additional information. She stated she would like to disclose she is the one that filed the complaint. She further stated this is not a personal issue; this is regarding a situation she was placed in. She has spoken with a criminal attorney, and what happened is the City Council received a letter from the City Attorney regarding certain matters that were handled in the December Board of Review. The letter contained language that pled a prima facie case of perjury. The perjury was in regards to a Board of Review matter. Her attorney advised her not to enter into a closed session because she could have been charged as an accessory had she gained more information on this matter. She further stated when she filed the report, no one from the City had asked the Police Department to investigate the case of perjury. She further stated she had evidence of a prima facie case of perjury; therefore she had to report this. Councilmember Kurtzweil stated you need to be careful how things are worded in a letter, because she will not risk her license. Councilmember Kramer stated he would like to know if Councilmember Kurtzweil is acting as an Attorney on behalf of South Lyon. Councilmember Kurtzweil stated she will not answer, those questions are not relevant. Councilmember Kramer stated he believes Councilmember Kurtzweil should be recused from the vote on the motion since she has already violated attorney client privilege. Councilmember Kramer asked what was alleged in the criminal complaint. Councilmember Kurtzweil stated she will not answer based on advice of Council. Councilmember Rzyzi stated something seems off and something isn't right. We all have an obligation to bring wrong doings to the proper authorities. He further stated the investigation will play itself out. He further stated he gives credit to Councilmember Kurtzweil for doing what she thinks is right. He stated he has experienced this in the past, and this needs to be cleaned up. Mayor Galeas stated he isn't disagreeing with the process, but there are some things between politics and business that isn't right. He further stated this is not how things aren't suppose to go. Some people don't use

transparency in government, and some people use it as a shield. He further stated his opinion is there are other ways things can be handled and hopefully things can be handled better in the future. Councilmember Dedakis stated she commends Councilmember Kurtzweil for doing this, if there is any kind of fraud or perjury it needs to be stopped and this is about cleaning up South Lyon. Councilmember Kurtzweil stated this isn't about cleaning up South Lyon, this is about protecting her license and she is an officer of the court. Councilmember Kramer stated you have an obligation as an attorney, not when you're acting as a Council Member. Mayor Galeas stated there are some legal issues, and we need to let the case work its way out, people will not agree on this issue at this time.

VOTE:

MOTION CARRIED

IV. Discussion on Blight Ordinance and Unsafe Structures

Councilmember Ryzyi asked what the time line is so we can move forward with the blight problem downtown. Attorney Wilhelm stated after the second reading and publication it will be in effect. He further stated we will need to identify who will act as the hearing officer, then prioritize the structures then come up with a plan of action for each of them.

Tom Lyons the City of South Lyon Ordinance Officer stated he has spoken with a few owners of the buildings, and their first question is always to ask what is wrong. He stated he has been dealing with RHP Properties for over a year now, and with the help of Dennis Smith and the City Manager, they have met with the owners. They are currently removing old mobile homes, and they will be putting in new modular homes. Mr. Lyons stated normally if he speaks with an owner of a property, he normally gets compliance. He further stated just because there is an ugly building, there isn't anything we can do, it isn't against any violation. Councilman Kivell asked if the other owners have asked how this ordinance will affect them. Mr. Lyons stated he has a good working relationship with Mr. Bonner. He stated he has told him there are some façade issues, but the buildings seem to be structurally sound.

Councilmember Kurtzweil asked if the owner of the mobile home park has any interest in selling the property to the right developer. Mr. Lyons stated they have mobile homes parks all over the states and they are now putting money into this development, they have worked on the roads, and they are putting in new homes.

V. Discussion- Downtown

Councilmember Kurtzweil stated she would like to know where the Council stands with giving tax abatements. They can be used for a short period of time and it would assist the downtown building owners fix up their businesses. She further stated Lyon Township is getting very aggressive with getting new businesses in their downtown. The competition is getting smarter and smarter. Councilmember Kurtzweil stated she spoke with Phil Wiepert and he had someone replace the sidewalk in front of his building. He told her it would be nice if the City could reinstitute the 50/50 program. This was something the City did in the past, where the homeowners and business owners could fix their sidewalks, then if approved by the City we would pay half. Councilmember Kurtzweil stated she would

like the DDA to contact the Art Institute in Novi, and ask for an intern or ask for a school project for them to come in and assist a downtown business with getting some designs and the business owners will just have to fund it. Marilyn Smith of the Resale Shop stated sometimes you tend to speak kind of negatively of the DDA, but how is the DDA supposed to get anything done, if they don't have the funding to do so, and all the years she has been attending the DDA meetings, she has not seen her at one meeting. Councilmember Kurtzweil stated if the DDA takes constructive criticism as negative, that is part of the block, you have to have an open mind and realize something has to be done, and the art design would be a free service. Mayor Galeas stated he has been attending the South Oakland County Mayoral Meetings, and he has spoken with the Mayors of Novi, Berkley, Northville, Chelsea and Birmingham and something he has found out is there is such a discrepancy in the money that is available for the DDA. Comparing South Lyon to other communities is not a fair comparison. We don't have an endless supply of money, and we have other things we have to deal with. He stated we need to discuss what is needed and how we can gain more funding for the DDA. Councilmember Kivell asked what vehicles other communities are using for commercial tax abatements, he is only aware of industrial abatements that can be given. Councilmember Ryzvi stated the City should be helping the DDA with grants, and the City Manager should be coming to the DDA with which grants she can help them gain. He further stated we can discuss giving the DDA more funding at the next budget workshop. Councilmember Kivell stated the DDA would be a good vehicle for the merchants of downtown to determine what new businesses would fit in. Discussion was held regarding the times the downtown businesses are open.

VI. Managers' Report

City Manager Ladner stated she is meeting with the South Lyon Salem Library this week to discuss a cost sharing for the foundation directory as well as seeking grant opportunities. Councilmember Kurtzweil stated she would like to thank the City Manager for catching up on all the Manager reports and the detail that is involved.

VII. Council Comments

Councilmember Kramer stated he has been on Council for 6 years and for the first time he is embarrassed. We are carrying on like there wasn't a criminal complaint filed against the City Manager and Attorney. The person that filed the criminal complaint is now commending the City Manager. These are serious allegations, and the fact that in a month this will be over and there will be no hard feelings. A criminal complaint was filed without any discussion or opinion by City Council, yet the same Councilmember asks the Council's opinion on tax abatements.

Mayor Galeas stated he has made his opinion known and he isn't happy about how this situation was handled. Mayor Galeas stated the City is hosting the next dinner for the Southeastern Oakland County Mayor Association in February and he is hoping we can show off our community in a positive way, they are very interested and in favor of our City.

Councilmember Rzyzi stated he has been on Council for 4 years, and today is the day he is most proud of. In November the residents looked at the City and decided they need to move forward with new leadership, open policies and transparency. He further stated he is not ashamed, he is proud and he wants to commend Councilmember Kurtzweil for doing something that took a lot of guts.

Councilmember Rzyzi stated he would like to thank the new owners of the South Lyon Theatre and he is pleased they will be having more adult friendly films. Councilmember Rzyzi asked the City Manager if she has suggested to the public that they should limit the time they speak during the Council Meetings. City Manager Ladner stated she has not had that conversation with anyone.

Councilmember Dedakis stated she is impressed with the annual report by the South Lyon Fire Department and happy to hear of all the assistance we give to other communities. Councilmember Dedakis further stated she would like to apologize to the residents for all the bickering that is happening on Council, it is a rough road right now, but things will get better.

Councilmember Kivell stated he appreciates the level of interest some have taken in pushing some of the difficult issues that confront all municipalities to take a more prominent position in our list of priorities. He stated he is encouraged to see the promotion of the downtown, its' vitality and efforts for advancing economic development and the redevelopment of underutilized areas as laid out in the soon to be approved Master Plan. He further stated we have a lot of talent in our Department Heads, staff, Administration, and City Council to make the most out of the plans of action we will be constructing once we determine our goals and objectives at the City Council Retraction March 19th. He further stated although there are many constructive things taking place, all is not well. It is disappointing to see the ongoing and escalating unprofessional behavior of some on Council trying to foment distrust in the Administration, our consultants and others on Council. Differences of opinion are daily occurrences in both personal and business lives. The active pursuit to characterize these differences in a negative spectrum from a lack of caring to careless mishandling of affairs is very disturbing and unconstructive to help the groups determine the best course of action to take on any given issue. He stated he would like to ask that we all act as honest brokers and look at ourselves as a metaphorical family. You don't get to pick your family, you just try to make the best of it. He further stated he hopes Council can put this behind us and try a new start. Councilmember Kivell stated he would like to ask Department Head Martin to do a quick synopsis of the dis-similarities regarding the Flint crisis. Department Head Martin stated our water is ground water, Flint has surface water, they have homes with lead pipes, we have none, Flint has never treated their pipes for corrosion, and we have for 30 years. The DEQ recently issued a letter to the City stating the lead and copper monitoring results show a result of zero. He stated people on Facebook need to call the Water Department and ask, we do not have a problem, and our water system is safe. Councilmember Kivell asked if there is anything that can be done with the breach of attorney client privilege that has already occurred regarding the letter about the Board of Review. Attorney Wilhelm stated he will look into it.

Mayor Galeas stated he toured the water plant and he understands the commitment of the Water Department and the City residents have nothing to worry about, if you have questions, contact the Water Department.

VIII. Adjournment

Mayor Galeas called for adjournment at 11:40 p.m.

Respectfully submitted,

Mayor John Galeas

Lisa Deaton Clerk/Treasurer

DRAFT

January 2016 Payroll Report

Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Administration								
Badarak, A.	18.4000	160.00		\$ 2,944.00	\$ -		\$ 2,944.00	
Ciarelli, J.	15.8900	72.25		\$ 1,148.05	\$ -		\$ 1,148.05	
Deaton, L.				\$ 4,720.38			\$ 4,720.38	
Ladner, L.				\$ 6,923.06			\$ 6,923.06	
Lanning, W.	10.4200	32.75		\$ 341.26			\$ 341.26	
Lyon, Thomas	17.6700	72.00		\$ 1,272.24			\$ 1,272.24	
McIntyre, K.	20.0000	72.50		\$ 1,450.00			\$ 1,450.00	
Mosier, L.				\$ 4,393.48			\$ 4,393.48	
Judy Pieper	16.4500	128.00	2.00	\$ 2,105.60	\$ 49.35		\$ 2,154.95	
TOTAL: Administration		537.50	2.00	\$ 25,298.07	\$ 49.35	\$ -	\$ 25,347.42	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Cemetery								
Bjerke, Michael	11.3800			\$ -			\$ -	
Brannun, L.	11.3800			\$ -			\$ -	
Nicholls, William	11.3800			\$ -			\$ -	
Wauford, S.	11.3800			\$ -			\$ -	
Wedesky, J. W.	11.3800			\$ -			\$ -	
Williamson, N.	12.1000			\$ -			\$ -	
TOTAL: Cemetery		0.00	0.00	0.00	0.00	0.00	0.00	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Police								
Baaki, D.	34.3707	184.00	33.00	\$ 6,324.21	\$ 1,739.42		\$ 8,063.63	
Baker, A.	31.6712	168.00	24.00	\$ 5,320.76	\$ 1,162.66		\$ 6,483.42	
Baker, J.	34.3707	172.00	39.50	\$ 5,911.76	\$ 2,073.49		\$ 7,985.25	
Barbour, R.	31.6712	176.00	50.00	\$ 5,574.13	\$ 2,411.39		\$ 7,985.52	
Brooks, T.	31.6712	160.00	31.50	\$ 5,067.39	\$ 1,532.81		\$ 6,600.20	
Collins, L.				\$ 6,988.84			\$ 6,988.84	
Faught, C.	34.3707	176.00	0.00	\$ 6,049.24	\$ -		\$ 6,049.24	
Garris, G.	16.5300			\$ -			\$ -	
Hoydic, S.	31.6712	176.00		\$ 5,574.13	\$ -		\$ 5,574.13	
Kretlin, F.	16.5300	10.50		\$ 173.57			\$ 173.57	
Lambi, A.	10.0000	93.25		\$ 932.50			\$ 932.50	
Laraway, P.	16.5300	11.00		\$ 181.83			\$ 181.83	
Ley, K.	16.5300	11.00		\$ 181.83			\$ 181.83	
Raap, T.	31.6712	184.00	2.00	\$ 5,827.50	\$ 96.89		\$ 5,924.39	
Regentik, C.	18.4000	160.00		\$ 2,944.00	\$ -		\$ 2,944.00	
Sederlund, C.	34.3707	180.00	47.00	\$ 6,186.73	\$ 2,477.36	\$ 1,600.00	\$ 10,264.09	Longevity
Sovik, C.	36.6103	160.00	40.00	\$ 5,857.65	\$ 2,242.77		\$ 8,100.42	
Sroufe, T.	31.6712	184.00	.50	\$ 5,827.50	\$ 24.22		\$ 5,851.72	
Stevens, T.	31.6712	176.00	24.00	\$ 5,574.13	\$ 1,157.47		\$ 6,731.60	
Tomanek, J.	31.6712	160.00	11.00	\$ 5,067.39	\$ 532.89	\$ 1,300.00	\$ 6,900.28	Longevity
Walton, T.	31.6712	184.00	15.50	\$ 5,827.50	\$ 750.89		\$ 6,578.39	
Wilcox, W.	11.7900	22.50		\$ 265.28	\$ -		\$ 265.28	
Wilcox, W.	16.5300	11.00		\$ 181.83	\$ -		\$ 181.83	
Wittrock, M.	31.6712	184.00	19.00	\$ 5,827.50	\$ 916.33	\$ 1,000.00	\$ 7,743.83	Longevity
Total: Police		2943.25	337.00	\$ 97,667.20	\$ 17,118.58	\$ 3,900.00	\$ 118,685.78	

Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Fire								
Armstrong, C.	21.3200	38.00		\$ 810.16			\$ 810.16	
Bach, R.	8.5000	24.75		\$ 209.62			\$ 209.62	
Carlington, R.	16.8300	40.25		\$ 677.41			\$ 677.41	
Collins, B.	8.3100	4.50		\$ 37.40			\$ 37.40	
Conrad, C.	14.5900	85.00		\$ 1,240.15			\$ 1,240.15	
Demeniuk, C.	20.2000	28.75		\$ 580.75			\$ 580.75	
Esper, T.	14.5900	13.50		\$ 196.97			\$ 196.97	
Fallon, Justin	14.5900	15.25		\$ 222.50			\$ 222.50	
Homrich, Tyler	8.5000	27.75		\$ 234.17			\$ 234.17	
Kennedy, M.				\$ 2,458.98			\$ 2,458.98	
LaCroix, L.	15.7100	47.25		\$ 742.30			\$ 742.30	
Laitinen, Daniel	8.5000	17.25		\$ 146.01			\$ 146.01	
Lynn, C.	16.8300	18.00		\$ 302.94			\$ 302.94	
McGillen, T.	16.8300	27.50		\$ 462.83			\$ 462.83	
Mitchell, Dean	14.5900	2.50		\$ 36.48			\$ 36.48	
Moynihan, B.	17.9500	58.50		\$ 1,050.08			\$ 1,050.08	
Noechel, J.	20.2000	99.50		\$ 2,009.90			\$ 2,009.90	
Olando, Michael	14.5900	34.25		\$ 499.71			\$ 499.71	
Pierson, Lee	8.5000	29.25		\$ 247.34			\$ 247.34	
Shekell, J.	20.2000	41.25		\$ 833.25			\$ 833.25	
Sherrill, Cody	8.5000	30.75		\$ 258.53			\$ 258.53	
Shippe, S.	16.8300	12.50		\$ 210.38			\$ 210.38	
Tooman, Brittany	8.3100	3.00		\$ 24.93			\$ 24.93	
Ulrich, C.	16.8300	19.50		\$ 328.19			\$ 328.19	
Weir, M.	22.4400	54.25		\$ 1,217.37			\$ 1,217.37	
Wilson, T.	17.9500	26.25		\$ 471.19			\$ 471.19	
Total: Fire		799.25		\$ 15,509.47		\$ -	\$ 15,509.47	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
D.P.W.								
Abramowicz, J.	18.0000	160.00	9	\$ 2,880.00	\$ 243.00		\$ 3,123.00	
Archey, Je.	22.7800	160.00	37.50	\$ 3,644.80	\$ 1,300.13	\$ 200.00	\$ 5,144.93	On-call
Brock, R.	24.7000	160.00	11.00	\$ 3,952.00	\$ 417.89		\$ 4,369.89	
Buers, D.	23.1600	160.00		\$ 3,705.60	\$ -		\$ 3,705.60	
Dental, F.	18.4000	160.00	34.00	\$ 2,944.00	\$ 938.40	\$ 280.00	\$ 4,162.40	On-call
Jamison, M.	18.4000	160.00		\$ 2,944.00	\$ -		\$ 2,944.00	
Moritz, M.	21.5800	160.00	20.50	\$ 3,452.80	\$ 678.35	\$ 280.00	\$ 4,411.15	On-call
Paver, V.	21.1800	160.00	11.50	\$ 3,388.80	\$ 371.11		\$ 3,759.91	
Piasecki, T.	19.9800	160.00	30.50	\$ 3,196.80	\$ 914.09		\$ 4,110.89	
Race, J.	16.8400	160.00	30.50	\$ 2,694.40	\$ 770.43	\$ 280.00	\$ 3,744.83	On-call
Valencia, A.	16.8400	160.00	2.00	\$ 2,694.40	\$ 50.52	\$ 80.00	\$ 2,824.92	On-call
Total: D.P.W.		1,760.00	186.50	\$ 35,497.60	\$ 5,683.90	\$ 1,120.00	\$ 42,301.50	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
W.& W.W.								
Archey, Ju.	18.4000	160		\$ 2,944.00	\$ -		\$ 2,944.00	
Armstrong, C.	17.1300	160	25.00	\$ 2,740.80	\$ 642.38	\$ 410.00	\$ 3,793.18	On-call
Beason, R.	26.7900	160	12.00	\$ 4,286.40	\$ 496.08	\$ 280.00	\$ 5,062.48	On-call
Blankstrom, D.	15.9800	96		\$ 1,534.08	\$ -		\$ 1,534.08	
Ciaramitaro, J.	25.2400	160	16.00	\$ 4,038.40	\$ 617.28	\$ 20.00	\$ 4,675.68	On-call
Erdmann, Kevin	17.1300	160	22.00	\$ 2,740.80	\$ 565.29	\$ 530.00	\$ 3,836.09	On-call
Gehring, D.	24.6400	160	11.00	\$ 3,942.40	\$ 412.06	\$ 10.00	\$ 4,364.46	On-call
Martin, R.				\$ 6,532.26	\$ -		\$ 6,532.26	
Popravsky, P.	20.4100	160		\$ 3,265.60	\$ -	\$ 1,600.00	\$ 4,865.60	Longevity
Sahl, L.	10.2000	52		\$ 530.40	\$ -		\$ 530.40	
Total: W.& W.W.		1428.00	86.00	\$ 32,555.14	\$ 2,733.09	\$ 2,850.00	\$ 38,138.23	
Grand Total		7,468.00	611.50	\$ 206,527.47	\$ 25,584.91	\$ 7,870.00	\$ 239,982.39	

PERIOD ENDING 01/31/2016

FINANCIAL REPORT FOR JANUARY 2016

GL NUMBER	DESCRIPTION	2015-16		2015-16		YTD BALANCE 01/31/2016 NORM (ABNORM)	ACTIVITY FOR MONTH 01/31/2016		AVAILABLE BALANCE NORM (ABNORM)	% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET	2015-16 BUDGET	2015-16 BUDGET		INCR (DECR)			
Fund 101 - GENERAL FUND										
101-000.000-402.000	REAL PROPERTY TAX	3,355,935.00		3,355,935.00		3,261,402.62	0.00	94,532.38	97.18	
101-000.000-423.000	SOUTH LYON WOODS TAX	920.00		920.00		563.50	78.50	356.50	61.25	
101-000.000-444.000	PAYMENT IN LIEU OF TAXES	1,500.00		1,500.00		0.00	0.00	1,500.00	0.00	
101-000.000-446.000	PENALTIES AND INTEREST	30,000.00		30,000.00		10,522.23	0.00	19,477.77	35.07	
101-000.000-451.000	BUILDING PERMITS	150,000.00		150,000.00		42,397.75	3,292.25	107,602.25	28.27	
101-000.000-452.000	HEATING & PLUMB. REFG. PERMI	0.00		0.00		16,559.50	2,555.00	(16,559.50)	100.00	
101-000.000-453.000	ELECTRICAL PERMITS	0.00		0.00		9,463.00	1,663.00	(9,463.00)	100.00	
101-000.000-454.000	LICENSES & BUSINESS MISC.	0.00		0.00		1,950.00	170.00	(1,950.00)	100.00	
101-000.000-570.000	STATE SHARED REV.	954,210.00		954,210.00		461,745.20	159,103.00	492,464.80	48.39	
101-000.000-600.000	BOARD OF APPEALS	0.00		0.00		400.00	0.00	(400.00)	100.00	
101-000.000-630.000	ADMIN FEE PROPERTY TAX	92,047.00		92,047.00		89,372.39	0.00	2,674.61	97.09	
101-000.000-634.000	GRAVE OPENINGS & FOUNDATIONS	30,000.00		30,000.00		18,840.00	1,905.00	11,160.00	62.80	
101-000.000-642.000	POLICE	0.00		0.00		26,318.61	618.78	(26,318.61)	100.00	
101-000.000-661.000	PARKING VIOLATION	2,500.00		2,500.00		590.00	180.00	1,910.00	23.60	
101-000.000-662.000	LOCAL COURT FINES	25,000.00		25,000.00		17,968.87	3,447.95	7,031.13	71.88	
101-000.000-664.000	INTEREST	6,000.00		6,000.00		1,877.35	250.52	4,122.65	31.29	
101-000.000-664.200	PARK AND REC. INTEREST	0.00		0.00		198.27	30.61	(198.27)	100.00	
101-000.000-666.000	INTEREST-EQUALIZ. & CONTINGENC	0.00		0.00		280.98	40.72	(280.98)	100.00	
101-000.000-668.200	RENTS AND ROYALTIES-CABLE	144,000.00		144,000.00		78,097.32	0.00	65,902.68	54.23	
101-000.000-668.300	LEASE--ANTENNA	50,000.00		50,000.00		23,976.86	400.00	26,023.14	47.95	
101-000.000-668.400	RENTAL PROPERTIES	8,800.00		8,800.00		5,229.63	1,494.18	3,570.37	59.43	
101-000.000-669.209	CONTRIBUTION-PERPETUAL CARE	20,000.00		20,000.00		0.00	0.00	20,000.00	0.00	
101-000.000-675.600	DONATIONS TO CULTURAL ARTS CO	1,000.00		1,000.00		425.00	0.00	575.00	42.50	
101-000.000-698.000	MISCELLANEOUS	125,000.00		125,000.00		97,106.40	59,738.70	27,893.60	77.69	
101-000.000-698.600	GRANT MONIES--FIRE DEPT.	0.00		0.00		3,637.00	0.00	(3,637.00)	100.00	

Fund 101 - GENERAL FUND:

TOTAL REVENUES

4,996,912.00	4,996,912.00	4,168,922.48	234,968.21	827,989.52	83.43
--------------	--------------	--------------	------------	------------	-------

EXPENDITURE REPORT FOR CITY OF SOUTH LYON

Page: 1/1

PERIOD ENDING 01/31/2016

FINANCIAL REPORT FOR JANUARY 2016

GL NUMBER	DESCRIPTION	2015-16 ORIGINAL BUDGET	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORM (ABNORM)	ACTIVITY FOR MONTH 01/31/2016 INCR (DECR)	AVAILABLE BALANCE NORM (ABNORM)	% BDGT USED
Fund 101 - GENERAL FUND							
200.000-ADMINISTRATION		1,268,692.00	1,268,692.00	747,134.14	83,206.38	521,557.86	58.89
276.000-CEMETERY		91,125.00	91,125.00	58,210.37	1,789.56	32,914.63	63.88
295.000-SENIOR TRANSPORTATION		72,480.00	72,480.00	24,160.00	0.00	48,320.00	33.33
300.000-POLICE		2,451,146.00	2,451,146.00	1,373,529.36	181,841.27	1,077,616.64	56.04
335.000-FIRE		998,090.00	998,090.00	551,329.16	25,191.40	446,760.84	55.24
346.000-AMBULANCE		2,075.00	2,075.00	318.56	0.00	1,756.44	15.35
440.000-DEPT. OF PUBLIC WORKS		806,725.00	806,725.00	468,425.40	66,154.75	338,299.60	58.07
690.000-PARKS AND RECREATION		129,785.00	129,785.00	72,805.57	3,681.92	56,979.43	56.10
732.000-HISTORICAL DEPOT		30,275.00	30,275.00	12,911.56	3,115.96	17,363.44	42.65
800.000-CABLE COMMISSION		5,000.00	5,000.00	0.00	0.00	5,000.00	0.00
802.000-CULTURAL ARTS		1,750.00	1,750.00	496.96	0.00	1,253.04	28.40

Fund 101 - GENERAL FUND:

TOTAL EXPENDITURES

5,857,143.00	5,857,143.00	3,309,321.08	364,981.24	2,547,821.92	56.50
--------------	--------------	--------------	------------	--------------	-------

PERIOD ENDING 01/31/2016

FINANCIAL REPORT FOR JANUARY 2016

GL NUMBER	DESCRIPTION	2015-16 ORIGINAL BUDGET	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORM (ABNORM)	ACTIVITY FOR MONTH 01/31/2016 INCR (DECR)	AVAILABLE BALANCE NORM (ABNORM)	% BDTG USED
Fund 202 - MAJOR STREETS							
000.000		0.00	0.00	0.00	0.00	0.00	0.00
212.000	ACCOUNTANT	3,500.00	3,500.00	4,080.00	0.00	(580.00)	116.57
451.000		200,000.00	200,000.00	134.62	0.00	199,865.38	0.07
463.000	STREET-ROUTINE MAINT.	145,560.00	145,560.00	98,869.36	9,711.09	46,690.64	67.92
474.000	TRAFFIC SERVICES	12,400.00	12,400.00	6,777.66	520.89	5,622.34	54.66
478.000	SNOW PLOWING	85,550.00	85,550.00	25,384.44	16,432.24	60,165.56	29.67
479.000	SNOW REMOVAL	3,700.00	3,700.00	766.46	102.70	2,933.54	20.72
485.000	TRANSFER BETWEEN FUNDS	146,113.00	146,113.00	0.00	0.00	146,113.00	0.00
491.000	STORM SEWER	7,350.00	7,350.00	6,979.17	175.31	370.83	94.95

Fund 202 - MAJOR STREETS:

TOTAL EXPENDITURES

Fund 203 - LOCAL STREETS

000.000		604,173.00	604,173.00	142,991.71	26,942.23	461,181.29	23.67
212.000	ACCOUNTANT	3,500.00	3,500.00	4,080.00	0.00	(580.00)	116.57
451.000		100,000.00	100,000.00	762.92	0.00	99,237.08	0.76
463.000	STREET-ROUTINE MAINT.	135,045.00	135,045.00	82,030.82	6,773.15	53,014.18	60.74
474.000	TRAFFIC SERVICES	6,600.00	6,600.00	3,063.44	140.56	3,536.56	46.42
478.000	SNOW PLOWING	73,750.00	73,750.00	18,370.37	12,704.41	55,379.63	24.91
485.000	TRANSFER BETWEEN FUNDS	0.00	0.00	0.00	0.00	0.00	0.00
491.000	STORM SEWER	13,600.00	13,600.00	11,313.80	504.84	2,286.20	83.19

Fund 203 - LOCAL STREETS:

TOTAL EXPENDITURES

		332,495.00	332,495.00	119,621.35	20,122.96	212,873.65	35.98
--	--	------------	------------	------------	-----------	------------	-------

FINANCIAL REPORT FOR JANUARY 2016

GL NUMBER	DESCRIPTION	2015-16		2015-16		YTD BALANCE 01/31/2016 NORM (ABNORM)	ACTIVITY FOR MONTH 01/31/2016		AVAILABLE BALANCE NORM (ABNORM)	% BDGT USED
		ORIGINAL BUDGET	0.00	AMENDED BUDGET	0.00		INCR (DECR)			
Fund 592 - WATER & SEWER										
452.000		0.00		0.00		905.95	0.00		(905.95)	100.00
540.000-WATER / REPAIR		158,100.00		158,100.00		59,936.83	5,442.82		98,163.17	37.91
550.000-SEWER / REPAIR		145,500.00		145,500.00		64,966.27	6,579.87		80,533.73	44.65
555.000		490,000.00		490,000.00		292,233.07	41,754.86		197,766.93	59.64
556.000-WATER		1,031,060.00		1,031,060.00		625,878.72	40,062.97		405,181.28	60.70
557.000-WASTEWATER		1,543,267.00		1,543,267.00		695,518.61	64,753.18		847,748.39	45.07
Fund 592 - WATER & SEWER:										

CHECK REGISTER FOR CITY OF SOUTH LYON
 CHECK DATE FROM 01/14/2016 - 02/04/2016

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
Bank 01 GEN FUND CHECKING							
01/14/2016	01	68327	3019	BIFANO EYE CARE	VISION INSURANCE - DECEMBER 2015	345.42	Cleared
01/14/2016	01	68328	2407	BROWNIE'S SIGNS LLC.	DOWNTOWN CLOCK REPAIRED	125.00	Cleared
01/14/2016	01	68329	11073	BS & A SOFTWARE	TRAINING ON BLDG DEPT SOFTWARE	1,700.00	Cleared
01/14/2016	01	68330	5264	BUSCH'S	SUPPLIES	100.48	Cleared
01/14/2016	01	68331	4019	CASCADE SUBSCRIPTION SERVICE, INC	FIRE ENGINEERING MAGAZINE SUBSCRIPTI	179.00	Cleared
01/14/2016	01	68332	0058	CITY OF SOUTH LYON	WATER BILL - CITY HALL & 461 WASHING	404.29	Cleared
01/14/2016	01	68333	0859	LLOYD COLLINS	REIMB PETTY CASH	59.83	Cleared
01/14/2016	01	68334	3165	CONSUMERS ENERGY^	GAS SERVICE	88.17	Cleared
					GAS SERVICE	90.42	Cleared
					GAS SERVICE	176.79	Cleared
						355.38	
01/14/2016	01	68335	0317	DTE ENERGY	ELECTRIC SERVICE 11/23-12/22/15	20,328.69	Cleared
01/14/2016	01	68336	0584	DTE ENERGY	ELECTRIC SERVICE	62.37	Cleared
					ELECTRIC SERVICE	154.48	Cleared
					ELECTRIC SERVICE 11/24-12/30/15	1,066.41	Cleared
						1,283.26	
01/14/2016	01	68337	6061	MATTHEW EMERY	VIDEO COUNCIL MEETING 1/11/16	50.00	Cleared
01/14/2016	01	68338	3455	EMPLOYEE HEALTH INSURANCE MGMT	RX CHARGES	2,078.54	Cleared
01/14/2016	01	68339	2892	ESRI	ANNUAL GIS SOFTWARE MAINT.	1,000.00	Cleared
01/14/2016	01	68340	2415	HURON VALLEY AMBULANCE. INC	OWI BLOOD DRAW	0.00	V Cleared
				Void Reason: INCORRECT AMOUNT			
01/14/2016	01	68341	2607	IIMC	ANNUAL MEMBERSHIP FEE	155.00	Cleared
01/14/2016	01	68342	3375	LOWE'S	CHRISTMAS LIGHTS FOR COOL YULE	129.30	Cleared
01/14/2016	01	68343	1509	MARTIN'S DO IT BEST	DECEMBER 2015 STMT	64.24	Cleared
01/14/2016	01	68344	6117	MICHIGAN ASSOC OF MUNICIPAL CLERK	CLERKS INSTITUTE	600.00	Open
01/14/2016	01	68345	4226	BRUCE NUSSBAUM	REFUND OVERPAYMENT 21.20.301.056	0.00	V Cleared
				Void Reason: CHANGED MIND			
01/14/2016	01	68346	1034	OAKLAND COUNTY TREASURER	SOUTH LYON WOODS - DEC 2015	392.50	Cleared
01/14/2016	01	68347	5183	OAKLAND COUNTY TREASURERS	BS&A TAX SUPPORT FEE	791.72	Cleared
01/14/2016	01	68348	3705	OAKLAND SCHOOLS*	WINTER TAX BILL PRINTING & MAILING	2,226.59	Cleared
01/14/2016	01	68349	0462	PETER'S TRUE VALUE HARDWARE	BOTTLED WATER, CONNECTOR	12.97	Cleared
					MOTO MIX, BOLTS, BATTERIES	55.72	Cleared
					DECEMBER 2015 STATEMENT	873.00	Cleared
						941.69	
01/14/2016	01	68350	5554	SALEM-SOUTH LYON DISTRICT	TAXES DUE TO LIBRARY	1,096.73	Cleared
01/14/2016	01	68351	1586	SOUTH LYON COLLISION	REPAIR WINDOW & REGULATOR - PD201	160.47	Cleared
01/14/2016	01	68352	0461	SOUTH LYON COMMUNITY SCHOOLS	TAXES DUE TO SCHOOL	5,557.61	Cleared
01/14/2016	01	68353	3698	STATE OF MICHIGAN^^	BASIC LIFE SUPPORT AGENCY LICENSE	175.00	Open
01/14/2016	01	68354	3675	TOSHIBA FINANCIAL SERVICES	COPIER LEASE	84.00	Cleared
01/14/2016	01	68355	2676	WESTERN OAKLAND MUTUAL AID	2016 MEMBERSHIP DUES	50.00	Cleared
01/14/2016	01	68356	3984	WOW! BUSINESS	INTERNET SERVICE	46.97	Cleared
					CABLE & INTERNET SERVICE	124.28	Cleared
					PARK SECURITY	62.00	Cleared
						233.25	
01/21/2016	01	68357	5310	ARBOR SPRINGS WATER CO., INC.	WATER FOR CITY HALL	19.50	Cleared
01/21/2016	01	68358	0364	DOUGLAS BAAKI	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68359	0708	AUDRA BAKER	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68360	1110	JARED BAKER	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared

CHECK REGISTER FOR CITY OF SOUTH LYON
CHECK DATE FROM 01/14/2016 - 02/04/2016

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
01/21/2016	01	68361	3219	RONALD BARBOUR	POLICE OFFICER CLEANING ALLOWANCE	100.00	Open
01/21/2016	01	68362	0309	DENNIS BRIDSON	REIMBURSE HEALTH INSURANCE	500.00	Cleared
01/21/2016	01	68363	0465	TRACY BROOKS	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68364	3749	KRISPEN S. CARROLL	PAYROLL DEDUCTION - 1/22/16	578.26	Cleared
01/21/2016	01	68365	3935	CIB PLANNING	PLANNING CONSULTANT FEES	3,543.75	Cleared
01/21/2016	01	68366	0859	LLOYD COLLINS	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68367	1334	LISA DEATON	REIMB MILEAGE	64.80	Cleared
01/21/2016	01	68368	3455	EMPLOYEE HEALTH INSURANCE MGMT	RX CHARGES	6,896.02	Cleared
01/21/2016	01	68369	1633	CHRISTOPHER FAUGHT	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68370	0925	FBINAA	FBINAA NATIONAL ANNUAL DUES - SOVIK	85.00	Open
					FBINAA NATIONAL ANNUAL DUES - COLLIN	35.00	Open
						120.00	
01/21/2016	01	68371	5998	JONATHAN GEARNS	REIMBURSE EMS CONTINUING EDUCATION C	50.00	Open
01/21/2016	01	68372	2545	SEAN S. HOYDIE	POLICE OFFICER CLEANING ALLOWANCE	100.00	Open
01/21/2016	01	68373	2415	HURON VALLEY AMBULANCE. INC	(2) OWI BLOOD DRAWS	100.00	Cleared
01/21/2016	01	68374	0557	INTL UNION OF OPERATING ENG	PAYROLL DEDUCTIONS - 1/22/16	261.77	Cleared
01/21/2016	01	68375	0135	JOHN'S SANITATION	PORTA-JOHN RENTAL - COOL YULE	270.00	Open
01/21/2016	01	68376	3955	JOHNSON, ROSATI, SCHULTZ &	MICHIGAN TAX TRIBUNAL MATTERS	208.00	Cleared
					SPECIAL ASSIGNMENT MATTERS	143.00	Cleared
					CITY ATTORNEY RETAINER WORK	13,738.50	Cleared
						14,089.50	
01/21/2016	01	68377	5111	KIWANIS CLUB OF SOUTH LYON	HOLIDAY TREE FOR COOL YULE	79.00	Cleared
01/21/2016	01	68378	8877	MAFC*	2016 DUES - WEIR & KENNEDY & WINTER	370.00	Open
01/21/2016	01	68379	3520	METLIFE - GROUP BENEFITS	DENTAL INSURANCE	4,634.49	Cleared
01/21/2016	01	68380	0470	MISDU	PAYROLL DEDUCTIONS - 1/22/16	328.28	Cleared
01/21/2016	01	68381	0218	PARKSIDE CLEANERS	RUG CLEANING	43.00	Cleared
01/21/2016	01	68382	0042	PRINTING SYSTEMS	PRINTING-3/8 BALLOTS, PRCT KITS&POL	1,061.16	Cleared
01/21/2016	01	68383	1634	TIMOTHY RAAP	POLICE OFFICER CLEANING ALLOWANCE	100.00	Open
01/21/2016	01	68384	0213	ROAD COMMISSION FOR OAKLAND	TRAFFIC SIGNAL MAINT. - DEC 2015	315.65	Cleared
01/21/2016	01	68385	5893	SAFEBUILT MICHIGAN, INC.	DECEMBER PERMIT FEES	6,483.59	Cleared
01/21/2016	01	68386	0236	CHRISTOPHER SEDERLUND	POLICE OFFICER CLEANING ALLOWANCE	100.00	Open
01/21/2016	01	68387	0461	SOUTH LYON COMMUNITY SCHOOLS	CONTRIBUTION - CENTER FOR ACTIVE ADU	21,001.50	Cleared
01/21/2016	01	68388	5218	SOUTHEASTERN MICHIGAN ASSOC	2016 ANNUAL MEMBERSHIP DUES	40.00	Open
01/21/2016	01	68389	2405	CHRISTOPHER SOVIK	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68390	0831	TONY SROUFE	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68391	9800	TRAVIS STEVENS	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68392	0768	JOHN TOMANEK	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68393	0062	VANTAGEPOINT TRANSFERS	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68394	5925	W.H. GRIFFIN, TRUSTEE	PLAN 301149 PAYROLL DEDUCTIONS - 1/	3,412.76	Cleared
01/21/2016	01	68395	1211	TIMOTHY WALTON	PAYROLL DEDUCTION - 1/22/16	253.85	Cleared
01/21/2016	01	68396	3854	SUSAN L. WINTERS	POLICE OFFICER CLEANING ALLOWANCE	100.00	Cleared
01/21/2016	01	68397	8956	MICHAEL WITTROCK	PAYROLL DEDUCTION - 1/22/16	201.51	Cleared
01/21/2016	01	68398	3984	WOW! BUSINESS	POLICE OFFICER CLEANING ALLOWANCE	100.00	Open
01/28/2016	01	68399	0219	AMERICAN PUBLIC WORKS ASSOC.	CABLE SERVICE	107.14	Cleared
01/28/2016	01	68400	4234	AVAYA*, INC.	ANNUAL MEMBERSHIP RENEWAL 4/1/16 - 3	360.00	Open
				Void Reason: MISPRINT	DEW PHONE SYSTEM	0.00	V
01/28/2016	01	68401	0283	CORRIGAN OIL CO.	GAS & DIESEL 12/2/15 - 1/11/16	5,236.43	Open
01/28/2016	01	68402	0381	CSX TRANSPORTATION, INC.	ANNUAL PIPELINE CROSSING FEES 3/19/1	530.56	Open
01/28/2016	01	68403	6115	MARY DEDAKIS	COUNCIL PAY - JANUARY 2016	180.00	Open
01/28/2016	01	68404	0584	DTE ENERGY	ELECTRIC SERVICE 10/16/15 - 1/20/16	42.80	Open
01/28/2016	01	68405	6061	MATTHEW EMERY	VIDEO COUNCIL MEETING - 1/25/2016	50.00	Open
01/28/2016	01	68406	3455	EMPLOYEE HEALTH INSURANCE MGMT	RX CHARGES	3,645.26	Open
01/28/2016	01	68407	6113	JOHN GALEAS, JR	COUNCIL PAY - JANUARY 2016	220.00	Open
01/28/2016	01	68408	2490	JADE SCIENTIFIC, INC.	LAB SUPPLIES	133.53	Open
01/28/2016	01	68409	3702	MICHAEL KENNEDY	REIMB FOOD FOR SAFE LIFE FIRE COURSE	205.85	Open

CHECK REGISTER FOR CITY OF SOUTH LYON
CHECK DATE FROM 01/14/2016 - 02/04/2016

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
01/28/2016	01	68410	2586	GLENN KIVELL	COUNCIL PAY - JANUARY 2016	180.00	Open
01/28/2016	01	68411	3398	MICHAEL KRAMER	COUNCIL PAY - JANUARY 2016	180.00	Open
01/28/2016	01	68412	6114	MARGARET KURTZWELL	COUNCIL PAY - JANUARY 2016	180.00	Open
01/28/2016	01	68413	6005	MCCARTER CONSTRUCTION	REPAIRS TO CHAPEL STEEPLE	2,179.62	Open
01/28/2016	01	68414	5183	OAKLAND COUNTY TREASURERS	FIRE REPORTING SOFTWARE CLEMIS/MUGSHOT FEES	1,177.96 3,933.25 5,111.21	Open Open Open
01/28/2016	01	68415	1199	PNC BANK	ICC MEMBERSHIP&CODE BOOKS	765.24	Open
01/28/2016	01	68416	0213	ROAD COMMISSION FOR OAKLAND	TRAFFIC SIGNAL - DECEMBER 2015	72.58	Open
01/28/2016	01	68417	3756	JOSEPH RYZYI	COUNCIL PAY - JANUARY 2016	180.00	Open
01/28/2016	01	68418	4969	SOUTH LYON CHAMBER OF COMMERCE	MEMBERSHIP RENEWAL	335.00	Open
01/28/2016	01	68419	1732	STANDARD INSURANCE COMPANY	DISABILITY & LIFE INS PREMIUMS	2,433.93	Open
01/28/2016	01	68420	3596	THE UPS STORE	LAB EQUIPMENT SHIPPED FOR REPAIR	44.21	Open
01/28/2016	01	68421	1378	HARVEY WEDELL	COUNCIL PAY - JANUARY 2016	180.00	Open
01/28/2016	01	68422	3834	BRANDON ZIRKLE	ELECTRICAL INSP PAY - JANUARY 2016	992.99	Open
01/28/2016	01	68423	4234	AVAYA*, INC.	DPW PHONE SYSTEM	17.12	Open
01/28/2016	01	68424	6636	LYNNE LADNER	CAR ALLOWANCE - JANUARY 2016	350.00	Open
02/03/2016	01	68425	2562	POSTMASTER	JANUARY 2016 REMINDER & SHUTOFF NOTI	179.55	Open
02/04/2016	01	68426	0561	A.F.S.C.M.E. COUNCIL 25	PAYROLL DEDUCTIONS - 2/5/16	585.75	Open
02/04/2016	01	68427	4023	BRUCE ANDROSIAN	JANUARY 2016 FARM MKT MGR FEES	125.00	Open
02/04/2016	01	68428	5310	ARBOR SPRINGS WATER CO., INC.	WATER FOR CITY HALL	19.50	Open
02/04/2016	01	68429	5374	AT&T MOBILITY	CELL PHONE SERVICE	367.79	Open
02/04/2016	01	68430	0364	DOUGLAS BAAKI	TUITION REIMBURSEMENT	800.00	Open
02/04/2016	01	68431	3019	BIFANO EYE CARE	VISION INSURANCE - JANUARY 2016	375.42	Open
02/04/2016	01	68432	3749	KRISPEN S. CARROLL	PAYROLL DEDUCTIONS - 2/5/16	578.26	Open
02/04/2016	01	68433	3935	CIB PLANNING	PLANNING CONSULTANT FEES	4,368.75	Open
02/04/2016	01	68434	0058	CITY OF SOUTH LYON	WINTER TAX - 464 LAFAYETTE, 20-327-0	51.53	Open
02/04/2016	01	68435	3165	CONSUMERS ENERGY^	GAS SERVICE	386.43	Open
					GAS SERVICE	354.75	Open
					GAS SERVICE	527.82	Open
					GAS SERVICE	97.24	Open
					GAS SERVICE	120.43	Open
					GAS SERVICE	254.77	Open
					GAS SERVICE	462.77	Open
					GAS SERVICE	1,939.87	Open
					GAS SERVICE	63.16	Open
					GAS SERVICE	4,988.48	Open
02/04/2016	01	68436	0317	DTE ENERGY	STREETLIGHTS	9,195.72	Open
02/04/2016	01	68437	0584	DTE ENERGY	ELECTRIC SERVICE	8,170.80	Open
					ELECTRIC SERVICE	542.89	Open
					ELECTRIC SERVICE	300.94	Open
					ELECTRIC SERVICE	447.38	Open
					ELECTRIC SERVICE	167.27	Open
					ELECTRIC SERVICE	71.46	Open
					ELECTRIC SERVICE	219.32	Open
					ELECTRIC SERVICE	1,025.07	Open
					ELECTRIC SERVICE	1,161.15	Open
					ELECTRIC SERVICE	43.72	Open
02/04/2016	01	68438	0584	DTE ENERGY	ELECTRIC SERVICE	3,979.20	Open
02/04/2016	01	68439	5336	EMERGENCY VEHICLE SERVICES INC	FIRE HOSE - FEMA GRANT	1,517.63	Open
02/04/2016	01	68440	3702	MICHAEL KENNEDY	DRAIN REPAIR PARTS - APPARATUS BAY F	19,822.00	Open
02/04/2016	01	68441	4027	LERMA, INC	2016 MEMBERSHIP DUES	165.23	Open
						50.00	Open

CHECK REGISTER FOR CITY OF SOUTH LYON
 CHECK DATE FROM 01/14/2016 - 02/04/2016

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
02/04/2016	01	68442	0470	MISDU	PAYROLL DEDUCTIONS - 2/5/16	322.07	Open
02/04/2016	01	68443	0218	PARKSIDE CLEANERS	RUG CLEANING	43.00	Open
02/04/2016	01	68444	5141	POLICE OFFICERS ASSOCIATION OF	PAYROLL DEDUCTIONS - 2/5/16	599.00	Open
02/04/2016	01	68445	0559	POLICE OFFICERS LABOR COUNCIL	PAYROLL DEDUCTIONS - 2/5/16	251.25	Open
02/04/2016	01	68446	9065	PROVIDENCE OCCUPATIONAL	PRE-EMPLOYMENT HEALTH SCREENINGS D.O.T. PHYSICAL	1,757.00	Open
						62.00	Open
						1,819.00	
02/04/2016	01	68447	2507	R.R.R.A.S.O.C.	HAZARDOUS WASTE - 1 CAR	22.50	Open
02/04/2016	01	68448	3675	TOSHIBA FINANCIAL SERVICES	COPIER LEASE	84.00	Open
02/04/2016	01	68449	0062	VANTAGEPOINT TRANSFERS	PLAN 301149 PAYROLL DEDUCTIONS - 2/	3,605.66	Open
02/04/2016	01	68450	6033	VISICOM SERVICES, INC.	NETWORK SUPPORT - 3RD QTR 1ST QUARTER SUPPORT&BILLABLE SUPPORT 4TH QTR SUPPORT, SEPT EMAIL FILTERIN 8G MEMORY - PD, SATA DRIVE - PD ETHERNET SWITCH - PD (6) 8G MEMORY MODULES FOR SERVER BACKUP SOFTWARE&REMOTE STORAGE, FILT BACKUP SOFTWARE&REMOTE STORAGE, FILT	4,824.75 8,106.00 5,720.54 371.93 180.10 464.45 3,289.74 612.24	Open Open Open Open Open Open Open Open
						23,569.75	
02/04/2016	01	68451	5925	W.H. GRIFFIN, TRUSTEE	PAYROLL DEDUCTION - 2/5/16	253.85	Open
02/04/2016	01	68452	3854	SUSAN L. WINTERS	PAYROLL DEDUCTION - 2/5/16	205.20	Open
02/04/2016	01	68453	4022	WOLVERINE FREIGHTLINER EASTSIDE	2016 FREIGHTLINER 1085D CAB & CHASSI	85,456.00	Open
02/04/2016	01	68454	3984	WOW! BUSINESS	INTERNET SERVICE	35.97	Open
01 TOTALS:							

(3 Checks Voided)
 Total of 125 Disbursements:

297,519.23

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON
POST DATES 02/08/2016 - 02/08/2016
JOURNALIZED
OPEN

CHECKS TO BE APPROVED 2/8/2016

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 200.000 ADMINISTRATION					
101-200.000-740.000	OPERATING EXPENSE	LB OFFICE PRODUCTS	OFFICE SUPPLIES	338.07	
101-200.000-802.000	CONTRACTUAL SVCS	DUNCAN DISPOSAL SYSTEMS,	DUMPSTER&RECYCLING-FEB 2016	63.13	
101-200.000-818.000	ELECTIONS	PRINTING SYSTEMS	ELECTION SUPPLIES	1,160.05	
		Total For Dept 200.000 ADMINISTRATION		1,561.25	
Dept 276.000 CEMETERY					
101-276.000-802.000	CONTRACTUAL SVCS	DUNCAN DISPOSAL SYSTEMS,	DUMPSTER&RECYCLING-FEB 2016	76.27	
		Total For Dept 276.000 CEMETERY		76.27	
Dept 300.000 POLICE					
101-300.000-727.000	OFFICE SUPPLIES	BADGE PRINTERS OF AMERIC	BUSINESS CARDS - C SOVIK	98.45	
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	TONER	90.99	
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	TONER & POST-IT NOTES	99.28	
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	OFFICE SUPPLIES	65.26	
101-300.000-740.000	OPERATING EXPENSE	QUENCH	(2) WATER CHILLERS - 3 MO RENT	216.00	
101-300.000-740.000	OPERATING EXPENSE	SOUTH LYON COLLISION	FLOOR CLEAN UP - 2016 EXPLORER	30.00	
101-300.000-740.000	OPERATING EXPENSE	W4 SIGNS	DOOR SIGNS	15.00	
101-300.000-745.000	AMMUNITION	KIESLER'S POLICE SUPPLY	AMMUNITION	1,232.03	
101-300.000-745.000	AMMUNITION	KIESLER'S POLICE SUPPLY	AMMUNITION	332.00	
101-300.000-802.000	CONTRACTUAL SVCS	DUNCAN DISPOSAL SYSTEMS,	DUMPSTER&RECYCLING-FEB 2016	38.13	
101-300.000-830.000	MEMBERSHIP AND DUES	IACP- MEMBERSHIP	2016 MEMBERSHIP DUES - SOVIK	150.00	
101-300.000-863.000	VEHICLE MAINTENANCE	COOK AUTOMOTIVE	REPL HUB ASSY - PD291	421.86	
101-300.000-863.000	VEHICLE MAINTENANCE	VICTORY LANE	OIL CHANGES - 2014 INTERCEPTOR&2009 E	61.47	
101-300.000-863.000	VEHICLE MAINTENANCE	VICTORY LANE	OIL CHANGE - PD251	32.48	
101-300.000-930.000	REPAIR MAINTENANCE	AMERICAN VIDEO TRANSFER	REPL HARD DRIVE - CCTV SYS	117.50	
		Total For Dept 300.000 POLICE		3,000.45	
Dept 335.000 FIRE					
101-335.000-727.000	OFFICE SUPPLIES	GRAINGER	CLEANING SUPPLIES	181.39	
101-335.000-727.000	OFFICE SUPPLIES	QUILL CORPORATION	BINDERS&TABS, DISH SOAP SPONGES	209.16	
101-335.000-727.000	OFFICE SUPPLIES	QUILL CORPORATION	OFFICE SUPPLIES	86.31	
101-335.000-740.000	OPERATING EXPENSE	LAKELAND PRINTING	EMS FORMS	85.30	
101-335.000-802.000	CONTRACTUAL SVCS	CYNERGY PRODUCTS	RADIO SERVICE CONTRACT	345.00	
101-335.000-802.000	CONTRACTUAL SVCS	DUNCAN DISPOSAL SYSTEMS,	DUMPSTER&RECYCLING-FEB 2016	38.14	
101-335.000-863.000	VEHICLE MAINTENANCE	MID AMERICAN AEL	LED REPL LIGHTS - LADDER 1	241.25	
101-335.000-931.000	BUILDING MAINTENANCE	ADVANCED SAFE & LOCK	DOOR LOCK REPLACEMENT & REPAIR	1,588.40	
101-335.000-957.000	EDUCATION & TRAINING	DOUGLASS SAFETY SYSTEMS	SCBA CLASS - LACROIX	120.00	
		Total For Dept 335.000 FIRE		2,894.95	
Dept 440.000 DEPT. OF PUBLIC WORKS					
101-440.000-740.000	OPERATING EXPENSE	ADVANCED DISPOSAL	DISPOSAL OF DPW YARD DEBRIS	1,206.29	
101-440.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	PAPER & FIRST AID SUPPLIES	114.99	
101-440.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	SAFETY SUPPLIES & GLOVES	44.95	
101-440.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	1ST AID & SAFETY SUPPLIES, GLOVES	277.98	
101-440.000-802.000	CONTRACTUAL SVCS	DUNCAN DISPOSAL SYSTEMS,	DUMPSTER&RECYCLING-FEB 2016	119.86	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	CAR WASH SOAP	4.99	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	LIGHT BULBS	28.48	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	TIRE REPAIR SUPPLIES	25.21	
101-440.000-863.000	VEHICLE MAINTENANCE	INTERSTATE BILLING SERVI	HYDRAULIC LINE REPAIR - BACKHOE&T-12	124.88	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	MISC PARTS T-7	10.18	
101-440.000-863.000	VEHICLE MAINTENANCE	PIRTEK WIXOM	HYDRAULIC LEAK REPAIR T-9	98.00	
101-440.000-923.000	STREET LIGHTING EXPENSE	MCAUGHTON-MCKAY	WELLS STREET PARKING LOT LIGHTING PAR	406.41	
101-440.000-974.000	LAND IMPROVEMENTS	DEBORD BROS. FENCE CO.	CHAIN LINK FENCE&GATES REPL @ DPW YAR	2,475.00	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON
POST DATES 02/08/2016 - 02/08/2016
JOURNALIZED
OPEN

CHECKS TO BE APPROVED 2/8/2016

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 440.000 DEPT. OF PUBLIC WORKS					
101-440.000-977.000	EQUIPMENT	DEBORD BROS. FENCE CO.	CHAIN LINK FENCE&GATES REPL @ DPW YAR	2,475.00	
101-440.000-977.000	EQUIPMENT	KNAPHEIDE TRUCK EQUIPMEN	FURNISH&INSTALL CRANE IN W-9 (MECHANICAL)	2,999.00	
		Total For Dept 440.000 DEPT. OF PUBLIC WORKS		10,411.22	
Dept 690.000 PARKS AND RECREATION					
101-690.000-801.000	PROFESSIONAL SERVICE	D&G NATURES WAY LAWN CAR	WEED&FEED VOLUNTEER PARK - 1 YEAR	5,251.78	
101-690.000-801.000	PROFESSIONAL SERVICE	JOHN'S SANITATION	PORTA JOHNS @ PARKS	550.00	
		Total For Dept 690.000 PARKS AND RECREATION		5,801.78	
		Total For Fund 101 GENERAL FUND		23,745.92	
Fund 202 MAJOR STREETS					
Dept 474.000 TRAFFIC SERVICES					
202-474.000-740.000	OPERATING EXPENSE	CARRIER & GABLE INC	OSHA REQUIRED "ROAD WORK AHEAD" SIGNS	300.00	
202-474.000-740.000	OPERATING EXPENSE	CARRIER & GABLE INC	BATTERIES FOR 9 MILE CROSSWALK SIGNAL	244.00	
202-474.000-740.000	OPERATING EXPENSE	CONTRACTORS CONNECTION	TRAFFIC CONES & BARRICADE	133.84	
		Total For Dept 474.000 TRAFFIC SERVICES		677.84	
Dept 478.000 SNOW PLOWING					
202-478.000-740.000	OPERATING EXPENSE	DETROIT SALT COMPANY LLC	ROAD SALT (151 TON)	5,609.43	
202-478.000-740.000	OPERATING EXPENSE	KNAPHEIDE TRUCK EQUIPMEN	SNOW PLOW PINS	319.43	
		Total For Dept 478.000 SNOW PLOWING		5,928.86	
		Total For Fund 202 MAJOR STREETS		6,606.70	
Fund 203 LOCAL STREETS					
Dept 474.000 TRAFFIC SERVICES					
203-474.000-740.000	OPERATING EXPENSE	CARRIER & GABLE INC	OSHA REQUIRED "ROAD WORK AHEAD" SIGNS	300.00	
203-474.000-740.000	OPERATING EXPENSE	CONTRACTORS CONNECTION	TRAFFIC CONES & BARRICADE	72.06	
203-474.000-740.000	OPERATING EXPENSE	HUNT SIGN CO., LTD	STREET SIGN	63.40	
		Total For Dept 474.000 TRAFFIC SERVICES		435.46	
Dept 478.000 SNOW PLOWING					
203-478.000-740.000	OPERATING EXPENSE	DETROIT SALT COMPANY LLC	ROAD SALT (151 TON)	3,020.46	
203-478.000-740.000	OPERATING EXPENSE	KNAPHEIDE TRUCK EQUIPMEN	SNOW PLOW PINS	172.00	
		Total For Dept 478.000 SNOW PLOWING		3,192.46	
		Total For Fund 203 LOCAL STREETS		3,627.92	
Fund 509 LAND ACQUISITION					
Dept 000.000					
509-000.000-931.000	BUILDING MAINTENANCE	AMISTEE AIR DUCT CLEANIN	AIR DUCT CLEANING @ RENTAL HOUSE	450.00	
		Total For Dept 000.000		450.00	
		Total For Fund 509 LAND ACQUISITION		450.00	
Fund 592 WATER & SEWER					
Dept 540.000 WATER / REPAIR					
592-540.000-740.000	OPERATING EXPENSE	MICHIGAN PIPE & VALVE	2" CORP STOP	309.29	
592-540.000-930.000	REPAIR MAINTENANCE	MICHIGAN PIPE & VALVE	WATER MAIN REPAIR PARTS	278.66	
592-540.000-930.000	REPAIR MAINTENANCE	MICHIGAN PIPE & VALVE	WATER MAIN REPAIR PARTS	369.96	
		Total For Dept 540.000 WATER / REPAIR		957.91	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON
POST DATES 02/08/2016 - 02/08/2016
JOURNALIZED
OPEN

CHECKS TO BE APPROVED 2/8/2016

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 592 WATER & SEWER					
Dept 550.000 SEWER / REPAIR					
592-550.000-740.000	OPERATING EXPENSE	EJ USA, INC.	SEWER LID	130.88	
592-550.000-930.000	REPAIR MAINTENANCE	ADVANCED UNDERGROUND	12" SANITARY LINE TELEVIEWED	667.00	
592-550.000-930.000	REPAIR MAINTENANCE	PLUMBERS SERVICE	CABLED SANITARY LINE - 1024 BIRCHWAY	346.50	
592-550.000-930.000	REPAIR MAINTENANCE	PLUMBERS SERVICE	CABLED SANITARY LINE - 265 UNIVERSITY	297.00	
592-550.000-930.000	REPAIR MAINTENANCE	PLUMBERS SERVICE	CABLED SANITARY LINE - 450 DOROTHY	256.50	
Total For Dept 550.000 SEWER / REPAIR				1,697.88	
Dept 555.000					
592-555.000-818.100					
REFUSE COLLECTION (CONTRACTUAL				41,812.17	
Total For Dept 555.000				41,812.17	
Dept 556.000 WATER					
592-556.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	85.35	
592-556.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	LAB SUPPLIES	45.50	
592-556.000-740.000	OPERATING EXPENSE	BIG PDQ	EMPLOYEE I.D. TAGS	12.63	
592-556.000-740.000	OPERATING EXPENSE	ELHORN ENGINEERING COMPA	PHOSPHATE	2,198.00	
592-556.000-740.000	OPERATING EXPENSE	IDEXX LABORATORIES*	LAB SUPPLIES	202.06	
592-556.000-740.000	OPERATING EXPENSE	IDEXX LABORATORIES*	LAB SUPPLIES	208.44	
592-556.000-740.000	OPERATING EXPENSE	PVS NOLWOOD CHEMICALS	FLUORIDE	938.80	
592-556.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	1ST AID & PAPER SUPPLIES, GLOVES	60.57	
592-556.000-740.000	OPERATING EXPENSE	THIELSCH ENGINEERING INC	FLOW CHART PENS	284.68	
592-556.000-801.211	WELLHEAD PROTECTION	BRADLEY COMPANY	PROMOTIONAL WATER BOTTLES	821.60	
592-556.000-802.000	CONTRACTUAL SVCS	CUMMINS BRIDGEWAY, LLC	WTP&WTP GENERATOR SEMI-ANNUAL MAINT.	1,466.19	
592-556.000-802.000	CONTRACTUAL SVCS	DUNCAN DISPOSAL SYSTEMS,	DUMPSTER&RECYCLING-FEB 2016	49.05	
592-556.000-900.000	PRINTING	PRINTING SYSTEMS	UTILITY BILLS & REMINDER NOTICES PRIN	467.13	
592-556.000-900.000	CAPITOL IMPROVEMENTS+	BADGER METER INC.	20 - 1-1/2 & 2- 2" METER HEADS & 1- 2	1,807.42	
592-556.000-970.000	CAPITOL IMPROVEMENTS+	CUMMINS BRIDGEWAY, LLC	WTP GENERATOR HOSES, THERMOSTATS&MUFF	5,566.89	
592-556.000-970.000	EQUIPMENT	KNAPHEIDE TRUCK EQUIPMEN	FURNISH&INSTALL CRANE IN W-9 (MECHANI	2,999.00	
Total For Dept 556.000 WATER				17,213.31	
Dept 557.000 WASTEWATER					
592-557.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	85.34	
592-557.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	RDT GREASE	24.24	
592-557.000-740.000	OPERATING EXPENSE	BIG PDQ	EMPLOYEE I.D. TAGS	12.63	
592-557.000-740.000	OPERATING EXPENSE	BRIGHTON ANALYTICAL, INC	WW ANALYSIS	41.25	
592-557.000-740.000	OPERATING EXPENSE	CHEMCO PRODUCTS INC.	POLYMER	3,109.50	
592-557.000-740.000	OPERATING EXPENSE	CHEMTRADE CHEMICALS US L	ALUMINUM SULFATE	5,010.34	
592-557.000-740.000	OPERATING EXPENSE	CHEMTRADE CHEMICALS US L	ALUMINUM SULFATE	4,966.75	
592-557.000-740.000	OPERATING EXPENSE	DIVERSIFIED SPEC. SALES,	P.E.W. HYDRANT REPAIR PARTS	615.01	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	108.12	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	231.96	
592-557.000-740.000	OPERATING EXPENSE	JADE SCIENTIFIC, INC.	LAB SUPPLIES	84.41	
592-557.000-740.000	OPERATING EXPENSE	KENNEDY INDUSTRIES, INC.	RAW SEWAGE SUMP PUMP	1,130.00	
592-557.000-740.000	OPERATING EXPENSE	O'REILLY AUTO PARTS	ANTIFREEZE FOR GENERATOR	29.98	
592-557.000-740.000	OPERATING EXPENSE	PROFESSIONAL PUMP INC	RAW SAMPLER PUMP	1,064.38	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	1ST AID & PAPER SUPPLIES, GLOVES	60.56	
592-557.000-740.000	OPERATING EXPENSE	REAGENTS HOLDINGS	LAB SUPPLIES	181.27	
592-557.000-740.000	OPERATING EXPENSE	USA BLUE BOOK	POLYMER PUMP PARTS	1,029.89	
592-557.000-802.000	CONTRACTUAL SVCS	CUMMINS BRIDGEWAY, LLC	WTP&WTP GENERATOR SEMI-ANNUAL MAINT.	1,197.60	
592-557.000-802.000	CONTRACTUAL SVCS	CUMMINS BRIDGEWAY, LLC	ANNUAL GENERATOR MAINT - LIFT STATION	2,651.43	
592-557.000-802.000	CONTRACTUAL SVCS	DUNCAN DISPOSAL SYSTEMS,	DUMPSTER&RECYCLING-FEB 2016	49.04	
592-557.000-900.000	PRINTING	PRINTING SYSTEMS	UTILITY BILLS & REMINDER NOTICES PRIN	467.13	

CHECKS TO BE APPROVED 2/8/2016

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 592 WATER & SEWER					
Dept 557.000 WASTEWATER					
592-557.000-970.000	CAPITOL IMPROVEMENTS+	BADGER METER INC.	20 - 1-1/2 & 2- 2" METER HEADS & 1- 2	1,807.41	
592-557.000-970.000	CAPITOL IMPROVEMENTS+	PROFESSIONAL PUMP INC	KAESER BARE BLOWER	11,351.61	
592-557.000-977.000	EQUIPMENT	KNAPHEIDE TRUCK EQUIPMEN	FURNISH&INSTALL CRANE IN W-9 (MECHAN	2,999.00	
		Total For Dept 557.000 WASTEWATER		38,308.85	
		Total For Fund 592 WATER & SEWER		99,990.12	
Fund 641 EQUIPMENT REPLACEMENT					
Dept 000.000					
641-000.000-959.000	SALT PLOW TRUCK	KNAPHEIDE TRUCK EQUIPMEN	FURNISH&INSTALL DUMP BODY&SNOW EQUIP-	78,525.00	
		Total For Dept 000.000		78,525.00	
		Total For Fund 641 EQUIPMENT REPLACEMENT		78,525.00	

CHECKS TO BE APPROVED 2/8/2016

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund Totals:					
			Fund 101 GENERAL FUND	23,745.92	
			Fund 202 MAJOR STREETS	6,606.70	
			Fund 203 LOCAL STREETS	3,627.92	
			Fund 509 LAND ACQUISIT	450.00	
			Fund 592 WATER & SEWER	99,990.12	
			Fund 641 EQUIPMENT REP	78,525.00	
			Total For All Funds:	212,945.66	

The above checks have been approved for payment.

Lisa Deaton, City Clerk/Treasurer

John Galeas, Jr., Mayor

AGENDA NOTE

MEETING DATE: February 8, 2016

PERSON PLACING ITEM ON AGENDA: City Manager/City Attorney

AGENDA TOPIC: Second Reading - Dangerous building ordinance

EXPLANATION OF TOPIC:

Summary of revisions:

- a) Section 18-403. Revision clarifies that owner, agent and occupants are responsible for taking action to prevent a building or structure from becoming a dangerous building.
- b) Section 18-407(c). Revisions to clarify consistent use of terms.
- c) Section 18-411. Revisions changing violation of ordinance to misdemeanor rather than municipal civil infraction. By law misdemeanor is limited to 90 days in jail or a fine of not more than \$500, or both.

Additional information:

- The dangerous building ordinance is not directly applicable to mobile homes in mobile home parks. The Michigan Mobile Home Commission Act and the applicable administrative rules govern the safety requirements and inspections of mobile homes in mobile home parks. That being said, the City has authority to work with the State to enforce the Act and Rules, and it can seek injunctive relief in certain circumstances, or it can present its proposed regulation to the Mobile Home Commission for review and approval. Also, there are other options and tools the City could use to address the maintenance and safety of mobile homes in mobile home parks, including, a rental housing inspection program and ordinance, submitting applicable safety standards to the Mobile Home Commission for review and approval, requesting authorization to enforce local standards regarding maintenance, and health, safety and welfare with respect to mobile home parks.
- The presumption in Section 18-407(c) that repairs determined to exceed 100% of the true cash value of the property before it became a dangerous building are unreasonable and that consequently the building is a public nuisance and must be demolished without the option of the owner to repair does not mean that a building or structure must be demolished even if the City did not want it demolished. The presumption is mandatory based on the "formula", but the requirement that a building or structure, which triggers the unreasonable repairs presumption, be demolished is permissive meaning that the City "may" order the building demolished without providing the owner an option to repair. In other words, if the unreasonable repairs criteria are met, then the City may require demolition without an option to repair, but it is the City's choice whether to allow an opportunity to repair.

Introduction:

The Michigan Housing Law, MCL 125.401 et seq. (Public Act 167 of 1917) is a standard resource used by municipalities for defining dangerous buildings and outlining procedures for addressing dangerous buildings in their communities. The Housing Law applies "to any city and organized village in this state which, as determined by the last regular or special federal census, has or shall hereafter attain a population of 10,000 or more." MCL 125.540. Thus, the Housing Law applies to the City of South Lyon, but the City is not required to enforce the Housing law and may adopt the Act by reference or by setting out its provisions in detail with or without amendments. See, MCL 125.543.

The proposed ordinance incorporates various definitions and procedures from the Housing Law and from the City of Brighton Unsafe Structures ordinance which were litigated in the *Bonner v City of Brighton* case.

Summary of the ordinance by section:

18-401 Definitions. This Section gives definitions of the terms words and phrases used in the ordinance, the most significant of which is "dangerous building" which uses the definition in the Housing Law, MCL 125.539. There are 10 conditions listed, the existence of any one or more of which makes a building or structure dangerous.

18-402 Dangerous Building Prohibited. This Section explains that it shall be unlawful for an owner or agent to keep or maintain a dangerous building, structure or facility as defined in the ordinance.

18-403 Owner and Occupants Responsible for Building. This section explains that the owner and occupants of a building or structure are responsible for maintaining it in a clean and habitable condition. This provision was taken from the City of Brighton ordinance - Section 18-48.

18-404 Notice of Dangerous Building. This Section explains the notices required to be sent to an owner or party in interest of a dangerous building or structure prior to a hearing. It specifies who is to receive notice, the contents of the notice, and the manner in which the notice must be served.

18-405 Emergency measures. This Section provides the City with emergency authority to address a condition involving a dangerous building or structure which presents an immediate danger to life or safety or any person, and it provides that the cost of such emergency actions shall be the responsibility of the owner and may be collected in the same manner as other costs incurred in the dangerous building process. This Section was modeled after the City of Brighton Section 18-56. Additionally, this Section may not be necessary as the IPMC provides the code official with authority to address immediate threats to life and safety on an emergency basis.

18-406 Hearing officer, filing of notice with hearing officer. This Section provides for the appointment of a dangerous building hearing officer and the qualifications of such an officer, and it provides that a notice copy of a notice of dangerous building must be filed with the hearing officer.

18-407 Hearing, testimony, decision, compliance, unreasonable repairs. This Section explains how a dangerous building hearing is to be conducted, including the timing for the hearing officer's written decision and order. It also explains the procedures with regard to compliance or non-compliance with the hearing officer's order.

This Section also contains a provision addressing unreasonable repairs which is consistent with the City of Brighton Section 18-59 which was litigated in *Bonner v City of Brighton*. This provision provides that

the City does not need to allow an owner an opportunity to repair a dangerous building if the repairs would exceed 100 percent of the property's true cash value as reflected on the City's assessment roll in effect before the building became a dangerous building.

18-408 Noncompliance; Enforcement Hearing. This Section explains the procedures for a hearing before the City Council when the owner has failed to comply with the hearing officer's order. The City Council may approve, disapprove or modify the hearing officer's order. This Section also provides additional procedures for compliance with the City Council's decision.

18-409 Implementation and Enforcement of Remedies. This Section explains how the City Council's decision is implemented, and it provides explanations for charging and recovering the costs for demolition or making a building or structure safe as well as other remedies and procedures to ensure recovery of the City's costs.

18-410 Appeal to Circuit Court. This Section provides that an owner or party in interest aggrieved by a final decision or decision of the City Council may appeal to the circuit court within 20 days of the date of the decision or order being appealed from.

18-411 Violation of Ordinance, Penalties; Public Nuisance. This Section explains that violations of this ordinance are municipal civil infractions subject to civil fines of not more than \$500 plus costs as well as other direct and indirect costs. Every day a violation exists and continues shall constitute a separate offense. Also, this Section provides that a building or structure in violation of this ordinance is a public nuisance and may be abated by order of any court of competent jurisdiction.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

Revised redline proposed dangerous building ordinance

MCL 125.401

Article VII of the Housing Law, MCL 125.523 through MCL 125.543.

City of Brighton Unsafe Structures Ordinance, Sections 18-46 through 18-64.

POSSIBLE COURSES OF ACTION: approve/not approve/postpone/table Second Reading of Dangerous Building Ordinance

RECOMMENDATION: Approve Second Reading of Dangerous Building Ordinance.

SUGGESTED MOTION: Motion to approve the Second Reading of Dangerous Building Ordinance.

ORDINANCE NO. __-16

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS – TO ADD ARTICLE VII DANGEROUS BUILDINGS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE CITY OF SOUTH LYON, OAKLAND COUNTY BY REGULATING THE MAINTENANCE AND SAFETY OF CERTAIN BUILDINGS AND STRUCTURES; TO DEFINE CLASSES OF BUILDINGS AND STRUCTURES AFFECTED BY THE ORDINANCE; TO ESTABLISH ADMINISTRATIVE REQUIREMENTS AND PRESCRIBE PROCEDURES FOR THE MAINTENANCE OR DEMOLITION OF CERTAIN BUILDINGS AND STRUCTURES; TO ESTABLISH REMEDIES, PROVIDE FOR ENFORCEMENT AND FIX PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment to Chapter 18, to add Article VII - Dangerous Buildings.

Chapter 18 – Buildings and Building Regulations, of the City of South Lyon Code of Ordinances is hereby amended to add Article VII - Dangerous Buildings to read as follows:

ARTICLE VII. - DANGEROUS BUILDINGS

Section 18-401. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous building means any building or structure that has one or more of the following defects or is in one (1) or more of the following conditions:

- (a) A door, aisle, passageway, stairway or other means of exit does not conform to the city fire code or building code.
- (b) A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the housing law of the state, Public Act 167 of 1917 (MCL 125.401 et seq.), or the city building code for a new building or structure, purpose or location.

- (c) A part of the building or structure is likely to fail, become detached or dislodged, or collapse, and injure persons or damage property.
- (d) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the housing law of the state, Public Act No. 167 of 1917 (MCL 125.401 et seq.), or the city building code.
- (e) The building or structure, or part thereof, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- (f) The building or structure, or part thereof, is manifestly unsafe for the purpose for which it is used.
- (g) The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for causing a nuisance or committing an unlawful or immoral act.
- (h) A building or structure used, or intended to be used, for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the city or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.
- (i) A building or structure is vacant, dilapidated and open at a door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
- (j) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under article 25 of the occupational code, Public Act No. 299 of 1930 (MCL 339.2501 et seq.), or is not publicly offered for sale by the owner. Such definition does not apply to either of the following:
 - 1. A building or structure as to which the owner or agent does both of the following:
 - i. Notifies the city police department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

- ii. Maintains the exterior of the building or structure and adjoining grounds in accordance with this article and the housing law of the state, Public Act No. 167 of 1917 (MCL 125.401 et seq.), or the city building code.
2. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the city police department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subsection shall notify the city police department not more than 30 days after the dwelling no longer qualifies for such exception. As used in this subsection, the term "secondary dwelling" means a dwelling, such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of his family during part of the year.

Enforcing agency means the city, through the city building official and/or such other official or agency as may be designated by the city manager to enforce this article.

City building code means the building code administered and enforced in the city pursuant to the Stille-Derossett-Hale Single State Construction Code Act, Public Act 230 of 1972 (MCL 125.1501 et seq.).

Section 18-402. - Dangerous building prohibited.

It shall be unlawful for any owner or agent thereof to keep or maintain or occupy any building or structure, or part thereof, which is or becomes a dangerous building as defined in in section 18-401.

Section 18-403. - Owner and occupants responsible for building.

All persons or entities who own, manage, lease, rent, or occupy any building or structure shall be equally responsible for keeping the building or structure in a clean and habitable condition and shall take all necessary precautions to prevent it from becoming a dangerous building and to prevent any nuisance or other condition detrimental to the public health, safety or general welfare from arising thereon.

Section 18-404. - Notice of dangerous building.

(a) *Issuance.* Notwithstanding any other provision of this article, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(b) *Parties to be notified.* The notice shall be served on each owner of, or party in interest in, the building or structure in whose name the property appears in the city's tax assessment records.

(c) *Contents.* The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the hearing officer should not order the building or structure to be demolished, otherwise made safe or properly maintained.

(d) *Service.* The notice shall be in writing and shall be served upon the person to whom the notice is directed, either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the city's tax assessment records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten (10) days before the date of the hearing included in the notice. When service cannot be made by either of the above methods, the notice may be served by publishing the notice in a local newspaper of general circulation once a week for three (3) consecutive weeks and by posting a copy of the notice upon a conspicuous part of the structure.

Section. 18-405. - Emergency measures.

Where it reasonably appears that there is immediate danger to life or safety of any person unless immediate action is taken with respect to a dangerous building or structure, the building department shall report such facts to the city manager or his or her designee, and the city manager or his or her designee, shall order the building or structure to be vacated and cause the building or structure to be boarded up, fenced or otherwise made safe pending final action of the hearing officer and city council as applicable. The cost of such emergency measures shall be collected in the same manner as provided for in section 18-409.

Section 18-406. - Hearing Officer; Filing of notice with hearing officer.

(a) *Appointment.* The hearing officer shall be appointed by the mayor and be approved by the council and shall then serve at the mayor's pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, member of a community housing organization, or any person with similar qualifications. An employee of the city shall not be appointed as hearing officer.

(b) *Filing of notice.* The enforcing agency shall file a copy of the notice that a building or structure is a dangerous building with the hearing officer.

Section 18-407. - Hearing; testimony; decision; order; compliance.

(a) *Hearing, testimony and decision.* At a hearing prescribed by this article, the hearing officer shall take testimony and may receive evidence of the enforcing agency, the owner of the property and any interested party. Not more than five (5) days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe or properly maintained.

(b) *Compliance with hearing officer order.* If the hearing officer determines that the building or structure should be demolished, otherwise made safe or properly maintained, he shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. Any repairs or maintenance ordered shall comply with applicable codes, regulations and ordinances. If the building or structure is a dangerous building under subsection (j) of the definition of dangerous building in section 18-401, the order may require the owner and/or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building or structure including, but not limited to, the maintenance of lawns, trees, and shrubs.

(c) *Unreasonable repairs.* If it is determined that a building or structure is dangerous ~~unsafe~~ and the hearing officer has determined that the cost of the repairs would exceed 100 percent of the true cash value of the building or structure as reflected on the city tax assessment rolls in effect prior to the building or structure becoming an dangerous building, such repairs shall be presumed unreasonable, and it shall be presumed for the purpose of this article that such building or structure is a public nuisance which may be ordered demolished without option on the part of the owner to repair. This section is not meant to apply to those situations where a building or structure is a dangerous building as a result of an event beyond the control of the owner, such as fire, windstorm, tornado, flood or other Act of God. If a building or structure has become a dangerous building because of an event beyond the control of the owner, the owner shall be given by the city manager, or his designee, reasonable time within which to make repairs and the building or structure shall not be ordered demolished without option on the part of the owner to repair. If the owner does not make the repairs within the designated time period, then the building or structure may be ordered demolished without option on the part of the owner to repair. The cost of demolishing the building or structure shall be a lien against the real property and shall be reported to the city assessor, who shall assess the cost against the property on which the building or structure is located.

Section 18-408. - Noncompliance; enforcement hearing.

(a) *Failure to appear; noncompliance with hearing officer order; request to enforce order.* If the owner, agent or lessee fails to appear, or neglects or refuses to comply with the hearing officer's order, the hearing officer shall file a report of the findings and a copy of the order with the city council not more than five (5) days after noncompliance by the owner and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed section 18-404.

(b) *Enforcement hearing.* The city council shall fix a date not less than 30 days after the hearing prescribed in subsection 18-407(a) for a hearing on the findings and order of the hearing officer and shall give notice to: 1) the owner, agent, or owner/agent; and 2) all interested parties, in the manner prescribed in section 18-404 of the time and place of the hearing. At the hearing, the owner and/or agent and any interested party shall be given the opportunity to show cause why the order should not be enforced. The city council shall either approve, disapprove, or modify the order. If the city council approves or modifies the order, the city council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or owner/agent shall comply with the order within 60 days after the date of the hearing under this subsection. In the case of an order of demolition, if the city council determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure will be greater

than the state equalized value of the building or structure, the owner, agent, or owner/agent shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

Section 18-409. - Implementation and enforcement of remedies.

(a) *Implementation of city council order.* In the event of the failure or refusal of the owner or agent or party in interest to comply with the decision of the city council, the city council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure, or grounds adjoining the building or structure.

(b) *Reimbursement of costs.* The costs of the demolition, making the building or structure safe or maintaining the exterior of the building or structure, or grounds adjoining the building or structure, incurred by the city to bring the building or structure into conformance with this article including fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporting attendance fees, cost of consulting services, investigation, publication charges, attorney fees, court costs, and other administrative expenses, shall be reimbursed to the city by the owner or party in interest in whose name the property appears upon the city's last tax assessment records.

(c) *Notice of costs.* The owner or party in interest in whose name the property appears upon the city's last tax assessment records shall be notified by the city manager of the amount of the costs of the demolition, making the building or structure safe or maintaining the exterior of the building or structure, or grounds adjoining the building or structure, by first class mail at the address shown on the city tax assessment records.

(d) *Lien for unpaid costs.* If the owner or party in interest fails to pay the costs within 30 days after mailing by the city manager of the notice of the amount of the costs, the city shall have a lien for the costs incurred by the city to bring the property into conformance with this article. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act No. 206 of 1892 (MCL 211.1 et seq.) or the applicable sections of the City of South Lyon Charter and Code.

(e) *Action against owner; lien on property.* In addition to other remedies under this article, the city may bring an action against the owner of the building or structure for the full cost of the demolition, making the building or structure safe or maintaining the exterior of the building or structure, or grounds adjoining the building or structure. The city shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(f) *Enforcement of judgment.* A judgment in an action brought pursuant to subsection (e) of this section may be enforced against assets of the owner, other than the building or structure.

(g) *Lien for judgment amount.* The city shall have a lien for the amount of a judgment obtained pursuant to subsection (e) of this section against the owner's interest in all real property located in the state that is owned, in whole or in part, by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

Section 18-410. - Appeal to circuit court.

An owner or party in interest aggrieved by any final decision or a decision or order of the city council may appeal the decision to the county circuit court by filing a petition for an order of superintending control within 20 calendar days from the date of the decision or order.

Section 18-411. - ~~Failure or refusal to comply with order~~ Violation of ordinance; penalties; public nuisance.

(a) ~~*Misdemeanor*~~ *municipal civil infraction.* Any person who fails or refuses to comply with an order approved or modified by the city council under section 18-408 within the time prescribed by that section is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than five hundred dollars (\$500.00) plus costs, which may include all direct or indirect expenses and costs incurred by the city in connection with the violation, or both, ~~violates any provision of this article or fails or refuses to comply with a decision or order of the hearing officer or city council, as applicable, within the time prescribed shall be responsible for a municipal civil infraction and is subject to a civil fine of not more than \$500, plus costs, which may include all direct or indirect expenses and costs incurred by the city in connection with the violation.~~

(b) *Additional remedies.* A violator of this ordinance shall also be subject to such additional actions, remedies, sanctions, and judicial orders as are authorized under Michigan law.

(c) *Separate and continuing violation.* Each day a violation of any provision of this article continues to exist constitutes a separate violation.

(d) *Public nuisance.* Any building or structure in violation of any provision of this article is hereby declared to be a public nuisance, and may be abated by order of any court of competent jurisdiction.

PART II. Severability. Should any division, section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right

accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date; Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2016.

John Galeas, Jr., Mayor

Lisa Deaton, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the ____ day of _____, 2016.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

Brighton Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[Chapter 18. BUILDINGS AND BUILDING REGULATIONS](#)**ARTICLE III. UNSAFE STRUCTURES**[Show All](#)**Sec. 18-46. Definitions.****Sec. 18-47. Unlawful to occupy or maintain.****Sec. 18-48. Owner and occupants responsible for structure.****Sec. 18-49. Enforcing officers.****Sec. 18-50. Rules and regulations.****Sec. 18-51. Right of entry.****Sec. 18-52. Notice.****Sec. 18-53. Placarding of structure.****Sec. 18-54. Removal of placard.****Sec. 18-55. Prohibited use.****Sec. 18-56. Emergency measures.****Sec. 18-57. Temporary safeguards.****Sec. 18-58. Notice and order to show cause.****Sec. 18-59. Unreasonable repairs.****Sec. 18-60. Restoration.****Sec. 18-61. Appeal to city council.****Sec. 18-62. Commencement of legal proceedings.****Sec. 18-63. Appeal to circuit court.****Sec. 18-64. Penalties and remedies.****Secs. 18-65—18-75. Reserved.**View the [mobile version](#).

Brighton Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[Chapter 18 BUILDINGS AND BUILDING REGULATIONS](#)**ARTICLE III. UNSAFE STRUCTURES****Sec. 18-46. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Unsafe structure means a structure which has any of the following defects or is in any of the following conditions:

- (1) A structure, because of dilapidation, decay, damage, faulty construction, or otherwise which is unsanitary or unfit for human use;
- (2) A structure that has light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of those who live or may live within;
- (3) A structure that has inadequate means of egress as required by this Code;
- (4) A structure, or part thereof, which is likely to partially or entirely collapse, or some part of the foundation or underpinning is likely to fall or give way so as to injure persons or damage property;
- (5) A structure that is in such a condition so as to constitute a nuisance, as defined by this Code;
- (6) A structure that is hazardous to the safety, health, or general welfare of the people of the city by reason of inadequate maintenance, dilapidation, or abandonment;
- (7) A structure that has become vacant, dilapidated, and open at door or window, leaving the interior of the structure exposed to the elements or accessible to entrance by trespassers or animals or open to casual entry;
- (8) A structure that has settled to such an extent that walls or other structural portions have less resistance to winds than is required in the case of new construction by this Code;
- (9) A structure that has been damaged by fire, wind, flood, or by any other cause to such an extent as to be dangerous to the life, safety, health, or general welfare of the people living in the city;
- (10) A structure that has become damaged to such an extent that the cost of repair to place it in a safe, sound, and sanitary condition exceeds 50 percent of the assessed valuation of the structure, at the time when repairs are to be made.

(Ord. No. 307, § IX(104.1), 8-6-87)

Cross references: Definitions generally, § 1-2.

Sec. 18-47. Unlawful to occupy or maintain.

It shall be unlawful for an owner or agent to maintain or occupy an unsafe structure.

(Ord. No. 307, § IX(104.2), 8-6-87)

(3) When service cannot be made by either of the above methods, by publishing the notice in a local newspaper of general circulation once a week for three consecutive weeks and by posting a copy of the notice upon a conspicuous part of the structure.

(c) The notice shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification;

(3) Specify the repairs and improvements required to be made to render the structure safe or if the city manager, or his designee, has determined the structure cannot be made safe, indicate that the structure is to be demolished;

(4) Specify a reasonable time within which the repairs and improvements must be made or the structure must be demolished;

(5) Include an explanation of the right to appeal the decision to the city council within ten calendar days of receipt of the notice in accordance with section 18-61;

(6) Include a statement that the recipient of the notice must notify the city manager within ten calendar days of receipt of the notice of his intent to accept or reject the terms of the notice.

(Ord. No. 307, § IX(104.7), 8-6-87)

Sec. 18-53. Placarding of structure.

If the owner or agent refuses to comply with the requirements set forth in the notice, the city manager shall cause to be posted at each entrance of the structure a placard bearing the words:

Do not enter. This Structure is Unsafe and its Use or Occupancy has been Prohibited by the City of Brighton.

(Ord. No. 307, § IX(104.8), 8-6-87)

Sec. 18-54. Removal of placard.

The city manager, or his designee, shall remove the placard whenever the structure has been made safe. It shall be unlawful for any person to deface or remove a placard without the approval of the city manager or his designee.

(Ord. No. 307, § IX(104.9), 8-6-87)

Sec. 18-55. Prohibited use.

It shall be unlawful for any person to occupy a placarded structure or part thereof, or for any owner or any person responsible for the structure to allow anyone to occupy the placarded structure.

(Ord. No. 307, § IX(104.10), 8-6-87)

Sec. 18-56. Emergency measures.

When in the opinion of the city manager, or his designee, there is an actual and immediate danger of failure or

collapse of a structure or any part of a structure which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, the city manager, or his designee, is hereby authorized and empowered to order and require the occupants to vacate the structure immediately and the provisions of this article relating to notice are not applicable. The city manager, or his designee, shall cause to be posted at each entrance to the structure a notice reading as follows:

Do not enter. This Building is Unsafe and its Use or Occupancy has been Prohibited by the City of Brighton.
(Ord. No. 307, § IX(104.11), 8-6-87)

Sec. 18-57. Temporary safeguards.

When, in the opinion of the city manager, or his designee, there is an actual and immediate danger of collapse or failure of a structure or any part of a structure which would endanger life, or when any structure or a part of a structure has fallen and life is endangered by the occupation of the structure, the city manager, or his designee, shall cause the necessary work to be done to make the structure or part of the structure temporarily safe, whether or not the legal proceedings herein described have been instituted. The cost of making the structure or any part of the structure temporarily safe shall be a lien against the real property and shall be reported to the city assessor, who shall assess the costs against the property on which the structure is located.

(Ord. No. 307, § IX(104.12), 8-6-87)

Sec. 18-58. Notice and order to show cause.

(a) If an owner or agent fails to comply with the requirements set forth in the notice issued in accordance with section 18-52, the city manager, or his designee, shall serve a notice and order to show cause upon the owner or agent of the structure that is registered with the city and if not registered as indicated by the records of the city assessor. The notice and order to show cause shall be served in the same manner as provided in section 18-52 and shall be served not less than seven calendar days prior to the show cause hearing. The notice shall:

- (1) Specify the conditions making the structure unsafe;
- (2) Specify the action necessary to alleviate the unsafe condition;
- (3) Specify the time and place of the show cause hearing; and
- (4) Advise the owner or agent that he shall have the opportunity at the public hearing to present testimony and evidence to show cause why the structure should not be demolished or otherwise made safe as recommended by the city manager, or his designee.

(b) The show cause hearing shall be conducted by the city council and shall be at a regularly scheduled meeting of the council.

(Ord. No. 307, § IX(104.13), 8-6-87)

Sec. 18-59. Unreasonable repairs.

Whenever the city manager, or his designee, has determined that a structure is unsafe and has determined that the cost of the repairs would exceed 100 percent of the true cash value of the structure as reflected on the city assessment tax rolls in effect prior to the building becoming an unsafe structure, such repairs shall be

presumed unreasonable and it shall be presumed for the purpose of this article that such structure is a public nuisance which may be ordered demolished without option on the part of the owner to repair. This section is not meant to apply to those situations where a structure is unsafe as a result of an event beyond the control of the owner, such as fire, windstorm, tornado, flood or other Act of God. If a structure has become unsafe because of an event beyond the control of the owner, the owner shall be given by the city manager, or his designee, reasonable time within which to make repairs and the structure shall not be ordered demolished without option on the part of the owner to repair. If the owner does not make the repairs within the designated time period, then the structure may be ordered demolished without option on the part of the owner to repair. The cost of demolishing the structure shall be a lien against the real property and shall be reported to the city assessor, who shall assess the cost against the property on which the structure is located.

(Ord. No. 307, § IX(104.14), 8-6-87)

Sec. 18-60. Restoration.

A structure deemed to be unsafe may be restored to a safe condition provided a change of use or occupancy is not contemplated or compelled by reason of such reconstruction or restoration. If the damage or cost of reconstruction or restoration is in excess of 50 percent of the structure's assessed value, exclusive of foundations, such structure shall be made to comply with the requirements for materials and methods of construction of structures hereafter erected.

(Ord. No. 307, § IX(104.15), 8-6-87)

Sec. 18-61. Appeal to city council.

An owner of a structure determined to be unsafe may appeal the decision to the city council. The appeal shall be in writing and shall state the basis for the appeal. The appeal must be filed within ten calendar days from receipt of the notice of unsafe structure if the notice was served personally or by mail and ten calendar days from the date of the last publication if served by publication. The owner or his agent shall have an opportunity to be heard by the city council at a regularly scheduled council meeting. The city council may affirm, modify, or reverse all or part of the determination of the city manager, or his designee.

(Ord. No. 307, § IX(104.16), 8-6-87)

Sec. 18-62. Commencement of legal proceedings.

If the owner or his agent refuses to abide by the requirements set forth in the notice of unsafe structure or the notice and order to show cause or refuses to abide by the decision of the city council rendered at the show cause hearing, or on appeal, the city council may, by resolution, authorize the city attorney's office to initiate the appropriate legal proceedings.

(Ord. No. 307, § IX(104.17), 8-6-87)

Sec. 18-63. Appeal to circuit court.

An owner aggrieved by any final decision of the city council may appeal the decision to the county circuit

court by filing a complaint within 20 calendar days from the date of the decision.

(Ord. No. 307, § IX(104.18), 8-6-87)

Sec. 18-64. Penalties and remedies.

(a) Any person who shall violate any provision of this article shall be punished as provided by section 1-16 of this Code.

(b) Any person guilty of violation of this article shall also be subject to civil proceedings for damages and/or injunctive relief by the city or by any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies.

(c) Each day that a violation continues to exist shall constitute a separate offense.

(Ord. No. 307, § IX(104.19), 8-6-87)

Secs. 18-65—18-75. Reserved.

View the [mobile version](#).

AGENDA NOTE

MEETING DATE: February 8, 2016

PERSON PLACING ITEM ON AGENDA: City Manager/Building Official/City Attorney

AGENDA TOPIC: Second Reading - Ordinance to adopt the 2012 International Property Maintenance Code

EXPLANATION OF TOPIC: The City's current property maintenance code is the BOCA Property Maintenance Code, fifth edition, 1996 which is outdated. To provide the appropriate tools and ordinances to allow for enforcement of property maintenance standards throughout the City, the City should adopt an updated property maintenance code.

The 2012 International Property Maintenance Code (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings, and it is designed to meet the need for a modern and up-to-day property maintenance code through code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

The IPMC is based on principles intended to establish provisions that are consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; that do not unnecessarily increase construction costs; that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

The IPMC is intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility for compliance with the IPMC is fixed among owners, operators and occupants. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

The IPMC also encourages international consistency in the application of its provisions, and the International Code Council provides resources regarding the application and interpretation of the IPMC as well as a process for updating the IPMC as a model code.

The following is a summary quoted directly from the IPMC explaining the scope and intent of the chapters in the Code.

Chapter 1 Scope and Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and

structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 General Requirements. Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter’s provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

Proposed ordinance adopting the 2012 IPMC.

POSSIBLE COURSES OF ACTION: approve/not approve/postpone/table Second Reading of Ordinance to adopt 2012 IPMC

RECOMMENDATION: Approve the second reading of the ordinance to adopt the 2012 IPMC

SUGGESTED MOTION: Motion to approve the Second Reading of the Ordinance to adopt the 2012 IPMC.

ORDINANCE NO. __-16

CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 18 - "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III - "PROPERTY MAINTENANCE CODE," BY REPEALING THE CITY'S ADOPTION OF THE BOCA PROPERTY MAINTENANCE CODE, FIFTH EDITION, 1996 AND EXISTING SECTIONS 18-111 AND 18-112 IN THEIR ENTIRETY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH, AND BY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AND NEW SECTIONS 18-111 AND 18-112 REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF SOUTH LYON; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR.

THE CITY OF SOUTH LYON ORDAINS:

PART I. Repeal of Sections 18-111 and 18-112. Existing Sections 18-111 and 18-112, of the City of South Lyon Code of Ordinances and the City's adoption of the BOCA Property Maintenance Code, fifth edition, 1996 are hereby repealed in their entirety.

PART II. Adoption of New Sections 18-111 and 18-112 and Adoption of the 2012 Edition of the International Property Maintenance Code. Sections 18-111 and 18-112 of the City of South Lyon Code of Ordinances, are hereby adopted to read as follows:

Sec. 18-111. Adoption of property maintenance code.

That a certain document, three (3) copies of which are on file at the City of South Lyon, 335 S. Warren, Michigan, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of South Lyon, in the State of Michigan, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of

permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of South Lyon are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Sec. 18-112. Additions, insertions and changes.

The following sections of the *International Property Maintenance Code*, 2012 edition, are hereby revised as follows:

Section 101.1. Title. These regulations shall be known as the *International Property Maintenance Code* of the City of South Lyon, hereinafter referred to as "this code".

Section 103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule: City of South Lyon Schedule of Fees, as amended from time to time.

Section 111.2. Membership of Board. The construction board of appeals of the jurisdiction for purposes of the state construction code shall serve as the board of appeals for purposes of this code.

Section 112.4. Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00.

Section 302.4. Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Section 304.14. Insect Screens. During the period from June 15 to September 1, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied

with *approved* tightly-fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.3. Heat Supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 1 to June 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature of the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to June 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

PART III. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART IV. Savings Clause. The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance.

PART V. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART VI. Effective Date; Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the South Lyon City Council this ____ day of _____, 2016.

John Galeas, Jr., Mayor

Lisa Deaton, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the ____ day of _____, 2016.

Lisa Deaton, City Clerk

Adopted:
Published:
Effective:

HOUSING LAW OF MICHIGAN (EXCERPT)
Act 167 of 1917

ARTICLE VII
ENFORCEMENT.

125.521, 125.522 Repealed. 1972, Act 230, Eff. Jan. 1, 1973.

Compiler's note: The repealed sections pertained to plans and specifications for the construction or alteration of dwellings, buildings, or structures.

125.523 Administration of act; joint administration and enforcement agreement.

Sec. 123. The governing body of a municipality to which this act by its terms applies, or the governing body of a municipality which adopts the provisions of this act by reference, shall designate a local officer or agency which shall administer the provisions of the act, and if no such officer or agency is designated then the local governing body shall be responsible for administration of the act. Municipalities may provide, by agreement, for the joint administration and enforcement of this act where such joint enforcement is practicable.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.525 Registry of owners and premises.

Sec. 125. (1) A registry of owners and premises shall be maintained by the enforcing agency.

(2) The owners of a multiple dwelling or rooming house containing units which will be offered to let, or to hire, for more than 6 months of a calendar year, shall register their names and places of residence or usual places of business and the location of the premises regulated by this act with the enforcing agency. The owners shall register within 60 days following the day on which any part of the premises is offered for occupancy. Owners of multiple dwellings or rooming houses containing units which are occupied or offered for occupancy at the time this act becomes effective shall register within 90 days after the effective date of this article.

(3) If the premises are managed or operated by an agent, the agent's name and place of business shall be placed with the name of the owner in the registry.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.526 Inspection; intervals; inspection by federal government as substitute; basis; inspectors; hours of inspection; permission to enter leasehold; duties of owner; ordinance; multiple lessees; discrimination prohibited; fees; report; dwelling or rooming house with child residing; definitions.

Sec. 126. (1) The enforcing agency shall inspect multiple dwellings and rooming houses regulated by this act in accordance with this act. Except as provided in subsection (2), the period between inspections shall not be longer than 4 years. All other dwellings regulated by this act may be inspected at reasonable intervals. Inspections of multiple dwellings or rooming houses conducted by the United States department of housing and urban development under the real estate assessment center inspection process or other government agencies may be accepted by a local governmental unit and an enforcing agency as a substitute for inspections required by a local enforcing agency. To the extent permitted under applicable law, a local enforcing agency or its designee is authorized to exercise inspection authority delegated by law or agreement from other agencies or authorities that perform inspections required under other state law or federal law.

(2) A local governmental unit may provide by ordinance for a maximum period between inspections of a multiple dwelling or rooming house that is not longer than 6 years if the most recent inspection of the premises found no violations of the act and the multiple dwelling or rooming house has not changed ownership during the 6-year period.

(3) An inspection shall be conducted in the manner best calculated to secure compliance with the act and appropriate to the needs of the community, including, but not limited to, on 1 or more of the following bases:

(a) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

(b) A complaint basis, such that complaints of violations will be inspected within a reasonable time.

(c) A recurrent violation basis, such that premises that are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

(d) A compliance basis, such that a premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the local governmental unit.

Rendered Friday, November 20, 2015

Page 1

Michigan Compiled Laws Complete Through PA 178 of 2015

© Legislative Council, State of Michigan

Courtesy of www.legislature.mi.gov

(e) A percentage basis, such that a local governmental unit may establish a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwelling.

(4) An inspection shall be carried out by the enforcing agency, or by the enforcing agency and representatives of other agencies that form a team to undertake an inspection under this and other applicable acts.

(5) Except as provided in subsection (7), an inspector, or team of inspectors, shall request and receive permission to enter before entering a leasehold regulated by this act at reasonable hours to undertake an inspection. In the case of an emergency, as defined under rules promulgated by the enforcing agency, or upon presentment of a warrant, the inspector or team of inspectors may enter at any time.

(6) Except in an emergency, before entering a leasehold regulated by this act, the owner of the leasehold shall request and obtain permission to enter the leasehold. In the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.

(7) The enforcing agency may require the owner of a leasehold to do 1 or more of the following:

(a) Provide the enforcing agency access to the leasehold if the lease provides the owner a right of entry.

(b) Provide access to areas other than a leasehold or areas open to public view, or both.

(c) Notify a tenant of the enforcing agency's request to inspect a leasehold, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a leasehold after the enforcing agency has requested to inspect that leasehold, an owner of the leasehold shall notify the enforcing agency of that fact within 10 days after the leasehold is vacated.

(d) Provide access to the leasehold if a tenant of that leasehold has made a complaint to the enforcing agency.

(8) A local governmental unit may adopt an ordinance to implement subsection (7).

(9) For multiple lessees in a leasehold, notifying at least 1 lessee and requesting and obtaining the permission of at least 1 lessee satisfies subsections (5) and (7).

(10) Neither the enforcing agency nor the owner may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold.

(11) The enforcing agency shall not discriminate against an owner who has met the requirements of subsection (7) but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain that permission.

(12) The enforcing agency may establish and charge a reasonable fee for inspections conducted under this act. The fee shall not exceed the actual, reasonable cost of providing the inspection for which the fee is charged. An owner or property manager shall not be liable for an inspection fee if the inspection is not performed and the enforcing agency is the direct cause of the failure to perform.

(13) An enforcing agency or a local governmental unit shall produce a report to a requesting party on the income and expenses of the inspection program for the preceding fiscal year. The report shall contain the fees assessed by the enforcing agency, the costs incurred in performing inspections, and the number of units inspected. The report shall be provided to the requesting party within 90 days of the request. The enforcing agency or local governmental unit may produce the report electronically. If the enforcing agency does not have readily available access to the information required for the report, the enforcing agency may charge the requesting party a fee no greater than the actual reasonable cost of providing the information. If an enforcing agency charges a fee under this subsection, the enforcing agency shall include the costs of providing and compiling the information contained in the report.

(14) If a complaint identifies a dwelling or rooming house regulated under this act in which a child is residing, the dwelling or rooming house shall be inspected prior to inspection of any nonemergency complaint.

(15) As used in this section:

(a) "Child" means an individual under 18 years of age.

(b) "Leasehold" means a private dwelling or separately occupied apartment, suite, or group of rooms in a 2-family dwelling or in a multiple dwelling if the private dwelling or separately occupied apartment, suite, or group of rooms is leased to the occupant under the terms of either an oral or written lease.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968;—Am. 1997, Act 200, Imd. Eff. Jan. 2, 1998;—Am. 2000, Act 479, Imd. Eff. Jan. 11, 2001;—Am. 2008, Act 408, Imd. Eff. Jan. 6, 2009.

125.527 Inspection; warrants for nonemergency situation; no warrant required in emergency.

Sec. 127. (1) In a nonemergency situation where the owner or occupant demands a warrant for inspection of the premises, the enforcing agency shall obtain a warrant from a court of competent jurisdiction. The enforcing agency shall prepare the warrant, stating the address of the building to be inspected, the nature of the inspection, as defined in this or other applicable acts, and the reasons for the inspection. It shall be

appropriate and sufficient to set forth the basis for inspection (e.g. complaint, area or recurrent violation basis) established in this section, in other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this section, and that it is for the purposes set forth in this and other acts which require that inspections be conducted.

(2) If the court finds that the warrant is in proper form and in accord with this section, it shall be issued forthwith.

(3) In the event of an emergency no warrant shall be required.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.528 Inspections; public policy; records; checklist of violations.

Sec. 128. (1) It is the policy of this state that the inspection procedures set forth in this article are established in the public interest, to secure the health and safety of the occupants of dwellings and of the general public.

(2) The enforcing agency shall keep a record of all inspections.

(3) The enforcing agency shall make available to the general public a checklist of commonly recurring violations for use in examining premises offered for occupancy.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.529 Certificate of compliance; issuance; inspection.

Sec. 129. (1) Units in multiple dwellings or rooming houses shall not be occupied unless a certificate of compliance has been issued by the enforcing agency. The certificates shall be issued only upon an inspection of the premises by the enforcing agency, except as provided in section 131. The certificate shall be issued within 15 days after written application therefor if the dwelling at the date of the application is entitled thereto.

(2) A violation of this act shall not prevent the issuance of a certificate, but the enforcing agency shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(3) Inspections shall be made prior to first occupancy of multiple dwellings and rooming houses, if the construction or alteration is completed and first occupancy will occur after the effective date of this article. Where first occupancy will occur before the effective date of this article, inspection shall be made within 1 year after the effective date of this article. Upon a finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and that the premises are otherwise fit for occupancy, the certificate shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with the act shall be issued immediately and served upon the owner in accordance with section 132. On reinspection and proof of compliance, the order shall be rescinded and a certificate issued.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.530 Certificate withheld; premises not to be occupied; conditions of issuance; suspension of rent payments, escrow; account for rent and possession.

Sec. 130. (1) When a certificate is withheld pending compliance, no premises which have not been occupied for dwelling or rooming purposes shall be so occupied, and those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until reinspection and proof of compliance in the discretion of the enforcing agency.

(2) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful and fit condition for occupancy. If upon reinspection the enforcing agency determines that conditions exist which constitute a hazard to health or safety, the certificate shall be immediately suspended as to affected areas, and the areas may be vacated as provided in subsection (1).

(3) The duty to pay rent in accordance with the terms of any lease or agreement or under the provisions of any statute shall be suspended and the suspended rentals shall be paid into an escrow account as provided in subsection (4), during that period when the premises have not been issued a certificate of compliance, or when such certificate, once issued, has been suspended. This subsection does not apply until the owner has had a reasonable time after the effective date of this article or after notice of violations to make application for a temporary certificate, as provided in section 131. Nor does this subsection apply where the owner establishes that the conditions which constitute a hazard to health or safety were caused by the occupant or occupants. The rent, once suspended, shall again become due in accordance with the terms of the lease or agreement or statute from and after the time of reinstatement of the certificate, or where a temporary certificate has been issued, as provided in section 131.

(4) Rents due for the period during which rent is suspended shall be paid into an escrow account established by the enforcing officer or agency, to be paid thereafter to the landlord or any other party authorized to make repairs, to defray the cost of correcting the violations. The enforcing agency shall return any unexpended part of sums paid under this section, attributable to the unexpired portion of the rental period, where the occupant terminates his tenancy or right to occupy prior to the undertaking to repair.

(5) When the certificate of compliance has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.531 Certificate; application; temporary certificates; fee.

Sec. 131. (1) An owner shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this act and with procedures established by the enforcing agency. The enforcing agency may authorize the issuance of temporary certificates without inspection for those premises in which there are no violations of record as of the effective date of this article, and shall issue such temporary certificates upon application in cases where inspections are not conducted within a reasonable time. Temporary certificates shall also be issued for premises with violations of record, whether existing before or after the effective date of this article, when the owner can show proof of having undertaken to correct such conditions, or when the municipality has been authorized to make repairs, or when a receiver has been appointed, or when an owner rehabilitation plan has been accepted by the court.

(2) An application for a certificate shall be made when the owners, or any of them, enroll in the registry of owners and premises. If the owner fails to register, any occupant of unregistered or uncertified premises may make application.

(3) A fee of \$10.00 shall be paid by the applicant at the time the certificate is issued.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.532 Violations; recording; notice; order to correct, reasonable time; reinspection; notice to family independence agency.

Sec. 132. (1) If, upon inspection, the premises or any part of the premises are found to be in violation of any provision of this act, the enforcing agency shall record the violation in the registry of owners and premises.

(2) The owner, and, in the enforcing agency's discretion, the occupant, shall be notified in writing of the violation. The notice shall state the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction shall be completed.

(3) If an inspector determines that a violation constitutes a hazard to the occupant's health or safety, under circumstances where the premises cannot be vacated, the enforcing agency shall order the violation corrected within the shortest reasonable time. The owner shall notify the enforcing agency of having begun compliance within 3 days. All other violations shall be corrected within a reasonable time.

(4) The enforcing agency shall reinspect after a reasonable time to ascertain whether the violation has been corrected.

(5) If an inspector determines that a violation constitutes a hazard to the health or safety of the occupants, the enforcing agency shall notify the family independence agency within 48 hours. The notice shall state the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction shall be completed. The family independence agency shall check the address of the premises against the list of rent-vendored family independence program recipients.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968;—Am. 2000, Act 479, Imd. Eff. Jan. 11, 2001.

125.533 Compliance by owner and occupant.

Sec. 133. (1) The owner of premises regulated by this act shall comply with all applicable provisions of the act.

(2) The occupant of premises regulated by this act shall comply with provisions of the act specifically applicable to him.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.534 Noncompliance with notice of violation; actions; parties; motion for temporary relief; service of complaint and summons; filing notice of pendency of action; orders and determinations; repair or removal of structure; exception; costs; order approving

expenses; lien; authority of municipality; "urban core cities" defined.

Sec. 134. (1) If the owner or occupant fails to comply with the order contained in the notice of violation, the enforcing agency may bring an action to enforce this act and to abate or enjoin the violation.

(2) An owner or occupant of the premises upon which a violation exists may bring an action to enforce this act in his or her own name. Upon application by the enforcing agency, or upon motion of the party filing the complaint, the local enforcing agency may be substituted for, or joined with, the complainant in the discretion of the court.

(3) If the violation is uncorrected and creates an imminent danger to the health and safety of the occupants of the premises, or if there are no occupants and the violation creates an imminent danger to the health and safety of the public, the enforcing agency shall file a motion for a preliminary injunction or other temporary relief appropriate to remove the danger during the pendency of the action.

(4) Owners and lienholders of record or owners and lienholders ascertained by the complainant with the exercise of reasonable diligence shall be served with a copy of the complaint and a summons. The complainant shall also file a notice of the pendency of the action with the appropriate county register of deeds office where the premises are located.

(5) The court of jurisdiction shall make orders and determinations consistent with the objectives of this act. The court may enjoin the maintenance of unsafe, unhealthy, or unsanitary conditions, or violations of this act, and may order the defendant to make repairs or corrections necessary to abate the conditions. The court may authorize the enforcing agency to repair or to remove the building or structure. If an occupant is not the cause of an unsafe, unhealthy, or unsanitary condition, or a violation of this act, and is the complainant, the court may authorize the occupant to correct the violation and deduct the cost from the rent upon terms the court determines just. If the court finds that the occupant is the cause of an unsafe, unhealthy, or unsanitary condition, or a violation of this act, the court may authorize the owner to correct the violation and assess the cost against the occupant or the occupant's security deposit.

(6) A building or structure shall not be removed unless the cost of repair of the building or structure will be greater than the state equalized value of the building or structure except in urban core cities or local units of government that are adjacent to or contiguous to an urban core city that have adopted stricter standards to expedite the rehabilitation or removal of a boarded or abandoned building or structure that remains either vacant or boarded, or both, and a significant attempt has not been made to rehabilitate the building or structure for a period of 24 consecutive months.

(7) If the expense of repair or removal is not provided for, the court may enter an order approving the expense and placing a lien on the real property for the payment of the expense. The order may establish and provide for the priority of the lien as a senior lien, except as to tax and assessment liens, and except as to a recorded mortgage of first priority, recorded prior to all other liens of record if, at the time of recording of that mortgage or at a time subsequent, a certificate of compliance as provided for in this act is in effect on the subject property. The order may also specify the time and manner for foreclosure of the lien if the lien is not satisfied. A true copy of the order shall be filed with the appropriate county register of deeds office where the real property is located within 10 days after entry of the order to perfect the lien granted in the order.

(8) This act does not preempt, preclude, or interfere with the authority of a municipality to protect the health, safety, and general welfare of the public through ordinance, charter, or other means.

(9) As used in this section, "urban core cities" means qualified local governmental units as that term is defined in section 2 of the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2782.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968;—Am. 1976, Act 116, Imd. Eff. May 14, 1976;—Am. 2003, Act 80, Imd. Eff. July 23, 2003.

125.535 Receiver; appointment, termination; purpose; powers; expenses.

Sec. 135. (1) When a suit has been brought to enforce this act against the owner the court may appoint a receiver of the premises.

(2) When the court finds that there are adequate grounds for the appointment of a receiver, it shall appoint the municipality or a proper local agency or officer, or any competent person, as receiver. In the discretion of the court no bond need be required. The receivership shall terminate at the discretion of the court.

(3) The purpose of a receivership shall be to repair, renovate and rehabilitate the premises as needed to make the building comply with the provisions of this act, and where ordered by the court, to remove a building. The receiver shall promptly comply with the charge upon him in his official capacity and restore the premises to a safe, decent and sanitary condition, or remove the building.

(4) Subject to the control of the court the receiver shall have full and complete powers necessary to make the building comply with the provisions of this act. He may collect rents, and other revenue, hold them against the claim of prior assignees of such rents, and other revenue, and apply them to the expenses of making the

building comply with the provisions of this act. He may manage and let rental units, issue receivership certificates, contract for all construction and rehabilitation as needed to make the building comply with the provisions of this act, and exercise other powers the court deems proper to the effective administration of the receivership.

(5) When expenses of the receivership are not otherwise provided for, the court may enter an order approving the expenses and providing that there shall be a lien on the real property for the payment thereof. The provisions of subsection (7) of section 134 as to the contents and filing of an order are applicable to the order herein provided for.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.536 Additional remedies; occupant's action; concurrent remedies.

Sec. 136. (1) When the owner of a dwelling regulated by this act permits unsafe, unsanitary or unhealthful conditions to exist unabated in any portion of the dwelling, whether a portion designated for the exclusive use and occupation of residents or a part of the common areas, where such condition exists in violation of this act, any occupant, after notice to the owner and a failure thereafter to make the necessary corrections, shall have an action against the owner for such damages he has actually suffered as a consequence of the condition. When the condition is a continuing interference with the use and occupation of the premises, the occupant shall also have injunctive and other relief appropriate to the abatement of the condition.

(2) Remedies under this section shall be in addition to such other relief as may be obtained by seeking enforcement of the section authorizing suits by a local enforcement agency. The remedies shall be concurrent. When several remedies are available hereunder, the court may order any relief not inconsistent with the objectives of this act, and calculated to achieve compliance with it.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.537 Common law rights retained.

Sec. 137. The enumeration of rights of action under this article shall not limit or derogate rights of action at common law.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

125.538 Dangerous building prohibited.

Sec. 138. It is unlawful for any owner or agent thereof to keep or maintain any dwelling or part thereof which is a dangerous building as defined in section 139.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969.

125.539 "Dangerous building" defined.

Sec. 139. As used in sections 138 to 142, "dangerous building" means a building or structure that has 1 or more of the following defects or is in 1 or more of the following conditions:

(a) A door, aisle, passageway, stairway, or other means of exit does not conform to the approved fire code of the city, village, or township in which the building or structure is located.

(b) A portion of the building or structure is damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of this act or a building code of the city, village, or township in which the building or structure is located for a new building or structure, purpose, or location.

(c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.

(d) A portion of the building or structure has settled to an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by this act or a building code of the city, village, or township in which the building or structure is located.

(e) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(f) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used.

(g) The building or structure is damaged by fire, wind, or flood, is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a

harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

(h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

(i) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(j) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under article 25 of the occupational code, 1980 PA 299, MCL 339.2401 to 339.2518. For purposes of this subdivision, "building or structure" includes, but is not limited to, a commercial building or structure. This subdivision does not apply to either of the following:

(i) A building or structure if the owner or agent does both of the following:

(A) Notifies a local law enforcement agency in whose jurisdiction the building or structure is located that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given to the local law enforcement agency by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(B) Maintains the exterior of the building or structure and adjoining grounds in accordance with this act or a building code of the city, village, or township in which the building or structure is located.

(ii) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies a local law enforcement agency in whose jurisdiction the dwelling is located that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the law enforcement agency not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling, including, but not limited to, a vacation home, hunting cabin, or summer home, that is occupied by the owner or a member of the owner's family during part of a year.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 113, Eff. Mar. 31, 1993;—Am. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2003, Act 55, Imd. Eff. July 14, 2003.

125.540 Notice of dangerous building; contents; hearing officer; service.

Sec. 140. (1) Notwithstanding any other provision of this act, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

(2) The notice shall be served on the owner, agent, or lessee that is registered with the enforcing agency under section 125. If an owner, agent, or lessee is not registered under section 125, the notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

(4) The hearing officer shall be appointed by the mayor, village president, or township supervisor to serve at his or her pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as hearing officer. The enforcing agency shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(5) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 144, Eff. Mar. 31, 1993.

125.541 Hearing; testimony; determination to close proceedings or order building or structure demolished, made safe, or properly maintained; failure to appear or noncompliance with order; hearing; enforcement; reimbursement and notice of cost; lien;

remedies.

Sec. 141. (1) At a hearing prescribed by section 140, the hearing officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than 5 days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained.

(2) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall enter an order that specifies what action the owner, agent, or lessee shall take and sets a date by which the owner, agent, or lessee shall comply with the order. If the building is a dangerous building under section 139(j), the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.

(3) If the owner, agent, or lessee fails to appear or neglects or refuses to comply with the order issued under subsection (2), the hearing officer shall file a report of the findings and a copy of the order with the legislative body of the city, village, or township not more than 5 days after the date for compliance set in the order and request that necessary action be taken to enforce the order. If the legislative body of the city, village, or township has established a board of appeals under section 141c, the hearing officer shall file the report of the findings and a copy of the order with the board of appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee in the manner prescribed in section 140.

(4) The legislative body or the board of appeals of the city, village, or township, as applicable, shall set a date not less than 30 days after the hearing prescribed in section 140 for a hearing on the findings and order of the hearing officer. The legislative body or the board of appeals shall give notice to the owner, agent, or lessee in the manner prescribed in section 140 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. The legislative body or the board of appeals of the city, village, or township shall either approve, disapprove, or modify the order. If the legislative body or board of appeals approves or modifies the order, the legislative body shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within 60 days after the date of the hearing under this subsection. For an order of demolition, if the legislative body or the board of appeals of the city, village, or township determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or other cause, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this subsection. If the estimated cost of repair exceeds the state equalized value of the building or structure to be repaired, a rebuttable presumption that the building or structure requires immediate demolition exists.

(5) The cost of demolition includes, but is not limited to, fees paid to hearing officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the county register of deeds, demolition and dumping charges, court reporter attendance fees, and costs of the collection of the charges authorized under this act. The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the city, village, or township to bring the property into conformance with this act shall be reimbursed to the city, village, or township by the owner or party in interest in whose name the property appears.

(6) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the assessor of the notice of the amount of the cost, the city, village, or township shall have a lien for the cost incurred by the city, village, or township to bring the property into conformance with this act. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(7) In addition to other remedies under this act, the city, village, or township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. A city, village, or township shall have a lien on the property for the amount of a judgment obtained under this

subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 113, Eff. Mar. 31, 1993;—Am. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2003, Act 55, Imd. Eff. July 14, 2003.

125.541a Enforcement of judgment against other assets; lien; effectiveness; priority.

Sec. 141a. (1) A judgment in an action brought pursuant to section 141(7) may be enforced against assets of the owner other than the building or structure.

(2) A city, village, or township shall have a lien for the amount of a judgment obtained pursuant to section 141(7) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

History: Add. 1992, Act 109, Eff. Mar. 31, 1993.

125.541b Noncompliance with order as misdemeanor; penalties; designation of blight violation by municipality.

Sec. 141b. (1) Except as otherwise provided under subsection (2), a person who fails or refuses to comply with an order approved or modified by the legislative body or board of appeals under section 141 within the time prescribed by that section is guilty of a misdemeanor punishable by imprisonment for not more than 120 days or a fine of not more than \$1,000.00, or both.

(2) If a legislative body of a municipality formed under the home rule city act, 1909 PA 279, MCL 117.1 to 117.38, has enacted an ordinance that is substantially the same as sections 138 to 142, the municipality may designate the violation of its ordinance as a blight violation in accordance with section 4q of the home rule city act, 1909 PA 279, MCL 117.4q.

History: Add. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2008, Act 50, Imd. Eff. Mar. 28, 2008.

125.541c Board of appeals; establishment; appointment and terms of members; vacancy; election of officers; quorum; compensation; expenses; meetings; writings.

Sec. 141c. (1) The legislative body of a city, village, or township may establish a board of appeals to hear all of the cases and carry out all of the duties of the legislative body described in section 141(3) and (4).

(2) The board of appeals shall be appointed by the legislative body of the city, village, or township and shall consist of the following members:

(a) A building contractor.

(b) A registered architect or engineer.

(c) Two members of the general public.

(d) An individual registered as a building official, plan reviewer, or inspector under the building officials and inspectors registration act, Act No. 54 of the Public Acts of 1986, being sections 338.2301 to 338.2313 of the Michigan Compiled Laws. The individual may be an employee of the enforcing agency.

(3) Board of appeals members shall be appointed for 3 years, except that of the members first appointed, 2 members shall serve for 1 year, 2 members shall serve for 2 years, and 1 member shall serve for 3 years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

(4) The board of appeals annually shall elect a chairperson, vice-chairperson, and other officers that the board considers necessary.

(5) A majority of the board of appeals members appointed and serving constitutes a quorum. Final action of the board of appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

(6) The legislative body of the city, village, or township shall fix the amount of any per diem compensation provided to the members of the board of appeals. Expenses of the board of appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the legislative body of the city, village, or township.

(7) A meeting of the board of appeals shall be held pursuant to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(8) A writing prepared, owned, used, in the possession of, or retained by the board of appeals in the

performance of an official function shall be made available to the public pursuant to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1992, Act 144, Eff. Mar. 31, 1993.

125.542 Appeal to circuit court.

Sec. 142. An owner aggrieved by a final decision or order of the legislative body or the board of appeals under section 141 may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969;—Am. 1992, Act 144, Eff. Mar. 31, 1993;—Am. 2003, Act 55, Imd. Eff. July 14, 2003.

125.543 Adoption of housing law not required.

Sec. 143. Nothing herein contained shall require any city, village or township to adopt Act No. 167 of the Public Acts of 1917, as amended, being the housing law of Michigan.

History: Add. 1969, Act 61, Eff. Sept. 1, 1969.

HOUSING LAW OF MICHIGAN (EXCERPT)
Act 167 of 1917

125.401 Short title; scope of act.

Sec. 1. This act shall be known as the housing law of Michigan and shall apply to every city and organized village in this state which, by the last regular or special federal census, had a population of 100,000 or more, and to every city or village as its population shall reach 100,000 thereafter and also to that territory immediately adjacent and contiguous to the boundaries of such a city or village and extending for a radial distance of 2-1/2 miles beyond their boundaries in all directions. This act shall also apply to any city and organized village in this state which, as determined by the last regular or special federal census, has or shall hereafter attain a population of 10,000 or more. This act relating to private dwellings and 2-family dwellings does not apply to any city or organized village lying outside the 2-1/2 mile radius and having a population of less than 100,000 unless the legislative body of the city or village by resolution, passed by a majority vote of the members elect of the legislative body, adopt the provisions. In the case of charter townships and townships the provisions of this act relating to private dwellings and 2-family dwellings may be applied to those areas by ordinance of the respective township board adopting the provisions. This act applies to all dwellings within the classes defined in the following sections, except that in sections where specific reference is made to 1 or more specific classes of dwellings, those provisions shall apply only to those classes to which specific reference is made. All other provisions that relate to dwellings shall apply to all classes of dwellings.

History: 1917, Act 167, Eff. Aug. 10, 1917;—Am. 1919, Act 326, Imd. Eff. May 13, 1919;—CL 1929, 2487;—Am. 1939, Act 303, Eff. Sept. 29, 1939;—Am. 1941, Act 91, Imd. Eff. May 16, 1941;—CL 1948, 125.401;—Am. 1976, Act 137, Imd. Eff. June 2, 1976;—Am. 2008, Act 408, Imd. Eff. Jan. 6, 2009.

Compiler's note: The catchlines following the act section numbers of this act were incorporated as a part of the act when enacted.

CITY OF SOUTH LYON
Application for Appointment

Date: 1/20/16

Name: Marsha Calus
Address: 13116 Cove Ridge DR.
City, State, Zip Code: South Lyon, MI 48178
Home/Cell Phone: 248 704 9624
E mail address: marsha@exquisitekitchens.net
Occupation: interior designer
Employer: Exquisite Kitchen Designs
Education & Related Experience: Bachelor of Science - Eastern Michigan University / South Lyon High School Graduate
NKBA member

Are you a citizen of the United States? Yes ☒ No ☐

Are you in default to the City? Yes ☐ No ☒

Is any member of your family an elected official of the City? Yes ☐ No ☒

If so, who? _____

Please select which position(s) you are interested in

Board/Commission	
Planning Commission	<input type="checkbox"/>
Parks & Recreation Commission	<input type="checkbox"/>
Board of Review	<input type="checkbox"/>
Housing Commission	<input type="checkbox"/>
Zoning Board of Appeals	<input type="checkbox"/>
Historical Commission	<input type="checkbox"/>
Building Authority	<input type="checkbox"/>
Construction Board of Appeals	<input type="checkbox"/>
Cultural Arts Commission	<input type="checkbox"/>

D.D.A.

Other	DDA	<input checked="checked" type="checkbox"/>
-------	-----	--

Special qualifications: I own and operate Exquisite Kitchen Designs in downtown - next to TenPenny Furniture. I am a young mom that has a lot of ideas for the potential improvements in South Lyon City.

Describe why you are interested in this position: I have a strong desire to see this city improve and grow to its potential.

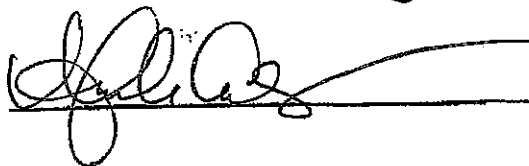
How long have you lived in South Lyon? 17 years

Previous place of Residence? Malta, Illinois

References:

1. Sharon Scoffins Flooring Your Way 248 921 6151
2. Abe Ayoub Mayfair Realty 248 939 6432
3. Tim Wilson South Lyon Fire 248 560 5346

Applicant's Signature:



Date:

1/20/2016

Please print this application and submit to:

City of South Lyon
Attn: Clerk's Office
335 S. Warren Street
South Lyon, MI 48178
Tel. (248) 437-1735

You may also copy & paste application into an email message and send to: ideaton@southlyonmi.org

For Office Use Only

Comments:

Appointed to:

Date:

AGENDA NOTE

MEETING DATE: February 8, 2016

PERSON PLACING ITEM ON AGENDA: City Manager

AGENDA TOPIC: Robertson Brothers request for final approval and acceptance of dedication of sanitary sewer and water main utilities and easements for Lexington Place Condominium and request for release of cash surety bond

EXPLANATION OF TOPIC:

Robertson Brothers has requested final approval and acceptance of the sanitary sewer and water main utilities and corresponding easements and that the City release the \$100,000 cash surety bond the City is holding to secure completion of certain site improvements. In its letter dated November 17, 2015, HRC has advised that all items on the punch list have been completed and the utilities completed and ready for final approval and acceptance.

Issues arose with respect to the developer's exclusive authority to dedicate the utilities and easements and as to the site improvements which the surety bond was to secure completion of. As to the authority issue, the Lexington Place Condominium Association has executed the same utility easements and a bill of sale and it has provided a written Board resolution supporting its authority to execute these documents.

As to the financial security issue, the surety bond was required by a court order entered in September 2010 after the original developer went into receivership. The Court ordered the lender at the time to place the surety with the City to secure the installation of the final wearing course of asphalt and five street lights. The final wearing course on the roads has been installed, and the street light requirement was eliminated from the site plan when Robertson Brothers purchased the Lexington Place Condominium development out of receivership and obtained approval of an amended site plan. Thus, the improvements which the surety bond was to secure completion of have been completed or eliminated by amendments to the site plan.

The City Engineer and City Attorney have reviewed the bills of sale and easements and related documents from the developer and condominium association and have determined the documents to be acceptable.

Per City policy, the City shall maintain only the main line, hydrants, hydrant valves, main line valves and manholes. The owner of the premises shall maintain said utility service lead from the main line to the building or private property.

MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:

- City Policy for Dedication of Utilities
- HRC Letter dated 11/17/15 indicating punch list items completed and utilities ready for final approval and acceptance
- Bill of Sale of sanitary sewer and water main utilities executed by Robertson South Lyon, LLC
- Sanitary Sewer Easement executed by Robertson South Lyon, LLC

- Water Main Easement executed by Robertson South Lyon, LLC
- Indemnity and Hold Harmless Agreement executed by Robertson Real Estate Services, LLC
- Assignments of Developer's Rights
- JRSJ Letter dated 12/9/15 regarding Robertson South Lyon, LLC authority to dedicate utilities and easements
- Article VII from Lexington Place Master Deed regarding Easements
- Assignments of Developer's Rights from Lexington Partners to Robertson Real Estate Services, LLC
- Assignments of Developer's Rights from Robertson Real Estate Services, LLC to Robertson South Lyon, LLC
- Stipulated Order for Site Improvements Surety Bond 9/16/10
- Order Terminating Receivership 3/7/12
- Consent Resolution of Lexington Place Condominium Association Board of Directors
- Bill of Sale of sanitary sewer and water main utilities executed by Lexington Place Condominium Association
- Sanitary Sewer Easement executed by Lexington Place Condominium Association
- Water Main Easement executed by Lexington Place Condominium Association

POSSIBLE COURSES OF ACTION: approve/deny/postpone action on developer's request for final approval and acceptance of utilities and easements for Lexington Place Condominium and request for release of surety

RECOMMENDATION: Accept Robertson South Lyon, LLC's request for final approval and acceptance of dedication of sanitary sewer and water main utilities and easements for Lexington Place Condominium and Robertson Real Estate Services, LLC's request for release of cash surety bond and authorize the City Treasurer to release the surety.

SUGGESTED MOTION:

1. Motion to approve Robertson South Lyon, LLC's request for final approval and acceptance of dedication of sanitary sewer and water main utilities, bill of sale, and easements for Lexington Place Condominium excluding utility service leads as defined in the City's policy approved March 14, 2011
2. Motion to approve Robertson Real Estate Services, LLC's request for release of cash surety bond and authorize the City Treasurer to release the surety.

Policy for Dedication of Utilities from Private Developments

The City will consider individual requests from private developments for dedication of main line utilities. Acceptance will be at the sole discretion of the City. Storm water retention/detention/management facilities are specifically excluded from utility dedication.

Documentation shall be submitted with each individual request as described in the City's *"Check List for Dedication of Utilities to the City of South Lyon"*.

The definition "main line" means that part of the water distribution or sewer collection system located within an easement designed to supply more than one utility service lead or unit connection. This includes hydrants, hydrant valves, main line valves and manholes located within a dedicated easement.

The utility service lead means that part of the utility system connecting the main line with the premises served.

The City shall maintain only the main line, hydrants, hydrant valves, main line valves and manholes. The owner of the premises shall maintain said utility service lead from the main line to the building or private property.

The City shall consider the acceptance based upon the main line configuration compliance with the City's Standard Engineering Specifications.

The individual private development shall be responsible for demonstrating adequate valve, hydrant, and manhole operation and repair or replace any inoperable components to the satisfaction of the City prior to any consideration for acceptance.

Restoration of any repair to the main line or noted appurtenances shall be the responsibility of the private development including but not limited to street, sidewalk and landscaping elements.

City acceptance shall be subject to the submission of electronic as-built information as required by the City's Standard Engineering Specifications as of the date of dedication.

The City shall have the right to refuse acceptance of individual requests from private developments for dedication of main line utilities, if in the opinion of the City, the existing configuration is in conflict with permanent structures or other appurtenances.

In the event that main line utility or noted appurtenances upgrades are determined to be necessary by the City as a condition of acceptance, then the City will accept requests for consideration of a Special Assessment District (SAD), at the expense of the private development in order to implement improvements acceptable to the City and considered in the sole opinion of the City to be necessary for provision of reliable service and future maintenance operations.

Unanimously Approved at SL City Council: March 14, 2011

CHECK LIST FOR DEDICATION OF UTILITIES TO THE CITY OF SOUTH LYON

1. A drawing by a Registered Surveyor with a legal description in recordable form of the main line utilities, including hydrants, hydrant valves, mainline valves and manholes and general right of access to this equipment.
2. An easement, in recordable form, from the property owner (i.e. the registered owner of the property) granting the City the right to enter the property to maintain, repair or replace the utilities with the attached survey.
3. A bill of sale, granting the City ownership of the utilities for the nominal \$1 consideration.
4. Documentation setting forth the authority of those executing the documents. Documentation would consist of resolutions of the corporation or Condo association asserting that the proper approval of the owners was acquired in accordance with the bylaws of the organization. (i.e. if the bylaws require a 2/3rds majority or other steps to transfer property rights the resolution needs to reflect the proper adherence to those requirements) We would also need verification that persons signing the documents were properly elected officials of the organization. If ownership of the development is still in the name of the developer, then these documents would include a certified copy of the Master Deed detailing the Developers authority to dedicate, or written consent of the modification from all site owners.

Unanimously Approved at SL City Council: March 14, 2011



PRINCIPALS

George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Keith D. McCormack
Nancy M. D. Faught
Daniel W. Mitchell
Jesse B. VanDeCreek
Roland N. Alix
Michael C. MacDonald
James F. Burton

SENIOR ASSOCIATES

Gary J. Tressel
Kenneth A. Melchior
Randal L. Ford
William R. Davis
Dennis J. Benolt
Robert F. DeFrain
Thomas D. LaCross
Albert P. Mickalich
Timothy H. Sullivan

ASSOCIATES

Jonathan E. Booth
Marvin A. Olane
Marshall J. Grazioli
Donna M. Martin
Charles E. Hart
Colleen L. Hill-Stramsak
Bradley W. Shepler
Karyn M. Stickel
Jane M. Graham

HUBBELL, ROTH & CLARK, INC.

OFFICE: 105 W. Grand River
Howell, MI 48843
PHONE: 517.552.9199
FAX: 517.552.6099
WEBSITE: www.hrc-engr.com
EMAIL: info@hrc-engr.com

November 17, 2015

City of South Lyon
335 South Warren Street
South Lyon, MI 48178

Attn: Ms. Lynne Ladner, City Manager

Re: Final Inspection & Utility Dedication
Lexington Place Condominiums

HRC Job No. 20020874.02

Dear Ms. Ladner:

As requested, a representative of this office has visited the above site to conduct a final inspection. It appears that the items from our previous inspections have been satisfactorily completed. The water main and sanitary sewer utilities are ready for final acceptance by the City.

The original signed copies of the water main easement, sanitary sewer easement and bill of sale are enclosed. These documents have been prepared in accordance with the City's Policy for Dedication of Utilities from Private Developments and can be recorded with the County.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Michael P. Darga, P.E.

MPD/mpd

Enclosure

pc: City of South Lyon; B. Martin
JRSJ; T. Wilhelm
HRC; J. VanDeCreek, J. Booth, File

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that ROBERTSON SOUTH LYON, LLC, 6905 Telegraph Road, Suite 200, Bloomfield Hills, Michigan 48301 ("Seller"), in consideration of \$1 received from the City of South Lyon, Oakland County, MI, ("Buyer"), the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, conveyed, transferred, and delivered and by these presents does bargain, sell, grant, convey, transfer, and deliver unto Buyer the following:

Sanitary Sewer Quantities

8" Sanitary Sewer = 1,346 LF

10" Sanitary Sewer = 1,466 LF

Sanitary Manholes = 18

Water Main Quantities

8" D.I.W.M. = 1,221 LF

12" D.I.W.M. = 1,772 LF

Fire Hydrant Assembly = 10

To have and to hold the same unto Buyer, its executors, administrators, and assigns forever:

Seller warrants and represents to Buyer that the title conveyed is good, its transfer is rightful, and the above listed property is delivered free from any security interest or other lien or encumbrance and that Seller has not done, or allowed to be done, any act by which all or any part of the property conveyed hereunder to encumber title.

IN WITNESS WHEREOF, Seller has hereunto executed and delivered this Bill of Sale this 22nd of October, 2015.

ROBERTSON SOUTH LYON, LLC, a Michigan
limited liability company

By: Robertson Brothers Co., a Michigan corporation,
Manager

By: 

James V. Clarke

Its: President

SANITARY SEWER SYSTEM EASEMENT

KNOW ALL PERSONS that Robertson South Lyon, LLC, a Michigan limited liability company ("Grantor"), whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, Michigan 48301, party of the first part, for and in consideration of the sum of \$1.00 paid to the Grantor(s) by the City of South Lyon, (a Michigan Municipal Corporation), party of the second part, whose address is, 335 South Warren, South Lyon Michigan 48178 do hereby grants to the party of the second part the right to construct, operate, maintain, repair, and/or replace a Sanitary Sewer System within a permanent easement across and through the following described land ("Property") situated in the City of South Lyon, County of Oakland, State of Michigan to wit:

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A" AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

This conveyance also includes the right of the City, its contractors, and/or representatives to use the private roads in Lexington Place Condominium for all ingress and egress purposes associated with its obligations herein.

The Property so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to substantially the condition as existing prior to construction by the party of the second part.

This Instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature this 22nd day of October, 2015.

ROBERTSON SOUTH LYON, LLC, a Michigan limited liability company

BY: ROBERTSON BROTHERS CO., a Michigan corporation,
MANAGER

BY: 

James V. Clarke, President

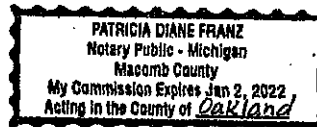
COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 22nd day of October, 2015 by James V. Clarke, President of Robertson Brothers Co., a Michigan corporation, Manager of Robertson South Lyon, LLC, a Michigan limited liability company, on behalf of the company and corporation.

Notary Public:

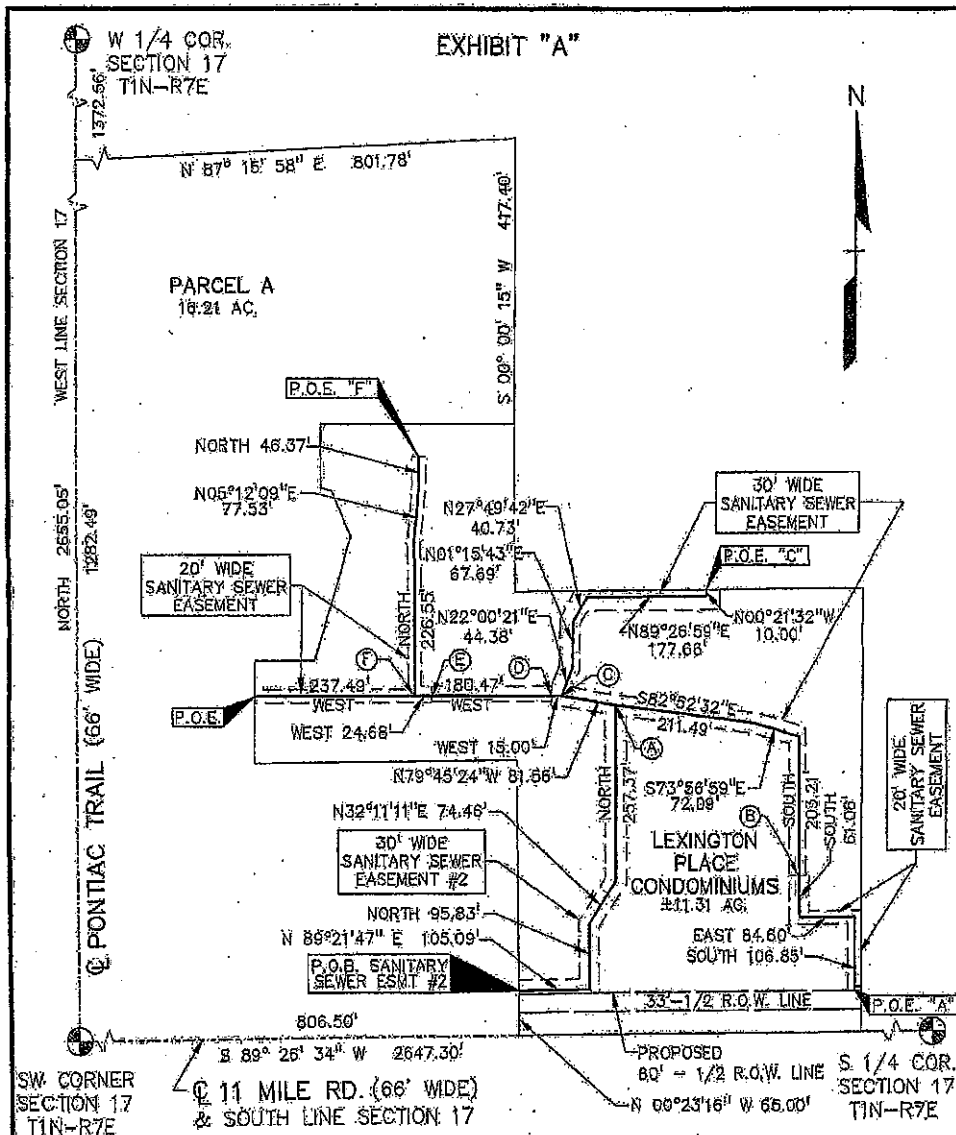
Patricia Diane Franz
Patricia Diane Franz
Print or Type Name

My commission expires: 1-2-2022
Macomb County
Acting in Oakland County,



Drafted by:
C. Kim Shierk
Myers Shierk & LaBelle, PLLC
40701 Woodward Avenue, Suite 235
Bloomfield Hills, Michigan 48304

When Recorded return to:
City Clerk
City of South Lyon
335 South Warren
South Lyon, Michigan 48178



LEGEND: IRON SET IRON FOUND SECTION CORNER



2000 E Grand River Ave.
Howell, MI 48840
(617) 546-8582

PROFESSIONAL ENGINEERING ASSOCIATES

CLIENT: **ROBERTSON BROTHERS**

SCALE: 1"=200'

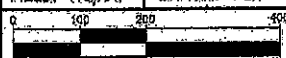
DATE: 11-30-12

JOB: 2011088

DWG. No: 1 of 2

FIELD: AC/WW

DRAWN: PLK



FILE: 11088-UTL-ESMTS.DWG
REVISED: 01-17-2014

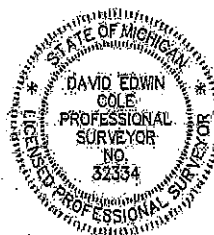


EXHIBIT "B"

SANITARY SEWER EASEMENT #2

A variable width easement for sanitary sewer in the SW 1/4 of Section 17, T1N-R7E, Lyon Township, Oakland County, Michigan, having the following described centerline: Commencing at the Southwest corner said Section 17; thence along the centerline of 11 Mile Road and the south line of said Section 17, S 89°26'34" W, 806.50 feet; thence N 90°23'16" W, 65.00 feet to the POINT OF BEGINNING of the centerline of this variable width easement for sanitary sewer; thence along the centerline of a 30-foot wide sanitary sewer easement, N 89°21'47" E, 105.09 feet; thence due North, 95.83 feet; thence N 32°11'11" E, 74.46 feet; thence due North, 257.37 feet to Point of Branching "A"; thence N 79°45'24" W, 81.56 feet to Point of Branching "C"; thence due West, 15.00 feet to Point of Transition "D", said point being a point of transition from a 30-foot wide easement to a 23-foot wide easement, being 8-foot wide on the left and 15-foot wide on the right of the following described line; thence due West, 180.47 feet to Point of Transition "E", said point being a point of transition from a 23-foot wide easement to a 25-foot wide easement, being 10-foot wide on the left and 15-foot wide on the right of the following described line; thence due West, 24.68 feet to Point of Branching "F", said point being a point of transition from a 25-foot wide easement to a 20-foot wide easement centered on the following described centerline; thence due West, 237.49 feet to a Point of Ending; also beginning from the aforementioned Point of Branching "A", thence along the centerline of a 30-foot wide easement, S 82°52'32" E, 211.49 feet; thence S 73°56'59" E, 72.09 feet to the end of the 30-foot wide easement and the beginning of a 25-foot wide easement being 9-foot wide on the left and 16-foot wide on the right of the following described line; thence due South, 203.21 feet to Point of Transition "B", said point being a point of transition from a 25-foot wide easement to a 30-foot wide easement, being 14-foot wide on the left and 16-foot wide on the right of the following described line; thence continuing due South, 61.06 feet to the end of the 30-foot wide easement and the beginning of centerline of a 20-foot wide easement; thence due East, 84.60 feet and due South, 106.85 feet to POINT OF ENDING "A"; also beginning from the aforementioned Point of Branching "C" along the line of a 30-foot wide easement, being 20-foot wide on the left and 10-foot wide on the right of the following described line; thence N 22°00'21" E, 44.38 feet; thence N 01°15'43" E, 67.69 feet; thence N 27°49'42" E, 40.73 feet to the end of the 30-foot wide easement and the beginning of a 30-foot wide easement, being 10-foot wide on the left and 20-foot wide on the right of the following described line; thence N 89°26'59" E, 177.66 feet; thence N 90°21'32" W, 10.00 feet to POINT OF ENDING "C"; also beginning from aforementioned Point of Branching "F", thence along the centerline a 20-foot wide easement due North, 226.55 feet; thence N 05°12'09" E, 77.53 feet; thence due North, 46.37 feet to POINT OF ENDING "F".



2900 E Grand River Ave.
Howell, MI 48843
(517) 646-8583

PROFESSIONAL ENGINEERING ASSOCIATES

CLIENT: **ROBERTSON BROTHERS**

SCALE: NO SCALE	FIELD: AC/JW	DRAWN: PLK
DATE: 11-30-12		
JOB: 2011088	FILE: 11088-UTIL-ESMTS.DWG REVISED: 01-17-2014	
DWG. No: 2 of 2		



WATER SUPPLY SYSTEM EASEMENT

KNOW ALL PERSONS that Robertson South Lyon, LLC, a Michigan limited liability company ("Grantor"), whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, Michigan 48301, party of the first part, for and in consideration of the sum of \$1.00 paid to the Grantor by the City of South Lyon, (a Michigan Municipal Corporation), party of the second part, whose address is, 335 South Warren, South Lyon Michigan 48178 do hereby grants to the party of the second part the right to construct, operate, maintain, repair, and/or replace a water supply system within a permanent easement across and through the following described land ("Property") situated in the City of South Lyon, County of Oakland, State of Michigan to wit:

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A" AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

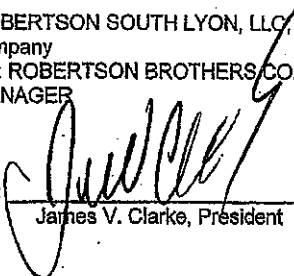
This conveyance also includes the right of the City, its contractors, and/or representatives to use the private roads in Lexington Place Condominium for all ingress and egress purposes associated with its obligations herein.

The Property so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to substantially the condition existing prior to construction by the party of the second part.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature this 22nd day of October, 2015.

ROBERTSON SOUTH LYON, LLC, a Michigan limited liability
company
BY: ROBERTSON BROTHERS CO., a Michigan corporation,
MANAGER

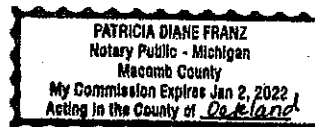
BY: 
James V. Clarke, President

COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 22nd day of October, 2015 by James V. Clarke, President of Robertson Brothers Co., a Michigan corporation, Manager of Robertson South Lyon, LLC, a Michigan limited liability company, on behalf of the company and corporation.

Notary Public: Patricia Diane Franz
Patricia Diane Franz
Print or Type Name

My commission expires: 1-2-2022
Macomb County
Acting in Oakland County



Drafted by:
C. Kim Shierk
Myers Shierk & LaBelle, PLLC
40701 Woodward Avenue, Suite 235
Bloomfield Hills, Michigan 48304

When Recorded return to:
City Clerk
City of South Lyon
335 South Warren
South Lyon, Michigan 48178

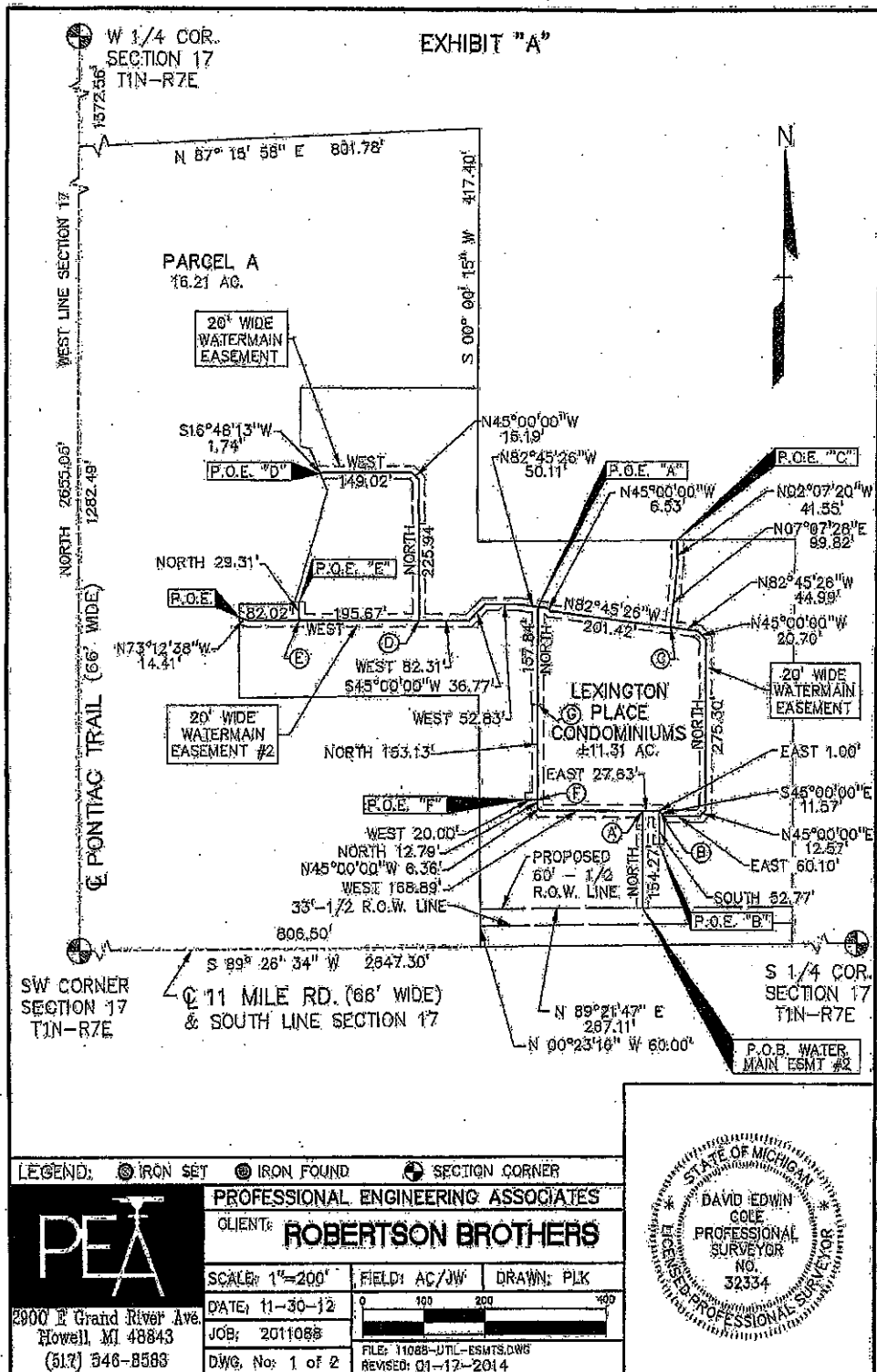


EXHIBIT "B"

WATERMAIN EASEMENT #2

A 20-foot wide easement for water main in the SW 1/4 of Section 17, T1N-R7E, Lyon Township, Oakland County, Michigan. Commencing at the Southwest corner said Section 17; thence along the centerline of 11 Mile Road and the south line of said of Section 17, N 89°26'34" E, 806.50 feet; thence N 00°23'16" W, 60.00 feet to the northerly Right-of-Way line of 11 mile Road (60-foot wide 1/2 Right-of-Way); thence along said Right-of-Way line N 89°21'47" E, 267.11 feet to the POINT OF BEGINNING of the centerline of this 20-foot wide easement for water main; thence due North, 154.27 feet to Point of Branching "A"; thence due East, 27.63 feet to Point of Branching "B"; thence continuing due East, 1.00 feet; thence S 45°00'00" E, 11.57 feet; thence due East, 60.10 feet; thence N 45°00'00" E, 12.57 feet; thence due North 275.30 feet; thence N 45°00'00" W, 20.70 feet; thence N 82°45'26" W, 44.99 feet to Point of Branching "C"; thence continuing N 82°45'26" W, 201.42 feet; thence N 45°00'00" W, 6.53 feet; thence N 82°45'26" W, 30.11 feet; thence due West, 52.83 feet; thence S 45°00'00" W, 36.77; thence due West 82.31 feet to Point of Branching "D"; thence continuing due West, 195.67 feet to Point of Branching "E"; thence continuing due West, 82.02 feet; thence N 73°12'38" W, 14.41 feet to a POINT OF ENDING; also beginning from the aforementioned Point of Branching "A"; thence due West, 168.89 feet; thence N 45°00'00" W, 6.36 feet; thence due North, 12.79 feet to Point of Branching/Transition "F", said point being a point of transition from a 20-foot wide easement to an 18.50-foot wide easement, being 8.50-foot wide on the left and 10-foot wide on the right of the following described line; thence continuing due North 153.13 feet to Point of Transition "G" said point being a point of transition from an 18.50-foot wide easement to a 20-foot wide easement centered on the following described centerline; thence continuing due North 157.84 feet to Point of Ending "A"; also beginning from the aforementioned Point of Branching "B"; thence along the centerline of this 20-foot wide easement, due South, 52.77 feet to POINT OF ENDING "B"; also beginning from the aforementioned Point of Branching "C"; thence thence along the centerline of this 20-foot wide easement N 07°07'28" E, 99.82 feet; thence N 02°07'20" W, 41.55 feet to POINT OF ENDING "C"; also beginning from the aforementioned Point of Branching "D"; thence along the centerline of a 20-foot wide easement, due North, 225.94 feet; thence N 45°00'00" W, 16.19 feet; thence due West, 149.02 feet; thence S 16°48'13" W, 1.74 feet to POINT OF ENDING "D"; also beginning from the aforementioned Point of Branching "E"; thence along the centerline of this 20-foot wide easement, due North, 29.31 feet to POINT OF ENDING "E"; also beginning from the aforementioned Point of Branching/Transition "F"; thence thence along the centerline of this 20-foot wide easement due West, 20.00 feet to POINT OF ENDING "F".

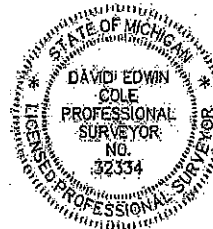


2900 E. Grand River Ave.
Howell, MI 48843
(517) 546-8583

PROFESSIONAL ENGINEERING ASSOCIATES

CLIENT: **ROBERTSON BROTHERS**

SCALE: NO SCALE	FIELD: AC/JW	DRAWN: PLK
DATE: 11-30-12		
JOB: 201088	FILE: 1088-UTL-ESMTS.DWG	
DWG. No: 2 of 2	REVISED: 01-17-2014	



INDEMNITY AND HOLD HARMLESS AGREEMENT

Pursuant to the Stipulated Order for Site Improvements Surety Bond ("Stipulated Order") entered September 16, 2010, in Oakland County Circuit Court Case No. 08-089710-CH, Bank of America, N.A. ("Lender") deposited a cash bond with the City of South Lyon ("City") in the amount of \$100,000 referred to as a surety bond ("Surety Bond") to secure the completion of "Secured Obligations" in the Lexington Place Condominium in South Lyon, Michigan by the Receiver, Windham Group, LLC. (Exhibit A).

On or about January 27, 2012, Robertson Real Estate Services, LLC acquired certain condominium units in Lexington Place Condominium and the developer's rights thereto from Lexington Partners, LLC by and through Windham Group, LLC as the court-appointed receiver pursuant to Order entered in Oakland County Circuit Court Case No. 08-089710-CH. (Exhibit B).

After the sale of the project to a third party and Pursuant to paragraph 7 of the Stipulated Order, the City released the Surety Bond back to the Lender, and Robertson Real Estate Services, LLC deposited a surety bond with the City in the same amount to secure completion of the Secured Obligations.

Robertson Real Estate Services, LLC has notified the City that the Secured Obligations are completed and has requested final approval of the project and release of the Surety Bond.

The City of South Lyon has approved the completion of the Secured Obligations and is prepared to release the surety bond to Robertson Real Estate Services, LLC subject to this Indemnity and Hold Harmless Agreement.

Based on the foregoing, Robertson Real Estate Services, LLC agrees to indemnify and hold harmless the City of South Lyon with respect to any and all claims that any persons or entities are entitled to the Surety Bond or any portion thereof. Robertson Real Estate Services, LLC further agrees to indemnify and hold harmless the City of South Lyon from and against any and all damages, losses, claims, suits, costs and other expenses, including attorneys fees, which the City may suffer, sustain, incur or be subject to by other persons or entities claiming entitlement to the surety bond or any portion of it.

Robertson Real Estate Services, LLC

Date: 12/28/15

By: 

Name:

James V. Clarke

Title:



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331
Phone: 248.489.4100 | Fax: 248.489.1726

Timothy S. Wilhelm
twilhelm@jrsjlaw.com

www.jrsjlaw.com

December 9, 2015

Lynne Ladner, City Manager
City of South Lyon
335 S. Warren Street
South Lyon, MI 48178

RE: Lexington Place

Dear Ms. Ladner:

This correspondence is to follow up on Robertson Brothers' request for final approval of the water and sewer utilities in Lexington Place Condominium and its request that the City accept the bill of sale and easements for those utilities. Robertson Brothers' attorney provided the enclosed Assignment of Developer Rights recorded in the Oakland County Register of Deeds showing that Robertson South Lyon, LLC is the developer and has authority to dedicate, transfer and convey the easements and utilities for Lexington Place Condominium pursuant to Article VII (Easements and Encumbrances, p. 10) of the Master Deed of Lexington Place Condominium, Oakland County Condominium Subdivision Plan No. 1743 recorded in the Oakland County Register of Deeds on May 23, 2005, Liber 35553, Page 78.

The bill of sale, sanitary sewer system easement, and water supply system easement have been executed by Robertson South Lyon, LLC pursuant to its authority under the Master Deed and are acceptable. The City may proceed with final approval and acceptance of the water and sewer utilities for Lexington Place Condominium.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Timothy S. Wilhelm

TSW/am
Enclosure

cc: Mike Darga, HRC, City Engineer
Bob Martin, DPW

Based on the nature of the Condominium Project and the fact that the Association's responsibility for maintenance of Common Elements will not be substantially different among all of the Units, the Percentages of Value assigned to the sixty-eight (68) Units are equal.

ARTICLE VII EASEMENTS AND ENCUMBRANCES

The Condominium is subject to the following easements, restrictions, and agreements:

- (a) Developer reserves the right and power to dedicate all the roads in the Condominium to public use, and all persons acquiring any interest in the Condominium, including without limitation all Co-owners and Mortgagees, shall be deemed irrevocably to have appointed Developer and its successors as agent and attorney-in-fact to make such dedication and to act on behalf of all Co-owners and their Mortgagees in any statutory or special assessment proceedings with respect to the dedicated roads. After certificates of occupancy are issued for Residences in one hundred (100%) percent of the Units that may be established in the Condominium, the foregoing rights and powers may be exercised by the Association. Upon dedication of the roads in the Condominium, the rights-of-way for said roads, including the landscaping, trees and any sidewalks located therein shall be owned by the City of South Lyon. Notwithstanding the foregoing, the Developer does not presently intend to dedicate the roads within the Condominium to public use.
- (b) Upon approval by and affirmative vote of not less than fifty one (51%) percent of all Co-owners, in number and in value, the Association shall be vested with the power and authority to sign petitions requesting establishment of a special assessment district pursuant to provisions of applicable Michigan statutes for improvement of roads within or adjacent to the Condominium. In the event that a special assessment road improvement project is established pursuant to applicable Michigan law, the collective costs assessable to the Condominium as a whole shall be borne equally by all Co-owners.
- (c) Developer reserves the right and power to grant easements over, or dedicate portions of any of the Common Elements and portions of Units for utility, drainage, street, safety or construction purposes, and all persons acquiring any interest in the Condominium, including without limitation all Co-owners and Mortgagees shall be deemed to have appointed Developer and its successors or assigns as agent and attorney-in-fact to make such easements or dedications; provided that no easement granted pursuant to this provision shall encumber portions of Units outside of the building set-back areas within those Units. After certificates of occupancy are issued for one hundred (100%) percent of the Units in the Condominium, the foregoing right and power may be exercised by the Association. The right to grant easements that is reserved in this paragraph (c) shall include the right to grant such easements as may reasonably be required by the City of South Lyon or such other governmental agencies as shall have jurisdiction over the Condominium.
- (d) If any portion of a Unit or Common Element encroaches upon another Unit or Common Element due to shifting, settling, or moving of a building, or due to survey errors or construction deviations, reconstruction or repair, reciprocal easements shall exist for the maintenance of such encroachment for as long as such encroachment exists, and for the

LIBER 43864 PAGE 773

0032297

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2012 FEB 17 PM 12:26

LIBER 43864 PAGE 773
\$22.00 MISC RECORDING
\$4.00 REMONUMENTATION
02/21/2012 12:43:35 PM RECEIPT# 15524
PAID RECORDED - Oakland County, MI
Bill Bullard Jr., Clerk/Register of Deeds

(ABOVE SPACE FOR RECORDING PURPOSES)

ASSIGNMENT OF DEVELOPER'S RIGHTS

This Assignment of Developer's Rights ("Assignment") is executed as of the date stated below by **Lexington Partners, LLC**, a Michigan limited liability company, by and through **Windham Group, L.L.C.**, a Michigan limited liability company, as the court appointed receiver pursuant to Order entered in the Oakland County Circuit Court at Case No. 08-089710-CH, ("Assignor"), in favor of **Robertson Real Estate Services, LLC**, a Michigan limited liability company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 ("Assignee").

For good and valuable consideration, Assignor hereby quit claim assigns, conveys, and transfers to Assignee all of the Assignor's right, title, and interest as developer of the Lexington Place Condominium (the "Condominium"), a condominium project established pursuant to the Master Deed recorded at Liber 35553, Page 78, Oakland County Register, and known as Oakland County Condominium Subdivision Plan No. 1743 as to that portion of the Condominium more particularly described in Exhibit A attached hereto.

This Assignment includes specifically, but without limitation, the following:

- a. All rights conferred by Articles VII, VIII, XI and XII, and XIV of the Master Deed to developer with respect to all or any portion of the land described therein that remains undeveloped.
- b. All easements, licenses or other rights of use over the roads, driveways, walkways or any other portion of the common elements of the Project for purposes of ingress and egress to or from all or any portion of the Project.
- c. All easements, licenses or other rights to construct, utilize, tap, or tie into any or all utility mains located on the Project for purposes of development or utilization of all or any portion of the Project.
- d. All rights necessary or incidental to the development, rental, sale or other use of the Project including, without limitation, all rights set forth in Section 13 of Article VI of the Bylaws for the Project.

(SP
R)

OK-AN

549117 BHC

- e. All rights conferred by Articles II, Section 7 and XI of the Bylaws for the Project with respect to the payment of assessments by the developer of the project and the operations of the association and election/selection of the board of directors of the association that administers the Project.
- f. All rights conferred by Section 67(3) of the Michigan Condominium Act.

Assignor makes no representations or warranties whatsoever regarding whether this Assignment is enforceable or whether this Assignment will permit the Assignee to exercise any of the rights assigned hereunder.

This Assignment shall bind and inure to the benefit of the parties hereto, their successors and assigns.

This Assignment shall be governed by and construed in accordance with the laws of the State of Michigan.

[SIGNATURES ON THE FOLLOWING PAGE]

Dated as of the 27 day of January, 2012.

Lexington Partners, LLC,
a Michigan limited liability company

By: Windham Group, L.L.C., a Michigan
limited liability company, as the court
appointed receiver pursuant to Order entered
in the Oakland County Circuit Court at Case
No. 08-089710-CH

By: Herbert Lawson
Name: Herbert Lawson
Its: Member

STATE OF MICHIGAN)
)SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me the 27 day of January, 2012,
by Herbert Lawson, Member of Windham Group, L.L.C., a Michigan limited liability company,
as receiver for Lexington Partners, LLC, a Michigan limited liability company, pursuant to Order
entered in the Oakland County Circuit Court at Case No. 08-089710-CH.

Linda Early
Wayne Notary Public
Oakland County
My Commission Expires: 02-10-12
Acting in the County of: Oakland

Drafted By:	After recording return to:
Herbert Lawson Windham Group, L.L.C. 36400 Woodward Ave., Ste. 205 Bloomfield Hills, MI 48304	Assignee *

* Robertson Real Estate Services
6905 Telegraph Rd #200
Bloomfield Hills MI 48301

EXHIBIT 1**ASSIGNMENT OF DEVELOPER'S RIGHTS****LEGAL DESCRIPTION**

Real estate situated in the County of Oakland, City of South Lyon, State of Michigan, described as follows:

Units 6, 7 and 8, Building 3, Units 9, 10, 11 and 12, Building 4, Units 13 and 14, Building 5, Units 15, 16 and 17, Building 6, Units 18 and 19, Building 7, Units 20 and 21, Building 8, Units 22, 23 and 24, Building 9, Units 25 and 26, Building 10, Units 27, 28 and 29, Building 11, Units 30, 31 and 32, Building 12, Units 33 and 34, Building 13, Units 35, 36 and 37, Building 14, Units 38, 39, 40 and 41, Building 15, Units 42, 43 and 44, Building 16, Units 45, 46 and 47, Building 17, Units 48, 49, 50 and 51, Building 18, Units 52 and 53, Building 19, Units 61, 62, 63 and 64, Building 22, Units 65, 66, 67 and 68, Building 23 of LEXINGTON PLACE CONDOMINIUM, a Condominium according to the Master Deed thereof recorded in Liber 35553, page 78, Oakland County Records, and designated as Oakland County Condominium Subdivision Plan No. 1743 and any amendments thereto, together with an undivided interest in the common elements of said condominium as set forth in Master Deed, and any amendments thereto, as described in Act 59 of the Public Acts of Michigan of 1978, as amended.

Tax Item Nos:

21-17-311-006, as to Unit 6, Building 3
21-17-311-007, as to Unit 7, Building 3
21-17-311-008, as to Unit 8, Building 3
21-17-311-009, as to Unit 9, Building 4
21-17-311-010, as to Unit 10, Building 4
21-17-311-011, as to Unit 11, Building 4
21-17-311-012, as to Unit 12, Building 4
21-17-311-013, as to Unit 13, Building 5
21-17-311-014, as to Unit 14, Building 5
21-17-311-015, as to Unit 15, Building 6
21-17-311-016, as to Unit 16, Building 6
21-17-311-017, as to Unit 17, Building 6
21-17-311-018, as to Unit 18, Building 7
21-17-311-019, as to Unit 19, Building 7
21-17-311-020, as to Unit 20, Building 8
21-17-311-021, as to Unit 21, Building 8
21-17-311-022, as to Unit 22, Building 9
21-17-311-023, as to Unit 23, Building 9
21-17-311-024, as to Unit 24, Building 9
21-17-311-025, as to Unit 25, Building 10
21-17-311-026, as to Unit 26, Building 10
21-17-311-027, as to Unit 27, Building 11
21-17-311-028, as to Unit 28, Building 11

21-17-311-029, as to Unit 29, Building 11
21-17-311-030, as to Unit 30, Building 12
21-17-311-031, as to Unit 31, Building 12
21-17-311-032, as to Unit 32, Building 12
21-17-311-033, as to Unit 33, Building 13
21-17-311-034, as to Unit 34, Building 13
21-17-311-035, as to Unit 35, Building 14
21-17-311-036, as to Unit 36, Building 14
21-17-311-037, as to Unit 37, Building 14
21-17-311-038, as to Unit 38, Building 15
21-17-311-039, as to Unit 39, Building 15
21-17-311-040, as to Unit 40, Building 15
21-17-311-041, as to Unit 41, Building 15
21-17-311-042, as to Unit 42, Building 16
21-17-311-043, as to Unit 43, Building 16
21-17-311-044, as to Unit 44, Building 16
21-17-311-045, as to Unit 45, Building 17
21-17-311-046, as to Unit 46, Building 17
21-17-311-047, as to Unit 47, Building 17
21-17-311-048, as to Unit 48, Building 18
21-17-311-049, as to Unit 49, Building 18
21-17-311-050, as to Unit 50, Building 18
21-17-311-051, as to Unit 51, Building 18
21-17-311-052, as to Unit 52, Building 19
21-17-311-053, as to Unit 53, Building 19
21-17-311-061, as to Unit 61, Building 22
21-17-311-062, as to Unit 62, Building 22
21-17-311-063, as to Unit 63, Building 22
21-17-311-064, as to Unit 64, Building 22
21-17-311-065, as to Unit 65, Building 23
21-17-311-066, as to Unit 66, Building 23
21-17-311-067, as to Unit 67, Building 23
21-17-311-068, as to Unit 68, Building 23

19,767,907.11005710-00120

APR 20 2012

93136
LIBER 44117 PAGE 281
\$22.00 MISC RECORDING
44.00 REMONUMENTATION
04/26/2012 11:15:40 A.M. RECEIPT# 40341
PAID RECORDED - OAKLAND COUNTY
BILL BULLARD JR, CLERK/REGISTER OF DEEDS

COPY

(ABOVE SPACE FOR RECORDING PURPOSES)

ASSIGNMENT OF DEVELOPER'S RIGHTS

This Assignment of Developer's Rights ("Assignment") is executed as of the date stated below by **Robertson Real Estate Services, LLC**, a Michigan limited liability company whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 ("Assignor"), in favor of **Robertson South Lyon, LLC**, a Michigan limited liability company, whose address is 6905 Telegraph Road, Suite 200, Bloomfield Hills, MI 48301 ("Assignee").

For good and valuable consideration, Assignor hereby quit claim assigns, conveys, and transfers to Assignee all of the Assignor's right, title, and interest as developer of the Lexington Place Condominium (the "Condominium"), a condominium project established pursuant to the Master Deed recorded at Liber 35553, Page 78, Oakland County Register, and known as Oakland County Condominium Subdivision Plan No. 1743 as to that portion of the Condominium more particularly described in Exhibit A attached hereto.

This Assignment includes specifically, but without limitation, the following:

- a. All rights conferred by Articles VII, VIII, XI and XII, and XIV of the Master Deed to developer with respect to all or any portion of the land described therein that remains undeveloped.
- b. All easements, licenses or other rights of use over the roads, driveways, walkways or any other portion of the common elements of the Project for purposes of ingress and egress to or from all or any portion of the Project.
- c. All easements, licenses or other rights to construct, utilize, tap, or tie into any or all utility mains located on the Project for purposes of development or utilization of all or any portion of the Project.
- d. All rights necessary or incidental to the development, rental, sale or other use of the Project including, without limitation, all rights set forth in Section 13 of Article VI of the Bylaws for the Project.

- e. All rights conferred by Articles II, Section 7 and XI of the Bylaws for the Project with respect to the payment of assessments by the developer of the project and the operations of the association and election/selection of the board of directors of the association that administers the Project.
- f. All rights conferred by Section 67(3) of the Michigan Condominium Act.

Assignor makes no representations or warranties whatsoever regarding whether this Assignment is enforceable or whether this Assignment will permit the Assignee to exercise any of the rights assigned hereunder.

This Assignment shall bind and inure to the benefit of the parties hereto, their successors and assigns.

This Assignment shall be governed by and construed in accordance with the laws of the State of Michigan.

[SIGNATURES ON THE FOLLOWING PAGE]

Dated as of the 29 day of February, 2012.

Robertson Real Estate Services, LLC,
a Michigan limited liability company

By: Robertson Brothers Co., a Michigan
corporation, Manager

By: James V. Clarke
Its: President

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 29 day of February, 2012, by James V. Clarke, President of Robertson Brothers Co., a Michigan corporation, Manager of Robertson Real Estate Services, LLC, a Michigan limited liability company, on behalf of the corporation and company.

Catherine Kim Shierk

Notary Public, State of Michigan
County, MI

My commission expires: _____
Acting in Oakland County

CATHERINE KIM SHIERK
Notary Public, State of Michigan
County of Oakland
My Commission Expires Jul. 30, 2012
Acting in the County of Oakland

Drafted By:	After recording return to:
C. Kim Shierk	Assignee
Myers Nelson Dillon & Shierk, PLLC	
40701 Woodward Avenue, Suite 235	
Bloomfield Hills, Michigan 48304	

EXHIBIT 1

ASSIGNMENT OF DEVELOPER'S RIGHTS

LEGAL DESCRIPTION

Real estate situated in the County of Oakland, City of South Lyon, State of Michigan, described as follows:

Units 6, 7 and 8, Building 3, Units 9, 10, 11 and 12, Building 4, Units 13 and 14, Building 5, Units 15, 16 and 17, Building 6, Units 18 and 19, Building 7, Units 20 and 21, Building 8, Units 22, 23 and 24, Building 9, Units 25 and 26, Building 10, Units 27, 28 and 29, Building 11, Units 30, 31 and 32, Building 12, Units 33 and 34, Building 13, Units 35, 36 and 37, Building 14, Units 38, 39, 40 and 41, Building 15, Units 42, 43 and 44, Building 16, Units 45, 46 and 47, Building 17, Units 48, 49, 50 and 51, Building 18, Units 52 and 53, Building 19, Units 61, 62, 63 and 64, Building 22, Units 65, 66, 67 and 68, Building 23 of LEXINGTON PLACE CONDOMINIUM, a Condominium according to the Master Deed thereof recorded in Liber 35553, page 78, Oakland County Records, and designated as Oakland County Condominium Subdivision Plan No. 1743 and any amendments thereto, together with an undivided interest in the common elements of said condominium as set forth in Master Deed, and any amendments thereto, as described in Act 59 of the Public Acts of Michigan of 1978, as amended.

Tax Item Nos:

21-17-311-006, as to Unit 6, Building 3
21-17-311-007, as to Unit 7, Building 3
21-17-311-008, as to Unit 8, Building 3
21-17-311-009, as to Unit 9, Building 4
21-17-311-010, as to Unit 10, Building 4
21-17-311-011, as to Unit 11, Building 4
21-17-311-012, as to Unit 12, Building 4
21-17-311-013, as to Unit 13, Building 5
21-17-311-014, as to Unit 14, Building 5
21-17-311-015, as to Unit 15, Building 6
21-17-311-016, as to Unit 16, Building 6
21-17-311-017, as to Unit 17, Building 6
21-17-311-018, as to Unit 18, Building 7
21-17-311-019, as to Unit 19, Building 7
21-17-311-020, as to Unit 20, Building 8
21-17-311-021, as to Unit 21, Building 8
21-17-311-022, as to Unit 22, Building 9
21-17-311-023, as to Unit 23, Building 9
21-17-311-024, as to Unit 24, Building 9
21-17-311-025, as to Unit 25, Building 10
21-17-311-026, as to Unit 26, Building 10
21-17-311-027, as to Unit 27, Building 11
21-17-311-028, as to Unit 28, Building 11

21-17-311-029, as to Unit 29, Building 11
21-17-311-030, as to Unit 30, Building 12
21-17-311-031, as to Unit 31, Building 12
21-17-311-032, as to Unit 32, Building 12
21-17-311-033, as to Unit 33, Building 13
21-17-311-034, as to Unit 34, Building 13
21-17-311-035, as to Unit 35, Building 14
21-17-311-036, as to Unit 36, Building 14
21-17-311-037, as to Unit 37, Building 14
21-17-311-038, as to Unit 38, Building 15
21-17-311-039, as to Unit 39, Building 15
21-17-311-040, as to Unit 40, Building 15
21-17-311-041, as to Unit 41, Building 15
21-17-311-042, as to Unit 42, Building 16
21-17-311-043, as to Unit 43, Building 16
21-17-311-044, as to Unit 44, Building 16
21-17-311-045, as to Unit 45, Building 17
21-17-311-046, as to Unit 46, Building 17
21-17-311-047, as to Unit 47, Building 17
21-17-311-048, as to Unit 48, Building 18
21-17-311-049, as to Unit 49, Building 18
21-17-311-050, as to Unit 50, Building 18
21-17-311-051, as to Unit 51, Building 18
21-17-311-052, as to Unit 52, Building 19
21-17-311-053, as to Unit 53, Building 19
21-17-311-061, as to Unit 61, Building 22
21-17-311-062, as to Unit 62, Building 22
21-17-311-063, as to Unit 63, Building 22
21-17-311-064, as to Unit 64, Building 22
21-17-311-065, as to Unit 65, Building 23
21-17-311-066, as to Unit 66, Building 23
21-17-311-067, as to Unit 67, Building 23
21-17-311-068, as to Unit 68, Building 23

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

National Lumber Company, a Michigan
corporation,

Plaintiff,

Case No. 08-089710-CH

Hon. Rae Lee Chabot

v.

Lexington Partners, LLC, a Michigan limited
liability company, et al.

Defendants.

AND ALL CROSS, COUNTER AND THIRD PARTY CLAIMS

Miller, Canfield, Paddock and Stone, PLC
James L. Allen (P28182)
Brian P. Foley (P71139)
840 W. Long Lake Rd., Ste. 200
Troy, MI 48098
(248) 879-2000
*Attorneys for Bank of America, N.A., successor-
by-merger to LaSalle Bank Midwest National
Association*

Alan C. Applebaum (P36444)
31550 Northwestern Highway, Ste. 110
Farmington Hills, MI 48334
(248) 538-2700
*Attorney for Third Party Defendant Nick
Balberman*

Parvin C. Lee (P16509)
1090 W. Huron Street
Waterford, MI 48328
(248) 681-1200
Attorney for City of South Lyon

Maddin, Hauser, Wartell, Roth & Heller, PC
Stewart C. W. Weiner (P35508)
Michelle C. Harrell (P48768)
28400 Northwestern Hwy., 3rd Floor
Southfield, MI 48034
(248) 354-4030
Attorneys for Defendant Lexington Partners, LLC

Thomas J. Ryan (P19808)
2055 Orchard Lake Rd.
Sylvan Lake, MI 48320
(248) 334-9938
Attorney for Receiver Windham Group, LLC

STIPULATED ORDER FOR SITE IMPROVEMENTS SURETY BOND

At a session of Court held in the City of Pontiac,
Oakland County, Michigan on

~~SEP 16 2010~~ 2010.
RAE LEE CHABOT

PRESENT: _____

CIRCUIT COURT JUDGE

Upon the Motion of Receiver Windham Group, LLC ("Receiver"), and the Court being duly advised in the premises, and the parties having appeared and counsel having agreed on the record, IT IS ORDERED THAT:

- 1.) Bond: Within fourteen (14) days of the date of this Order, Defendant Bank of America, N.A., successor by merger to LaSalle Bank Midwest National Association ("Lender") shall post a cash bond with the Clerk of the City of South Lyon ("City") in the amount of \$100,000 (the "Surety Bond") which shall be held by the City in an a Trust and Agency Account and in an interest bearing account currently authorized to receive deposits for the City.
- 2.) The Surety Bond shall secure completion by the Receiver of the improvement described in Exhibit 1 (the "Secured Obligations"). This Receiver specifically shall install five (5) street lights to be installed in accordance with the site plan. The balance of the Surety Bond will be retained by the City until completion of the site plan, except as provided in paragraphs 5 and 7 below.
- 3.) Certificates of Occupancy: Upon posting, the Surety Bond shall constitute a "guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond" pursuant to South Lyon Code of Ordinances Section 103-39, and shall in all respects satisfy the requirements of that ordinance section as it pertains to the Receivership Property.
- 4.) Upon posting of the Surety Bond and in connection with sales by the Receiver of certain units of the Receivership Property, including without limitation Unit 1 of the Receivership Property (commonly known as 1006 Paddock #1), the City of South Lyon (the "City") shall issue certificates of occupancy sufficient to allow the purchasers to immediately occupy the units upon their sale, provided that the conditions for issuance of such certificates of

occupancy as required by applicable building regulations are otherwise satisfied. In addition, the City shall also remove any stop work order affecting the Receivership Property.

5.) The amount of the Surety Bond may be reduced upon further order of the Court as to No. 2 on the attached Exhibit 1 and the agreement of the parties.

6.) This Honorable Court shall retain jurisdiction as to the issue of the Surety Bond and the improvements pursuant to the agreement of the parties.

7.) Successor Receiver/Completion: Upon the appointment of a Successor Receiver or the sale of the project to a new third party, that party will post bond for an equal amount to that remaining on the Surety Bond, the Lender will be refunded any remaining amount from the Surety Bond posted by Lender, including interest. Upon completion of the project, any remaining portion of the Surety Bond will be refunded to the Lender, including interest.

8.) All capitalized terms not defined in this Order shall have the meanings given in the Consent Final Order Appointing Receiver and Dismissing Claims with Prejudice and Without Costs dated August 27, 2009.

9.) This Order satisfies the contingency described in paragraph 2 of the Final Order Approving Sale of Unit 1 entered on September 15, 2010.

EDWARD AVADENKA
Circuit Court Judge

Approved as to form and content:

Brian P. Foley
Brian P. Foley (P71139) *signed w/ permission JAE*
Attorney for Bank of America, N.A.
Successor-by-merger to LaSalle Bank
Midwest National Association

FOR RAE LEE CHABOT
CIRCUIT JUDGE

Thomas J. Ryan
Thomas J. Ryan (P16509) *signed w/ permission JAE*
Attorney for Receiver Windham Group, LLC
Parvin C. Lee (P16509)

A TRUE COPY
RUTH JOHNSON
Oakland County Clerk - Register of Deeds
By Chark Kellon
Deputy

Attorney for City of South Lyon

EXHIBIT 1

SECURED OBLIGATIONS

1. The wearing course of asphalt.
2. Installation of 5 (five) street lights to be installed in accordance with the site plan.
3. The Surety Bond does not cover landscaping, which is required before certificates of occupancy are granted for new buildings.

18,382,901.21005710-00120

Lacey Stone

From: Foley, Brian P. [foley@millercanfield.com]
Sent: Thursday, September 16, 2010 3:13 PM
To: Lacey Stone; 'Thomas J. Ryan'; Allen, James L.
Subject: RE: Lexington Partners LLC [IWOV-ACTIVE.FID22019]

You have permission to sign my name.

Can you provide the exact name of the payee for the \$100,000 check?

Brian P. Foley
Associate
Miller, Canfield, Paddock and Stone, P.L.C.
840 W. Long Lake Rd., Ste. 200
Troy, MI 48098-6358
Direct Dial: (248) 267-3240
Fax: (248) 879-2001
Email: foley@millercanfield.com
<http://www.millercanfield.com/BrianFoley>

We are not authorized to enter into any binding agreement on behalf of any of our clients. If this communication contains any settlement proposal, it is for discussion purposes only and does not constitute an offer on behalf of us or any of our clients, and cannot create a contract or legally binding agreement. The contents of this message are subject to client approval. All communications are subject to the terms of a prenegotiation agreement, if any. Any settlement of any matter requires the signature of an authorized representative of our client (other than Miller Canfield) on final definitive documents which have been approved in accordance with our client's procedures.

♻ Please consider the environment before printing this e-mail.

From: Lacey Stone [mailto:lstone@boothpatterson.com]
Sent: Thursday, September 16, 2010 3:00 PM
To: Foley, Brian P.; 'Thomas J. Ryan'; Allen, James L.
Subject: RE: Lexington Partners LLC [IWOV-ACTIVE.FID22019]

We have reviewed this version and agree to the language and revisions. Mr. Lee has signed it. If there are no further changes please email me giving me permission to sign your name to this latest version and I will have our clerk deliver it to the Court for the Judge's signature.

Lacey

From: Foley, Brian P. [mailto:foley@millercanfield.com]
Sent: Thursday, September 16, 2010 2:45 PM
To: Thomas J. Ryan; lstone@boothpatterson.com; Allen, James L.
Subject: RE: Lexington Partners LLC [IWOV-ACTIVE.FID22019]

I have a few additional minor changes, clean and redline attached. I will sign if the order is as attached.

Lacey Stone

From: Thomas J. Ryan [sylvanlaw@aol.com]
Sent: Thursday, September 16, 2010 3:33 PM
To: lstone@boothpatterson.com; foley@millercanfield.com; allenj@millercanfield.com
Subject: Re: Lexington Partners LLC [IWOV-ACTIVE.FID22019]

I have reviewed the revisions by Brian and I am agreeable. Lacey you have permission to sign my name to the Order. Please provide a true copy upon receipt of same.

Sincerely,

Tom

Thomas J. Ryan, P.C.
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248)334-9938
(248)858-8508 - fax

-----Original Message-----

From: Lacey Stone <lstone@boothpatterson.com>
To: 'Foley, Brian P.' <foley@millercanfield.com>; 'Thomas J. Ryan' <sylvanlaw@aol.com>; 'Allen, James L.' <allenj@millercanfield.com>
Sent: Thu, Sep 16, 2010 2:59 pm
Subject: RE: Lexington Partners LLC [IWOV-ACTIVE.FID22019]

We have reviewed this version and agree to the language and revisions. Mr. Lee has signed it. If there are no further changes please email me giving me permission to sign your name to this latest version and I will have our clerk deliver it to the Court for the Judge's signature.

Lacey

From: Foley, Brian P. [mailto:foley@millercanfield.com]
Sent: Thursday, September 16, 2010 2:45 PM
To: Thomas J. Ryan; lstone@boothpatterson.com; Allen, James L.
Subject: RE: Lexington Partners LLC [IWOV-ACTIVE.FID22019]

I have a few additional minor changes, clean and redline attached. I will sign if the order is as attached.

Brian P. Foley
Associate
Miller, Canfield, Paddock and Stone, P.L.C.
840 W. Long Lake Rd., Ste. 200
Troy, MI 48068-6358
Direct Dial: (248) 267-3240
Fax: (248) 879-2001
Email: foley@millercanfield.com
<http://www.millercanfield.com/BrianFoley>

We are not authorized to enter into any binding agreement on behalf of any of our clients. If this communication contains any settlement proposal, it is for discussion purposes only and does not constitute an offer on behalf of us or any of our clients, and cannot create a contract or legally binding agreement. The contents of this message are subject to client approval. All communications are subject to the terms of a prenegotiation agreement, if any. Any settlement of any

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

National Lumber Company, a Michigan
corporation,

Plaintiff,

v.

Lexington Partners, LLC, a Michigan limited
liability company, et al.

Defendants.

OAKLAND COUNTY 08-089710-CH



JUDGE RAE LEE CHABOT
NATIONAL LUMB v LEXINGTON PAR

RECEIVED FOR FILING
OAKLAND COUNTY CIRCUIT COURT
2012 MAR -7 A 10 45

AND ALL CROSS, COUNTER AND THIRD PARTY CLAIMS

Miller, Canfield, Paddock and Stone, PLC
James L. Allen (P28182)
Brian P. Foley (P71139)
840 W. Long Lake Rd., Ste. 200
Troy, MI 48098
(248) 879-2000

*Attorneys for Bank of America, N.A., successor-
by-merger to LaSalle Bank Midwest National
Association*

Alan C. Applebaum (P36444)
31550 Northwestern Highway, Ste. 110
Farmington Hills, MI 48334
(248) 538-2700
*Attorney for Third Party Defendant Nick
Balbernian*

Maddin, Hauser, Wartell, Roth & Heller, PC
Stewart C. W. Weiner (P35508)
Michelle C. Harrell (P48768)
28400 Northwestern Hwy., 3rd Floor
Southfield, MI 48034
(248) 354-4030

Attorneys for Defendant Lexington Partners, LLC

Thomas J. Ryan (P19808)
2055 Orchard Lake Rd.
Sylvan Lake, MI 48320
(248) 334-9938
Attorney for Receiver Windham Group, LLC

**ORDER TERMINATING RECEIVERSHIP
AND CONFIRMING LENDER'S RIGHT TO RETAIN ALL PROCEEDS OF SALE**

At a session of Court held in the City of Pontiac,

Oakland County, Michigan on

MAR 07 2012, 2012.

PRESENT: **RAE LEE CHABOT**
CIRCUIT COURT JUDGE

Upon the Motion of Defendant Bank of America, N.A., successor by merger to LaSalle Bank Midwest National Association ("Lender"), and the Court being otherwise advised, IT IS ORDERED that:

1. The Receivership, as evidenced by the *Consent Final Order Appointing Receiver and Dismissing Claims with Prejudice and Without Costs* dated August 27, 2009 (the "Receiver Order"), is terminated effective upon entry of this Order (the "Effective Date").

2. All proceeds of the various receiver sales of Receivership Property approved by prior Order of this Court shall be retained by Lender outright and without restriction, and no construction lien claimant or any other party shall have any claim to any such funds.

3. Within 7 days after the Effective Date, Receiver Windham Group, LLC ("Receiver") shall submit to Lender a final invoice for any unpaid receiver fees due and owing to Receiver pursuant to Section 8.1 of the Receiver Order. If the Receiver's final invoice is not paid within 21 days of submission to Lender, Receiver shall have the right to petition the Court for a hearing regarding the final invoice.

4. The Receiver shall prepare a final accounting (the "Final Report") with respect to the management, construction and sale of the Receivership Property. The Final Report shall be filed with the Court and served on all parties within 30 days from the Effective Date.

5. The parties shall have 21 days from the date of service of the Final Report to file and serve objections, if any. If any objections to the Final Report are filed, the Receiver or the objecting party shall promptly request a hearing before this Court. If no objections are filed, then without further order of this Court:

a. the Final Report shall be deemed approved; and

b. the Receiver's bond (as described in both Section 8.5 of the Receiver Order) shall be cancelled and the Receiver shall be discharged from all duties.


Circuit Court Judge

19.821.342.11005710-00120

RECEIVED
DEC 28 2015

BY:

**CONSENT RESOLUTIONS OF THE MEMBERS OF THE BOARD OF DIRECTORS OF
LEXINGTON PLACE CONDOMINIUM ASSOCIATION**


The undersigned, being all of the directors ("Directors") of Lexington Place Condominium Association, a Michigan non-profit corporation, do hereby consent to the adoption of the following preambles and resolutions, such preambles and resolutions to have the same effect as if adopted by unanimous vote of the directors at a meeting duly called and held as of December 16, 2015.

WHEREAS, the directors of the Association are responsible under the Michigan Condominium Act (the "Act") and the Bylaws ("Bylaws") of Lexington Place Condominium, a Michigan statutory condominium project (the "Condominium") established pursuant to the Act for the maintenance and administration of the Condominium concerning all matters not specifically reserved to the decisions of the co-owners thereof as expressed in Article XI, Section 3 of the Bylaws; and


WHEREAS, Article VII(c) of the Master Deed specifically confers upon the Association the power and duty to grant easements over, or dedicate portions of any of the Common Elements for utilities after certificates of occupancy of 100% of the units in the condominium have been issued; and

WHEREAS, the directors have determined it is in the best interest of the Condominium, its co-owners and the Association that water and sanitary sewer easements, and the improvements located therein, be granted and transferred to the City of South Lyon;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the President of the Association be and he is hereby authorized and directed to execute the easements and bill of sale, in the form as required by the City of South Lyon, for the purpose of transferring title to the easements water and sanitary sewer improvements located in Lexington Place Condominium and for the continued maintenance, repair and replacement of the water and sanitary sewer improvements located in Lexington Place Condominium and to take such other actions as may be necessary and/or desirable to grant the easements and transfer the water and sanitary sewer improvements to the City.




DONALD J. D'ALESSANDRO, Director



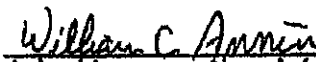
LUIS VERD, Director



SHARON O'NEILL, Director



LESLIE A. EVANS, Director



WILLIAM C. ANNIN, Director

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that Lexington Place Condominium Association, c/o 120 W. Grand River Ave., Suite 300, Howell, MI 48843 ("Seller"), in consideration of \$1 received from the City of South Lyon, Oakland County, MI, ("Buyer"), the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, conveyed, transferred, and delivered and by these presents does bargain, sell, grant, convey, transfer, and deliver unto Buyer the following:

Sanitary Sewer Quantities

8" Sanitary Sewer = 1,346 LF

10" Sanitary Sewer = 1,465 LF

Sanitary Manholes = 18

Water Main Quantities

8" D.I.W.M. = 1,221 LF

12" D.I.W.M. = 1,772 LF

Fire Hydrant Assembly = 10

To have and to hold the same unto Buyer, its executors, administrators, and assigns forever:

Seller warrants and represents to Buyer that the title conveyed is good, its transfer is rightful, and the above listed property is delivered free from any security interest or other lien or encumbrance and that Seller has not done, or allowed to be done, any act by which all or any part of the property conveyed hereunder to encumber title. Seller further acknowledges and agrees that it is not entitled to the bond or and other security or bond(s) being held by the City of South Lyon in connection with installation of the above listed improvements.

IN WITNESS WHEREOF, Seller has hereunto executed and delivered this Bill of Sale this ____ of December, 2015.

LEXINGTON PLACE CONDOMINIUM
ASSOCIATION

By: 

Donald D'Alessandro

Its: President

SANITARY SEWER SYSTEM EASEMENT

KNOW ALL PERSONS that Lexington Place Condominium Association, a Michigan non-profit corporation ("Grantor"), whose address is C/O 120 W. Grand River Avenue, Suite 300, Howell, Michigan 48843, party of the first part, for and in consideration of the sum of \$1.00 paid to the Grantor(s) by the City of South Lyon, (a Michigan Municipal Corporation), party of the second part, whose address is, 335 South Warren, South Lyon Michigan 48178 do hereby grants to the party of the second part the right to construct, operate, maintain, repair, and/or replace a Sanitary Sewer System within a permanent easement across and through the following described land ("Property") situated in the City of South Lyon, County of Oakland, State of Michigan to wit:

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A" AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

This conveyance also includes the right of the City, its contractors, and/or representatives to use the private roads in Lexington Place Condominium for all ingress and egress purposes associated with its obligations herein.

The Property so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to substantially the condition as existing prior to construction by the party of the second part.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature this ____ day of October, 2015.

LEXINGTON PLACE CONDOMINIUM ASSOCIATION

BY: _____

Donald D'alessandro

ITS: President

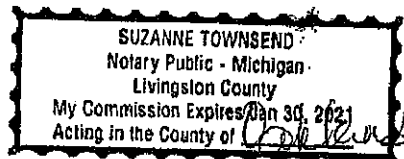
COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 16th day of December, 2015 by Donald D'alessandro, President of Lexington Place Condominium Association, a Michigan non-profit corporation, on behalf of the corporation.

Notary Public:

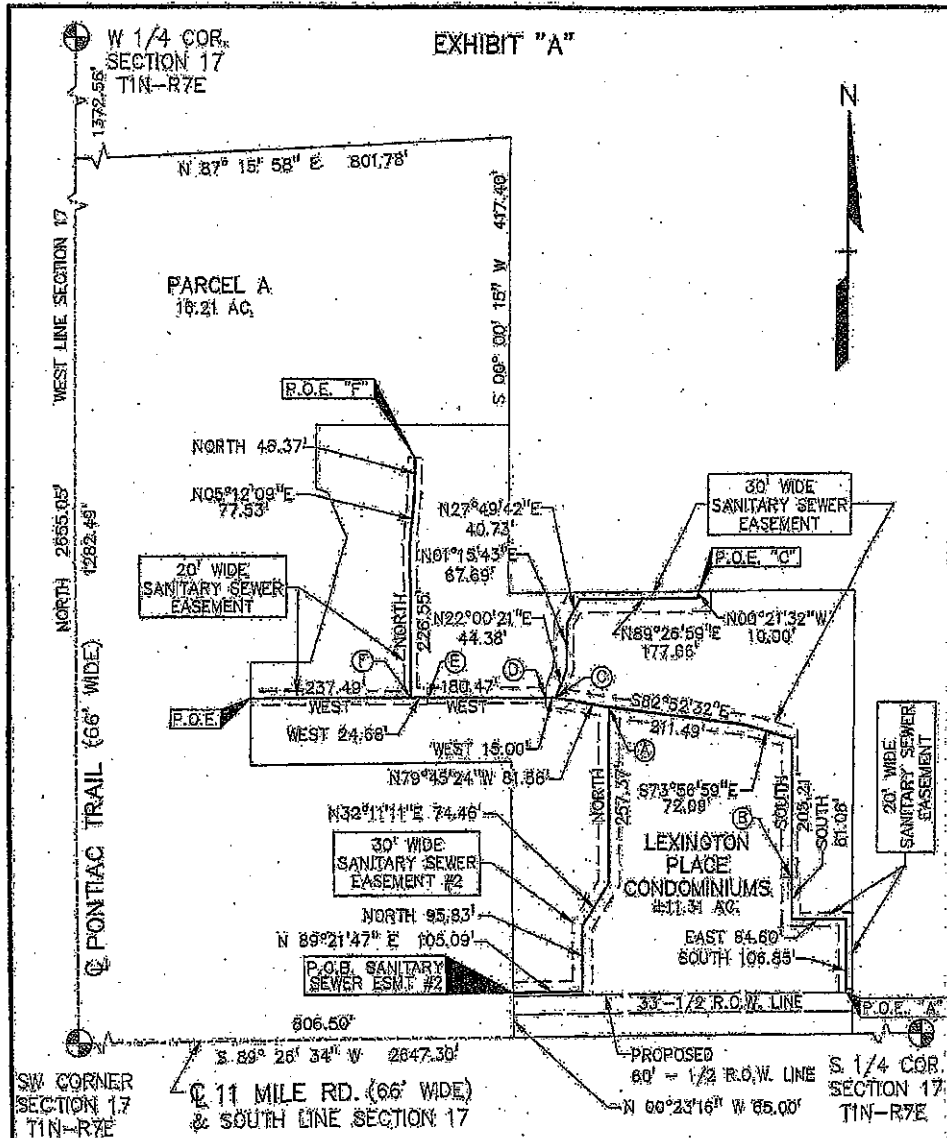
Suzanne Townsend
Print or Type Name

My commission expires: 1-30-2021
Livingston County
Acting in Oakland County,



Drafted by:
C. Kim Shierk
Williams Williams Rattner & Plunkett, P.C.
380 North Old Woodward, Suite 300
Birmingham, Michigan 48009

When Recorded return to:
City Clerk
City of South Lyon
335 South Warren
South Lyon, Michigan 48178



PEA
2900 E Grand River Ave.
Howell, MI 48843
(517) 648-8588

PROFESSIONAL ENGINEERING ASSOCIATES
CLIENT: **ROBERTSON BROTHERS**

SCALE: 1"=200'
DATE: 11-30-12
JOB: 2011088
DWS. No: 1 of 2

FIELD: AC/JW
DRAWN: PLK
FILE: 11088-VAL-ESMT-SOWG
REVISED: 01-17-2014

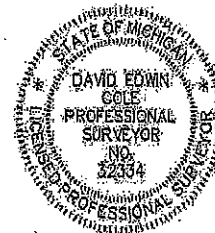

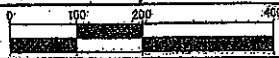


EXHIBIT "B"

SANITARY SEWER EASEMENT #2

A variable width easement for sanitary sewer in the SW 1/4 of Section 17, T1N-R7E, Lyon Township, Oakland County, Michigan, having the following described centerline: Commencing at the Southwest corner said Section 17; thence along the centerline of 11 Mile Road and the south line of said Section 17, S 89°28'34" W, 806.50 feet; thence N 00°23'16" W, 65.00 feet to the POINT OF BEGINNING of the centerline of this variable width easement for sanitary sewer; thence along the centerline of a 30-foot wide sanitary sewer easement, N 89°21'47" E, 105.09 feet; thence due North, 95.83 feet; thence N 32°11'11" E, 74.46 feet; thence due North, 257.37 feet to Point of Branching "A"; thence N 79°45'24" W, 81.56 feet to Point of Branching "C"; thence due West, 15.00 feet to Point of Transition "D", said point being a point of transition from a 30-foot wide easement to a 23-foot wide easement, being 8-foot wide on the left and 15-foot wide on the right of the following described line; thence due West, 180.47 feet to Point of Transition "E"; said point being a point of transition from a 23-foot wide easement to a 25-foot wide easement, being 10-foot wide on the left and 15-foot wide on the right of the following described line; thence due West, 24.68 feet to Point of Branching "F", said point being a point of transition from a 25-foot wide easement to a 20-foot wide easement centered on the following described centerline; thence due West, 237.49 feet to a Point of Ending; also beginning from the aforementioned Point of Branching "A", thence along the centerline of a 30-foot wide easement, S 82°52'32" E, 211.49 feet; thence S 73°56'59" E, 72.09 feet to the end of the 30-foot wide easement and the beginning of a 25-foot wide easement being 9-foot wide on the left and 16-foot wide on the right of the following described line; thence due South, 203.21 feet to Point of Transition "B"; said point being a point of transition from a 25-foot wide easement to a 30-foot wide easement, being 14-foot wide on the left and 16-foot wide on the right of the following described line; thence continuing due South, 61.06 feet to the end of the 30-foot wide easement and the beginning of centerline of a 20-foot wide easement; thence due East, 54.60 feet and due South, 108.85 feet to POINT OF ENDING "A"; also beginning from the aforementioned Point of Branching "C" along the line of a 30-foot wide easement, being 20-foot wide on the left and 10-foot wide on the right of the following described line; thence N 22°00'21" E, 44.38 feet; thence N 01°15'43" E, 67.69 feet; thence N 27°49'42" E, 40.73 feet to the end of the 30-foot wide easement and the beginning of a 30-foot wide easement, being 10-foot wide on the left and 20-foot wide on the right of the following described line; thence N 89°26'59" E, 177.66 feet; thence N 00°21'32" W, 10.00 feet to POINT OF ENDING "C"; also beginning from aforementioned Point of Branching "F", thence along the centerline a 20-foot wide easement due North, 228.55 feet; thence N 05°12'09" E, 77.53 feet; thence due North, 46.37 feet to POINT OF ENDING "F".

	PROFESSIONAL ENGINEERING ASSOCIATES		
	CLIENT: ROBERTSON BROTHERS		
	SCALE: NO SCALE	FIELD: AC/JW	DRAWN: PLK
	DATE: 11-30-12		
	JOB: 2011088	FILE: 11088-UNC-ESMTS.DWG	
2900 E Grand River Ave. Howell, MI 48843 (517) 546-8583	DWG. No: 2 of 2	REVISED: 01-17-2014	



WATER SUPPLY SYSTEM EASEMENT

KNOW ALL PERSONS that Lexington Place Condominium Association, a Michigan non-profit corporation ("Grantor"), whose address is C/O 120 W. Grand River Avenue, Suite 300, Howell, Michigan 48843, , party of the first part, for and in consideration of the sum of \$1.00 paid to the Grantor by the City of South Lyon, (a Michigan Municipal Corporation), party of the second part, whose address is, 335 South Warren, South Lyon Michigan 48178 do hereby grants to the party of the second part the right to construct, operate, maintain, repair, and/or replace a water supply system within a permanent easement across and through the following described land ("Property") situated in the City of South Lyon, County of Oakland, State of Michigan to wit:

**SEE PARCEL DRAWING, ATTACHED AS EXHIBIT "A" AND
LEGAL DESCRIPTION, ATTACHED AS EXHIBIT "B"
BOTH OF WHICH ARE INCORPORATED BY REFERENCE HEREIN**

This conveyance also includes the right of the City, its contractors, and/or representatives to use the private roads in Lexington Place Condominium for all ingress and egress purposes associated with its obligations herein.

The Property so disturbed by reason of the exercise of any of the foregoing powers shall be reasonably restored to substantially the condition existing prior to construction by the party of the second part.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature this ____ day of December, 2015.

LEXINGTON PLACE CONDOMINIUM ASSOCIATION

BY: 

Donald D'Alessandro

ITS: President

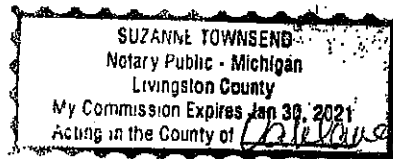
COUNTY OF OAKLAND)
) SS
STATE OF MICHIGAN)

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 16th day of December, 2015 by Donald D'alessandro, President of Lexington Place Condominium Association, a Michigan non-profit corporation, on behalf of the corporation.

Notary Public:

Suzanne Townsend
Print or Type Name

My commission expires: 1-30-2021
Livingston County
Acting in Oakland County,



Drafted by:
C. Kim Shierk
Williams Williams Rattner & Plunkett, P.C.
380 North Old Woodward, Suite 300
Birmingham, Michigan 48009

When Recorded return to:
City Clerk
City of South Lyon
335 South Warren
South Lyon, Michigan 48178

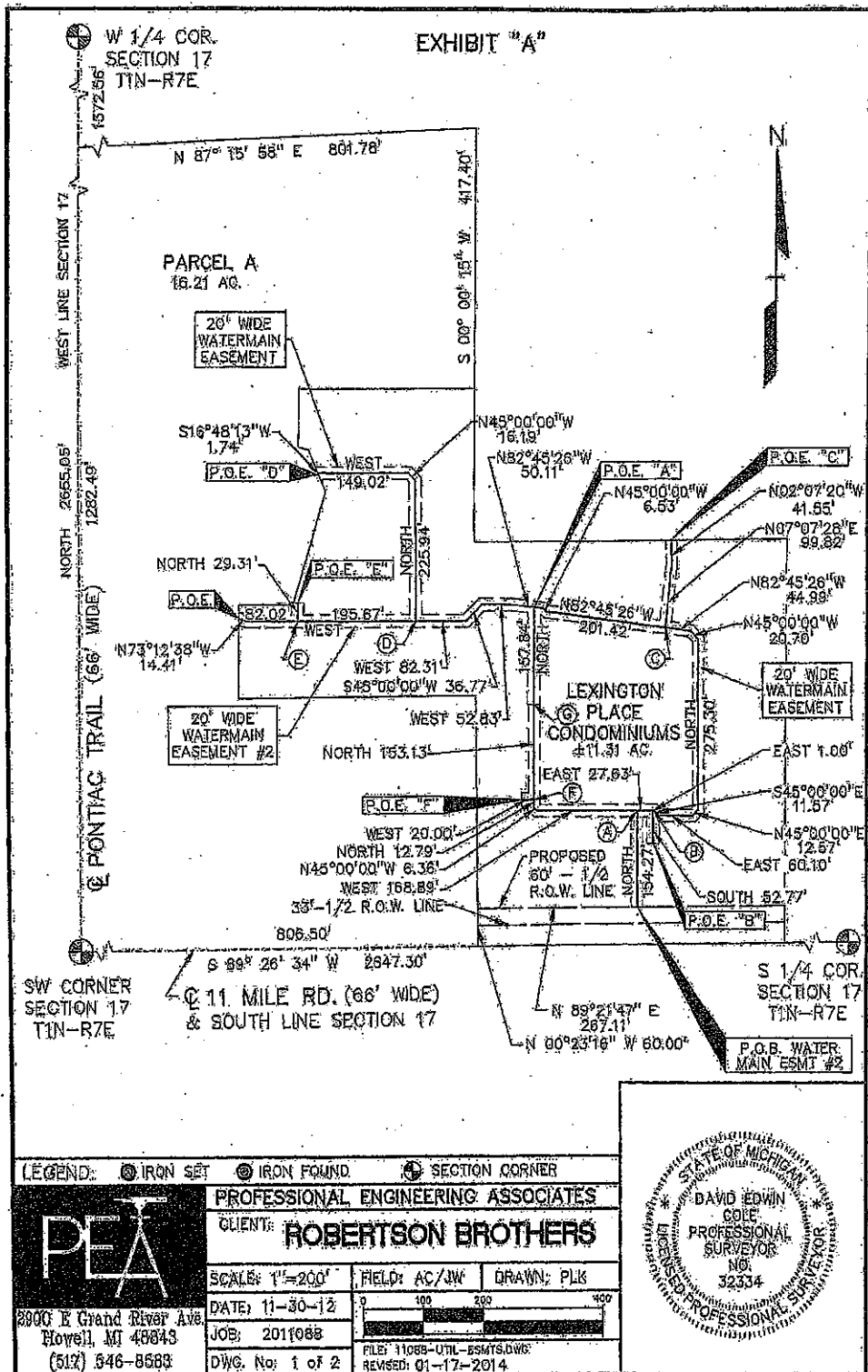


EXHIBIT "B"

WATERMAIN EASEMENT #2

A 20-foot wide easement for water main in the SW 1/4 of Section 17, T1N-R7E, Lyon Township, Oakland County, Michigan, Commencing at the Southwest corner said Section 17; thence along the centerline of 11 Mile Road and the south line of said of Section 17, N 89°26'34" E, 806.50 feet; thence N 00°23'16" W, 60.00 feet to the northerly Right-of-Way line of 11 mile Road (60-foot wide 1/2 Right-of-Way); thence along said Right-of-Way line N 89°21'47" E, 267.11 feet to the POINT OF BEGINNING of the centerline of this 20-foot wide easement for water main; thence due North, 154.27 feet to Point of Branching "A"; thence due East, 27.63 feet to Point of Branching "B"; thence continuing due East, 1.00 feet; thence S 45°00'00" E, 11.57 feet; thence due East, 60.10 feet; thence N 45°00'00" E, 12.57 feet; thence due North 276.30 feet; thence N 45°00'00" W, 20.70 feet; thence N 82°45'26" W, 44.99 feet to Point of Branching "C"; thence continuing N 82°45'26" W, 201.42 feet; thence N 45°00'00" W, 6.53 feet; thence N 82°45'26" W, 50.11 feet; thence due West, 52.83 feet; thence S 45°00'00" W, 36.77; thence due West 82.31 feet to Point of Branching "D"; thence continuing due West, 195.67 feet to Point of Branching "E"; thence continuing due West, 82.02 feet; thence N 73°12'38" W, 14.41 feet to a POINT OF ENDING; also beginning from the aforementioned Point of Branching "A"; thence due West, 168.89 feet; thence N 45°00'00" W, 6.36 feet; thence due North, 12.79 feet to Point of Branching/Transition "F"; said point being a point of transition from a 20-foot wide easement to an 18.50-foot wide easement, being 8.50-foot wide on the left and 10-foot wide on the right of the following described line; thence continuing due North 153.13 feet to Point of Transition "G"; said point being a point of transition from an 18.50-foot wide easement to a 20-foot wide easement centered on the following described centerline; thence continuing due North 167.84 feet to Point of Ending "A"; also beginning from the aforementioned Point of Branching "B"; thence along the centerline of this 20-foot wide easement, due South, 52.77 feet to POINT OF ENDING "B"; also beginning from the aforementioned Point of Branching "C"; thence thence along the centerline of this 20-foot wide easement N 07°07'28" E, 99.82 feet; thence N 02°07'20" W, 41.55 feet to POINT OF ENDING "C"; also beginning from the aforementioned Point of Branching "D"; thence along the centerline of a 20-foot wide easement, due North, 225.94 feet; thence N 45°00'00" W, 16.19 feet; thence due West, 149.02 feet; thence S 16°48'13" W, 1.74 feet to POINT OF ENDING "D"; also beginning from the aforementioned Point of Branching "E"; thence along the centerline of this 20-foot wide easement, due North, 29.31 feet to POINT OF ENDING "E"; also beginning from the aforementioned Point of Branching/Transition "F"; thence thence along the centerline of this 20-foot wide easement due West, 20.00 feet to POINT OF ENDING "F".



2900 E Grand River Ave.
Howell, MI 48843
(517) 846-8583

PROFESSIONAL ENGINEERING ASSOCIATES

CLIENT: **ROBERTSON BROTHERS**

SCALE: NO SCALE	FIELD: AC/JW	DRAWN: PLR
DATE: 11-30-12		
JOB: 2011088		
DWG. No: 2 of 2	FILE: 11088-UTIL-ESMT3.DWG REVISED: 01-17-2014	



L. Bedich PDF
Millennium Middle School
61526 Nine Mile Road
South Lyon, MI 48178

neopost[®]
01/21/2016

FIRST-CLASS MAIL

US POSTAGE

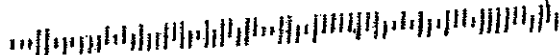
\$00.48⁵



ZIP 48178
041L11235825

South Lyon Fire Dept.
Attn: Chief Mike Kennedy
217 Whipple St.
South Lyon, MI

48178



MILLENNIUM MIDDLE SCHOOL

61526 Nine Mile Road • South Lyon, MI 48178

Dear Chief Kennedy,

On behalf of both Centennial
and Millennium Middle Schools
we'd like to sincerely thank you
for being so willing to send
South Lyon's finest out to speak
to our students! Firefighter Jeff
Brad and Cindy did a
phenomenal job and the kids
were extremely engaged!

The feedback from the
students has been awesome.
So please know that what
you all do, whether it's through
coming out to visit and present
or protecting our city, we are
most grateful to you all for
your selflessness!

Thanks again and always

Stay safe !! Sincerely,

Laurie Bedich



Resource Recovery & Recycling Authority of Southwest Oakland County

20000 W. 8 Mile Rd
Southfield, MI 48075-8708

Office: 248.208.2270

Fax: 248.208.2273

www.RRRASOC.org

THE RECYCLING AUTHORITY

Since 1989

CITY OF SOUTH LYON 2015 SOLID WASTE AND RECYCLING DASHBOARD METRICS

Resource Utilization by Disposal Method	
Materials Recycled (tons)	548.79
Household Hazardous Waste (tons)	2.05
Yard Waste (tons)	1,890.00
Total Tons Utilized ¹	2,440.84
Utilization Rate, i.e. Total Recycling Rate	43.2%
Landfilled (tons)	3,210.99
Total Solid Waste (tons)	5,651.83

Public and Recycling Expenditures (per capita)	
City of South Lyon	\$41.78
Regional Median for Southeast Michigan	\$69.33

Environmental Impact	
Energy Saved (million Btu)	5,465
Energy Saved (annual household equivalents)	54
Reduced Airborne Pollution Emissions (tons)	613
Reduced Waterborne Pollution Emissions (tons)	2.3
Mined Resource Savings (tons)	33.2
Number of Trees Saved	4,092

¹ Michigan's *Solid Waste Policy* recognizes solid waste as a resource that should be managed to promote economic vitality, ecological integrity, and improved quality of life in a way that fosters sustainability. By recognizing solid waste as a resource, Michigan can more fully realize the economic, environmental, and social benefits of utilizing materials that may be thought of as waste but that still have inherent value. Utilization includes recycling materials into new products, capturing the energy content of waste materials, and composting organic materials into useful products.

² *RRRASOC Solid Waste Expenditure Benchmark Study, 2014*. RRRASOC compared the FY 2014-2015 expenditures of municipalities in southeast Michigan on sanitation, solid waste and recycling activities.

³ Lifecycle analyses of materials allows for the comparison of recycling materials to the use of virgin materials for industrial feedstock.

RRRASOC Member Communities
Farmington + Farmington Hills + Milford + Milford Township
Novi + South Lyon + Southfield + Walled Lake + Wixom