



CITY OF BURTON
BURTON CITY COUNCIL MEETING
SEPTEMBER 19, 2022
MINUTES

Council Chambers

Special Meeting

5:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 5:36 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Late	5:38 PM
Christina Hickson	Councilwoman	Present	

B. STAFF PRESENT

Racheal Boggs, City Clerk
Dave Martinez, Building Official
Amber Abbey, Deputy DPW Director

C. AUDIENCE PARTICIPATION

None.

D. PRESENTATION: THE BUILDING OFFICIAL WILL GIVE PRESENTATION ON EACH PROPERTY AS THEY COME UP.

Mr. Martinez stated the home has been tagged since 2018. The interior is very dated as far as the condition of the home. There are physical holes in the home where rodents and other animals are entering and harboring inside. There is 3-4 feet of water standing that has been there for quite a long time. There is no gas or electric. The whole yard is very overgrown and in disrepair. The home is in disrepair and no one has shown any interest to us in fixing the issues. I recommend option #1 of the demolition procedure, immediate demolition.

E. COUNCIL ACTION

1. Motion for Immediate Demolition of 4237 Leith, with DPW given authorization to request sealed bids and the Structure to be razed within the thirty (30) days of Burton City Council's acceptance of the low bid and the City Attorney's approval of the contract documents for execution of a contract with the Mayor and Clerk.

Mrs. Conley stated she knows people who live on Leith Street and this has been an eyesore for a long time. They will be happy that it is coming down.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Gregory Fenner, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

Meeting was adjourned at 5:40 PM.



ADOPTED

AGENDA ITEM (ID # 5487)

DOC ID: 5487

**THIS IS THE TIME FIXED FOR HEARING AND CONSIDERING
ANY COMMENTS TO THE DEMOLITION UNDER
CONSIDERATION, TO-WIT: 4237 Leith St, Parcel ID # 59-03-
504-068 at 5:30 p.m.**

RESOLUTION: APPROVE AND AUTHORIZE the Standard Resolution for Step V of the Burton City Demolition Procedure, determining said premises at 4237 Leith St, Parcel #59-03-504-068 to be a public nuisance or hazard and to further require the owner(s) or occupant(s) to:

1. Immediate Demolition, with DPW given authorization to request sealed bids and the Structure to be razed within the thirty (30) days of Burton City Council's acceptance of the low bid and the City Attorney's approval of the contract documents for execution of a contract with the Mayor and Clerk, or
2. *Alter by repair the structure to Burton City Code with a Building Permit within _____ days, or
3. *Abate(tear down) the structure to Burton City Code with a Demolition Permit with _____ days, or
4. Postpone any further action for _____ days, based on the following circumstances:

The Burton City Council is to select one (1) of the above orders. The Department of Public Works recommends the immediate demolition, contingent upon Burton City Council's acceptance of the low bid.

*The Department of Public Works is hereby given the authority to demolish the structure(s) upon failure to comply with the Building Permit or Demolition Permit.

COMMENTS - Current Meeting:

Mrs. Conley stated she knows people who live on Leith Street and this has been an eyesore for a long time. They will be happy that it is coming down.

ATTACHMENTS:

- Demolition Packet (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Gregory Fenner, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

Demolition Packet

4237 Leith St.

September 19, 2022

At

5:30 p.m.

Attachment: Demolition Packet (5487 : 4237 Leith)



PAULA K. ZELENKO
Mayor

City of Burton

DEPARTMENT OF PUBLIC WORKS

4093 MANOR DRIVE
BURTON, MI 48519
PHONE (810) 742-9230
FAX (810) 742-8015
www.burtonmi.gov

Certified Mail
With return receipt

October 18, 2019

*Also mailed to
4060 Coral*

Owner: Agnes Gabriel
4237 Leith St.
Burton, MI 48509

Reference Property: 4237 Leith St., Parcel ID of 59-03-504-068

Please be advised, because of the inactivity of your property (i.e., expiration of building permit, fire damage, condition of building), the dwelling may now be referred for placement on the City of Burton demolition list.

The purpose of the City of Burton demolition program is to get buildings that are a danger or nuisance either demolished or rehabbed to become "a productive member of society" once again. Vacant or rundown buildings cause blight and property values to lower not only of the property itself but also the properties surrounding it.

Please contact the building department within the next **10 days** to make arrangements for first the necessary inspection, to obtain a building permit to rehab, or to get a demolition permit. Failure to do so by **October 29, 2019** will result in the City of Burton continuing demolition proceedings, which involves but is not limited to, newspaper ads, title searches and complete cost of the demolition, of which all costs will be billed to the property owner and placed on the city taxes if not paid.

Thank you for your prompt attention to this matter.

Sincerely,

Amber Abbey
Building, Planning, & Zoning Superintendent

*Going to
Demo, waiting
On Consumers
for Cut and
Cap*

Equal Opportunity Employer
Michigan Municipal League Member



Attachment: Demolition Packet (5487 : 4237 Leith)

7018 2290 0000 9020 9867

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 3.50

Extra Services & Fees (check box, add fee as appropriate)

- ☒ Return Receipt (hardcopy) \$ 2.80
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$ 1.50

Total Postage and Fees

\$ 6.80

Sent To

Street and Apt.

Agnes Gabriel

4237 Leith St.

City, State, ZIP

Burton, MI 48509

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Agnes Gabriel
 4237 Leith St.
 Burton, MI 48509



9590 9402 5155 9122 1100 26

2. Article Number (Transfer from service label)

7018 2290 0000 9020 9867

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agnes Gabriel

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Agnes Gabriel

C. Date of Delivery

NOV 10 2019

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

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Attachment: Demolition Packet (5487 : 4237 Leith)

REQUEST FOR INVESTIGATION
NUISANCE OR HAZARDOUS CONDITION OF PREMISES

TO: Building Division, Department of Public Works

RE: Premises located at: 4237 Leith St. 59-03-504-068
City of Burton, Genesee County, Michigan, legally
described as:

LOT 27 EXCEPT W 8 FT SUPERVISORS PLAT OF COPENHAVER SUB

Please investigate the above described premises and report to the Burton City Council regarding whether the condition of said premises constitutes a public nuisance or hazardous condition, dangerous to the health, safety, or welfare of the inhabitants of the City of Burton or those residing or habitually going near said premises. If so, set a Public Hearing date for the Burton City Council's action with the property owner's right to address the Burton City Council.

Date: July 18, 2022



Duane Haskins, Mayor

Attachment: Demolition Packet (5487 : 4237 Leith)



City of Burton

DEPARTMENT OF PUBLIC WORKS

4093 MANOR DRIVE
BURTON, MI 48519
PHONE (810) 742-9230
FAX (810) 742-8015
www.burtonmi.gov

July 26, 2022

Sargent's Title
625 S. Grand Traverse
Flint MI 48502

Re: Title Searches

3491 Atherton Rd.	Parcel 59-21-578-004
3512 Barcy Ct.	Parcel 59-29-552-016
1423 S. Belsay Rd.	Parcel 59-13-300-006
2118 James St.	Parcel 59-29-555-025
2079 E. Judd Rd.	Parcel 59-32-503-317
3518 Laurel Ave.	Parcel 59-29-576-020
4237 Leith St.	Parcel 59-03-504-068
2172 Scottwood Ave.	Parcel 59-32-503-261
2017 Term St.	Parcel 59-21-528-040

Please provide a title search for the above nine (9) locations and invoice this office, to my attention. We are in the process of a demolition/abatement order by the City Council and require the present taxpayer/owner of record at this time as required for proper legal notification. I understand the cost for these title searches will be \$200.00 each for the residential searches and \$350.00 for the commercial search with the searches completed within two weeks.

Thank you for your assistance.

Sincerely,

Amber Abbey
Deputy DPW Director

*Equal Opportunity Employer
Michigan Municipal League Member*



Attachment: Demolition Packet (5487 : 4237 Leith)



Invoice

Remit payment to:

Sargent's Title Company, LLC
6060 Torrey Road, Suite C
Flint, MI 48507
(810)767-2355

Billed to:

City of Burton
4093 Manor Dr
Burton, MI 48519

Invoice number: 22-56264

Invoice date: June 27, 2022

Please pay before: September 25, 2022

Our file number: 22-56264

Property:

4237 Leith Street
Burton, MI 48529
Genesee County

Brief legal: Lot 27, EXCEPT the West 8 feet
of SUPERVISOR'S PLAT OF
COPENHAVER SUBDIVISION

DESCRIPTION	AMOUNT
Title Search	200.00
Invoice total amount due:	
	\$ 200.00

59-03-504-068

PO# 23-05
8-11-20
AA

Attachment: Demolition Packet (5487 : 4237 Leith)

Leandra A. Swayne

From: Shelly Hadden <Shelly@sargentstitle.com>
Sent: Wednesday, August 3, 2022 1:41 PM
To: Leandra A. Swayne
Subject: Deed Search 22-56264-4237 Leith Street
Attachments: Invoice & Title Search pkg.pdf

Attached is your search for Parcel 59-03-504-068

Last deed goes to Jimmie W. Gabriel and Agnes Gabriel, husband and wife

Have a Great Day!

Shelly

Shelly Hadden
Title Department Manager
Sargent's Title Company
6060 Torrey Road, Suite C
Flint, MI 48507
Direct: (810)767-2359 Ext. 218
Fax: (810) 767-2430
Email: Shelly@sargentstitle.com

Attachment: Demolition Packet (5487 : 4237 Leith)

**NOTICE TO PROPERTY OWNER / TAXPAYER OR OCCUPANT
PUBLIC HEARING
TO ABATE A NUISANCE OR HAZARDOUS CONDITION**

NOTICE IS HEREBY GIVEN:

1. That the City Council of the City of Burton, Genesee County, Michigan, has received a report of an investigation from the Building Division of the Department of Public Works on the 18th day of July, 2022, relative to the premises owned or occupied by you located at: 4237 Leith St., City of Burton, Genesee County, Michigan, legally described as:

LOT 27 EXCEPT W 8 FT SUPERVISORS PLAT OF COPENHAVER SUB

2. That because of age or dilapidation, the accumulation of refuse or debris, or other condition or happening has become a nuisance or hazard dangerous to the public health, safety or welfare of the inhabitants of the City or of those residing on the premises or habitually going near such premises. The conditions causing the public hazard or nuisance are specifically as follows:

See Building Report on file with Building Dept. - 4093 Manor Drive; Burton, MI 48519, between the hours of 8:00 a.m. - 4:00 p.m.; Monday through Friday.

3. That the City Council will meet in City Hall at 5:30 p.m. on Monday, September 19, 2022, for a Special City Council meeting, to hear and consider any objection or favorable comments by you or any interested party with respect to the nuisance or hazardous condition relative to an order to alter, repair, tear down, abate, or removal of said premises.
4. The City Council may order the work required to correct such nuisance or hazardous condition to be done by the City of Burton itself or by contract or hire. All costs incurred for the work, title search, or appraisal thereof will be assessed against the real property.

Owner/Taxpayer of Record – Title Search:

Name: Jimmie W. Gabriel & Agnes Gabriel

Address: 4237 Leith St.

City/State/Zip: Burton MI 48529

Dated: 8/16/22


Racheal Boggs, City Clerk

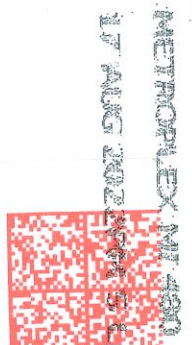
City Seal

Attachment: Demolition Packet (5487 : 4237 Leith)

City of Burton
 DEPARTMENT OF PUBLIC WORKS
 4093 MANOR DRIVE
 BURTON, MICHIGAN 48516



7019 1640 0000 4657 6558



US POSTAGE PAID BY ADDRESSEE
\$007.82
 ZIP 48519
 02 4N
 0000382035 AUG 17 2022

Attachment: Demolition Packet (5487 : 4237 Leith)

Jimmie W. Gabriel & Agnes Gabriel
 4237 Leith St
 Burton MI 48509

48509-1640-0000-4657-6558

NIXIE 482 DE 1 0008/20/22
 RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD
 BC: 48519146393 *2853-02379-17-42

**U.S. Postal Service™
 CERTIFIED MAIL® RECEIPT**
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

3.25

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$ 4.00
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
 Here

Postage

\$

1.57

Total Postage and Fees

\$

7.82

Sent To

Jimmie W. Gabriel & Agnes Gabriel
 4237 Leith St.
 Burton MI 48509

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

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

8559 2594 0000 049T 6T02

SARGENT'S TITLE COMPANY, LLC
6060 TORREY ROAD, SUITE C
FLINT, MI 48507
(810)767-2355 FACSIMILE: (810)767-2430

TITLE SEARCH

File No.: 22-56264
Address: 4237 Leith Street, Burton, MI 48529
Parcel No.: 59-03-504-068

LAND situated in the City Burton, County of Genesee, State of Michigan, described as:

Lot 27, EXCEPT the West 8 feet of SUPERVISOR'S PLAT OF COPENHAVER SUBDIVISION, according to the recorded plat thereof as recorded in Plat Book 21, Page(s) 11, Genesee County Records.

WE have examined the records of the Register of Deeds Office for Genesee County, State of Michigan, from March 20, 1979 to June 27, 2022 and find the following affecting the above described property:

Warranty Deed recorded in Liber 2036, Page 489

THE above report is not intended as evidence of the present condition of the title to the premises described. We assume no responsibility for the actual condition of the title which can be determined only from a complete examination of the records on file in the Office of the Register of Deeds and our liability therefore is limited to the amount paid. This search does not include any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code. This search does not reflect right of ways or mortgages.

CERTIFICATION DATE: June 27, 2022
SH

SARGENT'S TITLE COMPANY, LLC

By: Shelly Shadden

Attachment: Demolition Packet (5487 : 4237 Leith)

A. 2036-19

2036-19

DEED

Number of Pages
 of Each Page
 of Each Page
 of Each Page

DATE

MAR 23 1979

Know All Men By These Presents,

That EDGAR L. HENDRICKS and WANDA L. HENDRICKS, his wife, of 3024 Covert Road, Flint, Michigan

Convey and Warrant To JIMMIE W. GABRIEL and AGNES GABRIEL, his wife, of 4237 Leith Street, Burton, Michigan

the following described premises situated in the City of Burton County of Genesee and State of Michigan, to wit:

Lot Twenty-seven (27), except the West Right (R) part of Supervisor's Plat of Copenhagen Subdivision, according to the recorded plat thereof. More commonly known as 4237 Leith Street, Burton, Michigan.

This Deed is given in fulfillment of a certain Land Contract dated June 23, 1959, between the above-named Grantors and Grantees.

Subject to building restrictions and other restrictions, and zoning ordinances, if any, applying to said premises. Subject to any easements which may exist in favor of any public utilities, and subject to any easements or rights-of-way which may exist in favor of any person, firm or corporation, and also subject to any State of facts which an accurate survey of the premises would show.

Dated this 20 day of March A.D. 1979.

for the sum of Twelve Thousand and no/100 (\$12,000.00) Dollars.
 Signed, Sealed and Delivered in Presence of:

Edgar L. Hendricks
 Edgar L. Hendricks
Wanda L. Hendricks
 Wanda L. Hendricks, his wife

Edgar L. Hendricks (SEAL)
 Edgar L. Hendricks
Wanda L. Hendricks (SEAL)
 Wanda L. Hendricks, his wife

(SEAL)

(SEAL)

STATE OF MICHIGAN.

Genesee

On this 20 day of March A.D. 1979, before me personally appeared Edgar L. Hendricks and Wanda L. Hendricks, his wife

to me known to be the persons described in and who executed the foregoing instrument

and acknowledged that they executed the same as their free act and deed.

My commission expires 7-30-79

A.D. 19

Notary Public, Genesee County, Michigan.

OFFICE OF TREASURER OF Genesee COUNTY, MICHIGAN.

Genesee, Michigan 3-22-79

I hereby certify that there are no tax liens or taxes held by the State or any individual against the within description, and all taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office.

THIS INSTRUMENT PREPARED BY:
 CHARLES R. MCKONE, Attorney at Law

County Treasurer.

6-4413 Corunna Road, Flint, Michigan 48504

9958

DEED

2036

PG

Attachment: Demolition Packet (5487 : 4237 Leith)



NOTICE TO PROPERTY OWNER / TAXPAYER OR OCCUPANT
PUBLIC HEARING
TO ABATE A NUISANCE OR HAZARDOUS CONDITION

NOTICE IS HEREBY GIVEN:

1. That the City Council of the City of Burton, Genesee County, Michigan, has received a report of an investigation from the Building Division of the Department of Public Works on the 18th day of July, 2022, relative to the premises owned or occupied by you located at: 4222 Leith St., City of Burton, Genesee County, Michigan, legally described as:
LOT 22 EXCEPT 9.61 SUPERVISOR'S PLAT OF CUPSHAW SUB
2. That because of age or disrepair, the accumulation of refuse or debris, or other condition or happening has become a nuisance or hazard dangerous to the public health, safety or welfare of the inhabitants of the City or of those residing on the premises or habitually going near such premises. The conditions causing the public hazard or nuisance are specifically as follows:
See Building Report on file with Building Dept. - 4071 Manor Drive, Burton, MI 48319, between the hours of 8:00 a.m. - 4:00 p.m., Monday through Friday.
3. That the City Council will meet in City Hall at 5:00 p.m. on Monday, September 12, 2022, for a Special City Council meeting, to hear and consider any objection or favorable comments by you or any interested party with respect to the nuisance or hazardous condition relative to an order to abate, repair, tear down, shut or removal of said premises.
4. The City Council may order the work required to correct such nuisance or hazardous condition to be done by the City of Burton itself or by contract or hire. All costs incurred for the work, site search, or appraisal deemed will be assessed against the said property.

Owner/Taxpayer of Record - Title Search:
Name: Fannie W. Gabriel & Agnes Gabriel
Address: 4222 Leith St.
City/State/Zip: Burton, MI 48319

Dated: 8/16/22 *Richard Rogers*
Richard Rogers, City Clerk
City Seal

08/31/2022 11:07



08/31/2022 11:02





08/31/2022 11:03



08/31/2022 11:04



08/31/2022 11:04



08/31/2022 11:05



08/31/2022 11:05



08/31/2022 11:05



08/31/2022 11:05



08/31/2022 11:06



08/31/2022 11:06

INSPECTION REPORT FOR: 4237 Leith

DATE OF INSPECTION: 9/1/2022

The following violations were in evidence:

1. 9/13/2018 House was tagged
2. Exterior and interior in poor condition
3. Basement has 3' - 4' of water
4. No gas or electric
5. Broken window
6. Over grown yard
7. Missing siding and trim
8. Junk and debris in home
9. Holes in house walls animals are in home



Dave Martinez, Building Inspector