

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 22, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- PRESENTATIONS:
- CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Housing Commission Appointment. CITY MANAGER
 - c. Video Taping Commission Meetings - Contract. ASSISTANT CITY MANAGER
 - d. Electrical Rehabilitation for Phase II of Hartshorn Marina. LEASURE SERVICES
 - e. Sale of Non-buildable Lot at 1032 Langeland Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - f. Vacation of Glenmoor and Willow Streets. PLANNING & ECONOMIC DEVELOPMENT
 - g. Zoning Ordinance Amendment Regarding Requirements for Corner Lots and Definitions of 'Yard' and "Setback". PLANNING & ECONOMIC DEVELOPMENT
 - h. Zoning Ordinance Amendment for Temporary Uses. PLANNING & ECONOMIC DEVELOPMENT
- PUBLIC HEARINGS:
 - a. Request to Establish an Obsolete Property District – Third Street Between Houston and Merrill Avenues, Including 1201 Third Street, and Four Properties on Houston Avenue. PLANNING & ECONOMIC DEVELOPMENT

- b. Spreading of the Special Assessment Roll for Southern Avenue, Division to Seaway Drive. ENGINEERING
- c. Spreading of the Special Assessment Roll for Terrace, Irwin to Iona. ENGINEERING

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

- a. Rezoning Request for Properties Located Within 'Area 10'. PLANNING & ECONOMIC DEVELOPMENT
- b. Resolution to Decline Summer Tax Collection. TREASURER
- c. Concurrence with Housing Board of Appeals Notice and Order to Demolish:
 - 1. 187 E. Laketon Avenue
 - 2. 1710 Madison
 - 3. 541 W. Grand (Garage)
- d. Adopt a Resolution and Ordinance in Compliance with Michigan's New Telecommunication Law. ASSISTANT CITY MANAGER
- e. PILOT Ordinance Amendment/Hackley Glen Redevelopment. CITY MANAGER

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION: To discuss pending litigation.**

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

❑ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT GAIL A. KUNDINGER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: October 22, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the City Commission Worksession that was held on Monday, October 7, 2002; and the Regular Commission Meeting that was held on Tuesday, October 8, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 22, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, October 22, 2002.

Mayor Warmington opened the meeting with a prayer from Rev. Whiteside of Rising Star Missionary Baptist Church, located at 1194 Terrace St., after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington; Vice-Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kunderer. Commissioner Shepherd was excused at 7:00pm.

2002-116 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Worksession that was held on Monday, October 7, 2002; and the Regular Commission Meeting that was held on Tuesday, October 8, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Housing Commission Appointment. CITY MANAGER

SUMMARY OF REQUEST: To appoint Stanley Hussey to the vacant Housing Commission position created by the resignation of Tommie Dennie.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the appointment.

d. Electrical Rehabilitation for Phase II of Hartshorn Marina. LEISURE SERVICES

SUMMARY OF REQUEST: To approve the Town & Country Group to provide

electrical rehabilitation services to the West side of Hartshorn Marina as part of the Phase II electrical renovations.

FINANCIAL IMPACT: \$90,580 with a 50% match from the MDNR

BUDGET ACTION REQUIRED: Included in the 2003 budget

STAFF RECOMMENDATIONS: Approve.

e. Sale of Non-buildable Lot at 1032 Langeland Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-190-002-0002-00) at 1032 Langeland Ave. to Rick Snell, 1040 Langeland Ave., Muskegon, MI 49442 and Marcella R. Appel 1026 Langeland Ave., Muskegon, MI 49442. Approval of this sale will allow these two adjacent property owners to expand their current yards (see attached map). As is required by City policy, the subject parcel is being offered for \$100, and the lot will be split between Mr. Snell and Ms. Appel who will also split the cost of the lot.

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

BUDGET ACTION REQUIRED: None

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

g. Zoning Ordinance Amendment Regarding Requirements for Corner Lots and Definitions of 'Yard' and "Setback". PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions), Section 201 (Diagrams, Graphics and Illustrations Pertinent to the Definitions in the Ordinance) of Article II (Definitions), Section 404 (Area & Bulk Requirements) of Article IV (R One Family Residential Districts), Sections 603 through 2003 (Area & Bulk Requirements) of Articles VI through XX, Section 1308 (Area & Bulk Requirements) of Article XIII (B-4 General Business Districts), Section 1507 (Area & Bulk Requirements) of Article XV (I-2 General Industrial Districts), Table I Notes, and Sections 2306 (Allocation of Lot Areas & Configuration of Lots), 2307 (Permitted Yard Encroachments), 2311 (Accessory Structures & Buildings), 2316 (Storage of Vehicles), 2317 (Exterior Swimming Pools & Hot Tubs), and 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the City's Zoning Ordinance to amend the definitions of 'yard, and 'setback' and to consistently apply regulations regarding setbacks and corner lots.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add and amend the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended

approval of the request at their 10/10 meeting. The vote was unanimous with J. Aslakson and B. Mazade absent.

h. Zoning Ordinance Amendment for Temporary Uses. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the requirements for temporary uses of the Zoning Ordinance in order to update and modernize the requirements, as described in the proposed ordinance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their meeting on 10/10. The vote was unanimous with J. Aslakson and B. Mazade absent.

Motion by Vice Mayor Buie, second by Commissioner Gawron to approve the Consent Agenda minus items c & f.

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

Nays: None

MOTION PASSED

2002-117 ITEMS REMOVED FROM AGENDA

c. Video Taping Commission Meetings - Contract. ASSISTANT CITY MANAGER

BACKGROUND INFORMATION: You were informed during the 2003 budget work session on September 9th that staff would be requesting proposals to continue broadcast of Commission meetings. Request for proposals (RFP) was published in the Chronicle on September 21st and proposals were due on October 2nd. District request were made to four videotaping companies that had submitted proposals in the past: Creative Lightning, TV 40, Advanced Video Presentations, Inc., and by Dennis Visger.

Advanced video Presentations, Inc. (the current service provider) was the only company that submitted a proposal. Copies of the proposal can be made available to you upon request.

SUMMARY OF REQUEST: Staff recommends approval of a one-year (1-yr) contract with Advanced Video Presentations, Inc. at a cost of \$28,922.40 with the option to extend the contract for another year at the same cost. The Mayor and the City Clerk should be authorized to sign the contract on behalf of the City.

FINANCIAL IMPACT: \$28,922.40

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: It's been a joy working with Advanced Video Presentation, Inc. through its Executive Director, Andy Maciejewski. We look

forward to working with Andy and his staff in the future. Staff recommends approval.

Motion by Commissioner Larson, second by Commissioner Shepherd to recommend approval of one(1) year contract with Advanced Video Presentations, Inc., with option to extend the contract for another year at the same cost, and authorize the Mayor and the City Clerk to sign the contract.

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

Nays: Gawron, Schweifler, Spataro

MOTION PASSES

f. Vacation of Glenmoor and Willow Streets. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Glenmoor and Willow Streets.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended the vacation, with the condition that permanent easement agreements for the relocated utilities be provided, signed and recorded, at their 10/10 meeting. The vote was unanimous with J. Aslakson absent.

Motion by Commissioner Schweifler, second by Commissioner Larson to approve the vacation of Glenmoor and Willow Streets, with the condition that the PILOT Ordinance Amendment/Hackley Glen Redevelopment passes.

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

Nays: None

MOTION PASSES

2002-118 PUBLIC HEARINGS:

a. Request to Establish an Obsolete Property District – Third Street Between Houston and Merrill Avenues, Including 1201 Third Street, and Four Properties on Houston Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, the City Planning Department, has requested the establishment of an Obsolete Property District. The district would be located on Third Street between Houston and Merrill Avenues, including 1201 Third Street, and four properties on Houston Avenue, Muskegon, MI. This request is in conjunction with the plans for a Main Street project being planned by the Muskegon Arts & Entertainment District and Neighborhood Investment Corporation.

FINANCIAL IMPACT: None at this time. When Obsolete Property Certificates are issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for properties located on Third Street between Houston and Merrill Avenues, including 1201 Third Street, as well as four properties on Houston Avenue, Muskegon, MI.

COMMITTEE RECOMMENDATION: None

The Public Hearing was opened at 5:48pm to hear any comments from the public. No comments were heard.

Motion by Commissioner Shepherd, second by Vice Mayor Buie to close the public hearing at 5:54pm and to approve the resolution establishing an Obsolete Property District for properties located on Third Street between Houston and Merrill Avenues, including 1201 Third Street, as well as four properties on Houston Avenue.

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

Nays: None

MOTION PASSES

b. Spreading of the Special Assessment Roll for Southern Avenue, Division to Seaway Drive. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Southern Ave., Division to Seaway Dr., and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$35,523 would be spread against the thirty-nine(39) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing was opened at 5:55pm to hear any comments from the public. No comments were heard from the public.

Motion by Commissioner Spataro, second by Commissioner Schweifler to close the public hearing at 5:56pm and to approve the special assessment roll for Southern Ave., Division to Seaway Drive and adopt the resolution.

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

Nays: None

MOTION PASSES

c. Spreading of the Special Assessment Roll for Terrace, Irwin to Iona. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Terrace St., Irwin to Iona, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$83,466.74 would be spread against the thirty-six(36) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing was opened at 5:56pm to hear any comments from the public. Comments in opposition were heard from Marcus Crosby of 1357 Terrace St. and James Searer of 1375 5th St., owner of 1316 Terrace St.

Motion by Commissioner Schweifler, second by Commissioner Spataro to close the public hearing at 6:18pm and approve the special assessment roll for Terrace St., Irwin to Iona and adopt the resolution.

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

Nays: None

MOTION PASSES

2002-119 NEW BUSINESS:

a. Rezoning Request for Properties Located Within 'Area 10'.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone most of the 722 properties located within 'Area 10' (bounded by Washington Ave., Muskegon Ave., Apple Ave., and Peck St.). The rezoning also includes two blocks north of Muskegon Ave., between Seventh and Ninth Streets.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 10/10 meeting, with one change in the proposed zoning. They recommended that Block 352 be rezoned to RT, Two-Family Residential instead of R-1, Single-Family Residential. The vote was unanimous with J. Aslakson absent.

Motion by Commissioner Spataro, second by Commissioner Larson to approve the rezoning of most of the 722 properties located within 'Area 10' (bounded by Washington Ave., Muskegon Ave., Apple Ave., and Peck St.), including two blocks north of Muskegon Ave., between Seventh and Ninth Streets and to have Block 352 rezoned from RT(Two-Family Residential) to R1(Single-Family Residential).

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

Nays: None

MOTION PASSES

b. Resolution to Decline Summer Tax Collection. TREASURER

SUMMARY OF REQUEST: To approve the resolution declining to collect the State Education Tax in a summer levy.

FINANCIAL IMPACT: The avoidance of possible increased costs associated with the administration of an additional tax levy.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Larson, second by Commissioner Gawron to approve the resolution declining to collect the State Education Tax in a summer levy.

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

Nays: None.

MOTION PASSES

c. Concurrence with Housing Board of Appeals Notice and Order to Demolish: INSPECTIONS

Motion by Commissioner Schweifler, second by Commissioner Larson to table item C until end of meeting.

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

Nays: None

MOTION PASSES

d. Adopt a Resolution and Ordinance in Compliance with Michigan's New Telecommunication Law. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Earlier this year, Michigan Governor Engler signed into law a new statute, known as the Metropolitan Extension Telecommunication Right-of-Way Oversight Act (the "METRO Act" for short), also known as Public Act 48 of 2002. The METRO Act is designed to accelerate the deployment of high-speed broadband Internet connections throughout the state.

The METRO Act takes effect on November 1, 2002 and December 31, 2003 is the deadline to become compliant. Prior to then, municipalities may consider "opting in" to the program by modifying its existing permits or franchise agreements with providers to limit the fees charged for use of the right-of-way to an amount not exceeding the fees and charges required under the METRO Act. It must also agree not to hold a cable operator in default under its cable franchise if the cable operator fails to pay franchise fees to the municipality on its Internet cable modem service revenue. (This is less of an issue given the FCC's recent ruling that cable franchise fees do not have to be paid on high-speed cable modem service.) A municipality that fails to "opt in" by December 31, 2003 is thereafter ineligible to receive any distributions from the Authority.

Staff recommends that the Commission adopt the resolution and ordinance that provide for the City to "opt in" to above-described program thereby bringing the

City into compliance with Public Act 48 of 2002.

FINANCIAL IMPACT: By "opting in" by the November 1, 2002 date, it is estimated the City will receive \$25,000 from the Authority in 2003 and, thereafter, between \$164,906 and \$190,276 annually.

BUDGET ACTION: None. Revenues from opting in were included in the City's 2003 budget projection.

STAFF RECOMMENDATION: Staff recommends adoption of the resolution that establishes the City's compliance with the Metropolitan Extension Telecommunications Right-of-way Oversight Act.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to adopt the resolution that establishes the City's compliance with the Metropolitan Extension Telecommunications Right-of-way Oversight Act.

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

Nays: None

MOTION PASSES

e. PILOT Ordinance Amendment/Hackley Glen Redevelopment. CITY MANAGER

SUMMARY OF REQUEST: To amend Section 82-52 of the City's Code of Ordinances to allow the term of PILOTS for housing projects to be up to 35 years under certain conditions.

FINANCIAL IMPACT: Would affect the amount of tax revenue generated for the City in years 26-35 after a project is built.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the ordinance amendment.

Motion by Commissioner Larson, second by Vice Mayor Buie to approve the amendment of Section 82-52 of the City's Code of Ordinances to allow the term of PILOTS for housing projects to be up to 35 years under certain conditions and to authorize Mayor and City Clerk to execute and sign the two contracts.

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

Nays: None

MOTION PASSES

c. Concurrence with Housing Board of Appeals Notice and Order to Demolish: INSPECTIONS

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **187 E. Laketon Avenue** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with

the lowest responsible bidder.

Case # & Project Address: 02-26 – **187 E. Laketon**

Location and ownership: This structure is located on **E. Laketon** on the corner of Hoyt between Leahy and Hoyt. It is a rental house owned by TNT Services (Don Tyler).

Staff Correspondence: An inspection report was written 6/26/02 after city officials noted the condition of the property to the director of Inspections. An interior inspection was conducted on 7/11/02. A notice and order to repair or demolish was issued 7/23/02. On 9/5/02 the HBA ordered the structure demolished.

Owner Contact: Mr. Tyler was present at the HBA meeting in September and acknowledged the repairs necessary to rehab this structure were possibly beyond the value of what the house is worth and he might get demolition quotes.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

State Equalized Value: \$18,000

Estimated Cost of Repairs \$40,000

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

Motion by Commissioner Schweifler, second by Commissioner Spataro to concur with the Housing Board of Appeals decision to demolish 187 Laketon St., and direct administration to obtain bids for the demolition of the structure and authorize the Mayor and City Clerk to execute a contract for demolition with the lowest responsible bidder.

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

Nays: None

Absent: Shepherd

MOTION PASSES

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1710 Madison, and 541 W. Grand (garage)** are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute contracts for demolition with the lowest responsible bidder.

Case # & Project Address: 01-059 – **1710 Madison**

Location and ownership: This structure is located in the Oakview Neighborhood and is owned by Agapito Suarez who lives there.

Staff Correspondence: A dangerous building inspection was conducted on 12/13/01 and an interior inspection was conducted 1/23/02. A Notice and Order to Repair was issued on 12/28/01. On March 7, 2002 the HBA tabled the case 120 days. The owner was ordered to supply a timeline for repairs and pull permits

within 14 days. He did not comply and the case was brought before the HBA again 4/4/02. The case was tabled until May to allow the owner time to pull a permit and submit the timeline for repairs by April 10, 2002. He submitted a timeline on 4/11/02 and pulled a permit to install vinyl siding and repair the porch. The case was brought before the HBA again 8/1/02. No inspections were called for at that time and there appeared to be no progress on repairs. The HBA declared the structure on that date.

Owner Contact: Owner has not been in contract with this office since 4/10/02.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

State Equalized Value: \$19,200

Estimated Cost of Repairs \$10,000

Case # & Project Address: 02-34 – **541 W. Grand – Garage only.**

Location and ownership: This structure is located on W. Grand between Eighth and Glade Streets. It is a rental house owned by Dan Heller.

Staff Correspondence: An inspection report on this garage was written 7/25/02. A notice and order to repair or demolish was issued 7/30/02. On 8/23/02 a notice of the HBA hearing was issued. On 8/28/02 Franklin Welch called the Inspection Department to notify that this property had reverted back to Dan Heller. On 9/5/02 the HBA ordered the structure demolished.

Owner Contact: There has been no contact from Mr. Heller.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

State Equalized Value: \$17,000

Estimated Cost of Repairs \$3,000

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

Motion by Commissioner Spataro, second by Vice Mayor Buie to demolish 1710 Madison and 541 W. Grand (Garage only) to concur with the Housing Board of Appeals decision to demolish structures and to and direct administration to obtain bids for the demolition of the structures and authorize the Mayor and City Clerk to execute a contract for demolition with the lowest responsible bidder.

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

Nays: None

Absent: Shepherd

MOTION PASSES

2002-120 PUBLIC PARTICIPATION:

Comments were heard from Lois E. Morris of Sanford St. and Shaina Brown of 492 Houston regarding the property at 492 Houston that is owned by Ms. Brown.

Motion by Commissioner Schweifler, second by Commissioner Spataro to waive fees for petition to vacate alley if applied for within thirty (30) days and to hold an abeyance of enforcement action on the letter received from City regarding fence at 492 Houston.

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

Nays: None

Absent: Shepherd

MOTION PASSES

2002-121 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Schweifler, second by Vice Mayor Buie to close meeting at 7:37pm and to go into closed session.

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

Nays: None

Absent: Shepherd

MOTION PASSES

Motion by Commissioner Larson, second by Vice Mayor Buie to go into open session at 8:04pm.

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

Nays: None

Absent: Shepherd

MOTION PASSES

Motion by Commissioner Schweifler, second by Commissioner Larson to concur with the recommendation of the City Attorney.

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

Nays: None

Absent: Shepherd

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 8:08pm.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail Kunding".

Gail Kunding, MMC

AGENDA ITEM NO. _____

CITY COMMISSION MEETING October 22, 2002

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: October 9, 2002

RE: Housing Commission Appointment

SUMMARY OF REQUEST:

To appoint Stanley Hussey to the vacant Housing Commission position created by the resignation of Tommie Dennie.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the appointment.

COMMITTEE RECOMMENDATION:

**CITY OF MUSKEGON
TALENT BANK APPLICATION**

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME Stanley Hussey DATE 8-1-02HOME ADDRESS 458 W. Southern Ave
(Street, City, State, Zip)HOME PHONE # 722-0138 WORK PHONE # 720-3000OCCUPATION: In-School Restriction (Supervisor)
(If retired, give former occupation)EDUCATION: High School Diploma / 15 credits Criminal Justice classesPERSONAL & COMMUNITY ACTIVITIES: Ex-Baseball Coach 10 yrs / Basketball Coach 4 yrs.INTEREST IN SERVING: Housing Commission

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Reavilla Jones (Sec. Mgr.)</u>	<u>722-2647</u>
(Name)	(Phone Number)
2. <u>Carmela Wiseman</u>	<u>722-2647</u>
(Name)	(Phone Number)
3. <u>Patrick Hoolihan</u>	<u>773-0813</u>
(Name)	(Phone Number)

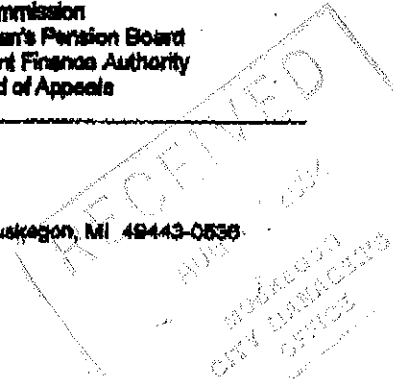
PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|--|
| ☐ Board of Canvassers | ☒ Housing Commission |
| ☐ Board of Review | ☐ Housing Stock Review Committee |
| ☐ Cemetery Committee | ☐ Image Committee |
| ☐ Citizen's Police Review Board | ☐ Income Tax Board of Review |
| ☐ City Employees Pension Board | ☐ Land Reutilization Committee |
| ☐ Civil Service Commission | ☐ Leisure Services Board |
| ☐ CDBG-Citizen's District Council | ☐ Loan Fund Advisory Committee |
| ☐ Construction Board of Appeals | ☐ Local Develop. Finance Authority |
| ☐ District Library Board | ☐ Local Officer's Compensation Com. |
| ☐ Downtown Development Authority/Brownfield Board | ☐ Planning Commission |
| ☐ Election Commission | ☐ Police/Fireman's Pension Board |
| ☐ Enterprise Community Citizen Council | ☐ Tax Increment Finance Authority |
| ☐ Equal Opportunity Committee | ☐ Zoning Board of Appeals |
| ☐ Historic District Commission | ☐ Other _____ |
| ☐ Hospital Finance Authority | |
| ☐ Housing Code Board of Appeals | |

* Attach Additional Sheets or Resume if Desired.

Return this form to:

City Clerk's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536



Date: October 11, 2002
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen 
RE: Electrical Rehabilitation for Phase II of
Hartshorn Marina

SUMMARY OF REQUEST:

To approve the Town & Country Group to provide electrical rehabilitation services to the West side of Hartshorn Marina as part of the Phase II electrical renovations.

FINANCIAL IMPACT:

\$90,580 with a 50% match from the MDNR

BUDGET ACTION REQUIRED:

Included in the 2003 budget

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

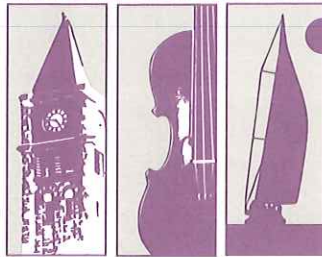
Publle Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: October 11, 2002
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen 
Re: Electrical rehabilitation for Phase II of Hartshorn Marina

I am requesting your approval of the Town & Country Group to provide electrical rehabilitation services to Hartshorn Marina as part of the Phase II electrical upgrades. The bids that were submitted are as follows:

1. Town & Country Electric, 9327 Riley St, Zeeland, MI 49464 \$90,580.00
2. Phase II Electric, 4733 Airline Rd, Muskegon, MI 49444 \$115,690.00
3. The DeFree Group, 10787 Paw Paw Dr, Holland, MI 49424 \$118,013.00

The project is receiving a 50% match from the MDNR, and is scheduled as capital in the 2003 budget.

Thank you for your consideration.

This document has important legal consequences; consultation with an attorney is encouraged with respect to its use or modification.

STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE

Prepared by

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

and



Issued and Published Jointly By

PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE
a practice division of the
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

AMERICAN CONSULTING ENGINEERS COUNCIL

AMERICAN SOCIETY OF CIVIL ENGINEERS

CONSTRUCTION SPECIFICATIONS INSTITUTE

This document has been approved and endorsed by



The Associated General

Contractors of America

This Standard Form of Agreement has been prepared for use with the Standard General Conditions of the Construction Contract (No. 1910-8, 1996 Edition). Their provisions are interrelated, and a change in one may necessitate a change in the other. The suggested language for instructions of bidders contained in the Guide to the Preparation of Instructions to Bidders (No. 1910-12, 1996 Edition) is also carefully interrelated with the language of this Agreement. Comments concerning their usage are contained in the EJCDC User's Guide (No. 1910-50). See also Guide to the Preparation of Supplementary Conditions (No. 1910-17, 1996 Edition).

Note to User

Certain states and federal agencies require provisions in public contracts which permit Contractors to deposit acceptable securities with Owner or a stakeholder in lieu of retainage. Many Owners will not accept this procedure except where required by Laws or Regulations. In the event such a procedure is required, the provisions of this Agreement and possibly those of the other Contract Documents dealing with retainage should be amended, and an attorney should be consulted to prepare the revised language. Among the issues to be addressed by such language are: initial and subsequent valuations of the securities, right to withdraw excess collateral and obligation to deposit additional collateral as market value changes, who is entitled to interest and dividends on deposited collateral, responsibilities of stakeholder, may collateral be freely sold in the event of Contractor default and method of such sale, and application of Uniform Commercial Code and state and federal security laws to the arrangement.

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National Society of Professional Engineers
1420 King Street, Alexandria, VA 22314-2715

American Consulting Engineers Council
1015 15th Street, N.W., Washington, DC 20005

American Society of Civil Engineers
345 East 47th Street, New York, NY 10017

**EJCDC
STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR
ON THE BASIS OF A STIPULATED PRICE**

THIS AGREEMENT is by and between the City of Muskegon
(hereinafter called OWNER) and Town and Country Group
(hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 - WORK

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Electrical Rehabilitation

ARTICLE 2 - THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Hartshorn Marina Electrical Rehabilitation Project – Phase II

ARTICLE 3 - ENGINEER

3.01 The Project has been designed by

Abonmarche Consultants, Inc.
95 West Main Street
Benton Harbor, MI 49022

who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 - CONTRACT TIMES

4.01 Time of the Essence

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Dates for Substantial Completion and Final Payment

A. The Contractor shall complete each phase of the project, as follows:

<u>Work Phase</u>	<u>Completion Date</u>
• Electrical Service Disconnect	October 28, 2002
• New Conduit and Junction Box Installation	March 10, 2003
• New Pedestal Installation	March 31, 2003
• Complete Project	April 4, 2003

4.03 Liquidated Damages

A. CONTRACTOR and OWNER recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER \$ 2,000 for each day that expires after the time specified in paragraph 4.02 for each milestone until the milestone is complete, and \$ 2,000 for each day that expires after the time specified in paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 - CONTRACT PRICE

5.01 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 5.01.A, 5.01.B, and 5.01.C below:

- A. For all Work, at the prices stated in CONTRACTOR's Bid, attached hereto as an exhibit.

ARTICLE 6 - PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

A. CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

6.02 Progress Payments; Retainage

A. OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment on or about the 30th day of each month during performance of the Work as provided in paragraphs 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established in paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER may determine or OWNER may withhold, in accordance with paragraph 14.02 of the General Conditions:

a. 90 % of Work completed (with the balance being retainage). If the Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100% of the Work completed less the aggregate of payments previously made; and

b. 0 % of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

2. Upon Substantial Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 95 % of the Work completed, less such amounts as ENGINEER shall determine in accordance with paragraph 14.02.B.5 of the General Conditions and less 200 % of ENGINEER's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 Final Payment

A. Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.07.

ARTICLE 7 - INTEREST

7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate of 6 % per annum.

ARTICLE 8 - CONTRACTOR'S REPRESENTATIONS

8.01 In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto

E. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

F. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Contract Documents.

G. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

H. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 - CONTRACT DOCUMENTS

9.01 Contents

- A. The Contract Documents consist of the following:
1. This Agreement (pages 1 to 7, inclusive);
 2. General Conditions (pages 00700 - 1 to 00700 - 44, inclusive);
 3. Supplementary Conditions (pages 00800 - 1 to 00800 - 4, inclusive);
 4. Specifications as listed in the table of contents of the Project Manual;
 5. Drawings consisting of a cover sheet and sheets numbered 1 through 6, inclusive, with each sheet bearing the following general title: Hartshorn Marina Electrical Rehabilitation Project - Phase II;
 6. Addenda (numbers 1 to 1, inclusive);
 7. Exhibits to this Agreement (enumerated as follows):
 - a. CONTRACTOR's Bid (pages 1 to 7, inclusive);
 8. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - a. Written Amendments;
 - b. Work Change Directives;
 - c. Change Order(s).
- B. The documents listed in paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in paragraph 3.05 of the General Conditions.

ARTICLE 10 - MISCELLANEOUS

10.01 Terms

- A. Terms used in this Agreement will have the meanings indicated in the General Conditions.

10.02 Assignment of Contract

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

A. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

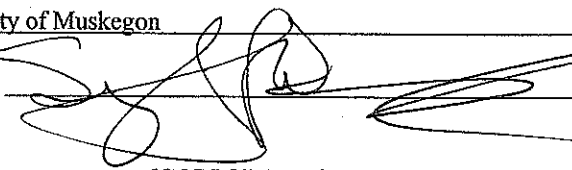
10.05 *Other Provisions*

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each has been delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or on their behalf.

This Agreement will be effective on October 22, 2002 (which is the Effective Date of the Agreement).

OWNER:

City of Muskegon

By: 

[CORPORATE SEAL]

Attest Gail A. Kunder

Address for giving notices:

City of Muskegon

933 Terrace St.

Muskegon, Michigan 49443-0536

(If OWNER is a corporation, attach evidence of authority to sign. If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of OWNER-CONTRACTOR Agreement.)

Designated Representative:

Name: Melissa Jacobsen

Title: _____

Address: 933 Terrace St.

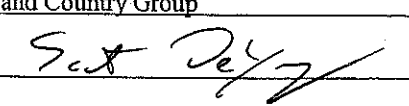
Muskegon, Michigan 49443-0536

Phone: 231-724-6705

Facsimile: 231-724-4178

CONTRACTOR:

Town and Country Group

By: 

[CORPORATE SEAL]

Attest Lisa A. Engel

Address for giving notices:

Town and Country Group

9327 Riley Street

Zeeland, MI 49464

License No. 61-06715

(Where applicable)

Agent for service of process: _____

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign.)

Designated Representative:

Name: Scott DeYoung

Title: Scott DeYoung - V.P. of Electrical

Address: 9327 Riley Street

Zeeland, MI 49464

Phone: 616-772-6746

Facsimile: 616-772-4735

Commission Meeting Date: October 22, 2002

Date: October 11, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Non-buildable Lot at 1032 Langeland Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-190-002-0002-00) at 1032 Langeland Avenue to Rick Snell, 1040 Langeland Avenue, Muskegon, MI 49442 and Marcella R. Appel 1026 Langeland Avenue, Muskegon, MI 49442. Approval of this sale will allow these two adjacent property owners to expand their current yards (see attached map). As is required by City policy, the subject parcel is being offered for \$100, and the lot will be split between Mr. Snell and Ms. Appel who will also split the cost of the lot.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2002-116(e)

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

WHEREAS, the City of Muskegon has received \$50 each from Rick Snell, 1040 Langeland Avenue, Muskegon, MI 49442 and Marcella R. Appel, 1026 Langeland Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to their properties at 1032 Langeland Avenue (parcel #24-190-002-0002-00);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance,

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

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

NOW, THEREFORE BE IT RESOLVED, CITY OF MUSKEGON CASTENHOLZ GROVE ANNEX E ½ LOT 2 BLK 2; and the W½ LOT 2 BLK 2 be sold to Rick Snell and Marcella R. Appel for \$100.

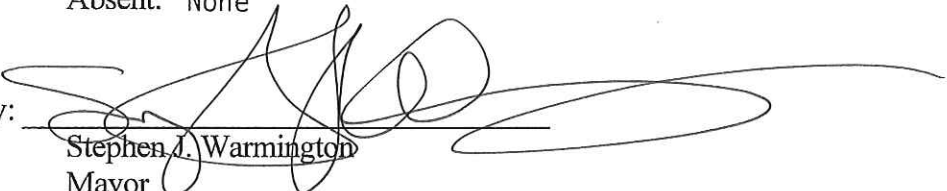
Resolution adopted this 22nd day of October, 2002.

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

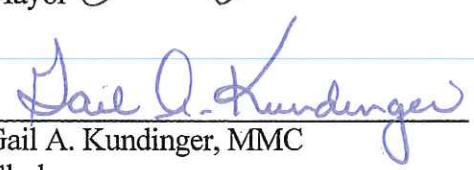
Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunding, MMC
Clerk

CERTIFICATION

2002-116(e)

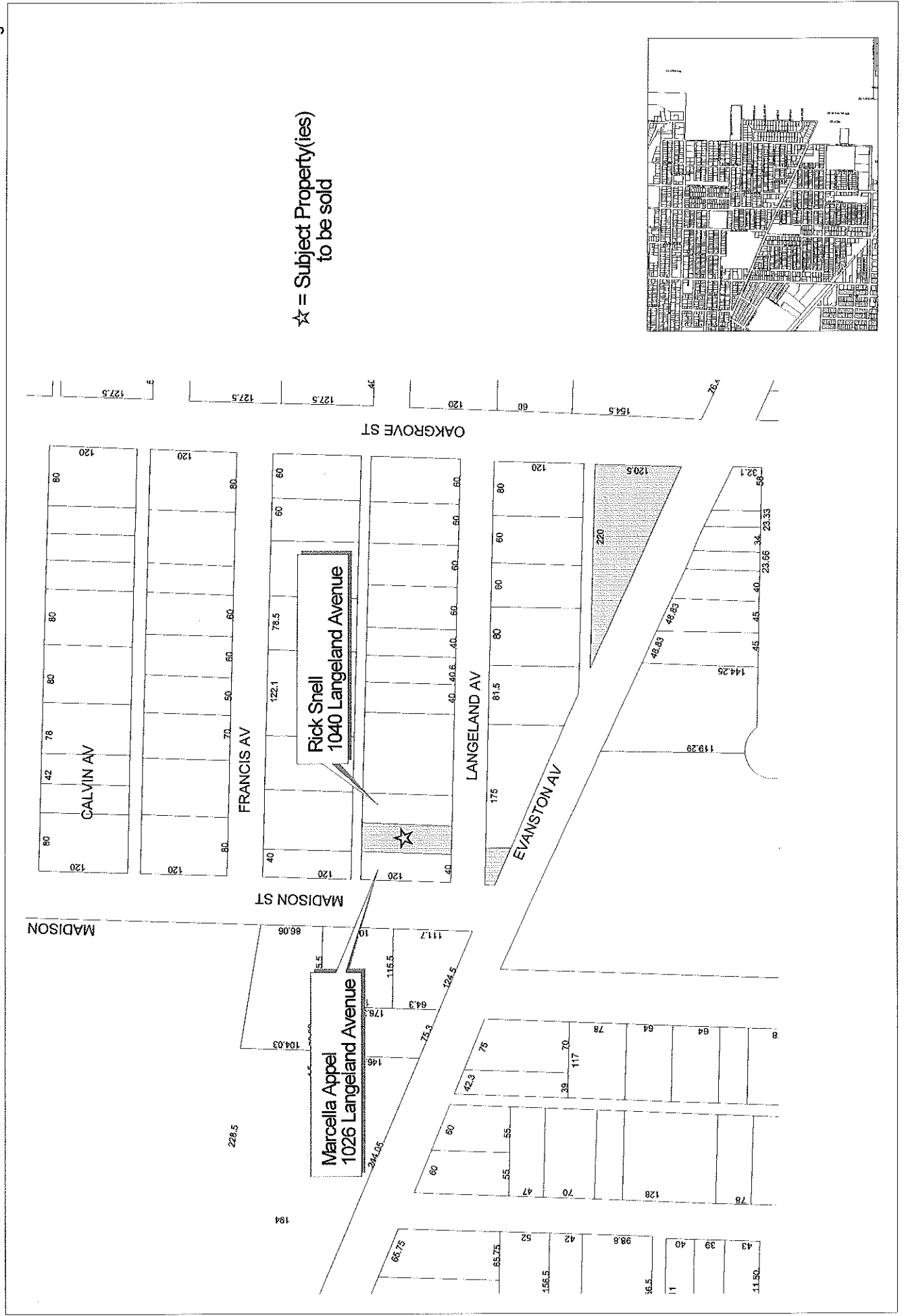
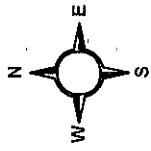
This resolution was adopted at a regular meeting of the City Commission, held on October 22, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderinger, MMC
Clerk

Vacant Non-buildable City-Owned Lot 1032 Langeland Avenue



☆ = Subject Property(ies)
to be sold

QUIT-CLAIM DEED

2002-116(e)

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

QUIT CLAIMS TO: **RICK SNELL**, a single man, of 1040 Langeland Avenue, Muskegon, MI 49442,

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

East 1/2 of Lot 2 Block 2, CITY OF MUSKEGON CASTENHOLZ
GROVE ANNEX

for the sum of Fifty and no/100 Dollars (\$50.00).

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

Dated this 30 day of October, 2002.

Signed in the presence of:

JoAnn M. Krutowski

Margaret M. Platt
Margaret M. Platt

STATE OF MICHIGAN
COUNTY OF MUSKEGON

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

and Gail A. Kunderger
Gail A. Kunderger, MMC, City Clerk

The foregoing instrument was acknowledged before me this 30 day of October, 2002, by Stephen J. Warmington and Gail A. Kunderger, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621

SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

JoAnn M. Krutowski
JoAnn M. Krutowski
Notary Public, Muskegon County, Michigan
My commission expires: 5-13-05

QUIT-CLAIM DEED

2002-116(e)

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

QUIT CLAIMS TO: **MARCELLA R. APPEL, Trustee of the Appel Trust**, of 1026 Langeland Avenue, Muskegon, MI 49442,

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

West 1/2 of Lot 2, Block 2, CITY OF MUSKEGON CASTENHOLZ
GROVE ANNEX

for the sum of Fifty and no/100 Dollars (\$50.00).

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

Dated this 22nd day of October, 2002.

Signed in the presence of:

Linda Potter
Linda Potter
Margaret M. Platt
Margaret M. Platt

CITY OF MUSKEGON

By

Stephen J. Warmington Mayor

and

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 31st day of October, 2002, by Stephen J. Warmington and Gail A. Kunderinger, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621

SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

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

Commission Meeting Date: October 22, 2002

Date: October 11, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Zoning Ordinance Amendment regarding requirements for corner lots and definitions of 'yard' and 'setback'.

SUMMARY OF REQUEST:

Request to amend Article II (Definitions), Section 201 (Diagrams, Graphics and Illustrations Pertinent to the Definitions in This Ordinance) of Article II (Definitions), Section 404 (Area & Bulk Requirements) of Article IV (R One Family Residential Districts), Sections 603 through 2003 (Area & Bulk Requirements) of Articles VI through XX, Section 1308 (Area & Bulk Requirements of Article XIII (B-4 General Business Districts), Section 1507 (Area & Bulk Requirements) of Article XV (I-2 General Industrial Districts), Table I Notes, and Sections 2306 (Allocation of Lot Areas & Configuration of Lots), 2307 (Permitted Yard Encroachments), 2311 (Accessory Structures & Buildings), 2316 (Storage of Vehicles), 2317 (Exterior Swimming Pools & Hot Tubs), and 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the City's Zoning Ordinance to amend the definitions of 'yard' and 'setback' and to consistently apply regulations regarding setbacks and corner lots.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add and amend the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/10 meeting. The vote was unanimous with J. Aslakson and B. Mazade absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

October 10, 2002

Case 2002-43: Staff-initiated request to amend the Zoning Ordinance regarding fencing requirements for corner lots and definitions of ‘yard’ and ‘setback’ (tabled).

Staff will present an update at the meeting - the 2nd draft of the proposed amendment is included below:

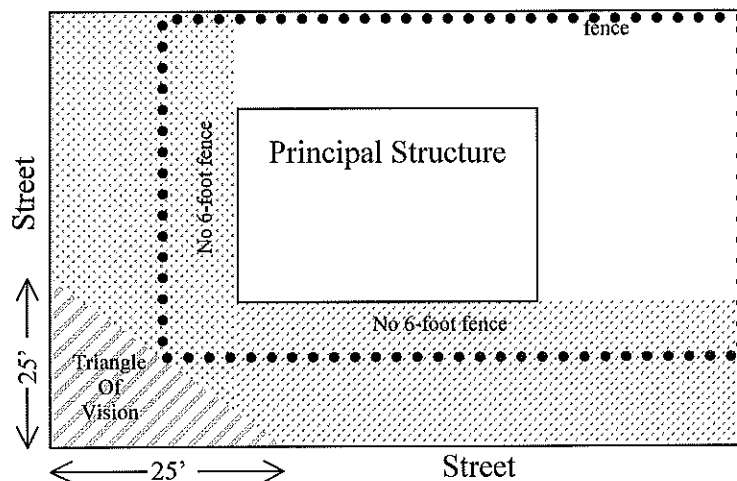
2nd Draft

Zoning Ordinance Amendment regarding ‘Yards’ and ‘Setbacks’, especially concerning corner lots

[existing language proposed to be deleted is in ~~strike thru~~; proposed new language is in *italic*]
[changes since first draft in **bold**]

Add New Figure 2.9:

Corner Lots:



Amend Existing Definitions

Building Lines: A line which defines the minimum distance (as determined by the minimum front, side, or rear ~~yard~~ setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

Carport: A partially open structure *of any construction type (including temporary carports)*, intended to shelter one or more vehicles. Such structures shall comply with all ~~yard~~ setback requirements applicable to garages.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein. ~~See section 2310.~~

Setback, Front: Minimum unoccupied distance, extending the full lot width, between the principal building and ~~the front lot line~~ *any lot line abutting a street.*

Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and/or accessory buildings and the lot line opposite the front lot line, *or in the case of a corner lot, the setback opposite the ~~front setback abutting the principal street~~ principal front lot line.*

Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line. *In the case of a corner lot, the setback opposite the ~~front setback abutting the secondary street~~ secondary front lot line.*

Yards: The open spaces on the same lot with a main building, unoccupied and unobscured from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

Front Yard: An open unoccupied space extending the full width of the lot, the depth of which is the ~~minimum~~ horizontal distance between the front lot line and the nearest point of the building. In the case of lots abutting lakes, rivers, and canals, the front yard shall be that side of the lot or parcel on the street side.

Rear Yard: A space extending the full width of the lot the depth of which is the ~~minimum~~ horizontal distance between the rear lot line and the nearest point of the main building. ~~In the case of a corner lot, the rear yard may be opposite either street frontage provided that the front yard requirements are complied with.~~

Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the ~~horizontal~~ distance from the nearest point of the main building.

Lot Lines: The lines bounding a lot or parcel (see Figure 2-7).

Lot Line, Front: The line(s) separating the lot from any street right-of-way, private road or other access easement. Such line shall be continuous at least a sufficient length to conform with the minimum lot width requirement of the district.

Front Lot Line, Principal: *For a corner lot, the front lot line adjacent to the street which the front door of the home faces (or is proposed to face).*

Front Lot Line, Secondary: *For a corner lot, the front lot line which is not considered to be the principal front lot line.*

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. *In the case of a corner lot, the lot line opposite the **principal** front lot line adjacent to the principal street.*

Lot Line, Side: Any lot line other than a front or rear lot line.

Amend following language in district language for All Districts:

Note, setback measurement: ~~The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings. All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.~~

Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side ~~yard~~ lot line provided...

All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of ~~the all~~ required front ~~yard~~ setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained *along each street frontage*. [amended 12/01]

Amend Table I Notes:

1. Setback Measurement: ~~The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure. The required rear yard shall be measured from the property line to the nearest foundation or building wall of the building or structure. Side yard setbacks shall be measured from the property line to the determined drip line of buildings. All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.~~

Amend the following Sections of General Provisions:

SECTION 2306: ALLOCATION OF LOT AREAS & CONFIGURATION OF LOTS

1. Corner Lots: Corner lots shall have the minimum lot width and front ~~yard~~ setback as required by that zoning district for each property line which is adjacent to a public or private road.
 - a. A corner lot shall have the required front setback measured from both the principal and secondary front lot lines. ~~The front yard shall be designated on the principal road.~~
 - b. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line ~~and shall be the lot line opposite the principal front lot line.~~
 - c. The driveway of the principal building on a corner lot shall be located on the **secondary** front lot line ~~adjacent to the secondary street.~~
 - d. The width of a corner lot shall be determined by the length of the ~~primary~~ **principal** front lot line ~~adjacent to the principal street.~~

SECTION 2307: PERMITTED YARD ENCROACHMENTS

Encroachments may be made upon required yards under the following conditions:

1. Architectural elements: Existing buildings or structures shall be permitted to encroach upon the ~~minimum yard area and~~ setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants such as cornices, ~~eaves~~, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features. Such features may project into a required ~~yard setback~~ area no more than five (5) feet.

SECTION 2311: ACCESSORY STRUCTURES & BUILDINGS

2. Front Yard, prohibition: Buildings or structures accessory to the principal, shall not be permitted in ~~the required any~~ front yard. Parking lots are prohibited in ~~the required any~~ *residential* front yard. Security stations within an "I" District may be erected in any yard.

SECTION 2316: STORAGE OF VEHICLES

1. Location: Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in ~~a required any~~ front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways.

SECTION 2317: EXTERIOR SWIMMING POOLS & HOT TUBS

3. Placement: No swimming pool or hot tub shall be located in a front yard or in a dedicated or recorded easement.
4. Setback: No swimming pool or hot tub shall be located in any ~~required~~ front yard. Pool setbacks shall be six feet from property lines or conform with city pool code.

SECTION 2331: LANDSCAPING, FENCING, WALLS, SCREENS AND LIGHTING [amended 4/00]

5. Greenbelt Buffers:
 - a. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of ~~the~~ *all* required front ~~yard~~ setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained *along all street frontages*. Greenbelt buffers shall be landscaped in grass, ground cover, perennials, and/or other natural, living, landscape material. [amended 12/01]
11. Outdoor Storage Screening: Outdoor open storage of any equipment, vehicles and materials, including waste and waste receptacles, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback. Commercial and industrial uses do not have to screen from one another. Front yard fencing over 4 feet in height in commercial and industrial zones shall adhere to the required front ~~yard~~ setback. A screen of up to six (6) feet but not less than four feet may be required as part of a site plan review approval.
14. Height limitations:
 - a. Side and rear yards: In residential districts a wall, fence or yard enclosure may be up to six (6) feet in height behind ~~the front building line~~ *any building line of a structure which abuts a street (see Figure 2.9)*.
 - b. Front yards: In ~~a required~~ *any* residential front yard (in front of ~~the front building line~~ *any building line of a structure which abuts a street*), the height of a fence shall not exceed three (3) feet, unless an open fence is provided (e.g., chain link, picket) in which case it may be a maximum height of four (4) feet when such fence does not reduce visibility or interfere with clear vision at intersections, alleys and drives.
 - c. Commercial and industrial districts: A wall, fence or yard enclosure may be up to eight (8) feet in height behind the front building line of a structure. In a ~~required~~ front yard (in front of ~~the front building line~~ *any building line of a structure which abuts a street*), the height shall not exceed six (6) feet and shall not reduce visibility or interfere with clear vision at intersections, alleys and drives.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2088

An ordinance to amend Article II (Definitions), Section 201 (Diagrams, Graphics and Illustrations Pertinent to the Definitions in This Ordinance) of Article II (Definitions), Section 404 (Area & Bulk Requirements) of Article IV (R One Family Residential Districts), Sections 603 through 2003 (Area & Bulk Requirements) of Articles VI through XX, Section 1308 (Area & Bulk Requirements of Article XIII (B-4 General Business Districts), Section 1507 (Area & Bulk Requirements) of Article XV (I-2 General Industrial Districts), Table I Notes, and Sections 2306 (Allocation of Lot Areas & Configuration of Lots), 2307 (Permitted Yard Encroachments), 2311 (Accessory Structures & Buildings), 2316 (Storage of Vehicles), 2317 (Exterior Swimming Pools & Hot Tubs), and 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the City's Zoning Ordinance to amend the definitions of 'yard' and 'setback' and to consistently apply regulations regarding setbacks and corner lots.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II (Definitions) of the Zoning Ordinance of the City of Muskegon is hereby amended to amend and add the following:

Building Lines: A line which defines the minimum distance (as determined by the minimum front, side, or rear setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

Carport: A partially open structure of any construction type (including temporary carports), intended to shelter one or more vehicles. Such structures shall comply with all setback requirements applicable to garages.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.

Setback, Front: Minimum unoccupied distance, extending the full lot width, between the principal building and any lot line abutting a street.

Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and/or accessory buildings and the lot line opposite the front lot line, or in the case of a corner lot, the setback opposite the principal front lot line.

Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line. In the case of a corner lot, the setback opposite the secondary front lot line.

Yards: The open spaces on the same lot with a main building, unoccupied and unobscured from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

Front Yard: An open unoccupied space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the nearest point of the building. In the case of lots abutting lakes, rivers, and canals, the front yard shall be that side of the lot or parcel on the street side.

Rear Yard: A space extending the full width of the lot the depth of which is the horizontal distance between the rear lot line and the nearest point of the main building.

Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the nearest point of the main building.

Lot Lines: The lines bounding a lot or parcel (see Figure 2-7).

Lot Line, Front: The line(s) separating the lot from any street right-of-way, private road or other access easement. Such line shall be continuous at least a sufficient length to conform with the minimum lot width requirement of the district.

Front Lot Line, Principal: For a corner lot, the front lot line adjacent to the street which the front door of the home faces (or is proposed to face).

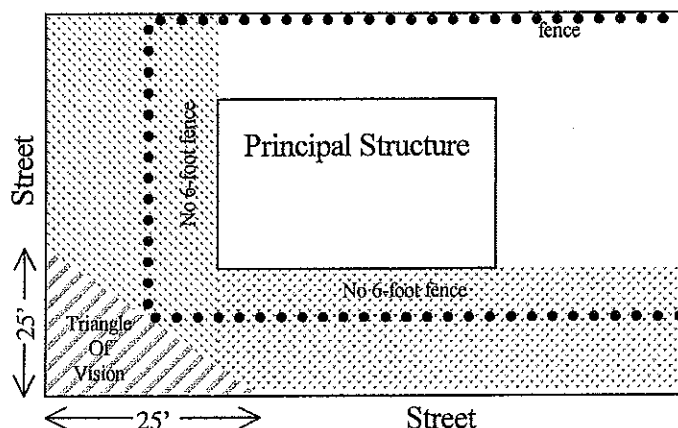
Front Lot Line, Secondary: For a corner lot, the front lot line which is not considered to be the principal front lot line.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the case of a corner lot, the lot line opposite the principal front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Section 201 (Diagrams, Graphics and Illustrations Pertinent to the Definitions in This Ordinance) of Article II (Definitions) of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following figure as Figure 2.9:

Corner Lots:



Section 404 (Area & Bulk Requirements) of Article IV (R One Family Residential Districts), Sections 603 through 2003 (Area & Bulk Requirements) of Articles VI through XX, Section 1308 (Area & Bulk Requirements) of Article XIII (B-4 General Business Districts), Section 1507 (Area & Bulk Requirements) of Article XV (I-2 General Industrial Districts) of the Zoning Ordinance of the City of Muskegon are hereby amended as follows:

Note, setback measurement: *All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.*

Zero lot line option: *New principal buildings may be erected on the rear lot line and/or one side lot line provided...*

All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage.

The Table I Notes of the Zoning Ordinance of the City of Muskegon are hereby amended as follows:

7. Setback Measurement: *All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings.*

Section 2306 (Allocation of Lot Areas & Configuration of Lots) of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

2. Corner Lots: *Corner lots shall have the minimum lot width and front setback as required by that zoning district for each property line which is adjacent to a public or private road.*
 - a. *A corner lot shall have the required front setback measured from both the principal and secondary front lot lines.*
 - b. *The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line.*
 - c. *The driveway of the principal building on a corner lot shall be located on the secondary front lot line.*
 - d. *The width of a corner lot shall be determined by the length of the principal front lot line.*

Section 2307 (Permitted Yard Encroachments) of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

Encroachments may be made upon required yards under the following conditions:

1. Architectural elements: *Existing buildings or structures shall be permitted to encroach upon the minimum setback requirements of this Ordinance with architectural elements that are necessary*

to the integrity of the structure of the building, or health or safety of the occupants such as cornices, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features. Such features may project into a required setback area no more than five (5) feet.

Section 2311 (Accessory Structures & Buildings) of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

2. Front Yard, prohibition: *Buildings or structures accessory to the principal, shall not be permitted in any front yard. Parking lots are prohibited in any residential front yard. Security stations within an "I" District may be erected in any yard.*

Section 2316 (Storage of Vehicles) of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

1. Location: *Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in any front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways.*

Section 2317 (Exterior Swimming Pools & Hot Tubs) of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

3. Placement: *No swimming pool or hot tub shall be located in a front yard or in a dedicated or recorded easement.*
4. Setback: *No swimming pool or hot tub shall be located in any front yard. Pool setbacks shall be six feet from property lines or conform with city pool code.*

Section 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

5. Greenbelt Buffers:
 - a. *All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along all street frontages. Greenbelt buffers shall be landscaped in grass, ground cover, perennials, and/or other natural, living, landscape material. [amended 12/01]*
11. Outdoor Storage Screening: *Outdoor open storage of any equipment, vehicles and materials, including waste and waste receptacles, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback. Commercial and industrial uses do not have to screen from one another. Front yard fencing over 4 feet in height in commercial and industrial zones shall adhere to the required front setback. A screen of up to six (6) feet but not less than four feet may be required as part of a site plan review approval.*

14. Height limitations:

- a. Side and rear yards: In residential districts a wall, fence or yard enclosure may be up to six (6) feet in height behind any building line of a structure which abuts a street (see Figure 2.9).
- b. Front yards: In any residential front yard (in front of any building line of a structure which abuts a street), the height of a fence shall not exceed three (3) feet, unless an open fence is provided (e.g., chain link, picket) in which case it may be a maximum height of four (4) feet when such fence does not reduce visibility or interfere with clear vision at intersections, alleys and drives.
- c. Commercial and industrial districts: A wall, fence or yard enclosure may be up to eight (8) feet in height behind the front building line of a structure. In a front yard (in front of any building line of a structure which abuts a street), the height shall not exceed six (6) feet and shall not reduce visibility or interfere with clear vision at intersections, alleys and drives.

This ordinance adopted:

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

Nays: None

Adoption Date: 10-22-02

Effective Date: 11-9-02

First Reading: 10-22-02

Second Reading: N/A

CITY OF MUSKEGON

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

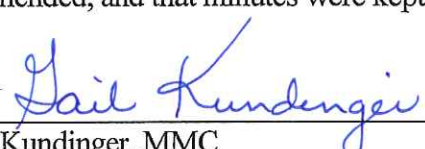
Commission Meeting Date: October 10, 2002 - Zoning Ordinance Amendment for corner lots and definitions of 'yard' and 'setback'

CERTIFICATE

2002-116(g)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of October, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: October 22, 2002.



Gail Kunderinger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on October 22, 2002, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions), Section 201 (Diagrams, Graphics and Illustrations Pertinent to the Definitions in This Ordinance) of Article II (Definitions), Section 404 (Area & Bulk Requirements) of Article IV (R One Family Residential Districts), Sections 603 through 2003 (Area & Bulk Requirements) of Articles VI through XX, Section 1308 (Area & Bulk Requirements of Article XIII (B-4 General Business Districts), Section 1507 (Area & Bulk Requirements) of Article XV (I-2 General Industrial Districts), Table I Notes, and Sections 2306 (Allocation of Lot Areas & Configuration of Lots), 2307 (Permitted Yard Encroachments), 2311 (Accessory Structures & Buildings), 2316 (Storage of Vehicles), 2317 (Exterior Swimming Pools & Hot Tubs), and 2331 (Landscaping, Fencing, Walls, Screens and Lighting) of Article XXIII (General Provisions) of the City's Zoning Ordinance.

The amendments provide for an update to the definitions of 'yard' and 'setback' and to amend the ordinance to consistently apply regulations regarding setbacks and corner lots, including fencing for corner lots and measurement of setbacks.

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

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

Published October 30, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: October 22, 2002

Date: October 11, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendment for Temporary Uses

SUMMARY OF REQUEST:

Request to amend the requirements for temporary uses of the Zoning Ordinance in order to update and modernize the requirements, as described in the proposed ordinance (attached).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their meeting on 10/10. The vote was unanimous with J. Aslakson and B. Mazade absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

October 10, 2002

Case 2002-44: Staff-initiated request to amend Section 2324 (Temporary Buildings, Structures and Uses) of the Zoning Ordinance (tabled).

Staff will present an update at the meeting - the 2nd draft of the proposed amendment is included below:

2nd Draft

Proposed amendments to existing Zoning Ordinance language regarding Temporary Uses

[additions in *italic*, deletions in ~~striketru~~]

[changes since first draft in **bold**]

SECTION 2324: TEMPORARY BUILDING, STRUCTURES AND USES

~~All temporary buildings, structures, and uses are permitted in all districts unless otherwise provided. Temporary *uses*, buildings and structures, not greater than three hundred (300) square feet in area and not to be used for dwelling purposes, may be placed on a lot or parcel **of record** and occupied only under the following conditions as authorized by a temporary zoning permit issued by the Zoning Administrator.~~

1. Only the following temporary uses, buildings or structure are permitted:

- a. Fire Damage: A temporary building or structure may be constructed during renovation of a permanent building damaged by fire. The temporary building or structure shall be removed within fifteen (15) days after the repair of fire damage is complete. Permits issued under this section shall be for a one hundred and eighty (180) day duration.
- b. New Construction: Temporary buildings and structures incidental to construction work, except *those related to construction of* single-family dwellings, may be placed on the developing tract or parcel during construction. No cooking ~~or sleeping~~ accommodations shall be maintained. Said temporary buildings shall be removed within fifteen (15) days after construction is complete. The structure shall not be allowed more than twelve (12) months, unless expressly authorized after petition to the Zoning ~~Board of Appeals~~ **Administrator**.

- c. Temporary Classrooms: Up to four temporary classrooms may be permitted for *private* schools with expansion needs. Said classrooms shall meet local codes and ordinances. Said buildings shall be removed within fifteen (15) days after construction *of any permanent structure intended for expansion purposes* is complete. The ~~structure~~ *temporary classrooms* shall not be allowed more than eighteen (18) months, unless expressly authorized after petition to the Zoning ~~Board of Appeals~~ *Administrator*.
 - d. Temporary Real Estate Offices: *Temporary Real Estate Offices* are permitted within approved development projects. No cooking ~~or sleeping~~ accommodations shall be maintained. ~~The permit shall be valid for up to one (1) year, but is renewable after petition to the Zoning Administrator.~~ The office shall be removed upon completion of the development of the subdivision. *The office shall not be allowed for more than one (1) year, unless expressly authorized after petition to the Zoning Administrator.* A model home may be used as a temporary sales office.
 - e. Outdoor Christmas Tree/Fireworks Sales: The *outdoor* display and sale of Christmas trees *and fireworks* is permitted ~~by a temporary zoning permit~~ outside residential zoning districts. The ~~temporary zoning permit for the display and sale of trees or fireworks~~ on an open lot shall be ~~valid~~ *allowed* for a period not to exceed forty-five (45) days. No ~~live fresh cut~~ tree sales shall be conducted from *within* a building. All unsold trees must be removed from the property by December ~~24th~~ *31st* of each calendar year. *All unsold fireworks must be removed from the property by July 5th 10th of each calendar year.* Outdoor fireworks sales will be conducted pursuant to the Fire Code.
 - f. Special Events: *Temporary uses associated with bona fide special events (associated with a non-profit organization and/or approved through the City's Special Events approval procedure) may be allowed by the Zoning Administrator during the tenure of the special event only, and must be restricted to the property(ies) where the event is taking place. Such temporary uses may include food vendors, event offices, dressing rooms, carnival-type games, midways, t-shirt or souvenir sales, art/craft fairs, or other similar uses. Such uses shall be regulated by the City's Special Events procedure.*
2. Performance Guarantee: The Zoning Administrator may require a performance guarantee pursuant to Section 2325 in an amount equal to the estimated cost of removing any temporary structure permitted.
- a. *The applicant shall sign an affidavit holding the City harmless against any claim for damages if the City were to use the performance guarantee to remove the temporary structure after its authorized period had expired. Further, the applicant shall consent in writing to special assessment of any city expenditure in excess of the performance guarantee or deposit to complete removal or cure.*

- b. In the event that a temporary structure is not removed by a permit holder at the end of the permit period the City may use the performance guarantee to remove the temporary structure once the permit has expired.
 - c. If the applicant removes the temporary structure as dictated by the permit the performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.
3. ~~Application~~ Temporary Zoning Permit: *A temporary zoning permit may be required by the Zoning Administrator for any proposed temporary use, building or structure, **except those already covered by the City's Special Events procedure, Fire Code, or Transient Merchants procedure.** ~~A~~ Any temporary zoning permit may be approved, modified, conditioned or denied by the Zoning Administrator. The Zoning Administrator may refer ~~the~~ an application for a temporary zoning permit to the Planning Commission.*
- a. Permits: A written temporary zoning permit ~~will~~ *may* be issued for ~~all~~ any temporary uses and shall contain the following information:
 - i The applicant's name
 - ii The location and effective dates of the temporary use
 - iii Conditions under which the permit was issued, included but not limited to:
 - (1) use and placement of signs
 - (2) provision for security and safety measures
 - (3) control of nuisance factors.
 - iv Submission of performance guarantee, if applicable
 - v Signature of the Zoning Administrator and owner and/or operator on the permit.
 - b. The zoning administrator may impose conditions with the issuance of ~~the~~ a permit which are designed to ensure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
 - c. Request for permit renewal shall be filed at least fifteen (15) days prior to the expiration date of the current permit. Applications for renewal or extension of a permit having a duration of fifteen (15) days or less shall be applied for at least three (3) days prior to the expiration date of the current permit.

d. Revocation: Upon expiration or revocation of a temporary zoning permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. A temporary zoning permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:

- i That circumstances have changed
- ii That the temporary zoning permit was obtained by misrepresentation or fraud
- iii That one (1) or more of the conditions of the temporary zoning permit have not been met
- iv That the permitted use violates any statute, ordinance, law, or regulation.

4. Conditions of Approval:

- a. The nature of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
- b. The use shall not be typically located within a permanent building or structure.
- c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
- d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
- e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
- f. Signs shall conform to the provisions of this Ordinance.
- g. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.

5. Appeal: An appeal of a decision by the Zoning Administrator relative to denial of a temporary use, building or structure or of a temporary zoning permit ~~for a temporary use or renewal thereof~~ may be taken to the Zoning Board of Appeals pursuant to ~~Chapter 25~~ *Section XXV* of this Ordinance.

6. Habitation of Accessory Structures and Travel Trailers: No recreational vehicle or travel trailer, fixed or portable garage, barn, ~~or~~ accessory buildings, or cellar shall be used or occupied as a dwelling.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2089

An ordinance to amend the Zoning Ordinance of the City to amend Section 2324 (Temporary Buildings, Structures and Uses) of Article XXIII (General Provisions).

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to replace the existing language with the following language in Section 2324 (Temporary Buildings, Structures and Uses):

SECTION 2324: TEMPORARY BUILDING, STRUCTURES AND USES

Temporary uses, buildings and structures, not used for dwelling purposes, may be placed on a lot or parcel and occupied only under the following conditions as authorized by the Zoning Administrator.

1. Only the following temporary uses, buildings or structure are permitted:

- a. Fire Damage: A temporary building or structure may be constructed during renovation of a permanent building damaged by fire. The temporary building or structure shall be removed within fifteen (15) days after the repair of fire damage is complete. Permits issued under this section shall be for a one hundred and eighty (180) day duration.*
- b. New Construction: Temporary buildings and structures incidental to construction work, except those related to construction of single-family dwellings, may be placed on the developing tract or parcel during construction. No cooking accommodations shall be maintained. Said temporary buildings shall be removed within fifteen (15) days after construction is complete. The structure shall not be allowed more than twelve (12) months, unless expressly authorized after petition to the Zoning Administrator.*
- c. Temporary Classrooms: Up to four temporary classrooms may be permitted for private schools with expansion needs. Said classrooms shall meet local codes and ordinances. Said buildings shall be removed within fifteen (15) days after construction of any permanent structure intended for expansion purposes is complete. The temporary classrooms shall not be allowed more than eighteen (18) months, unless expressly authorized after petition to the Zoning Administrator.*

- d. Temporary Real Estate Offices: Temporary Real Estate Offices are permitted within approved development projects. No cooking accommodations shall be maintained. The office shall be removed upon completion of the development of the subdivision. The office shall not be allowed for more than one (1) year, unless expressly authorized after petition to the Zoning Administrator. A model home may be used as a temporary sales office.
 - e. Outdoor Christmas Tree/Fireworks Sales: The outdoor display and sale of Christmas trees and fireworks is permitted outside residential zoning districts. The display and sale of trees or fireworks on an open lot shall be allowed for a period not to exceed forty-five (45) days. No fresh cut tree sales shall be conducted from within a building. All unsold trees must be removed from the property by December 31st of each calendar year. All unsold fireworks must be removed from the property by July 10th of each calendar year. Outdoor fireworks sales will be conducted pursuant to the Fire Code.
 - f. Special Events: Temporary uses associated with bona fide special events (associated with a non-profit organization and/or approved through the City's Special Events approval procedure) may be allowed by the Zoning Administrator during the tenure of the special event only, and must be restricted to the property(ies) where the event is taking place. Such temporary uses may include food vendors, event offices, dressing rooms, carnival-type games, midways, t-shirt or souvenir sales, art/craft fairs, or other similar uses. Such uses shall be regulated by the City's Special Events procedure.
2. Performance Guarantee: The Zoning Administrator may require a performance guarantee pursuant to Section 2325 in an amount equal to the estimated cost of removing any temporary structure permitted.
- a. The applicant shall sign an affidavit holding the City harmless against any claim for damages if the City were to use the performance guarantee to remove the temporary structure after its authorized period had expired. Further, the applicant shall consent in writing to special assessment of any city expenditure in excess of the performance guarantee or deposit to complete removal or cure.
 - b. In the event that a temporary structure is not removed by a permit holder at the end of the permit period the City may use the performance guarantee to remove the temporary structure once the permit has expired.
 - c. If the applicant removes the temporary structure as dictated by the permit the performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

3. Temporary Zoning Permit: A temporary zoning permit may be required by the Zoning Administrator for any proposed temporary use, building or structure, except those already covered by the City's Special Events procedure, Fire Code, or Transient Merchants procedure. Any temporary zoning permit may be approved, modified, conditioned or denied by the Zoning Administrator. The Zoning Administrator may refer an application for a temporary zoning permit to the Planning Commission.
- a. A written temporary zoning permit may be issued for any temporary use, except those already covered by the City's Special Events procedure, Fire Code, or Transient Merchants procedure, and shall contain the following information:
 - i The applicant's name
 - ii The location and effective dates of the temporary use
 - iii Conditions under which the permit was issued, included but not limited to:
 - (1) use and placement of signs
 - (2) provision for security and safety measures
 - (3) control of nuisance factors.
 - iv Submission of performance guarantee, if applicable
 - v Signature of the Zoning Administrator and owner and/or operator on the permit.
 - b. The zoning administrator may impose conditions with the issuance of a permit which are designed to ensure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
 - c. Request for permit renewal shall be filed at least fifteen (15) days prior to the expiration date of the current permit. Applications for renewal or extension of a permit having a duration of fifteen (15) days or less shall be applied for at least three (3) days prior to the expiration date of the current permit.
 - d. Revocation: Upon expiration or revocation of a temporary zoning permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. A temporary zoning permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
 - i That circumstances have changed

- ii *That the temporary zoning permit was obtained by misrepresentation or fraud*
- iii *That one (1) or more of the conditions of the temporary zoning permit have not been met*
- iv *That the permitted use violates any statute, ordinance, law, or regulation.*

4. Conditions of Approval:

- a. *The nature of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.*
- b. *The use shall not be typically located within a permanent building or structure.*
- c. *The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.*
- d. *The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.*
- e. *Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.*
- f. *Signs shall conform to the provisions of this Ordinance.*
- g. *Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.*

5. Appeal: *An appeal of a decision by the Zoning Administrator relative to denial of a temporary use, building or structure or of a temporary zoning permit or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Section XXV of this Ordinance.*

6. Habitation of Accessory Structures and Travel Trailers: *No recreational vehicle or travel trailer, fixed or portable garage, barn, ~~or~~ accessory buildings, or cellar shall be used or occupied as a dwelling.*

This ordinance adopted:

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

Nays: None

Adoption Date: 10-22-02

Effective Date: 11-9-02

First Reading: 10-22-02

Second Reading: N/A

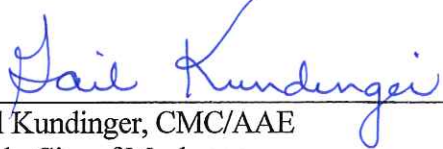
CITY OF MUSKEGON

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

CERTIFICATE
2002-116(h)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 262nd day of October, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: October 22, 2002.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on October 22, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the Zoning Ordinance to amend Section 2324 (Temporary Buildings, Structures and Uses) of Article XXIII (General Provisions).

The amendments provide for an update to the requirements for temporary buildings, structures and uses in the City, by specifying only specific temporary uses which are permitted in the City and giving parameters for any permitted temporary building, structure or use.

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

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

Published October 30, 2002

CITY OF MUSKEGON

By _____

Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: October 11, 2002
RE: Video Taping Commission Meetings – Contract

BACKGROUND INFORMATION

You were informed during the 2003 budget work session on September 9th that staff would be requesting proposals to continue broadcast of Commission meetings. Request for proposals (RFP) was published in the Chronicle on September 21st and proposals were due on October 2nd. Direct request were made to four videotaping companies that had submitted proposals in the past: Creative Lighting, TV 40, Advanced Video Presentations, Inc., and Videos by Dennis Visger.

Advanced Video Presentations, Inc. (the current service provider) was the only company that submitted a proposal. Copies of the proposal can be made available to you upon request.

SUMMARY OF REQUEST

Staff recommends approval of a one-year (1-yr.) contract with Advanced Video Presentations, Inc. at a cost of \$28,922.40 with the option to extend the contract for another year at the same cost. The Mayor and the City Clerk should be authorized sign the attached contract on behalf of the City.

FINANCIAL IMPACT

\$28,922.40

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

It's been a joy working with Advanced Video Presentations, Inc. through its Executive Director, Andy Maciejewski. We look forward to working with Andy and his staff in the future. Staff recommends approval.

CITY OF MUSKEGON

**AGREEMENT FOR VIDEOTAPING AND PRODUCTION
OF CITY COMMISSION MEETINGS**

2002-117(c)

THIS AGREEMENT is made and entered into October 22, 2002, by and between the **CITY OF MUSKEGON**, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan ("CITY"), and **ADVANCED VIDEO PRESENTATIONS, INC.**, a Michigan corporation of 2305 Ruddiman Drive, North Muskegon, Michigan 49445 ("CONTRACTOR"), with reference to the following facts:

A. On October 2, 2002, CONTRACTOR submitted a proposal for videotaping and production services for the City of Muskegon and to perform such other services as may be incidental thereto ("the Services").

B. On October 22, 2002, CITY approved CONTRACTOR's proposal for the Services for one year to commence on October 22, 2002.

THEREFORE, in consideration of the following mutual agreements and covenants, it is understood and agreed by and between CITY and CONTRACTOR as follows:

1. **STATEMENT OF SERVICES PROVIDED.** CONTRACTOR shall furnish all supervision, technical personnel, labor, materials, equipment, and services, and perform and complete in a good and workmanlike manner all the Services required to be performed pursuant to this Agreement, NAMELY: the videotaping and production and post production services, in accordance with the scope of services set forth in Exhibit A and in accordance with Exhibit B, consisting of CONTRACTOR'S proposal and attached description of services, for the videotaping, production and post production of the City Commission meetings.

2. **CONTRACT PRICE.** CITY agrees to pay, and CONTRACTOR agrees to accept, in full consideration for the faithful and complete performance of CONTRACTOR'S obligations under this Agreement, the sum of Twenty-eight Thousand Nine Hundred Twenty-two and 40/100 (\$28,922.40) Dollars, the said lump sum price being based on a per meeting price of One Thousand Two Hundred Five and 10/100 Dollars (\$1,205.10) per City Commission meeting. Payments shall be made on a monthly basis.

3. **CONTRACT.** The contract between the parties shall consist of this document and all schedules, exhibits and attachments, including the response by CONTRACTOR to CITY'S request for proposals.

This contract, together with other documents enumerated in this paragraph 3, which said other documents are as fully a part of the Agreement as if they were attached or repeated in this document, form the contract between the CITY and CONTRACTOR.

4. **EQUIPMENT.** All equipment and facilities used by CONTRACTOR shall be subject to inspection for safety and subject to approval or rejection by CITY at any time. Rejected equipment must be replaced by CONTRACTOR as soon as reasonably possible.

5. **TERM AND COMMENCEMENT.** The term of this contract shall be October 22, 2002 to October 22 2004. The CITY shall be under no obligation to renew this term. CONTRACTOR shall commence work on the City Commission meeting on October 22, 2002, and shall perform in accordance with the terms and conditions set forth in the attached exhibits.

6. **OWNERSHIP OF COPYRIGHT.** The entire right, title, and interest in the production and in the copyright, when completed, shall, subject to other provisions of this Agreement, remain in the CITY, and the CITY shall be entitled to assign the copyright with all its rights and obligations under and pursuant to this Agreement.

7. **TECHNICAL DETAILS.** CONTRACTOR shall conform to any reasonable request or technical advice furnished by the CITY from time to time for the purpose of improving the quality of the Services.

8. **STORAGE OF THE NEGATIVE.** The production of each City Commission meeting shall be deemed completed when CONTRACTOR delivers to the CITY one (1) completed videotape. The negative or master tape of the production shall be retained by CONTRACTOR at all times in its vault. CONTRACTOR shall be under no obligation to insure the negative or master tape, and shall hold the same at the CITY's risk.

9. **ADDITIONAL PRINTS.** After the production for each City Commission meeting is completed, if the CITY desires additional prints, the CITY shall order the same from CONTRACTOR, and CONTRACTOR shall furnish such prints to the CITY in a quality substantially equal to that furnished by CONTRACTOR at the time of delivery of the production, at CONTRACTOR's then usual per foot charge for similar prints. CONTRACTOR may not release additional prints to anyone except the CITY without the written consent of the CITY.

10. **CITY'S OPTIONS ON CONTRACTOR'S DEFAULT IN PERFORMANCE.** In the event CONTRACTOR fails to perform the videotaping and production services described in this Agreement, in the sole judgment of CITY, or fails to perform the work in the manner required by this Agreement and by the reasonable requirements of CITY, and provided such failure is not due to war, insurrection, riots, act of God, or any other cause reasonably beyond CONTRACTOR'S control, the CITY may: (1) at its option, after written notice to the CONTRACTOR, take over and operate any or all of CONTRACTOR'S equipment used in the performance of this Agreement; (2) use and operate the same itself until such matter is resolved and CONTRACTOR is again able to carry out its operation under this Agreement; or (3) terminate this Agreement. Any and all expenses incurred by CITY in such substituted performances may be deducted by CITY from the compensation due CONTRACTOR.

During such period, the liability of CITY to CONTRACTOR for loss or damage to such equipment so used shall be that of a bailee for hire, ordinary wear and tear being specifically exempt from such liability.

If CONTRACTOR is unable for any cause to resume performance at the end of thirty (30) calendar days after the first recognized failure to perform, all liability of the CITY under this Agreement to CONTRACTOR shall cease and the CITY shall be free to negotiate with other contractors for the performance of the Services. Any contract entered into with another contractor shall not release CONTRACTOR of its liability to CITY for such breach of this Agreement.

11. **NON-ASSIGNMENT.** CONTRACTOR shall not assign or transfer, whether by an assignment or novation, any of its rights, duties, benefits, obligations, liabilities or responsibilities under this contract without the written consent of the CITY.

12. **TERMINATION OF CONTRACT.** In addition to the termination provisions set forth above, the CITY may terminate the contract under the following circumstances:

12.1 If CONTRACTOR refuses or fails to perform the Services with such diligence as will ensure its completion within the time, in the manner or with the required quality specified, or as amended, in these contract documents, the CITY may, by written notice, terminate CONTRACTOR'S right to proceed with the Services.

12.2 CONTRACTOR shall be liable to the CITY for additional cost incurred by the CITY in its continuation of the Services during the balance of the term.

12.3 In the event of any termination, the Contract price shall be limited to the services performed to the date of termination, utilizing the per meeting price set forth above.

13. **OBEYING LAWS.** CONTRACTOR shall, in performing its work, obey all statutes, regulations and ordinances of any governmental authority, including, but not limited to, the United States Government, the State of Michigan, the County of Muskegon or the City of Muskegon.

14. **INSURANCE & INDEMNITY.** CONTRACTOR will be required to comply with the following insurance and indemnity requirements:

14.1 Hold Harmless Agreements: To the fullest extent permitted by law, CONTRACTOR agrees to defend, pay in behalf of, indemnify, and hold harmless the CITY, its elected and appointed officials, employees, volunteers and others working on behalf of the CITY against any and all claims, demands, suits, or loss, including any costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the CITY, its elected and appointed officials, employees, volunteers, or others working on behalf of the CITY, by reason of personal injury, including bodily injury and death, property damage, including loss of use thereof, and/or the effects of or release of toxic and/or hazardous material which arises out of or is in any way connected or associated with this contract. The obligation to defend and hold harmless extends to CONTRACTOR'S employees, agents, subcontractors, assigns and successors.

14.2 Contractor Insurance Requirements: CONTRACTOR shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverages shall be with insurance carriers acceptable to the CITY.

14.2.1 Workers' Compensation Insurance: CONTRACTOR shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employer's Liability coverage, in accordance with all applicable Statutes of the State of Michigan.

14.2.2 General Liability Insurance: CONTRACTOR shall procure and maintain during the life of this contract, commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than One Million (\$1,000,000) Dollars per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (a) Contractual Liability; (b) Products and Completed Operations; (c) Independent Contractor's Coverage; (d) Broad Form General Liability Extensions or equivalent; (e) an Endorsement Covering CITY Liability for Defamation, Libel, Slander, and Invasion of Privacy; and, (f) an Endorsement Covering CITY Liability for Copyright Infringement.

14.2.3 Motor Vehicle Liability: CONTRACTOR shall procure and maintain, during the life of this contract, Motor Vehicle Liability Insurance, including Michigan no-fault coverage, with limits of liability of not less than Five Hundred Thousand (\$500,000) Dollars per occurrence or combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles.

14.3 Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insured:" The CITY OF MUSKEGON, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof.

14.4 Cancellation Notice: Workers' Compensation Insurance, General Liability Insurance, and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: CITY OF MUSKEGON ENGINEERING DEPARTMENT.

14.5 Proof of Insurance Coverage. CONTRACTOR shall provide the CITY at the time the contracts are returned by him for execution, certificates and policies as listed below:

14.5.1 Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance

14.5.2 Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance

14.5.3 Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance

14.5.4 If so requested, certified copies of all policies mentioned above will be furnished.

If any of the above coverage expires during the term of this contract, CONTRACTOR shall deliver renewal certificates and/or policies to CITY at least ten days prior to the expiration date.

15. LEGAL COMPLIANCE: EMPLOYMENT. CONTRACTOR shall comply with all federal, state and local laws and regulations concerning equal opportunity, affirmative action, hiring of handicapped and Vietnam War Veterans, and all civil rights laws in connection with the performance of its contract in the hiring of employees.

16. NOTICES. All communications concerning the performance of CONTRACTOR shall be sent, either by hand delivery, electronic transmission, or first-class mail to the following persons:

Ms. Lee J. Slaughter
Assistant City Manager
City Hall/933 Terrace Street
Muskegon, MI 49440
Phone: (231) 724-6724
Fax: (231)/722-1214

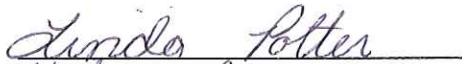
Mr. Andy Maciejewski
Advanced Video Presentations, Inc.
2305 Ruddiman Drive
North Muskegon, Michigan 49445
Phone: (231) 744-7009
Fax: (231) 744-4659

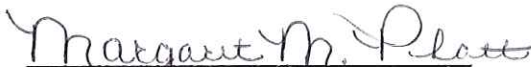
17. **NO THIRD PARTY BENEFICIARY.** This Agreement shall benefit only the parties to this Agreement, and not any third party.

18. **COUNTERPARTS.** This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

19. **ENTIRE AGREEMENT.** This Agreement and the exhibits attached constitute the entire agreement and supersede all prior agreements and understandings, both written and oral, with respect to the subject matter hereof.

Signed in the presence of:


Linda Potter

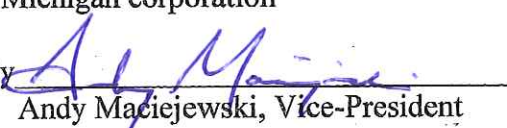

Margaret M. Platt

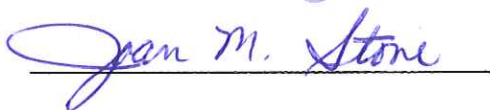
CITY OF MUSKEGON,
a Michigan municipal corporation

By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunding, MMC, City Clerk

ADVANCED VIDEO PRESENTATIONS, INC.,
a Michigan corporation

By 
Andy Maciejewski, Vice-President

Commission Meeting Date: October 22, 2002

Date: October 11, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Vacation of Glenmoor and Willow Streets

SUMMARY OF REQUEST:

Request for the vacation of Glenmoor and Willow Streets

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended the vacation, with the condition that permanent easement agreements for the relocated utilities be provided, signed and recorded, at their 10/10 meeting. The vote was unanimous with J. Aslakson absent.

CITY OF MUSKEGON

RESOLUTION #2002- 117(f)

RESOLUTION TO VACATE PUBLIC STREETS

WHEREAS, a petition has been received to vacate Glenmoor and Willow Streets.; and

WHEREAS, the Planning Commission held a public hearing on October 10, 2002 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the October 22, 2002 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Glenmoor and Willow Streets;

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said portion of street vacated and discontinued provided, however, that permanent easement agreements (including legal descriptions) for all proposed re-located utilities will be provided, signed and recorded.

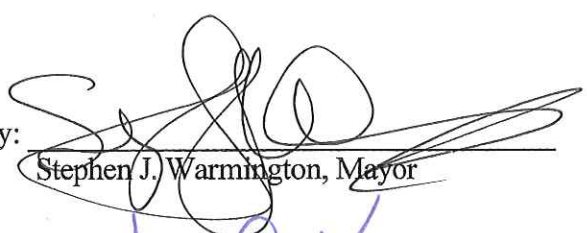
Adopted this 22nd day of October, 2002.

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

Nays: None

Absent: None

By:


Stephen J. Warmington, Mayor

Attest:

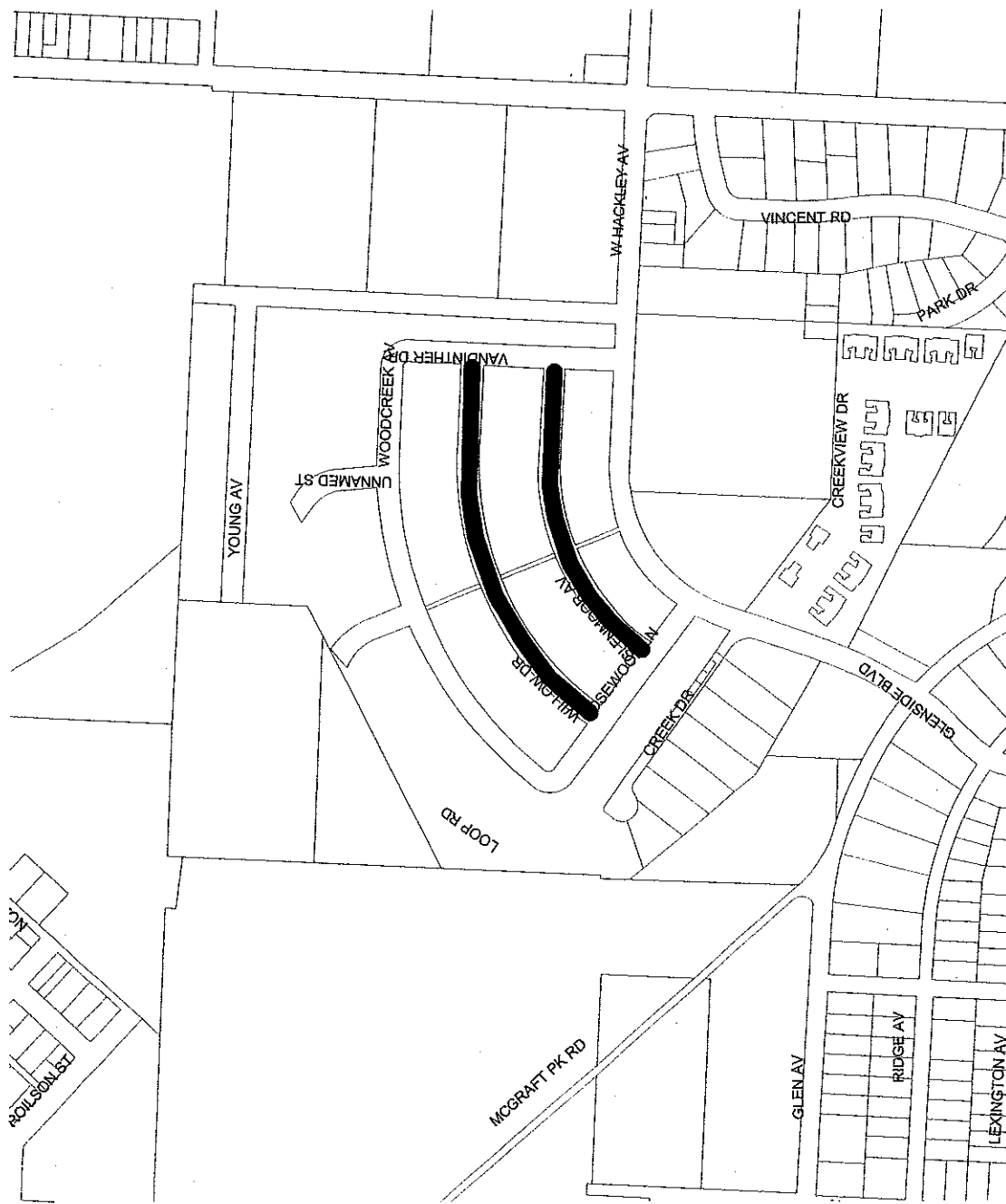

Gail A. Kunderger, MMC, City Clerk

CERTIFICATE (Vacation of Glenmoor and Willow Streets)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on July 23, 2002.


Gail A. Kunderger, MMC
Clerk, City of Muskegon

= Subject Streets



1800 Feet

006



006

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

October 10, 2002

Hearing; Case 2002-48: Request to vacate Glenmoor and Willow Avenues, by Ruddiman Associates Limited Partnership.

BACKGROUND

Over the past few months, staff has been working with the applicant regarding their re-development of the current Hackley-Glen residential development. As part of the re-development, they are asking to vacate two existing public streets, Glenmoor and Willow Avenues. Both streets are completely internal to the development.

The reason given for the request to vacate Glenmoor Ave. is that the proposed senior center is to be built over where the current road right-of-way is located. The reason given for the request to vacate Willow Ave. is to create more open space for the development, as requested by the Michigan State Housing Development Authority (MSHDA). Vacating Willow St. would allow a centralized area of open space which would be easily accessible to all residents of the new development. The City's Zoning Ordinance also requires that at least 15% of the development be common usable open space, so staff is in favor of this vacation as well.

The developers have worked through utility relocation issues with the Department of Public Works (DPW) and are proposing to cap off existing utilities in Glenmoor Ave., so that the proposed senior complex can be built over the existing right-of-way. The DPW is satisfied with this solution. The existing utilities in Willow Ave. are proposed to be re-routed through a proposed fire access drive lying near where the existing Willow Ave right-of-way is located. The DPW is also satisfied with this solution as well. Permanent easement agreements, including legal descriptions, for the re-routed utilities need to be provided to staff, as stated previously in the staff report for the final PUD approval for the re-development. Staff would reiterate that condition here as well.

The developers have proposed a 26-foot wide fire access road which would run along the rear of the proposed senior center. The Fire Marshal has stated that with the closure of Willow Ave., this fire access route is necessary in order to retain fire access to all portions of the proposed building. The Fire Marshal is satisfied that the final site plan meets fire access requirements.

Commission Meeting Date: October 22, 2002

Date: October 9, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request to Establish an Obsolete Property District – Third Street Between Houston and Merrill Avenues, including 1201 Third Street, and four properties on Houston Avenue

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, the City Planning Department, has requested the establishment of an Obsolete Property District. The district would be located on Third Street between Houston and Merrill Avenues, including 1201 Third Street, and four properties on Houston Avenue, Muskegon, MI. This request is in conjunction with the plans for a Main Street project being planned by the Muskegon Arts & Entertainment District and Neighborhood Investment Corporation.

FINANCIAL IMPACT:

None at this time. When Obsolete Property Certificates are issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for properties located on Third Street between Houston and Merrill Avenues, including 1201 Third Street, as well as four properties on Houston Avenue, Muskegon, MI.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2002-118(a)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on October 22, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

ATTACHMENT A

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 15 EX SLY 1 FT IN WIDTH & TH W 3 FT OF LOT 14 BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 16 BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 AND E ½ LOT 2; LOTS 4, 5, 6, 7, AND 8 BLK 365. ALSO N 1/2 VAC MONROE AVE BTW FIRST AND THIRD STS AND VAC SECOND ST ADJ LOTS 4 AND 5 LOTS 2, 3, & 4 BLK 366 ENTIRE BLK 380 AND VAC MONROE AVE BTW THIRD & FIRST STREETS

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 BLK 366

CITY OF MUSKEGON REVISED PLAT OF 1903 E ½ LOT 2 BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 BLK 386

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 379 LOTS 11 & 12 AND NELY 3 FT LOT 10

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 379 LOTS 1 & 2

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 11 EX THAT PART DESC AS COM AT SE COR OF LOT 11 TH NLY ALONG WLY LINE OF THIRD ST 42.80 FT FOR POB TH CONT NLY ALONG SAID WLY LINE 23.85 FT M/L TO NLY LINE OF LOT 11 TH WLY ALONG NLY LINE 98.75 FT TH SLY PAR TO WLY LINE OF THIRD ST 24.57 FT TH ELY 98.75 FT TO POB ALSO EX SWLY 8 FT OF NELY 76 FT OF SELY 43 FT FOR ALLEY BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 PART OF LOT 11 COM AT SE COR LOT 11 TH NLY ALONG WLY LINE OF THIRD ST 42.80 FT FOR POB TH CONT NLY ALONG SAID WLY LINE 23.85 FT M/L TO NLY LINE OF LOT 11 TH WLY ALONG NLY LINE 98.75 FT TH S PAR TO WLY LINE OF THIRD ST 23.57 FT TH ELY 98.75 TO POB BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 12 BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 13 BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 14 EX W 3 FT TH ' OF & S 1 FT LOT 15 EX THE W 3 FT TH ' OF BLK 367

CITY OF MUSKEGON REVISED PLAT OF 1903 W ½ LOT 3 BLK 365

CITY OF MUSKEGON REVISED PLAT OF 1903 E ½ LOT 3 BLK 365

CITY OF MUSKEGON REVISED PLAT OF 1903 W ½ LOT 2 BLK 365



TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: OCTOBER 22, 2002

RE: Public Hearing
Spreading of the Special Assessment Roll
Southern Ave., Division to Seaway Dr.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Southern Ave., Division to Seaway Dr.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$35,523 would be spread against the thirty nine-(39) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-118(b)

Resolution Confirming Special Assessment Roll

For Southern Ave., from 194' west of Division to Seaway Dr.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 26, 2002**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR **Southern Ave., from 194' west of Division to Seaway Dr.**

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By

Gail A. Kunderger

Gail A. Kunderger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 22, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 22, 2002**.

City of Muskegon

By

Gail A. Kunderger

Gail A. Kunderger, City Clerk

EXHIBIT A

Southern Ave., Division to Seaway Dr.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Sherin Southern Ave. from 194'
W. of Division to Seaway Dr.**

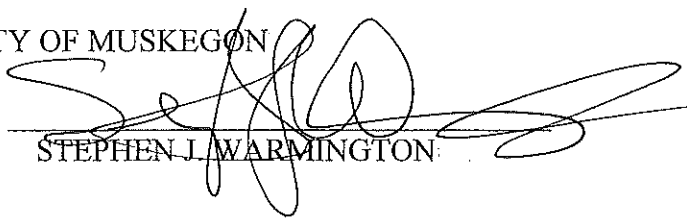
SOUTHERN AVE. DIVISION TO SEAWAY DR.

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1544, SOUTHERN-DIVISION TO SEAWAY DRIVE

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH OF OCTOBER, 2002

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
30 DAY OF October, 2002.

John M. Krkowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
Jo Ann m Krkowski

MY COMMISSION EXPIRES 5-13-05

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441

Property Parcel Number: 24-XXX-XXX-XXXX-XX at 1560 BEIDLER

**NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT
ROLL**

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

Southern, Division to Seaway

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 22nd, 2002 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED OCTOBER 22nd, 2002 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$104,000 of which \$35,523.00.00 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$XXX based on 25 feet assessable front footage at \$18.00 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$XXX.XX. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$XX PER YEAR

Due Date: December 22ND, 2002

No

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Al-Shatel', written in a cursive style.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON – H 1541
SOUTHERN, SEAWAY TO DIVISION
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Address: _____ Phone: _____ Race: _____
 Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

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

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

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

_____ **Wage earner:** _____

_____ **Wage earner:** _____

_____ **Wage earner:** _____

Total: \$ _____

PROPERTY INFORMATION

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

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

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

OWNER'S SIGNATURE

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

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. DEADLINE DATE OCTOBER 25TH, 2002

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**TERRACE STREET, IRWIN TO IONA
&
SOUTHERN AVE., 194' WEST OF DIVISION TO SEAWAY DR.**

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

- All parcels abutting **TERRACE ST. FROM IRWIN TO IONA &**
- All parcels abutting **SOUTHERN AVE. FROM 194' WEST OF DIVISION TO SEAWAY DR.**

PLEASE TAKE NOTICE that hearings to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **OCTOBER 22, 2002 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

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

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings are to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

Gail A. Kunding, City Clerk, MMC

Publish: **OCTOBER 12, 2002**

ADA POLICY

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

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

CITY OF MUSKEGON

Resolution No. 2002-40(a)

APR 08 2002

Resolution At First Hearing Creating Special Assessment District
For **Southern Ave., from 194' west of Division to Seaway Dr.**

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

RECITALS:

1. A hearing has been held on **March 26, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 26, 2002**, there were 42.62% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Warmington and Gawron and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **46.5%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 26, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

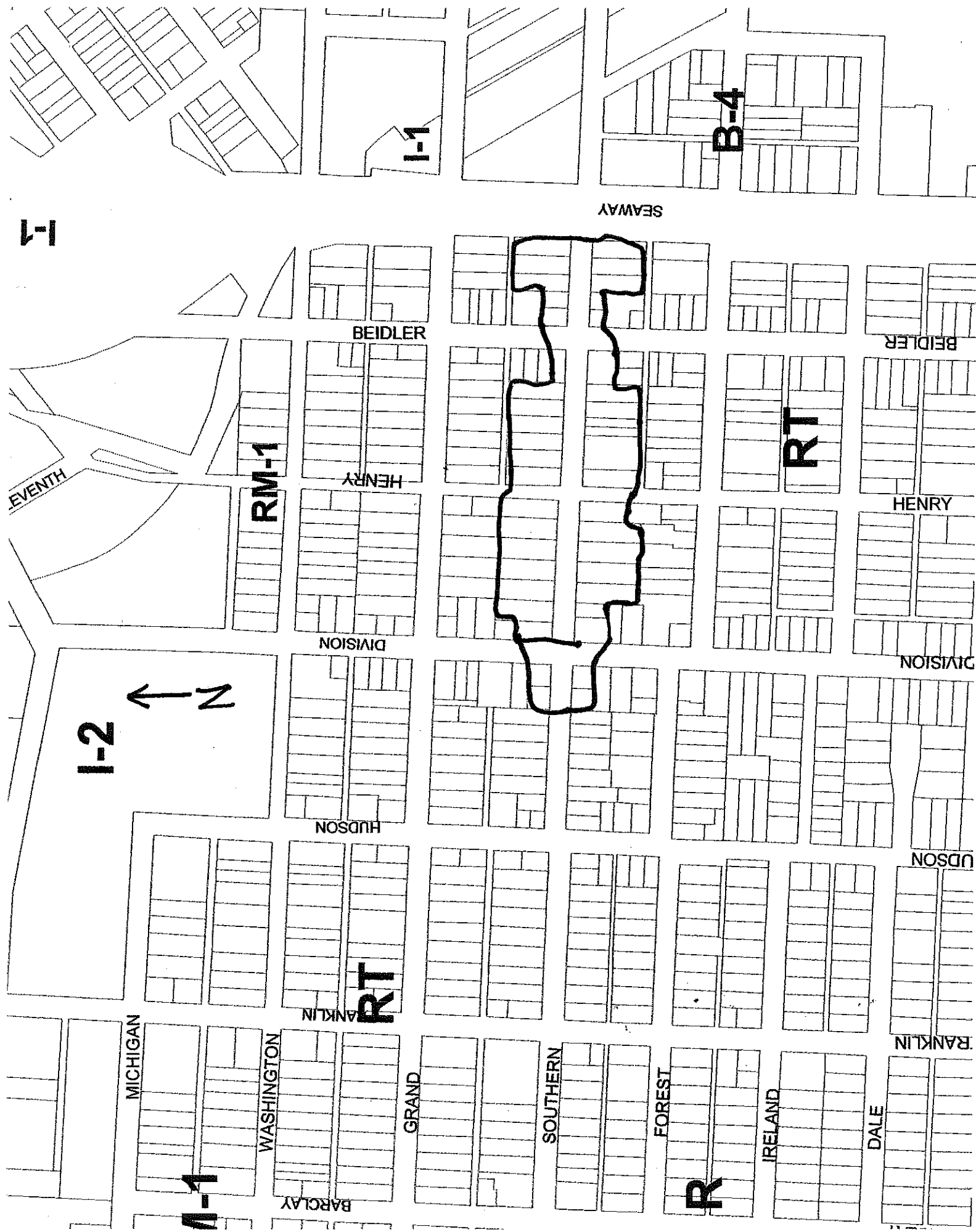
By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Southern Ave., Division to Seaway Dr.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Sherin Southern Ave. from 194'
W. of Division to Seaway Dr.**



Southern, Division to Seaway

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-414-0016-00	1542	BEIDLER ST	KAMP THOMAS R 17550 WOODLAND LA NUNICA MI 49448	\$900.00	\$0.00	\$900.00
24-205-413-0010-20	1543	BEIDLER ST	CHRISTENSON DANIE 1044 GREEN ST. MUSKEGON MI 49442	\$900.00	\$0.00	\$900.00
24-205-433-0001-00	1560	BEIDLER	LUNA JOSE L 1560 BEIDLER MUSKEGON MI 49441	\$450.00	\$0.00	\$450.00
24-205-434-0008-00	1561	BEIDLER ST	WEST CHRIS/CATHERI 4276 E APPLE AVE MUSKEGON MI 49442	\$900.00	\$0.00	\$900.00
24-205-433-0008-00	679	SOUTHERN AV	S A F ENTERPRISES L 670 GLENWOOD AVE MUSKEGON MI 49445	\$500.40	\$0.00	\$500.40
24-205-414-0012-00	682	SOUTHERN AV	CITY OF MUSKEGON 933 TERRACE ST MUSKEGON MI 49443	\$516.60	\$0.00	\$516.60
24-205-433-0007-00	687	SOUTHERN AV	S A F ENTERPRISES L 670 GLENWOOD AVE MUSKEGON MI 49445	\$900.00	\$0.00	\$900.00
24-205-414-0013-00	690	SOUTHERN AV	OLEJARCZYK MARION 690 W SOUTHERN AV MUSKEGON MI 49441	\$900.00	\$0.00	\$900.00
24-205-433-0006-00	695	SOUTHERN AV	WILLACKER JOAN L 695 W SOUTHERN AV MUSKEGON MI 49441	\$900.00	\$0.00	\$900.00
24-205-414-0014-00	696	SOUTHERN AV	VANFAROWE BRIAN 517 LIVINGSTON SE GRAND RAPID MI 49503	\$900.00	\$0.00	\$900.00
24-205-433-0005-00	705	SOUTHERN AV	LUNA JOSE L 1560 BEIDLER ST MUSKEGON MI 49441	\$900.00	\$0.00	\$900.00
24-205-434-0006-00	749	SOUTHERN AV	BECKER DANIEL/SAN 749 W SOUTHERN MUSKEGON MI 49441	\$900.00	\$0.00	\$900.00
24-205-413-0012-00	750	SOUTHERN AV	CASTANON EVERARD 894 W GRAND AVE MUSKEGON MI 49441-2	\$900.00	\$0.00	\$900.00
24-205-413-0013-00	758	SOUTHERN AV	PADILLA ENRIQUE/BE 1741 DIVISION AVE MUSKEGON MI 49441	\$900.00	\$0.00	\$900.00
24-205-434-0005-00	759	SOUTHERN AV	HIDALGO JOHN 759 W SOUTHERN AV MUSKEGON MI 49441	\$900.00	\$0.00	\$900.00
24-205-434-0004-10	763	SOUTHERN AV	MAY PROPERTY MGM 3947 NORTON HILLS MUSKEGON MI 49441	\$450.00	\$0.00	\$450.00
24-205-413-0014-00	766	SOUTHERN AV	TEUNIS ALBERT/NAO 1169 YORKSHIRE MUSKEGON MI 49441	\$900.00	\$0.00	\$900.00
24-205-434-0004-00	767	SOUTHERN AV	MAY PROPERTY MGM 3947 NORTON HILLS MUSKEGON MI 49441	\$450.00	\$0.00	\$450.00

Southern, Division to Seaway

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-413-0015-00	776	SOUTHERN AV BAKER DAVID N/CASS	1287 WOODCREST S MUSKEGON MI 49442-4	\$900.00	\$0.00	\$900.00
24-205-434-0002-00	781	SOUTHERN AV PARISH JACQUELINE	781 W SOUTHERN MUSKEGON MI 49441	\$1,800.00	\$0.00	\$1,800.00
24-205-413-0016-00	782	SOUTHERN AV HUTCHINS SHAREE	262 MAPLE CT MUSKEGON MI 49445	\$900.00	\$0.00	\$900.00
24-205-413-0017-00	790	SOUTHERN AV HELLER DAN	P.O. BOX 181 HESPERIA MI 49421	\$900.00	\$0.00	\$900.00
24-205-434-0001-00	791	SOUTHERN AV CITY OF MUSKEGON	933 TERRACE ST MUSKEGON MI 49443	\$900.00	\$0.00	\$900.00
24-205-488-0001-00	809	SOUTHERN AV MULREADY CONSTAN	920 PETRIE AVE. MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-487-0014-00	810	SOUTHERN AV BOLEMA BERNARD L/	1230 E LAKETON AVE MUSKEGON MI 49442	\$1,062.00	\$0.00	\$1,062.00
24-205-488-0002-00	817	SOUTHERN AV MOSELER DAVID W	817 W SOUTHERN MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-487-0013-00	820	SOUTHERN AV BOLEMA BERNARD L/	1230 E LAKETON AVE MUSKEGON MI 49442	\$1,062.00	\$0.00	\$1,062.00
24-205-488-0003-00	827	SOUTHERN AV EVANS MARTHAMOS	827 W SOUTHERN AP MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-487-0012-00	828	SOUTHERN AV JOSEPH JOHN P	13717 104TH AVE GRAND HAVEN MI 49417	\$1,062.00	\$0.00	\$1,062.00
24-205-487-0011-00	834	SOUTHERN AV SMITH JEFFREY D	1586 JEFFERSON MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-488-0004-00	837	SOUTHERN AV REDMON CHERYL A	837 W SOUTHERN AV MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-488-0005-00	843	SOUTHERN AV LEWIS CHARLES E	843 W SOUTHERN AV MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-487-0010-00	846	SOUTHERN AV CAMPBELL SCOTT/RE	846 W SOUTHERN AV MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-487-0009-00	852	SOUTHERN AV BURGER ANDREW S	852 W SOUTHERN AV MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-488-0006-00	853	SOUTHERN AV JONES DAVID E	853 W SOUTHERN AV MUSKEGON MI 49441	\$909.00	\$0.00	\$909.00
24-205-488-0006-10	861	SOUTHERN AV MILLER TIMOTHY R	861 W SOUTHERN AV MUSKEGON MI 49441	\$1,215.00	\$0.00	\$1,215.00

Southern, Division to Seaway

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-487-0008-10	862 SOUTHERN AV	MCINTYRE SUZANNE/	862 W SOUTHERN AV MUSKEGON MI 49441	\$1,062.00	\$0.00	\$1,062.00
24-205-489-0012-10	879 DIVISION ST	CITY OF MUSKEGON		\$594.00	\$0.00	\$594.00
24-205-486-0015-10	880 SOUTHERN AV	CITY OF MUSKEGON	933 TERRACE ST MUSKEGON MI 49443	\$594.00	\$0.00	\$594.00
TOTALS				\$35,523.00	\$0.00	\$35,523.00

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS



 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE 10-24-02



 STEVE WARMINGTON CITY COMMISSIONER DATE 10-24-02



 STEVE GAWRON CITY COMMISSIONER DATE 10-24-02

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: OCTOBER 22, 2002

RE: Public Hearing
Spreading of the Special Assessment Roll
Terrace, Irwin to Iona

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Terrace St., Irwin to Iona**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$83,466.74 would be spread against the thirty six-(36) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-118(c)

Resolution Confirming Special Assessment Roll

For Terrace Street, Irwin to Iona

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 12, 2002**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Terrace Street, Irwin to Iona

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By

Gail A. Kunderger
Gail A. Kunderger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 22, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 22, 2002**.

City of Muskegon

By

Gail A. Kunderger
Gail A. Kunderger, City Clerk

EXHIBIT A

TERRACE ST. FROM IRWIN TO IONA

SPECIAL ASSESSMENT DISTRICT

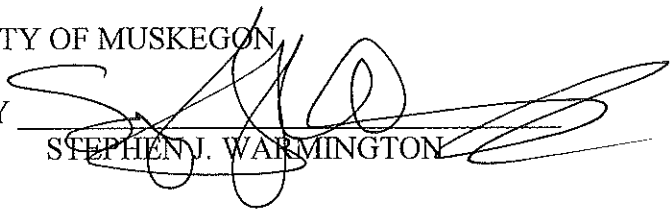
All properties abutting that section of **Terrace St., Irwin to Iona**

TERRACE STREET, IRWIN TO IONA
MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1547, Terrace-Irwin to Iona

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH OF OCTOBER, 2002

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
30 DAY OF October, 2002.

John M. Krutowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 5-13-05

October 11th , 2002

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49442

Property Parcel Number: 24-XXX-XXX-XXXX-XX at PARCEL ADDRESS

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT
ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

Terrace, Irwin to Iona

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 22nd, 2002 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED OCTOBER 22nd, 2002 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$235,000 of which \$83,466.74 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$XXXX based on XXfeet assessable front footage at \$36.35 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$XXXX. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: XXX.XX PER YEAR
Due Date: December 22nd, 2002
CDBG APPROVED-You Owe \$00.00

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Al-Shatel', written in a cursive style.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
TERRACE ST., IRWIN TO IONA H-1547
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
(Please refer to your assessment letter for this information)

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

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

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

_____ Wage earner: _____
_____ Wage earner: _____
_____ Wage earner: _____

Total: \$ _____

PROPERTY INFORMATION

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

Homeowner's Insurance Co: _____ Expiration Date: _____

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

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. APPLICATION DEADLINE OCTOBER 25, 2002

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**TERRACE STREET, IRWIN TO IONA
&
SOUTHERN AVE., 194' WEST OF DIVISION TO SEAWAY DR.**

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

- All parcels abutting **TERRACE ST. FROM IRWIN TO IONA &**
- All parcels abutting **SOUTHERN AVE. FROM 194' WEST OF DIVISION TO SEAWAY DR.**

PLEASE TAKE NOTICE that hearings to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **OCTOBER 22, 2002 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

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

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings are to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

Gail A. Kunderger, City Clerk, MMC

Publish: **OCTOBER 12, 2002**

ADA POLICY

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

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

CITY OF MUSKEGON

Resolution No. 2002-32(d)

RECEIVED
CITY OF MUSKEGON

MAR 25 2002

Resolution At First Hearing Creating Special Assessment District
For Terrace St., Irwin to Iona

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

RECITALS:

1. A hearing has been held on **March 12, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 12, 2002**, there were 8.34 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Warmington and Shepherd
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **24.6%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 12, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

TERRACE ST. FROM IRWIN TO IONA

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Terrace St., Irwin to Iona**

362	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	122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HEARING DATE OCTOBER 22ND, 2002

Terrace, Irwin to Iona

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-243-0010-00	1223	TERRACE ST MOORE EMMETT/SUZ	MUSKEGON 9072 ARTHUR RD	\$2,399.10	\$0.00	\$2,399.10
24-205-244-0001-00	1224	TERRACE ST KAHN HENRY/JAMES/	MUSKEGON 1224 TERRACE ST	\$2,399.10	\$0.00	\$2,399.10
24-205-243-0009-00	1231	TERRACE ST HAVERMANS THEODO	MUSKEGON 1167 PECK ST	\$2,399.10	\$0.00	\$2,399.10
24-205-244-0002-00	1232	TERRACE ST DAY NELLIE	MUSKEGON 1232 TERRACE ST	\$2,399.10	\$0.00	\$2,399.10
24-205-244-0003-00	1238	TERRACE ST BROWER STANLEY A	MUSKEGON 1238 TERRACE ST	\$2,035.60	\$0.00	\$2,035.60
24-205-243-0008-00	1239	TERRACE ST BETHANY HOUSING M	MUSKEGON 1105 TERRACE	\$2,399.10	\$0.00	\$2,399.10
24-205-244-0004-00	1244	TERRACE ST JACKSON SEQUITA	MUSKEGON 1244 TERRACE ST	\$1,381.30	\$0.00	\$1,381.30
24-205-243-0007-10	1247	TERRACE ST BATES DANIEL R	MUSKEGON 1247 TERRACE ST	\$2,399.10	\$0.00	\$2,399.10
24-205-244-0004-10	1250	TERRACE ST CHEATHAM PERRY LE	MUSKEGON 101 E DELANO	\$1,381.30	\$0.00	\$1,381.30
24-205-253-0010-10	1261	TERRACE ST KARY PHILLIP	MUSKEGON 1267 TERRACE ST	\$1,406.75	\$0.00	\$1,406.75
24-205-252-0001-00	1264	TERRACE ST CITY OF MUSKEGON	MUSKEGON 933 TERRACE ST	\$2,399.10	\$0.00	\$2,399.10
24-205-253-0010-20	1267	TERRACE ST KARY PHILLIP	MUSKEGON 1267 TERRACE ST	\$1,573.96	\$0.00	\$1,573.96
24-205-252-0002-00	1270	TERRACE ST CITY OF MUSKEGON	MUSKEGON 933 TERRACE ST	\$1,454.00	\$0.00	\$1,454.00
24-205-253-0009-00	1273	TERRACE ST SAVAGE BEVERLY	MUSKEGON 1273 TERRACE ST	\$1,817.50	\$0.00	\$1,817.50
24-205-252-0002-10	1274	TERRACE ST CITY OF MUSKEGON	MUSKEGON 933 TERRACE ST	\$945.10	\$0.00	\$945.10
24-205-252-0003-00	1278	TERRACE ST GAGNON WILLIAM L J	MUSKEGON 2090 W GILES RD	\$1,199.55	\$22.40	\$1,221.95
24-205-253-0008-00	1279	TERRACE ST PASTOOR THOMAS/R	MUSKEGON 1291 TERRACE	\$2,399.10	\$306.68	\$2,705.78
24-205-252-0003-10	1282	TERRACE ST GAGNON WILLIAM/JUL	MUSKEGON 2090 W GILES RD	\$1,199.55	\$83.52	\$1,283.07

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HEARING DATE OCTOBER 22ND, 2002

Terrace, Irwin to Iona

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-252-0004-00	1286	TERRACE ST GAGNON WILLIAM L J	2090 W GILES RD MUSKEGON MI 49445	\$1,199.55	\$99.20	\$1,298.75
24-205-253-0007-10	1291	TERRACE ST PASTOOR THOMAS J	1291 TERRACE ST MUSKEGON MI 49442	\$2,399.10	\$660.35	\$3,059.45
24-205-252-0004-10	1292	TERRACE ST LAMBOUTHS LUCILLE/	1292 TERRACE ST MUSKEGON MI 49442	\$1,199.55	\$0.00	\$1,199.55
24-205-258-0012-10	1305	TERRACE ST GUTIERREZ FIDEL	1305 TERRACE ST MUSKEGON MI 49442	\$2,399.10	\$501.44	\$2,900.54
24-205-259-0001-00	1306	TERRACE ST AGUILAR CLEMENTIN	1306 FRANCES AVE MUSKEGON MI 49442	\$2,399.10	\$0.00	\$2,399.10
24-205-258-0011-00	1313	TERRACE ST WASHINGTON MILDRE	4025 LOOMIS MUSKEGON MI 49441	\$1,272.25	\$0.00	\$1,272.25
24-205-259-0002-00	1316	TERRACE ST SEARER JAMES R/MA	113 EMMETT ST GRAND HAVEN MI 49417	\$2,399.10	\$49.92	\$2,449.02
24-205-258-0011-10	1317	TERRACE ST MUSKEGON HOUSING	1080 TERRACE ST MUSKEGON MI 49442	\$1,490.35	\$151.04	\$1,641.39
24-205-259-0003-00	1324	TERRACE ST CHILD & FAMILY SERV	1352 TERRACE ST MUSKEGON MI 49442	\$14,067.45	\$0.00	\$14,067.45
24-205-258-0010-00	1325	TERRACE ST GOODWIN OBIE M	1331 TERRACE MUSKEGON MI 49442	\$2,035.60	\$0.00	\$2,035.60
24-205-258-0009-10	1331	TERRACE ST GOODWIN OBIE M/GO	1331 TERRACE ST MUSKEGON MI 49442	\$2,399.10	\$93.44	\$2,492.54
24-205-266-0011-10	1347	TERRACE ST DAVIS JASON/DENNIS/	1347 TERRACE ST MUSKEGON MI 49442	\$2,399.10	\$0.00	\$2,399.10
24-205-266-0010-00	1357	TERRACE ST CROSBY RENE <i>projected be raised cost.</i>	1357 TERRACE ST MUSKEGON MI 49442	\$2,399.10	\$0.00	\$2,399.10
24-205-266-0009-00	1363	TERRACE ST PRICE ROSEANN	1363 TERRACE ST MUSKEGON MI 49442	\$2,399.10	\$291.52	\$2,690.62
24-205-266-0008-00	1375	TERRACE ST JOHNSON JANET	191 IRWIN MUSKEGON MI 49441	\$2,399.10	\$23.68	\$2,422.78
24-205-266-0007-00	1377	TERRACE ST JOHNSON PETER F	191 IRWIN MUSKEGON MI 49442	\$2,399.10	\$0.00	\$2,399.10
24-205-267-0001-00	1386	TERRACE ST AUSTIN INVESTMENT	785 BROWNE MUSKEGON MI 49441	\$1,115.95	\$0.00	\$1,115.95
24-205-266-0006-00	1391	TERRACE ST WOODLAND INDIANS	1391 TERRACE ST MUSKEGON MI 49442	\$1,126.85	\$97.60	\$1,224.45

Terrace, Irwin to Iona

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$81,085.95	\$2,380.79	<u>\$83,466.74</u>

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

  10/24/02
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE
STEVE WARMINGTON CITY COMMISSIONER DATE
 Oct 24, 02
CLARA SHEPHERD CITY COMMISSIONER DATE

Property tax special assessment increase to finance new street.

Dear, Property owner a public hearing will be held in the city of Muskegon Commission Chambers on Tuesday October 22, 2002 at 5:30 p.m.. Please come to voice your concerns about the \$2,399.10 increase with an interest rate of 5% per year. To be spread over a ten year period with a first installment of \$239.91.

I your neighbor Marcus Crosby am asking you too sign below whether you object or approve, because I feel that this assessment is unfair to make private property owners pay for a public road through a special assessment tax increase. I am a resident and homeowner on Terrace Street and I am not affiliated with the city of Muskegon. I make no claims to be a representative of the city of Muskegon or its commissioners. I am acting independently as a concerned citizen.

Thank you for your cooperation.

Sincerely Your Neighbor,

Marcus Crosby

I Brian Price,

(Owner or Resident)

reside at 1363 Terrace, Terrace Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I Brian Price,

(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Shirley Keenan,
(Owner or Resident)

reside at 1375 Terrace St Apt 1, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to
Iona, of my free act and will.

I Shirley Keenan,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for
Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Willie Mae Gillespie,
(Owner or Resident)

reside at 1250 Terrace Street, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to
Iona, of my free act and will.

I Willie Mae Gillespie,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for
Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

Dear, Property owner a public hearing will be held in the city of Muskegon Commission Chambers on Tuesday October 22, 2002 at 5:30 p.m.. Please come to voice your concerns about the \$2,399.10 increase with an interest rate of 5% per year. To be spread over a ten year period with a first installment of \$239.91. I your neighbor Marcus Crosby am asking you too sign below whether you object or approve, because I feel that this assessment is unfair to make private property owners pay for a public road through a special assessment tax increase. I am a resident and homeowner on Terrace Street and I am not affiliated with the city of Muskegon. I make no claims to be a representative of the city of Muskegon or its commissioners. I am acting independently as a concerned citizen.

Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Irwin Michelle Prince,
(Owner or Resident)

reside at 1231, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I Irwin Michelle Prince,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Jason Davis,

(Owner or Resident)

reside at 1347, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to
Iona, of my free act and will.

I Jason Davis,

(Owner or Resident)

object to the confirmation of the Special Assessment Roll for
Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I *John Day*,

(Owner or Resident)

reside at *1232 Terrace St.*, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to
Iona, of my free act and will.

I *John Day*,

(Owner or Resident)

object to the confirmation of the Special Assessment Roll for
Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Emmett Moore JR,
(Owner or Resident)

reside at 1223, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I Emmett Moore JR,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

Dear, Property owner a public hearing will be held in the city of Muskegon Commission Chambers on Tuesday October 22, 2002 at 5:30 p.m.. Please come to voice your concerns about the \$2,399.10 increase with an interest rate of 5% per year. To be spread over a ten year period with a first installment of \$239.91. I your neighbor Marcus Crosby am asking you too sign below whether you object or approve, because I feel that this assessment is unfair to make private property owners pay for a public road through a special assessment tax increase. I am a resident and homeowner on Terrace Street and I am not affiliated with the city of Muskegon. I make no claims to be a representative of the city of Muskegon or its commissioners. I am acting independently as a concerned citizen.

Thank you for your cooperation.

Sincerely Your Neighbor,

Marcus Crosby

I *Deanna Jackson*,

(Owner or Resident)

reside at 1244 E, Terrace Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I *D. Jackson*,

(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Beverly George,
(Owner or Resident)

reside at 1273 Terrace St, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I Beverly George,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

Dear, Property owner a public hearing will be held in the city of Muskegon Commission Chambers on Tuesday October 22, 2002 at 5:30 p.m.. Please come to voice your concerns about the \$2,399.10 increase with an interest rate of 5% per year. To be spread over a ten year period with a first installment of \$239.91. I your neighbor Marcus Crosby am asking you too sign below whether you object or approve, because I feel that this assessment is unfair to make private property owners pay for a public road through a special assessment tax increase. I am a resident and homeowner on Terrace Street and I am not affiliated with the city of Muskegon. I make no claims to be a representative of the city of Muskegon or its commissioners. I am acting independently as a concerned citizen.

Thank you for your cooperation.

Sincerely Your Neighbor,

Marcus Crosby

I FIDEL GUTIERREZ,

(Owner or Resident)

reside at 1305 TERRACE ST, Terrace Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I Fidel Gutierrez,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,

Marcus Crosby

I Marcus Crosby
(Owner or Resident)

reside at 1317 Terrace St, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I Object - Marcus Crosby
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

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Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Obie M. Crosby,
(Owner or Resident)

reside at 1381, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

I Obie M. Crosby,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for Terrace, Irwin, to Iona, of my free act and will.

Property tax special assessment increase to finance new street.

Dear, Property owner a public hearing will be held in the city of Muskegon Commission Chambers on Tuesday October 22, 2002 at 5:30 p.m.. Please come to voice your concerns about the \$2,399.10 increase with an interest rate of 5% per year. To be spread over a ten year period with a first installment of \$239.91. I your neighbor Marcus Crosby am asking you too sign below whether you object or approve, because I feel that this assessment is unfair to make private property owners pay for a public road through a special assessment tax increase. I am a resident and homeowner on Terrace Street and I am not affiliated with the city of Muskegon. I make no claims to be a representative of the city of Muskegon or its commissioners. I am acting independently as a concerned citizen.
Thank you for your cooperation.

Sincerely Your Neighbor,
Marcus Crosby

I Carolyn Posthumus,
(Owner or Resident)

reside at 1261 TERRACE, Terrace
Street in Muskegon, MI. 49442.

I _____, approve the
(Owner or Resident)

confirmation of the Special Assessment Roll for Terrace, Irwin, to
Iona, of my free act and will.

I Carolyn Posthumus,
(Owner or Resident)

object to the confirmation of the Special Assessment Roll for
Terrace, Irwin, to Iona, of my free act and will.

Commission Meeting Date: October 22, 2002

Date: October 14, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for properties located within 'Area 10'

SUMMARY OF REQUEST:

Request to rezone most of the 722 properties located within 'Area 10' (bounded by Washington Ave., Muskegon Ave., Apple Ave., and Peck St.). The rezoning also includes two blocks north of Muskegon Ave., between Seventh and Ninth Streets.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/10 meeting, with one change in the proposed zoning. They recommended that Block 352 be rezoned to RT, Two-Family Residential instead of R-1, Single-Family Residential. The vote was unanimous with J. Aslakson absent.

**City of Muskegon
Planning Commission
Case #2002-50**

 = Boundary of area to be rezoned



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

October 10, 2002

Hearing; Case 2002-50: Staff-initiated request to rezone multiple properties in the portion of the city known as Area 10, bounded by Washington Ave., Muskegon Ave., Apple Ave. and Peck St., as well as two additional blocks on the north side of Muskegon Ave., between 7th and 9th Streets.

BACKGROUND

Earlier this year, the City Manager called together an interdepartmental team to provide more focus on 'Blight Fight' in the City of Muskegon. Fighting blight has been a major concern (and number one goal) of the City Commission for several years. This team included members from various departments including Community & Economic Development, Community & Neighborhood Services, Engineering, Financial Services, Fire, Inspection Services, Leisure Services, Police and Public Works. Each of these departments identified ways in which to better address 'blight'.

In addition to city-wide efforts, one of the strategies of the team was a focused effort in one portion of the city. This area, identified as 'Area 10', is bounded by Muskegon Ave., Apple Ave., Peck St. and Washington Ave. This focus area has received special attention by staff including such efforts as street light painting, quicker and stricter environmental enforcement (yard related), special city-owned lot and alley clean-up efforts by the DPW and Forestry, 'first-wave' stray cat trapping, and focused economic development efforts along the Third St. corridor.

One additional strategy to fight 'blight' in Area 10 has been to look at the current zoning within the area and propose possible changes that could help stabilize and improve the neighborhood. In order to better address possible rezoning of properties within Area 10, staff has conducted a land-use survey to determine what the current uses of all properties are and to see how that compares to and/or conflicts with the current zoning of the area. Staff visually inspected every one of the 715 parcels within Area 10, as well as within two adjoining blocks located north of Muskegon Ave. (These two additional blocks were targeted for rezoning as well since they are currently zoned consistently with most of Area 10). Each parcel was given a land-use designation (see enclosed land use map of Area 10):

C Commercial
CP Cemetery/Park
IC Institutional-Church
IG Institutional-Government
IS Institutional-School

P Parking
R1 One-Family Residential
R2 Two-Family Residential
R3 Three-Family Residential
R4 Four-Family Residential
RC Residential/Commercial
RM Multiple-Family Residential
V Vacant
VB Vacant Business

Staff has sent letters to each of the property owners asking them to verify that the land use designation for their property(ies) has been correctly identified. This effort is ongoing, but staff anticipates having a complete and accurate picture of the current land uses in Area 10.

Based in part on the land use information gained so far by the survey, and on what the Master Plan and recent planning efforts have stated for this general area and the downtown in general, staff is proposing that most of the properties within Area 10 be rezoned. A mailing has been sent to every property owner and tenant of record, both within Area 10 and within 300 feet of the boundaries of Area 10, informing them that this rezoning is being proposed and discussed by the Planning and City Commissions.

The current zoning of most of the residential properties within Area 10 (see enclosed map labeled 'Current Zoning') is either RT, Two-Family Residential or RM-1, Low Density Multiple-Family Residential. The land use survey showed that although there are many existing multi-family dwellings within the area, the majority of residential properties do contain single-family homes. Therefore, staff is proposing to rezone most of the residential properties to R-1, Single-Family Residential. Any existing multi-family units would be permitted to remain as legal nonconforming uses, but no further single-family homes would be able to be converted to multi-family units. Existing multi-family developments such as Nelson Place and Jefferson Towers would remain as currently zoned (RM-3 in both cases). Some RT and RM-1 zoning would remain, but would be focused along Muskegon Ave. and Peck St. where many multi-family uses are concentrated and where they would act as a buffer between commercial areas and the primarily single-family area more interior to the neighborhood.

Many of the existing commercial properties are zoned commercially, although there is a small pocket of commercial properties located near the intersection of Fifth St. and Mason Ave. A good portion of the Third St. corridor as well as Peck St., near Apple Ave., is currently zoned B-4, General Business. This is the most intensive commercial zoning within the City and not necessarily appropriate within the downtown area, adjacent to a residential neighborhood. Staff is proposing to downzone all current B-4 zoning to either B-1, Limited Business, or B-2, Convenience & Comparison Business. Recognizing that there are other commercial properties within Area 10, staff is proposing smaller pockets of B-1 and B-2 zoning as well. Please see the enclosed map labeled

'Proposed Zoning' for the specifics of what staff is proposing for the entire Area 10.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a "**Spot Zone**"?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2090

An ordinance to amend the zoning map of the City to provide for zoning changes for certain properties within the area bounded by Washington Ave., Muskegon Ave., Apple Ave., and Peck St. (also two blocks north of Muskegon Ave., between 7th and 9th Streets)

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described properties as follows (see attached map):

All properties located within the Revised Plat of 1903 of the City of Muskegon:

- ◆ Blocks 339, 340, 344, 345, and 346 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 347 from H, Heritage and RT, Two-Family Residential to RT, Two-Family Residential and R-1, Single-Family Residential
- ◆ Block 348 from RM-2, Medium Density Multiple-Family Residential to RM-1, Low Density Multiple-Family Residential and R-1, Single-Family Residential
- ◆ Block 349 from RM-3, High Density Multiple-Family Residential and B-1, Limited Business to RM-3, High Density Multiple-Family Residential, B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 350 from B-1, Limited Business to RT, Two-Family Residential, B-1, Limited Business and B-2, Convenience & Comparison Business
- ◆ Block 351 from B-1, Limited Business to B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 352 from RM-1, Low Density Multiple-Family Residential to RT, Two-Family Residential
- ◆ Block 353 from RM-1, Low Density Multiple-Family Residential to RT, Two-Family Residential and B-1, Limited Business
- ◆ Block 355 from RM-1, Low Density Multiple-Family Residential to B-1, Limited Business
- ◆ Block 357 from RM-1, Low Density Multiple-Family Residential to RT, Two-Family Residential and RM-1, Low Density Multiple-Family Residential
- ◆ Block 358 from RM-1, Low Density Multiple-Family Residential to B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 361 from B-4, General Business and RM-1, Low Density Multiple-Family Residential to B-2, Convenience & Comparison Business and RT, Two-Family Residential
- ◆ Blocks 363 and 364 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Blocks 365 and 366 from B-4, General Business to B-2, Convenience & Comparison Business
- ◆ Block 367 from B-4, General Business and RT, Two-Family Residential to B-2, Convenience & Comparison Business and R-1, Single-Family Residential

- ◆ Blocks 368, 369, 370, 371, 372, 373, 374, 375, 376, 377 and 378 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 379 from B-4, General Business and RT, Two-Family Residential to B-2, Convenience & Comparison Business and R-1, Single-Family Residential
- ◆ Block 380 from B-4, General Business to B-2, Convenience & Comparison Business
- ◆ Blocks 381 and 382 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 383 from RM-1, Low Density Multiple-Family Residential and RT, Two-Family Residential to RM-1, Low Density Multiple-Family Residential, B-1, Limited Business and R-1, Single-Family Residential
- ◆ Blocks 384, 385 and 386 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Blocks 387 and 388 from RT, Two-Family Residential to B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 389, 390, and 391 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 392 from RT, Two-Family Residential to B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 393 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 394 from B-1, Limited Business, RM-1, Low Density Multiple-Family Residential and RT, Two-Family Residential to RM-1, Low Density Multiple-Family Residential and R-1, Single-Family Residential
- ◆ Blocks 395, 396, 397, 398, 399, and 400 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 401 from B-1, Limited Business and RT, Two-Family Residential to RM-1, Low Density Multiple-Family Residential and R-1, Single-Family Residential

This ordinance adopted:

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

Nayes: None

Adoption Date: 10-22-02

Effective Date: 11-10-02

First Reading: 10-22-02

Second Reading: N/A

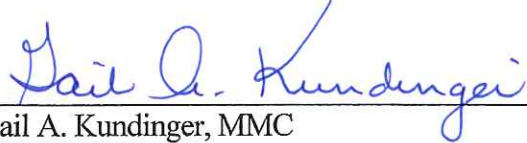
CITY OF MUSKEGON

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

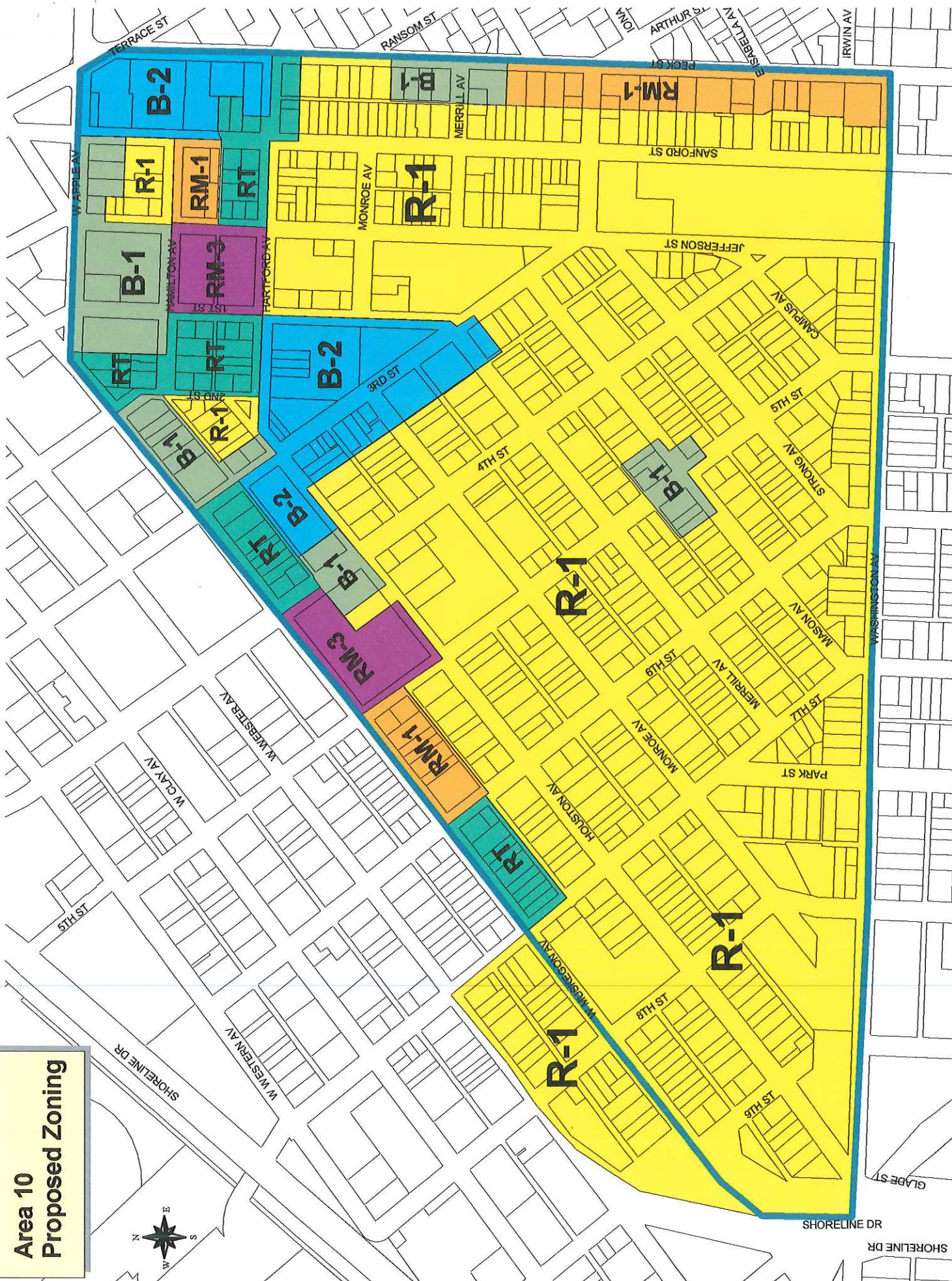
CERTIFICATE (City Commission Date: October 22, 2002, Rezoning of Area 10)
2002-119(a)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of October, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: October 22, 2002.


Gail A. Kunderger, MMC
Clerk, City of Muskegon

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



CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on October 22, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to change the zoning of the following described properties as follows:

All properties located within the Revised Plat of 1903 of the City of Muskegon, in the area bounded by Washington Ave., Muskegon Ave., Apple Ave., and Peck St. (along with two blocks north of Muskegon Ave., between 7th and 9th Streets):

- ◆ Blocks 339, 340, 344, 345, and 346 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 347 from H, Heritage and RT, Two-Family Residential to RT, Two-Family Residential and R-1, Single-Family Residential
- ◆ Block 348 from RM-2, Medium Density Multiple-Family Residential to RM-1, Low Density Multiple-Family Residential and R-1, Single-Family Residential
- ◆ Block 349 from RM-3, High Density Multiple-Family Residential and B-1, Limited Business to RM-3, High Density Multiple-Family Residential, B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 350 from B-1, Limited Business to RT, Two-Family Residential, B-1, Limited Business and B-2, Convenience & Comparison Business
- ◆ Block 351 from B-1, Limited Business to B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 352 from RM-1, Low Density Multiple-Family Residential to RT, Two-Family Residential
- ◆ Block 353 from RM-1, Low Density Multiple-Family Residential to RT, Two-Family Residential and B-1, Limited Business
- ◆ Block 355 from RM-1, Low Density Multiple-Family Residential to B-1, Limited Business
- ◆ Block 357 from RM-1, Low Density Multiple-Family Residential to RT, Two-Family Residential and RM-1, Low Density Multiple-Family Residential
- ◆ Block 358 from RM-1, Low Density Multiple-Family Residential to B-1, Limited Business and R-1, Single-Family Residential
- ◆ Block 361 from B-4, General Business and RM-1, Low Density Multiple-Family Residential to B-2, Convenience & Comparison Business and RT, Two-Family Residential
- ◆ Blocks 363 and 364 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Blocks 365 and 366 from B-4, General Business to B-2, Convenience & Comparison Business
- ◆ Block 367 from B-4, General Business and RT, Two-Family Residential to B-2, Convenience & Comparison Business and R-1, Single-Family Residential
- ◆ Blocks 368, 369, 370, 371, 372, 373, 374, 375, 377 and 378 from RT, Two-Family Residential to R-1, Single-Family Residential

- ◆ Block 379 from B-4, General Business and RT, Two-Family Residential to B-2, Convenience & Comparison Business and R-1, Single-Family Residential
- ◆ Block 380 from B-4, General Business to B-2, Convenience & Comparison Business
- ◆ Blocks 381 and 382 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 383 from RM-1, Low Density Multiple-Family Residential and RT, Two-Family Residential to RM-1, Low Density Multiple-Family Residential, B-1, Limited Business and R-1, Single-Family Residential
- ◆ Blocks 384, 385 and 386 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Blocks 387 and 388 from RT, Two-Family Residential to B-1, Limited Business and R-1, Single-Family Residential
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- ◆ Block 393 from RT, Two-Family Residential to R-1, Single-Family Residential
- ◆ Block 394 from B-1, Limited Business, RM-1, Low Density Multiple-Family Residential and RT, Two-Family Residential to RM-1, Low Density Multiple-Family Residential and R-1, Single-Family Residential
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- ◆ Block 401 from B-1, Limited Business and RT, Two-Family Residential to RM-1, Low Density Multiple-Family Residential and R-1, Single-Family Residential

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

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

Published 10-31-02, 2002

CITY OF MUSKEGON

By _____

Gail A. Kunderling, MMC
Its Clerk

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

Account No. 101-80400-5354

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
231 Strong / Vacant

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,



James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

Dear City Commissioners,

RE: Rezoning in the City of Muskegon

Some of the City letters are not correct and already list our multiples as a single family. It appears that planning just did a quick look at our neighborhood rather than a real survey.

Most multiples were too large to be maintained as single family homes. On these very large homes maintenance and utility costs especially gas bills are impossible for young families and doubly difficult for single mothers. This will causes multiple families to live in single family homes.

The stated goal is to fight blight. We have been asking the police and City officials to arrest the criminals in these inner City areas for years, but lawless activity has been allowed to continue openly in the streets. In certain areas of this City drug dealers claim turf and actually accost our tenants. Flagrant drug dealing causes blight by bringing physical violence, property damage, trash, graffiti, gangs, threats, disturbance, and death into our everyday lives. Allowing drug dealing to operate openly in select black neighborhoods is racism by the City. Just because a neighborhood is predominately black doesn't mean it has to be lawless. For years we have asked for help but the dealers are allowed to run freely in the streets.

Also, "the Club" at 5th and Mason has been a source of disturbance for years with unruly crowds after they close and even murders.

We were dismayed to read an article about a Police officer who is accused of providing information to drug dealers.

We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, Mi 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
1163 Fourth / 1 unit

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,



James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

Dear City Commissioners,

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We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, MI 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
235 Mason / 1 Family

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,

James & Mary Searer

James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

Dear City Commissioners,

RE: Rezoning in the City of Muskegon

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Also, "the Club" at 5th and Mason has been a source of disturbance for years with unruly crowds after they close and even murders.

We were dismayed to read an article about a Police officer who is accused of providing information to drug dealers.

We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, MI 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
1357 Seventh / 2 Units

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,



James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

Dear City Commissioners,

RE: Rezoning in the City of Muskegon

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Also, "the Club" at 5th and Mason has been a source of disturbance for years with unruly crowds after they close and even murders.

We were dismayed to read an article about a Police officer who is accused of providing information to drug dealers.

We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, MI 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
205 Merrill / 4 families

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,



James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

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RE: Rezoning in the City of Muskegon

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We were dismayed to read an article about a Police officer who is accused of providing information to drug dealers.

We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, MI 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
366 Monroe Vacant

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,

James & Mary Searer

James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

Dear City Commissioners,

RE: Rezoning in the City of Muskegon

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We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, MI 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
463 W. Muskegon / Vacant

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,



James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

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RE: Rezoning in the City of Muskegon

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We were dismayed to read an article about a Police officer who is accused of providing information to drug dealers.

We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, MI 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
1375 Fifth / 2Units

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,



James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

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We were dismayed to read an article about a Police officer who is accused of providing information to drug dealers.

We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, Mi 49417 231-722-3464 231-206-4798

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
356-358 Monroe / 2 families

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,



James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

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We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, Mi 49417 231-722-3464 231-206-4798

Gail ✓
Bryson
Commission
Attorney

10/20/02

City Commission
933 terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

RE: Proposed Zoning change Area 10 in the Nelson Neighborhood
1276 Sixth / 2 Family

We are opposed to any rezoning in the City of Muskegon. We ask you
not to rezone Area 10.

Sincerely,

James & Mary Searer

James & Mary Searer
231-722-3464
231-206-4798

10-8-02

City Commissioners
933 Terrace
P.O. Box 536
Muskegon, MI 49417-0536

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We think the City should clean up their own house before they take our property value. Please oppose rezoning.

Sincerely Yours,

James R. Searer & Mary Searer
1375 Fifth, Muskegon, MI 49417 231-722-3464 231-206-4798

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Kerri J. Sandlin

*1255 Palmer
Muskegon MI 49441*

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

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We are opposed to any rezoning from multiple to single family units within
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Neighborhood.

Sincerely,



PARVATI MADDURI
4065 Stryker Dr
Muskegon, MI 49441

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Angela Sutton
1500 Petersen Rd
Muskegon MI 49445

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Suzanne & Emmett Moore Jr.

10/7/02

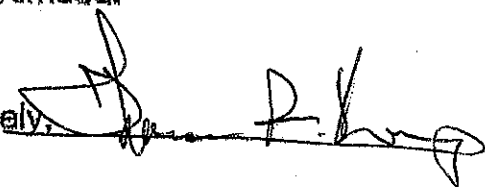
City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan R. Long", written over a horizontal line.

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Mary Ann Tice

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

A handwritten signature in cursive script, reading "Jerry Critchett". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Andrea Wood
1633 Clinton St.
Muskegon, Mi 49442

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Catherine E. Romhardt
37 E. Grand Ave. Apt 1.
Muskegon, MI
49442

10/7/02

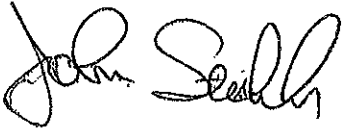
City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "John Seidl". The signature is written in a cursive, flowing style.

10/7/02

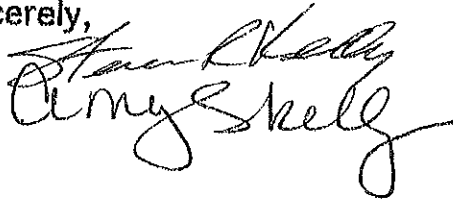
City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,


Amy Skelly

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely, *Mary Lou Johnston*

*3333 Park ST
Muskegon Heights Mich 49442*

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Barbara Burke
3224 Millard
49441

City Resident for 25 years.

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,



ROGER NIELSEN

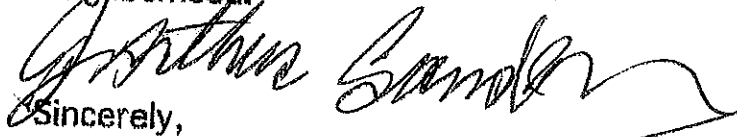
10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.


Sincerely,

P.O. Box 1024
Muskegon, MI 49443

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Mike Lautenschlager
3584 Black Creek
Muskegon Mich
49444

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Gary A. Puts
1436 Clark St.
Muskegon, MI
49442

773 6249

10/7/02

City Commissioners,
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, Mi 49443-0536

Dear City Commissioners,

Re: Proposed Zoning Change in your September 25, 2002, letter for the
Nelson Neighborhood area

We are opposed to any rezoning from multiple to single family units within
the City of Muskegon. We urge you not to rezone the Nelson
Neighborhood.

Sincerely,

Paul Hester
1286 Robin Rd
Muske MI 49445

Commission Meeting Date: October 22, 2002

Date: October 15, 2002
To: Honorable Mayor and City Commissioners
From: City Treasurer
RE: Resolution to Decline Summer Tax Collection

SUMMARY OF REQUEST:

To approve the attached resolution declining to collect the State Education Tax in a summer levy.

FINANCIAL IMPACT:

The avoidance of possible increased costs associated with the administration of an additional tax levy.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution.

COMMITTEE RECOMMENDATION:

N/A

CITY OF MUSKEGON

Resolution No. 2002-119(b)

A Resolution declining to collect the State Education Tax in a summer levy.

RECITALS

1. That Public Act 331 of 1993, the State Education Tax Act, as amended by Public Act 244 of 2002, requires cities and townships to collect the State Education Tax in a summer levy, except as otherwise provided by law.
2. Cities are required to collect the State Education Tax in a summer levy unless, before November 1, 2002, the legislative body adopts a resolution declining to collect the tax.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

That the City of Muskegon declines to collect the State Education Tax in a summer levy beginning with the summer 2003 levy.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on October 22, 2002. The meeting was properly held and noticed pursuant to the Open meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

Memorandum

To: Honorable Mayor and City Commissioners
From: City Treasurer
cc: City Manager
Finance Director
Date: October 15, 2002
Re: State Education Tax Collections

Public Act 331, of 1993, the State Education Tax Act, as amended by Public Act 244 of 2002, requires cities and townships to collect the State Education Tax in a summer levy, except as otherwise provided by law.

Cities are required to collect the State Education Tax (SET) in a summer levy unless, before November 1, 2002, the legislative body adopts a resolution declining to collect the tax. A copy of the resolution must be sent before November 1, 2002 by the city to the State Treasurer and the local county treasurer.

If SET taxes are collected, the State will reimburse \$2.50 for each parcel upon which the tax is collected. Reimbursement will only be made where other summer taxes are not collected. Reimbursement eligibility changes if other taxes are added or deleted to summer bills in the future. In January 2004, and each January thereafter, the legislative body may by resolution rescind their earlier decision and start collecting the tax.

If a county receives resolutions from either a city or township declining to collect, they must collect unless before February 1, 2003, the county board of commissioners adopt a resolution declining to collect and the county treasurer concurs in writing. If a county collects the tax, the State will pay \$2.50 for each parcel of property in the county that the tax is collected on.

If a city or township declines to collect the State Education Tax, and the county in which the city or township is located, also declines to collect the tax, then the State Treasurer will collect the tax under the provisions of the Public Act 206 of 1893, the General Property Tax Act.

We have analyzed the potential revenue and associated costs of the city taking on the administrative burden of handling a summer property tax levy and conclude there is no net benefit in the City's assuming this responsibility. Further, it is staff's feeling the City should avoid being associated with the negative public reaction that may be generated by the summer SET tax collection.

Please feel free to contact me should you have any questions.

CITY OF MUSKEGON
ESTIMATE OF FINANCIAL IMPACT OF STATE EDUCATION TAX COLLECTION CHANGE
TO BEGIN FOR JULY 2003 SUMMER PROPERTY TAX COLLECTION

REVENUE

STATE PAYMENT OF \$2.50 FOR EACH PARCEL	41,250
(\$2.50 x 16,500 PARCELS)	
PROPERTY TAX ADMINISTRATION FEE	<u>35,000</u>
TOTAL REVENUE	<u>76,250</u>

EXPENDITURES

CLERICAL STAFFING SALARY COSTS	37,500
CLERICAL STAFFING BENEFITS	<u>18,000</u>
TOTAL STAFFING COSTS	55,500
TAX BILL PRINTING	4,785
TAX BILL POSTAGE	6,549
BANK AND LOCKBOX FEES	4,200
BAD DEBT EXPENSE	<u>7,350</u>
TOTAL EXPENDITURES	<u>78,384</u>

NET SURPLUS/(DEFICIT)	<u><u>(2,134)</u></u>
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AGENDA ITEM _____

TO: Mayor and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: October 16, 2002
RE: Michigan's New Telecommunication Law

SUMMARY OF REQUEST

Earlier this year, Michigan Governor Engler signed into law a new statute, known as the Metropolitan Extension Telecommunication Rights-of-Way Oversight Act (the "METRO Act" for short), also known as Public Act 48 of 2002. The METRO Act is designed to accelerate the deployment of high-speed broadband Internet connections throughout the state.

The METRO Act takes effect on November 1, 2002 and December 31, 2003 is the deadline to become compliant. Prior to then, municipalities may consider "opting in" to the program by modifying its existing permits or franchise agreements with providers to limit the fees charged for use of the rights-of-way to an amount not exceeding the fees and charges required under the METRO Act. It must also agree not to hold a cable operator in default under its cable franchise if the cable operator fails to pay franchise fees to the municipality on its Internet cable modem service revenue. (This is less of an issue given the FCC's recent ruling that cable franchise fees do not have to be paid on high-speed cable modem service.) A municipality that fails to "opt in" by December 31, 2003 is thereafter ineligible to receive any distributions from the Authority.

Staff recommends that the Commission adopt the attached resolution and ordinance that provide for the City to "opt in" to the above-described program thereby bringing the City into compliance with Public Act 48 of 2002.

FINACIAL IMPACT

By "opting in" by the November 1, 2002 date, it is estimated the City will receive \$25,000 from the Authority in 2003 and, thereafter, between \$164,906 and \$190,276 annually.

BUDGET ACTION

None. Revenues from opting in were included in the City's 2003 budget projection.

STAFF RECOMMENDATION

Staff recommends adoption of the attached resolution that establishes the City's compliance with the Metropolitan Extension Telecommunications Right-of-way Oversight Act.

CITY OF MUSKEGON

**RESOLUTION APPROVING COMPLIANCE WITH THE METROPOLITAN
EXTENSION TELECOMMUNICATIONS RIGHT-OF-WAY OVERSIGHT ACT**

WHEREAS, the Metropolitan Extension Telecommunications Rights-Of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, ("Metro Act") regulates the granting of permits by municipalities to telecommunications companies seeking permission to install lines and other facilities in the public right-of-way effective November 1, 2002.

WHEREAS, the Metro Act will require municipalities to use application and permit forms approved by the Michigan Public Service Commission for new telecommunications companies. The Metro Act also limits fees which can be charged by municipalities to telecommunications companies for an application, permit, construction plan review or inspection and prohibits the enforcement of cable television franchises requiring payment of franchise fees on cable modem high-speed Internet service.

WHEREAS, within six months of the effective date, all telecommunications companies, including Ameritech and Verizon, will be required to file applications and obtain permits in all municipalities where they are using the public right-of-way. Beginning April 29, 2003, they will be required to and pay an annual standardized right-of-way maintenance fee to a statewide authority for distribution only to those municipalities complying with Act's limitation on fees.

WHEREAS, a municipality is considered to be complying with the Metro Act's limitation on fees if it adopts a resolution or ordinance, as necessary, effective no later than December 31, 2003, modifying fees due from telecommunications companies and provides each company with a copy of the resolution or ordinance.

NOW THEREFORE IT IS RESOLVED

1. Effective November 1, 2002, the City of Muskegon will comply with Act No. 48 regarding applications, permits and right-of-way fees for any telecommunications companies seeking permission to use public right-of-way in the City.
2. The City of Muskegon will comply with the limitation of the Metro Act on the payment of franchise fees on cable modem service by cable television operators reserving any rights it may have to fees due for the period ending October 31, 2002.
3. The City Clerk is directed to send a copy of this Resolution to each telecommunications provider in the City.

Adopted this 22nd day of October, 2002.

AYES:

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

NAYS:

None

ABSENT:

None

BY:


Stephen J. Warmington, Mayor

ATTEST:


Gail Kunderger, Clerk, MMC

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on October 22, 2002.


Gail Kunderger, Clerk, MMC



CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2091

Ordinance adding to the City of Muskegon Code of Ordinances, to Chapter 90 – Telecommunications, Article I – In General as follows:

Sec. 90-1 Purpose.

The purposes of this ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

Sec. 90-2 Conflict.

Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

Sec. 90-3 Terms Defined.

The terms used in this ordinance shall have the following meanings:

Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

City means the City of Muskegon.

City Commission means the City Commission of the City of Muskegon or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the City Commission.

City Manager means the City Manager or his or her designee.

Permit means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act,

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication Facilities or Facilities means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and Telecommunications Services mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:

- (a) A cable television operator that provides a telecommunications service.
- (b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
- (c) A person providing broadband internet transport access service.

Sec. 90-4 Permit Required.

(a) *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(l) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Manager, and one copy with the City Attorney. Upon receipt, the City Clerk shall make three copies of the application and distribute a copy to the Departments of Public Works, Engineering, and Finance. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.

(e) *Additional Information.* The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this Chapter.

(g) *Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Sec. 90-5 Issuance of Permit.

(a) *Approval or Denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Manager. Pursuant to Section 15(3) of the Act, the City Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.

(b) *Form of Permit.* If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(c) *Conditions.* Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Sec. 90-6 Construction/Engineering Permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under chapter 90 of this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.

Sec. 90-7 Conduit or Utility Poles.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

Sec. 90-8 Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in paper and electronic format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

Sec. 90-9 Repair of Damage.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

Sec. 90-10 Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the City set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Sec. 90-11 Modification of Existing Fees.

In compliance with the requirements of Section 13(l) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers

in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.

Sec. 90-12 Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Sec. 90-13 Use of Funds.

Pursuant Section 9(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of-way related purposes.

Sec. 90-14 Annual Report.

Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

Sec. 90-15 Cable Television Operators.

Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

Sec. 90-16 Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

Sec. 90-17 Compliance.

The City hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(c) of this ordinance;
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this ordinance;
- (c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 4(g) of this ordinance;
- (d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this ordinance;

(e) Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 5(a) of this ordinance;

(f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance;

(g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance;

(h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance;

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance;

(j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this ordinance;

(k) Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance;

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

Sec. 90-18 Reservation of Police Powers.

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

Sec. 90-19 Severability.

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

Sec. 90-20 Authorized City Officials.

The City Manager or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations for violations under this ordinance as provided by the City Code.

Sec. 90-21 Municipal Civil Infraction.

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to appropriate civil infraction fines. Nothing in this Section shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.

Sec. 22 Repealer.

(a) All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed.

Sec. 23 Effective Date.

This ordinance shall take effect on November 1, 2002.

This ordinance adopted:

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

Nays: None

Adoption Date: 10-22-02

Effective Date: 11-14-02

First Reading: 10-22-02

Second Reading: N/A

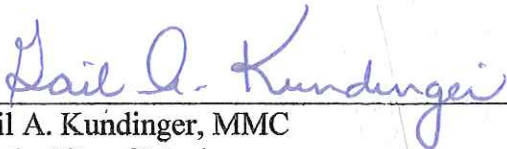
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of October, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: October 22, 2002



Gail A. Kunderinger, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON NOTICE OF ADOPTION

TO: ALL INTERESTED PERSONS

Please take notice that on October 22, 2002, the City Commission of the City of Muskegon adopted Section 90-1 et. seq. of the Muskegon City Code concerning telecommunications summarized, as follows:

1. Section 90-1 is adopted to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002).
2. Section 90-2 is adopted to avoid conflict with state law.
3. Section 90-3 is adopted to establish definitions for this ordinance.
4. Section 90-4 is adopted establishing the process for applying for a permit.
5. Section 90-5 is adopted establishing the approval or denial process for a permit.
6. Section 90-6 is adopted to prohibit construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit.
7. Section 90-7 is adopted to clarify that obtaining a permit or paying the fees required does not give a telecommunications provider a right to use conduit or utility poles.
8. Section 90-8 is adopted to require that a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City.
9. Section 90-9 is adopted to require restoration of conditions by a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities.
10. Section 90-10 is adopted requiring an annual maintenance fee to the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority.
11. Section 90-11 is adopted to modify, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002.
12. Section 90-12 is adopted to provide a savings clause.
13. Section 90-13 is adopted to limit the use of monies generated by this ordinance.
14. Section 90-14 is adopted requiring an annual report.

15. Section 90-15 is adopted to clarify a cable television operator's obligation to pay a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

16. Section 90-16 is adopted to continue any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

17. Section 90-17 is adopted to indicate that its policy and intent in adopting this ordinance is to comply fully with the requirements of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act.

18. Section 90-18 is adopted to clarify that this ordinance shall not limit the City's right to review and approve a telecommunication provider's access to, and ongoing use of, a public right-of-way.

19. Section 90-19 is adopted to provide that if any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the remaining provisions shall be in force.

20. Section 90-20 is adopted to specify who may issue municipal civil infraction citations.

21. Section 90-21 is adopted to establish a municipal civil infraction.

22. Section 90-22 is adopted to repeal ordinances and portions of ordinances inconsistent with this ordinance.

23. Section 90-23 establishes the effective date of the ordinance.

24. This ordinance shall take effect 10 days after publication.

Adopted:
Published:

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published November 4, 2002

By _____
Gail A. Kunding, Its Clerk

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

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 10/22/02

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: October 16, 2002

RE: Ordinance Amendment - PILOT

SUMMARY OF REQUEST:

To amend Section 82-52 of the City's Code of Ordinances to allow the term of PILOTS for housing projects to be up to 35 years under certain conditions.

FINANCIAL IMPACT:

Would affect the amount of tax revenue generated for the City in years 26-35 after a project is built.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached ordinance amendment.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2092

An ordinance amending Section 82-52 of the Code of the City of Muskegon concerning Ad Valorem Property Taxes on Residential Housing Projects and Payments in Lieu of Taxes.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The Ordinance is amended as follows:

Sec. 82-52. Term of exemption.

The exemption term shall begin on the tax day of the year in which a final certificate of compliance or occupancy is issued by the city, therefore affecting the taxes due in the following year, and shall terminate on the happening of any of the following:

- (1) Refinancing of the authority-aided, or authority or HUD mortgage loan, except to convert from a construction to an end loan.
- (2) Any violation or default under this division.
- (3) The day falling 25 years after the effective date of the contract for the exemption required by this division, or the period determined by the contract, whichever is shorter.
- (4) For exemptions applicable to projects aimed at redeveloping existing multi-family residential housing projects, which receive Michigan State Housing Development Authority approval between October 1, 2002 and December 1, 2002, the day falling 35 years after the effective date of the contract for the exemption required by this division, or the period determined by the contract, whichever is shorter.

In all other respects Chapter 82, Article II of the Code of the City of Muskegon shall remain in full force and effect.

This ordinance adopted:

Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson
Nays: None

Adoption Date: 10-22-02

Effective Date: 11-10-02

First Reading: 10-22-02

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of October, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: October 22, 2002

Gail A. Kunding
Gail A. Kunding, CMC/AEE
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on October 22, 2002, the City Commission of the City of Muskegon adopted amendments to Chapter 82, Article II of the Muskegon City Code concerning Ad Valorem Property Taxes on Residential Housing Projects and Payments in Lieu of Taxes, summarized as follows:

1. Section 82-52 was amended to provide for a 35 year term for exemptions applicable to projects aimed at redeveloping existing multi-family residential housing projects, which receive Michigan State Housing Development Authority approval between October 1, 2002 and December 1, 2002.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published October 31, 2002

By _____
Gail A. Kunding, Its Clerk

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

CITY OF MUSKEGON
FIRST AMENDMENT TO CONTRACT FOR HOUSING EXEMPTION

This agreement between HACKLEY LIMITED DIVIDEND HOUSING ASSOCIATION II, L.L.C., a limited liability company, of 950 Taylor Avenue, Grand Haven, MI 49417 (referred to as "Developer") and CITY OF MUSKEGON, 933 Terrace Street, Muskegon, MI ("City") is made pursuant to the following terms:

Recitals:

- A. Developer has acquired the option to purchase a site in the City of Muskegon for the construction of a proposed low income housing project.
- B. Developer and City have entered into a Contract for Housing Exemption.
- C. Developer and City need to amend the Contract for Housing Exemption.

THEREFORE, the parties agree to amend the Contract for Housing Exemption as follows:

- 1. Paragraph 2, Term of Exemption shall be revised to read as follows:
 - 2. Term of Exemption.
This exemption shall continue for the period of time the housing units remain subject to income and rent restrictions, pursuant to Section 42 of the Internal Revenue Service Code of 1986 or the Authority Regulatory Agreement, not to exceed 35 years from and after the beginning of the tax day of the year in which a final certificate of compliance or occupancy is issued by the City for the Project as provided for in Section 82-52. The City agrees to be contractually bound by this agreement to honor the exemption status of the proposed project as provided therein and in this agreement for the entire period during which the Project is financed by a loan made by the Authority or receives low income housing tax credits under Section 42 of the Internal Revenue Code of 1986, as amended, provided that the said loan continues to be outstanding and not in default as more particularly set forth in Section 82-46, et. seq. of the Ordinance, not to exceed 35 years.
- 2. Paragraph 3, Responsibilities of the Developer shall be revised to read as follows:
 - 3. Responsibilities of Developer.
The Developer agrees to perform the following:
 - 3.1 The Developer shall pay the service charge and payment in lieu of taxes set forth in Section 82-52, et. seq. of the Ordinance in a timely manner (on or before July 1 of each year during the time the exemption is in effect).

For said purposes, the Developer recognizes and will abide by all of the collection provisions of the Ordinance, including, without limitation, the acceptance of the lien provisions status of the payment in lieu of taxes in the event of default as set forth in the Ordinance. The service charge shall equal four (4%) percent for the first twenty-five (25) years and five (5%) percent for the last ten (10) years of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not, and whether or not the rents are paid.

3.2 The Developer agrees to file all information required by the Ordinance and further to meet its obligations to the Authority in connection with the Authority's administration of the low income housing tax credit program.

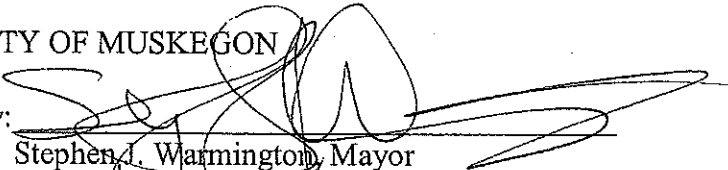
3. In all other respects, the Contract for Housing Exemption shall be unchanged.

IN WITNESS WHEREOF, the parties have signed this agreement on the dates indicated below.

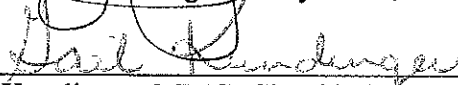
Date. The effective date of this agreement is 10-22-02.

Dated: _____

CITY OF MUSKEGON

By: 
Stephen J. Warmington, Mayor

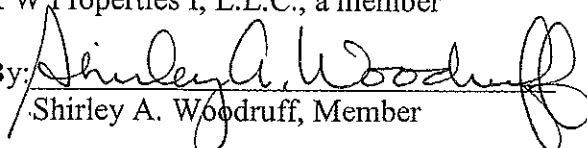
Dated: _____

By: 
Gail Kunding, MMC, City Clerk

HACKLEY LIMITED DIVIDEND
HOUSING ASSOCIATION II, L.L.C.

Dated: 10/22/02

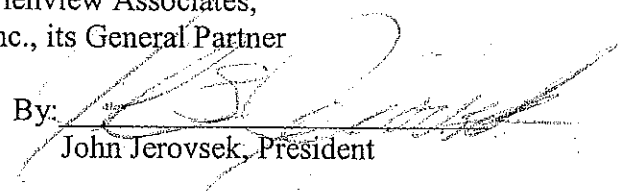
By: R W Properties I, L.L.C., a member

By: 
Shirley A. Woodruff, Member

By: Ruddiman Associates Limited
Partnership, a Member

By: Glenview Associates,
Inc., its General Partner

Dated: _____

By: 
John Jerovsek, President

CITY OF MUSKEGON
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For said purposes, the Developer recognizes and will abide by all of the collection provisions of the Ordinance, including, without limitation, the acceptance of the lien provisions status of the payment in lieu of taxes in the event of default as set forth in the Ordinance. The service charge shall equal four (4%) percent for the first twenty-five (25) years and five (5%) percent for the last ten (10) years of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not, and whether or not the rents are paid.

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IN WITNESS WHEREOF, the parties have signed this agreement on the dates indicated below.

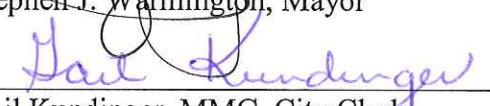
Date. The effective date of this agreement is 10-22-02.

Dated: _____

CITY OF MUSKEGON

By: 
Stephen J. Warmington, Mayor

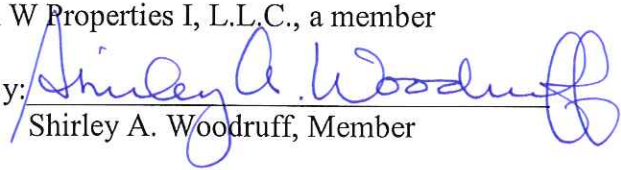
Dated: _____

By: 
Gail Kunderinger, MMC, City Clerk

HACKLEY LIMITED DIVIDEND
HOUSING ASSOCIATION, L.L.C.

Dated: 10/22/02

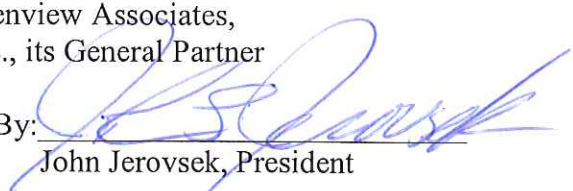
By: R W Properties I, L.L.C., a member

By: 
Shirley A. Woodruff, Member

By: Ruddiman Associates Limited
Partnership, a Member

By: Glenview Associates,
Inc., its General Partner

Dated: _____

By: 
John Jerovsek, President

DATE: October 14, 2002

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-26-
187 E. Laketon Avenue.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **187 E. Laketon** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case # & Project Address: 02-26 – 187 E. Laketon.

Location and ownership: This structure is located on E. Laketon on the corner of Hoyt between Leahy and Hoyt. It is a rental house owned by TNT Services (Don Tyler).

Staff Correspondence: An inspection report was written 6/26/02 after city officials noted the condition of the property to the director of Inspections. An interior inspection was conducted on 7/11/02A notice and order to repair or demolish was issued 7/23/02. On 9/5/02 the HBA ordered the structure demolished.

Owner Contact: Mr. Tyler was present at the HBA meeting in September and acknowledged the repairs necessary to rehab this structure were possibly beyond the value of what the house is worth and he might get demolition quotes.

Financial Impact: CDBG

Budget Action Required: None

SEV: \$18,000

Estimated Cost of Repairs: \$40,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, October 22, 2002.

Figure 1 shows a schematic diagram of a rectangular domain with a central square hole. The domain is divided into four quadrants by a horizontal line at $y=0$ and a vertical line at $x=0$. The top-left quadrant is labeled 'WALL' and the top-right quadrant is labeled 'FLUID'. The bottom-left quadrant is labeled 'WALL' and the bottom-right quadrant is labeled 'FLUID'. The central square hole is labeled 'HOLE'.

359 1971 1943 1921 1915

HOYTST

TERRACE ST



187 E. Laketon

For The Inspection Department
City of Muskegon

File #: 420602

FROM CITY ASSESSOR'S RECORDS

OWNER: TNT Services
PROPERTY: 187 E. Laketon
PARCEL NO: 24-675-003-0001-00
DESCRIPTION: Lot 1, Blk 3

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1945
PAGE: 914
DATE OF DEED: April 22, 1996
GRANTOR NAME & ADDRESS: Mortgage Corporation of America, 23999
Northwestern Highway, Southfield, MI 48075
GRANTEE NAME & ADDRESS: Sterling Bank and Trust, as Trustee,
Oakland Towne Square, One Towne Square, 17th Floor, Southfield, MI 48076
LIENS OR MORTGAGES: 1852/20
TODAY'S DATE: July 1, 2002
EFFECTIVE DATE: June 3, 2002
Abstracted by: Julie Ann Cook
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

THIS MEMORANDUM OF LAND CONTRACT entered into this AUGUST 25, 1995, by and between: CHARLES E. LEE AND ROCHELL LEE, HUSBAND AND WIFE, whose address is 2220 BERTRUND, SOUTH BEND, IN 46828, hereinafter referred to as "Seller" and MARY JANE DELANO AND ROD McGRAW, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP, whose address is 1945 BRUNSWICK, MUSKEGON, MI 49442, hereinafter referred to as "Purchaser".

WITNESSETH:

The Purchaser and Seller have entered into a Land Contract of even date herewith and they desire to enter into this Memorandum of Land Contract to give record notice of the existence of said Land Contract.

In consideration of the premises and other good and valuable consideration, the Seller, acknowledges and agrees that the property described below was sold to the Purchaser on Land Contract of even date:

LAND IN THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

LOT 1 OF BLOCK 3, PLAT A OF THE CITY OF MUSKEGON HEIGHTS, ACCORDING TO THE RECORDED PLAT THEREOF IN LIBER 3 OF PLATS, PAGES 19-26.

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1995 SEP -7 PM 2:25

Cassie Carter
REGISTER OF DEEDS

187 E. LAKETON
TAX IDENTIFICATION NO. 61-11-32-103-014

The purpose of this Memorandum of Land Contract is to give record notice of the existence of the aforesaid Land Contract.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Land Contract and have caused their hands and seals to be affixed hereto the day and year first above written.

Signed, Sealed and Delivered
in Presence of

[Signature]
MARY K. HARRIS
[Signature]
ANN PAULA BOSTROM

[Signature] (1.s.)
CHARLES E. LEE
[Signature] (1.s.)
ROCHELL LEE
[Signature] (1.s.)
MARY JANE DELANO
[Signature] (1.s.)
ROD McGRAW

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this AUGUST 25, 1995, by CHARLES E. LEE AND ROCHELL LEE, HUSBAND AND WIFE AND MARY JANE DELANO AND ROD McGRAW, AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP.

[Signature]
ANN PAULA BOSTROM Notary Public
MUSKEGON County, Michigan

My Commission Expires: NOVEMBER 13, 1996

Drafted by: RE-MAX OF MUSKEGON, INC.
550 W. NORTON
MUSKEGON, MI 49444

Return To: Vendee

RETURN THIS COPY TO INSPECTOR WHEN THE WORK IS DONE

DATE 09/10/2002

HAND MOW WORKORDER

NUMBER

12204

ADDRESS 187 E LAKETON AVE

OWNER TNT SERVICES

PARCEL NUMBERS

187 E LAKETON AVE

24-675-003-0001-00

24-31-32-103-014

MUSKEGON, MI 49442

INSPECTOR John

TALL GRASS AND OR WEEDS ON THE PROPERTY

IS THERE TRASH TO PICK UP ON THIS LOT? _____

CONTRACTOR COMMENTS

Neighbor says couple lives upstairs w/ no gas, lights, & suppose to be vacant house. White box in backyard.

9.16.02 T.T-1HR SK+AE

L.

PLEASE FILE w/ OTHER INFO
THANKS HA. 9/17/2002.

NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on September 5, 2002. The property is described as follows:

* Plat A Muskegon Heights, Lot 1 Blk 3

Also known as: 187 E. Laketon

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:

Linda Potter
Linda Potter

Gail A. Kunding
Gail A. Kunding, Clerk

Margaret M. Platt
Margaret M. Platt
STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 19th day of Sept., 2002 by Gail A. Kunding, Clerk respectively, for and on behalf of the City of Muskegon.

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

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



September 11, 2002

Sterling Bank and Trust
One Towne Square, 17th Floor
Southfield, MI 48076

RE: 187 E. Laketon

To Whom It May Concern:

This letter is to notify you that the above structure has been determined to be dangerous, substandard, and a public nuisance.

Sterling Bank was overlooked as an interested party and in error, you were not sent previous notices. I have attached all of the previous notices and apologize for any inconvenience caused.

This case was heard before the Housing Board of Appeals on September 5, 2002 and the owner, Don Tyler, was there to represent himself. The outcome of that hearing is detailed on the Order to Demolish which is enclosed.

If you have any questions, please call the Inspection Office at 231-724-6715.

Sincerely,

Lorraine Grabinshi
Lorraine Grabinshi
Dept. Secretary

9/11/02

To File:

The stepbrother of Tyler called the office today to inform this office that people are living upstairs at **187 E. Laketon** and there are no utilities on, water, electric, or gas.

Lorraine Grabinski

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: September 9, 2002

To: TNT Services, 187 E. Laketon, Muskegon, MI 49442
Owners Name & Address

Don Tyler, 861 Turner, Muskegon, MI 49442
Names & Addresses of Other Interested Parties

Sterling Bank & Trust, Oakland Towne Square, One Towne Square, 17th
Floor, Southfield, MI 48076

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 5, 2002 does hereby order that the following structure(s) located at 187 E. Laketon, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

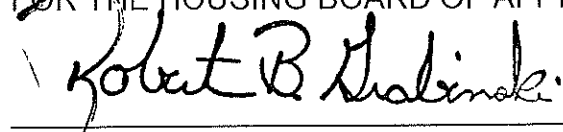
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: August 27, 2002

Address of the Property: 187 E. Laketon

TO: TNT Services, 187 E. Laketon, Muskegon, MI 49442
[Name & Address of Owner]

Don Tyler, 861 Turner, Muskegon, MI 49442
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, September 5, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the notice and order to repair or remove issued 7/23/02.

At the hearing on Thursday, September 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 23, 2002

Address of the Property: 187 E. Laketon, Muskegon, Michigan

TO: TNT Services, 187 E. Laketon, Muskegon, MI 49442
[Name & Address of Owner]

Don Tyler, 861 Turner, Muskegon, MI 49442
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

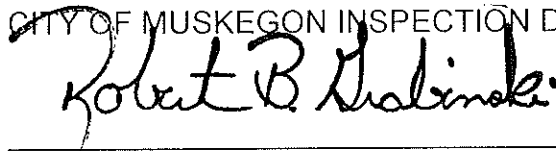
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 187 E. Laketon Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

187 E. Laketon
(INTERIOR INSPECTION)
7/11/02

Inspection noted:

1. No lighting on stairs.
2. No lights in upstairs kitchen.
3. No lights in upstairs in dining room.
4. Kitchen appliances not grounded.
5. Lights in drop ceiling improperly wired.
6. Welding plug improperly wired.
7. Open J boxes in basement.
8. Improperly wired lights.
9. Open splices in basement.
10. 2nd floor wiring in poor condition and must be replaced.
11. Plumbing and Mechanical needs to be totally replaced.
12. Structural floor damage to both first and second floor joists. Basement joists have been cut, notched, and there is damage from water (rot). Incomplete beam – column support. Floor decking in this area needs repair in numerous areas.
13. Foundation wall – sill in need of structural repair; tuck pointing.
14. Incomplete and incorrect framing in both units, open cavities, framing not to code.
15. Numerous wall and ceiling damage – drywall and paneling.
16. Doors are not operational.
17. No fire separation between apartments.
18. Illegal shower stall – walls OSB.
19. Stairs not to code – no separate entrances.
20. Door off upstairs have no landing, guardrail, stairs.
21. No legal egress out of bedrooms.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski / lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

7-23-02
DATE

CITY OF MUSKEGON
NOTICE FOR INTERIOR INSPECTION

DATE: June 27, 2002

Address of Property: **187 E. Laketon**

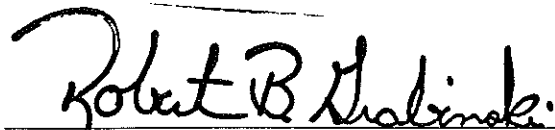
TO: TNT Services, 187 E. Laketon, Muskegon, MI 49442
[Name & Address of Owner]

Don Tyler, 861 Turner, Muskegon, MI 49442
(Interested Parties)

The Inspection Services Department of the City of Muskegon has preliminarily determined that the structures described above are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on **Thursday, July 11, 2002** at **9:00 A.M.** Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

187E. LAKETON

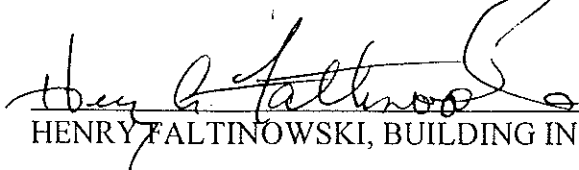
6/26/02

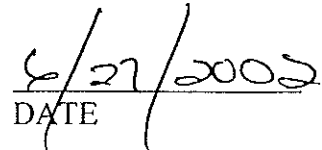
Inspection noted:

1. Roof covering on home severely deteriorated. Needs new roof covering to code and rafter – sheathing investigation to determine any structural damage.
2. Rotted, missing fascia and soffit. Flashing to code is required.
3. Deteriorated and rotted siding, peeling paint on siding, unprotected from element exposure.
4. Window frames on home are rotted and unprotected.
5. Numerous broken out windows.
6. Front porch floor decking and joist system is unstable and needs to be repaired to Michigan Residential Building Code 2000. (Span – decking requirements)
7. Handrails and guardrails must meet MRC 2000 requirements.
8. Columns on front porch must be restrained to prevent lateral displacement.
9. Upper door has no landing.
10. Fence broken and rotting.
11. Large amounts of debris in yard and porch areas.
12. All permits are void, as no inspections have been scheduled.

Sections. R105.5 and R105.6 of the Michigan Residential Code 2000.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE



Building Permit Application

Street Address:	187 E LAKETON AVE
Property Number:	24-675-003-0001-00
Owners Name:	TNT SERVICES
Owners Address:	187 E LAKETON AVE MUSKEGON MI 49442
Permit No:	BD-01-5993
Requested by:	Owner
Contractor:	N/A
Architect:	N/A
Category:	BUILDING
Permit Type:	ROOFING
Type of Building:	R
Description:	TEAR OFF AND REROOF DWELLING 25 SQ. AND REDECK FRONT PORCH
Dates:	App Date: 09/12/2001 Issue Date: 09/14/2001
Value:	\$2,500.00

Item	Quantity
------	----------

This application has been approved

Approved: Yes ☒ No ☐

By: Note:

Date: 09/15/2001

EDIT PERMIT	
Choose name	PIN: Edit

Today is: 06/26/2002

City of Muskegon Permits

**Permit Details**

Street Address:	187 E LAKETON AVE
Prop No:	24-675-003-0001-00
Owners Name:	TNT SERVICES
Owners Address:	187 E LAKETON AVE MUSKEGON MI 49442
Permit Number:	BD-99-0620
Permit Type:	BUILDING
Company Name:	M.J. DELANO
Contractor:	Yes
Owner:	X
Value:	\$0.00
Residential:	No
Commercial:	No
Industrial:	No
Description:	INSTALL 6' FENCE AROUND
Category:	n/a
Spec Cond:	n/a
Permit Date:	07/30/1999
Issued Date:	
Permit Fee:	n/a

Today is: 06/26/2002

City of Muskegon Permits



Permit Details

Street Address:	187 E LAKETON AVE
Prop No:	24-675-003-0001-00
Owners Name:	TNT SERVICES
Owners Address:	187 E LAKETON AVE MUSKEGON MI 49442
Permit Number:	BD-99-0640
Permit Type:	BUILDING
Company Name:	MARY JANE CUNNINGHAM
Contractor:	Yes
Owner:	X
Value:	\$0.00
Residential:	No
Commercial:	No
Industrial:	No
Description:	CONSTRUCT 10X12 DECK ON REAR
Category:	n/a
Spec Cond:	n/a
Permit Date:	08/03/1999
Issued Date:	
Permit Fee:	n/a

Today is: 06/26/2002

City of Muskegon Permits

The owner was not present to represent this case.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Motion made by Randy Mackie, supported by Clara Shepherd to support staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd

John Warner

The motion carried.

#02-26 – 187 E. Laketon – TNT – same address

Don Tyler was present to represent this case. Mr. Grabinski gave a history of the initial start of this case. The city manager asked him to look into this house because of the appearance of the exterior. There has been an interior inspection and there are 21 items on that list. There has been some painting done and the items have been removed from the front porch. Some of the people that were living there are now gone. They also have an electrician to work for them.

Mr. Borgman asked how this structure got so bad and Mr. Tyler stated it was worse when they bought it. The permits have been open since 1999, with the work not being finished. Mr. Grabinski stated they are looking at a minimum of \$15,000 to repair the structure.

Staff Recommendation: Declare this building substandard, a public nuisance,

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd

John Warner

The motion carried.

#02-010 – 312 Merrill – Marshall Redder – 3960 30th St SW, Grandville, MI

Marshall Redder was not present to represent this case. Mr. Grabinski stated the case started in May. A permit was pulled and there has been no contact since then. The structure is occupied and open.

Dahlstrom Construction LLC
(231) 744-8929

Customer: Ronald Tyler

Mr. Tyler,

Regarding my recent inspection of the home located at 187 E. Laketon, my opinion is that the home does need cosmetic and aesthetic improvements. It is further my opinion that the structural integrity of the structure appears to be sound. The foundation also seems to be sound. My opinion is that with the appropriate improvements, the home appears to be salvageable and viable as a residence.

Thank You,
Steven Dahlstrom

This report is based upon visual inspection, with no way to assess the interior of walls which are covered by wall coverings.

DATE: October 15, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-059 Address: 1710 Madison.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1710 is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-059 – 1710 Madison.

Location and ownership: This structure is located in the Oakview Neighborhood and is owned by Agapito Suarez who lives there.

Staff Correspondence: A dangerous building inspection was conducted on 12/13/01 and an interior inspection was conducted 1/23/02. A Notice and Order to Repair was issued on 12/28/01. On March 7, 2002 the HBA tabled the case 120 days. The owner was ordered to supply a timeline for repairs and pull permits within 14 days. He did not comply and the case was brought before the HBA again 4/4/02. The case was tabled until May to allow the owner time to pull a permit and submit the timeline for repairs by April 10, 2002. He submitted a timeline on 4/11/02 and pulled a permit to install vinyl siding and repair the porch. The case was brought before the HBA again 8/1/02. No inspections were called for at that time and there appeared to be no progress on repairs. The HBA declared the structure on that date.

Owner Contact: Owner has not been in contact with this office since 4/10/02.

Financial Impact: CDBG

Budget action required: None

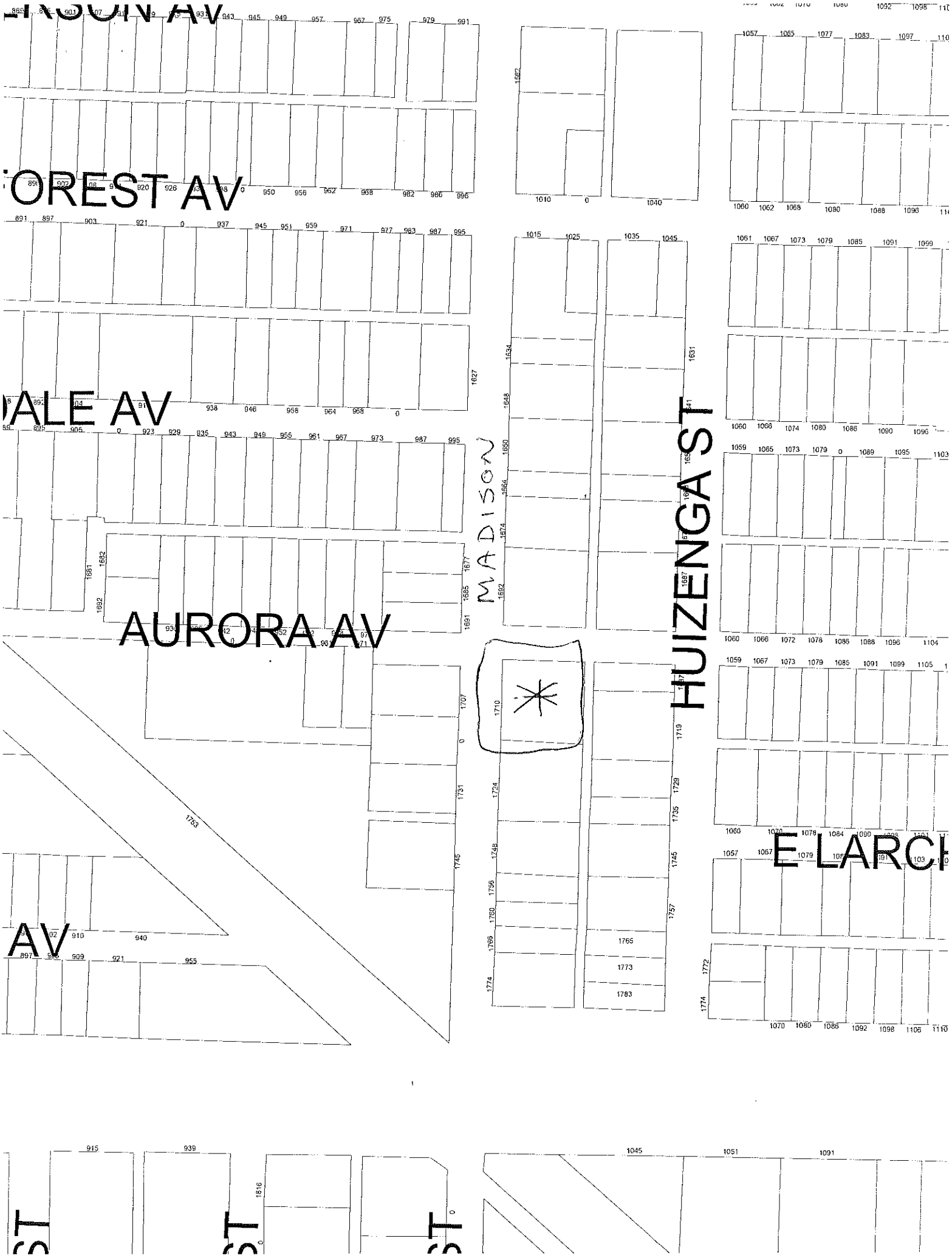
State Equalized value: \$19,200

Estimated cost to repair: \$10,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, October 22, 2002.

E L A R C H





1710 Madison





Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100122699
December 19, 2001

1. Beginning Date: 2/20/97, at 8:00 A.M.

Please See Attached Liber 1964, Page 746, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 11/19/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1964, Page 746.

Mortgages:

Liber 2047, Page 969.

Liber 2069, Page 520.

Taxes:

Invoices in the amount of \$224.00 due and payable to the City of Muskegon.

Payment of the 2001 Winter taxes, due and payable to the City of Muskegon Treasurer in the amount of \$789.96, if paid by February 14, 2002. Note: Included in this amount is a delinquent water and sewer bill in the amount of \$59.87.

2000 Taxes are Paid.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$869.01, if paid by December 31, 2001.

Payment of the 1998 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$932.27, if paid by December 31, 2001.

Note:

No 2001 Summer taxes were assessed.

Permanent Parcel No.: 61-24-440-002-0026-00.

2001 State Equalized Value: \$16,800.00.

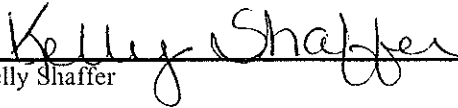
2001 Taxable Value: \$13,140.00.

Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Agapito Suarez Jr. and Phyllis E. Suarez, husband and wife

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.



Kelly Shaffer

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on September 5, 2002. The property is described as follows:

* Muskegon Huizenga, Lot 26, 27, 28 Blk 2

Also known as: **1710 Madison**

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:

Linda Potter
Linda Potter

Gail A. Kunderger
Gail A. Kunderger, Clerk

Margaret M. Platt
Margaret M. Platt
STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 19th day of Sept. 2002 by Gail A. Kunderger, Clerk respectively, for and on behalf of the City of Muskegon.

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

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: August 5, 2002

To: Agapito Suarez Jr. 1710 Madison, Muskegon, MI 49442
Owners Name & Address

Green Tree Financial, 332 Minnesota St. Suite 610, St.Paul, MN 55101
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, August 1, 2002 does hereby order that the following structure(s) located at 1710 Madison Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

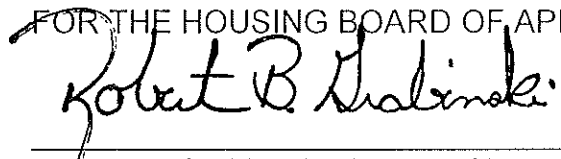
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: July 22, 2002

Address of the Property: 1710 Madison

TO: Agapito Suarez Jr. 1710 Madison, Muskegon, MI 49442
[Name & Address of Owner]

Green Tree Financial, 332 Minnesota St. Suite 610, St. Paul, MN 55101
Names & Addresses of Other Interested Parties]

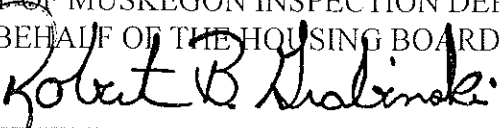
Please take notice that on **Thursday, August 1, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review your case since it was tabled for 120 days at the March meeting.

At the hearing on Thursday, August 1, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

[Start](#)

Building Permit Application

Street Address:	1710 MADISON ST		
Property Number:	24-440-002-0026-00		
Owners Name:	SUAREZ AGAPITO/PHYLLIS		
Owners Address:	1710 MADISON ST MUSKEGON MI 49442		
Permit No:	BD-02-7447		
Requested by:	Owner		
Contractor:	N/A		
Architect:	N/A		
Category:	BUILDING		
Permit Type:	ALTERATION		
Type of Building:	R		
Description:	INSTALL VINYL SIDING; REPAIR PORCH PER DANGEROUS BUILDING LIST		
Dates:	App Date: 04/10/2002 Issue Date: 04/12/2002		
Value:	\$1,100.00		
<table border="1"><thead><tr><th>Item</th><th>Quantity</th></tr></thead></table>		Item	Quantity
Item	Quantity		

This application has been approved

Approved: Yes No

By: Note:

Date: 05/06/2002

EDIT PERMIT	
Choose name	PIN: Edit

Today is: 07/25/2002

City of Muskegon Permits

Schedule of Repairs
for 1710 Madison

Basement/foundation (tucks)
Basement window frames,
floor joists
siding
front steps
peel and paint
Globe on porch
Drop pipe on heater
Globe bathroom
Exterior light

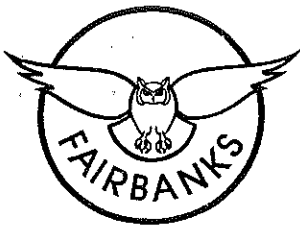
April 11 start
June 11, 2002 Fin

water pipes sized
tube auto-sched 2
Sump Pump
Furnace
cold air
exhaust fan's
laundry
toilet repairs
Vent Kitchen sink
water system for upper

June 11 - Start
Sept 11, 2002 Finish

all electrical
Appliances

June 11 start
Aug - 23, 2002 Finish



FAIRBANKS CAPITAL CORP.

April 16, 2002

City of Muskegon
Inspection Services
933 Terrace Street, PO Box 536
Muskegon, Michigan 49443

RE PROPERTY ADDRESS: 1710 Madison

A review of our records for the above-referenced property indicates that Continmortgage Corp. has either never held or does not now hold title.

At this time, Continmortgage Corp. holds no interest in the property, and respectfully suggests that the violations reflected in the Code Violations Report dated March 11, 2002 are the responsibility of the current owner. Information about the current owner is available at the local recorder's office.

Sincerely,
Fairbanks Capital Corp.

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO TABLE THIS CASE 30 DAYS

Date of Order: April 9, 2002

Address of the property: 1710 Madison

Description of the structure: Huizenga Addition Lots 26,26, & 28 Blk 2

To: Agapito & Phyllis Suarez, 1710 Madison, Muskegon, MI 49442
Owners Name & Address

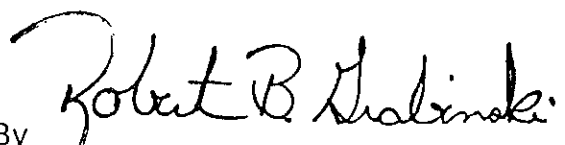
Take off → Contimortgage Corp. 338 S. Warminster Rd. Hatboro, PA 19040-3430
Names & Addresses of Other Interested Parties

Green Tree Financial, 332 Minesota St. Suite 610, St. Paul, MN 55101

CASE TABLED FOR 30 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled until the May 2, 2002 HBA meeting. It has been determined that the permits and timetable for repairs have not yet been submitted. Therefore, it is ordered that you come in to the Inspection Department and pull a permit for repairs and also submit your timetable for repairs by **April 10, 2002**. Failure to do so will result in this case being brought back before the board on May 2, 2002.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS


By _____

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: March 22, 2002

Address of the Property: 1710 Madison

Description of the Structure: _____

TO: Agapito & Phyllis Suarez, 1710 Madison, Muskegon, MI 49442
[Name & Address of Owner]

Contimortgage Corp. 338 s. Warminster Rd. Hatboro, PA 19040-3430
Names & Addresses of Other Interested Parties]

Green Tree Financial, 332 Minesota St. Suite 610, St. Paul, MN 55101

Please take notice that on **Thursday, April 4, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order issued 12/28/02.

At the hearing on Thursday, April 4, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By _____

Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO TABLE THIS CASE FOR 120 DAYS

Date of Order: March 11, 2002

Address of the property: 1710 Madison

Description of the structure: Huizenga Addition Lots 26-27 & 28 Blk 2

To: Agapito Suarez Jr. 1710 Madison, Muskegon, MI 49442
Owners Name & Address
Contimortgage Corp. 338 S. Warminster Rd. Hatboro, PA 19040-3430
Names & Addresses of Other Interested Parties
GreenTree Financial, 332 Minnesota St. Suite 610, St. Paul, MN 55101

CASE TABLED 120 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed you case and ordered that it be tabled for **120** days. It is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely manner. Therefore, it is ordered that the owner or interested parties shall **supply the Inspection Department with a schedule of repairs and pull necessary permits within 14 days of the date of this letter.** Failure to apply for permits required, supply this office with a repair schedule, and commence with the repairs of the conditions found in the inspection report attached to this order, will bring this case back before the Housing Board of Appeals on April 4th, 2002.

Also, the upstairs tenants must be out by March 16, 2002. The upstairs unit is not to be used for any living purposes. It has been declared unsafe at this time.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: February 26, 2002

Address of the Property: 1710 Madison, Muskegon MI

Description of the Structure: Huizenga Addition Lots 26-27 & 28 Blk 2

TO: Agapito Suarez Jr. and Phyllis Suarez, 1710 Madison, Muskegon, MI 49442
[Name & Address of Owner]

Contimortgage Corp, 338 S. Warminster Rd, Hatboro, PA 19040-3430
Names & Addresses of Other Interested Parties]

Green Tree Financial, 332 Minnesota St. Suite 610, St. Paul, MN 55101

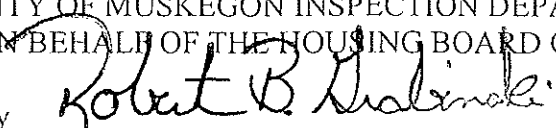
Please take notice that on **Thursday, March 7, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order issued 12/28/02.

At the hearing on Thursday, March 7, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: December 28, 2001

Address of the Property: 1710 Madison, Muskegon, Michigan

TO: Agapito Suarez Jr. and Phyllis Suarez, 1710 Madison, Muskegon, MI 49442
[Name & Address of Owner]

Contimortgage Corporation, 338 S. Warminster Rd. Hatboro, PA 19040-3430
(Interested Parties)

Green Tree Financial, 332 Minnesota St. Suite 610, St. Paul, MN 55101

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

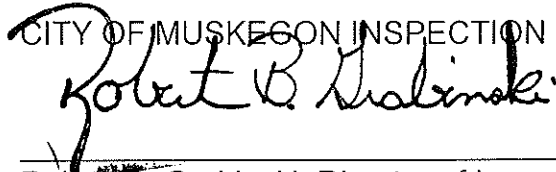
FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1710 Madison, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT


Robert B. Grabinski, Director of Inspections

DANGEROUS BUILDING INSPECTION REPORT

1710 Madison
Interior Inspection
1/23/02

Inspection noted:

1. Basement foundation walls in need of repair. Block needs tuck pointing.
2. Basement window frames rotted.
3. Floor joists have been cut, notched. Unstable temporary columns installed to hold flooring up. The floor system must be brought up to code to meet loads, spans.
4. Home has apartment upstairs that does not meet code requirements. See write ups.
5. Stairs need to meet requirements of Michigan Residential Code (2000 SEC 314-316).

6. Downstairs:

Water pipe needs to be sized properly.
Dryer vent needs to be completed.
Drop pipe on water heater needs threads removed.
Tube valve needs to be anti scald.
All faucets need to be fixed.
Sump pump needs cover and vent, and discharge properly.
Furnace needs supply air plenum and supply air ducts to all rooms.
Needs cold air plenum.
Needs exhaust fan in bathroom.
Gas pipe needs to be supported properly and tested.

7. Upstairs:

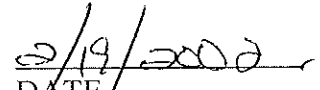
Needs lavatory in bathroom.
Toilet needs repairs.
Tub faucet needs to be anti scald.
Kitchen sink needs to be vented.
Needs separate water system for apartment.
Needs complete heating system.
Needs exhaust fan in bathroom.
Gas pipe needs to be tested, properly supported and labeled.

8. Exterior light missing.
9. Globe missing on porch.

10. Open splices in wall kitchen.
11. Plugs not grounded.
12. Globe missing in bathroom.
13. Bedroom lights incomplete.
14. Furnace improperly wired.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

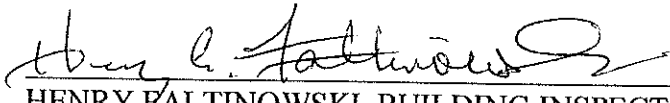
1710 Madison – Property Maintenance Code

12/13/01

Inspection noted:

1. Started siding home – progress has stopped. New siding falling off home.
2. Illegal front steps – guard rail.
3. Peeling paint on front porch gable.
4. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building).

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

12/14/2001
DATE

Case #01-059 – 1710 Madison – Agapito Suarez Jr. – 1710 Madison

Mr. Suarez was present to represent this case. Mr. Grabinski gave a history of the case. It began as a property maintenance case because of complaints, but repairs were not being done and it was added to the dangerous building list. An interior inspection was done in December.

Mr. Suarez stated that he needs some time to complete repairs. He had money to use on the house, but had to pay his taxes with it. Mr. Borgman inquired on how much time he needed and he stated he would like 120 days. He has had the house for about 3 years. His wife is not working full time anymore and he doesn't have a lot of money. He bought the house as is.

Mr. Grabinski asked if he owned any other houses in the city. He stated that he has no other houses, no rentals. His father has some, he is Agapito also. Mr. Grabinski asked if he had read the inspection report and if he agreed with it. Mr. Suarez said he has read it and he is in agreement with it. He said he will try to get it done in 120 days, but the main thing is getting the money for the furnace. Mr. Grabinski stated that he should take care of the things that will keep the structure standing, such as basement foundation wall repair and floor joists repair. The floors are being held up with temporary columns. The list of repairs for the exterior (the siding) has remained the same since July 1998. In June of 1998 Pete Vanderlaan did an inspection and stated that some work was being done, but another inspection was scheduled for October.

Mr. Borgman stated before trying to interpret what needs to be done first, he needs to be in contact with the inspectors to verify what is most important on the list.

Henry Faltinowski stated Mr. Suarez needs to realize there is structural damage.

Mr. Grabinski was in agreement with Mr. Borgman regarding prioritizing repairs and making a schedule that is doable by Mr. Suarez.

Ms. Shepherd inquired on which repair was most important and stressed any life threatening disrepair should be taken care of first. She also said he shouldn't try to do the easiest first, but take care of the most important and dangerous first.

Nick Kroes stated this is a classic case of why the city needs sale inspections. The status of the number of units in this dwelling was also clarified. It used to be a two-unit and is now a one family structure. There is to be no upstairs tenant because of safety issues.

Staff Recommendation: Grant 120 days to complete repairs. In addition, Mr. Suarez needs to come into the Inspection office within 14 days with a schedule of repairs that both parties agree on and also pull permits within the 14 days.

Motion made by Randy Mackie, seconded by Jon Rolewicz, to support staff's recommendation.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd
Nick Kroes

The motion carried.

Case #01-057 – 509 Octavius – Rich/Jaime Young, 2643 Duck Lake Rd. Whitehall, MI 49461

No one was present to represent this case. The Youngs have a habit of taking this house and selling on a land contract. When the buyer finds the amount of work needed, they leave and it sits vacant for a while. Then the Youngs sell on a land contract again. After the third time it was declared a dangerous building. The owner did come in to talk to CNS about a loan to rehab, but they did not come to an agreement. The electrical is cobbled, the stairway leading to the second floor is in terrible shape.

Staff Recommendation: Declare substandard, a public nuisance, and a dangerous building, and forward to City Commission for their concurrence.

Motion made by Clara Shepherd, seconded by Randy Mackie, to support staff's recommendation.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd
Nick Kroes

Case #01-059 – 1710 Madison – Agapito Suarez – 1710 Madison, Muskegon

Mr. Suarez was present to represent this property. He has not pulled a permit yet, but he did talk to Henry Faltinowski. He got an estimate from Bishop for the furnace and he got floor jacks for the basement. Mr. Grabinski reviewed the notice to table the case for 120 days. He read the part that was in bold to supply the inspection department with a schedule of repairs and pull necessary permits within 14 days of the date of this letter. Mr. Suarez didn't understand how to do the time line. The upstairs tenant who had to move out is gone now. Mr. Grabinski explained how to write out a time line of repairs, item by item. Mr. Suarez needs the contractors to put something in writing if they can't do the work for 2 months or more.

Staff Recommendation: Pull permit and submit schedule of repairs by April 10, 2002 or it will be brought to the board in May and if he does not understand something, ask questions.

Motion made by Clara Shepherd, supported by Randy Mackie to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

Case #97-43 – 1133 Third St. – Duane & Rose Armstrong, 5920 Vine St. Muskegon, MI 49442

The Armstrongs were present to represent this case. Mr. Grabinski gave a history of this case. A little over a year ago they were told finish it up, get done. We have not heard from them. Mrs. Armstrong stated the first three apartments are done. They had some ice damage to the back of the building and they have to finish that last apartment. They have been waiting for the weather to warm up. They have to get on the roof to check the damage. They need temperature over 55 degrees to fix the roof. Mr. Grabinski stated that he has talked to their daughter and she wants to open a restaurant downstairs. He thinks this is a good thing, but his concern is that this building has been a five year process and he just wants it to be done. Mrs. Armstrong stated they have done a lot of work,

The motion carried.

Case #01-059 – 1710 Madison – Agapito Suarez, 1710 Madison

Mr. Suarez was not present for the meeting. Mr. Grabinski gave a history of the case. It was brought before the board previously. A timetable was submitted by Mr. Suarez, but no inspections have been called for. There has been no contact from the owner since the permit was pulled and the timeline submitted.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Motion made by Jerry Bever, supported by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
John Warner
Clara Shepherd

NAYES:

EXCUSED:

ABSENT:

Nick Kroes

The motion carried.

~~#00-87 – 1895 Nevada (Garage) – Kathleen Rhoades, 1895 Nevada~~

~~Ms. Rhoades was not present for the meeting. Henry Faltinowski conducted an inspection 7/26/02 and stated that some repair has been done. It needs trim and painting. Mr. Grabinski gave a history of the case and stated Ms. Rhoades called and thought she had everything done. She will finish the trim and painting that Henry talked with her about by September 1, 2002.~~

~~Staff Recommendation: Table this case for 30 days to allow owner to finish the trim and painting and inspect by September 1st.~~

~~Motion made by Randy Mackie, supported by Jon Rolewicz to support staff's recommendation.~~

~~A roll call vote was taken:~~

DATE: October 14, 2002

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-34-
541 W. Grand (Garage).

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **541 W. Grand (Garage)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case # & Project Address: 02-34 – 541 W. Grand – Garage only.

Location and ownership: This structure is located on W. Grand between Eighth and Glade Streets. It is a rental house owned by Dan Heller.

Staff Correspondence: An inspection report on this garage was written 7/25/02. A notice and order to repair or demolish was issued 7/30/02. On 8/23/02 a notice of the HBA hearing was issued. On 8/28/02 Franklin Welch called the Inspection Department to notify that this property had reverted back to Dan Heller. On 9/5/02 the HBA ordered the structure demolished.

Owner Contact: There has been no contact from Mr. Heller.

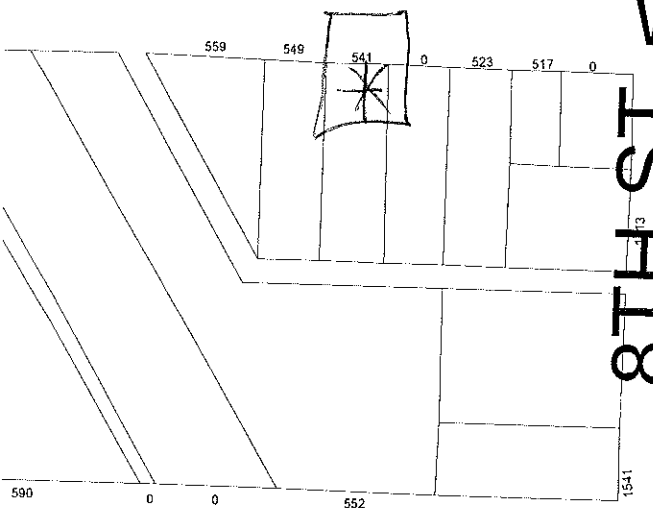
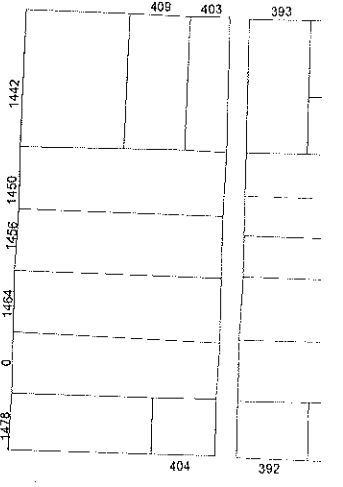
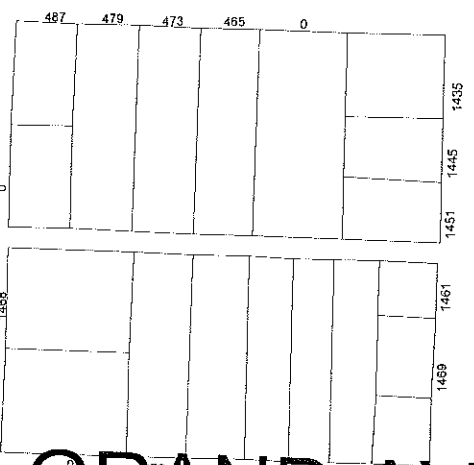
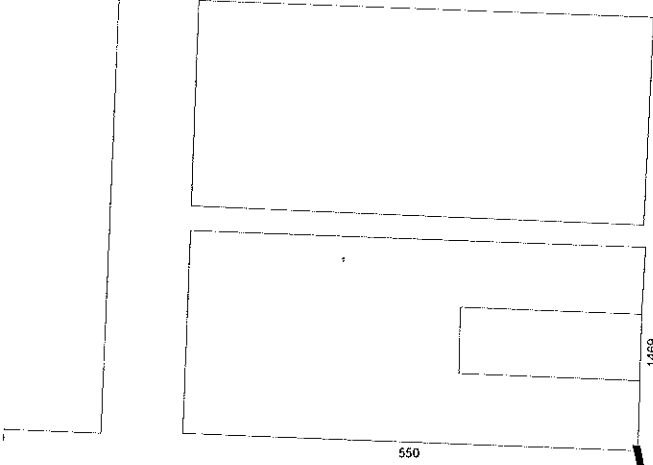
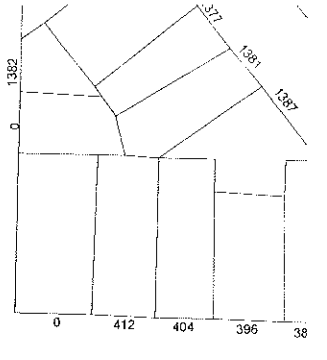
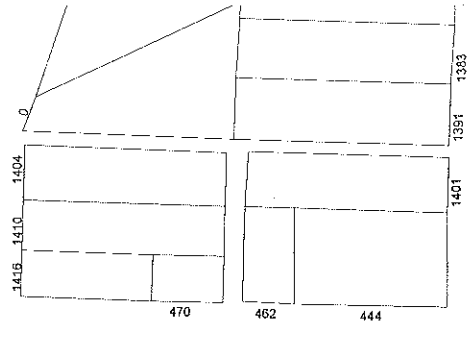
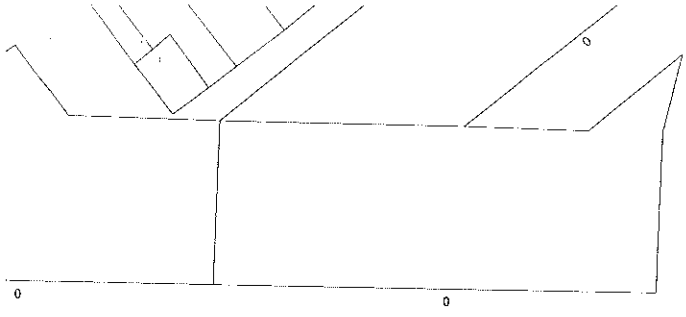
Financial Impact: CDBG

Budget Action Required: None

SEV: \$17,000

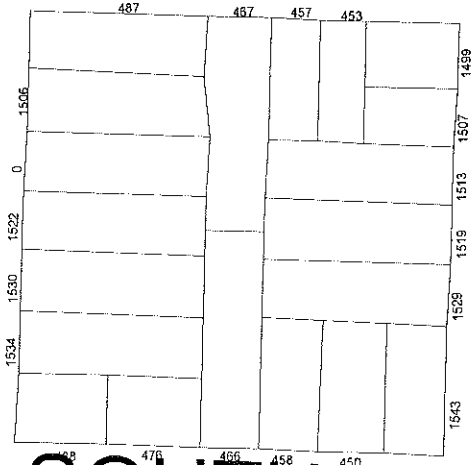
Estimated Cost of Repairs: \$3,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, October 22, 2002.

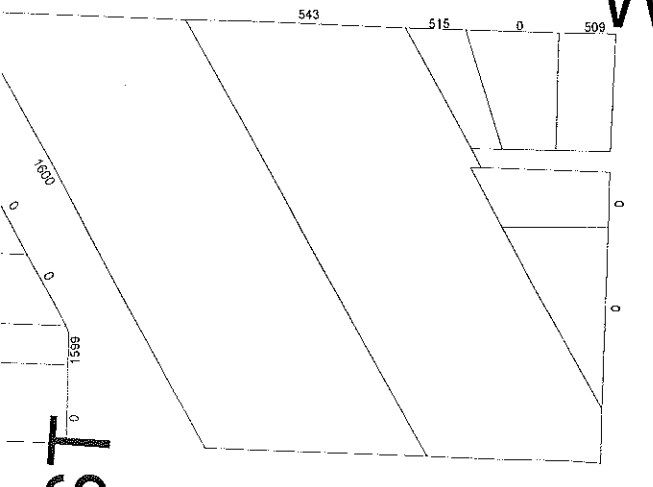
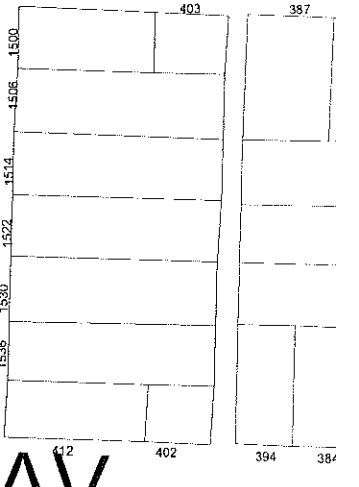


W GRAND AV

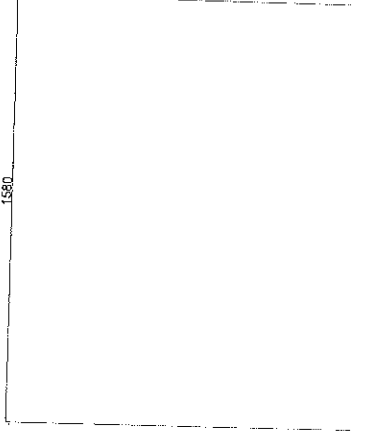
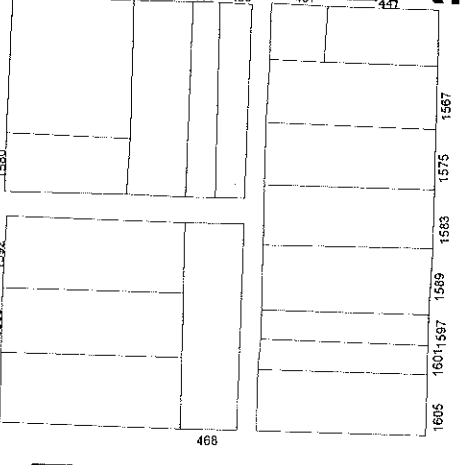
8TH ST



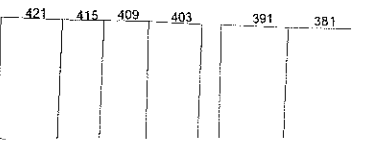
W SOUTHERN AV



W FOREST AV



ER ST





541 W. Grand

For The Inspection Department
City of Muskegon

File #: 421036

FROM CITY ASSESSOR'S RECORDS

OWNER: Franklin Welch
PROPERTY: 541 W. Grand
PARCEL NO: 24-205-416-0005-00
DESCRIPTION: Lot 5 Blk 416

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1457
PAGE: 749
DATE OF DEED: November 29, 1988
GRANTOR NAME & ADDRESS: FMB Lumberman's Bank, One
Lumberman's Square, Muskegon, MI 49443
GRANTEE NAME & ADDRESS: Daniel J. Heller and Mary K. Heller,
husband and wife, Rd#1, P.O. Box 101, Hesperia, MI 49421
LIENS OR MORTGAGES: 1851/259; 1923/954; 1923/952; 1961/297;
2065/776; 2065/775
TODAY'S DATE: July 31, 2002
EFFECTIVE DATE: July 2, 2002 at 8:00 AM
Abstracted by: Julie Ann Cook
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

WARRANTY DEED

STATUTORY FORM

AFFIX TAX STAMP AFTER RECORDING

LIBER 1176 PAGE 390

2 1 X

KNOW ALL MEN BY THESE PRESENTS: That KENNETH SCHMIDT and ROSE MARY SCHMIDT, his wife whose address is 541 W. Grand Ave, Muskegon, Mich., 49441 Convey and Warrants to L.S. ALLEN JR. whose street number and postoffice address is 1580 Hoyt, Muskegon, Michigan, 49441

the following described premises situated in the CITY of MUSKEGON County of MUSKEGON and State of Michigan, to-wit:

Lot 5, Block 416 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

1979 AUG 16 PM 2 31
OFFICE OF THE CLERK
COUNTY OF MUSKEGON
RECORDING DIVISION

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of affix stamps after recording. (one dollar) subject to restrictions and easements of record.

Dated this 9th day of August 19 79

Signed in the presence of:

Signed by:

Robert Henderson
Robert Henderson
John R. Achterhoff Jr.
John R. Achterhoff Jr.

Kenneth Schmidt
KENNETH SCHMIDT
Rose Mary Schmidt
ROSE MARY SCHMIDT

STATE OF MICHIGAN
COUNTY OF Muskegon

The foregoing instrument was acknowledged before me this 9th day of August

19 79 by Kenneth Schmidt and Rose Mary Schmidt his wife

My Commission expires Dec. 11, 19 82

John R. Achterhoff Jr.
John R. Achterhoff Jr.
Notary Public,
County, Michigan

County Treasurer's Certificate

City Treasurer's Certificate

Muskegon, Mich: *GRANTEE* 16 19 79
"I hereby certify that there are no taxes or liens 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."

GRANTEE

No. 8407 *John R. Achterhoff Jr.*

When Recorded Return To:

Send Subsequent Tax Bills To:

Drafted by John R. Achterhoff Co.

Realtor

Business Address 408 W. Western Ave.
Muskegon, Mi. 49440

Tax Parcel # 6309 Recording Fee Revenue Stamps

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: September 9, 2002

To: Franklin Welch, 350 Allen Ave. Apt.3, Muskegon, MI 49442
Owners Name & Address

Daniel Heller, P.O. Box 101, Hesperia, MI 49421
Names & Addresses of Other Interested Parties

Express Funding, Inc. 16802 Aston St., Irvine, CA 92714

Financial Resource Svc 10250 N. Meridian Rd Ste 121, Pleasant Lake, MI 49272

Bankers Trust, 3 Park Plaza 16th Floor, Irvine, CA 92614

FMB/Huntington Bank, One Lumbermans Square, Muskegon, MI 49443

Walsh Securities, 4 Campus Drive, Parsippany, NJ 07054-4401

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, September 5, 2002 does hereby order that the following structure(s) located at **541 W. Grand (Garage)** Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

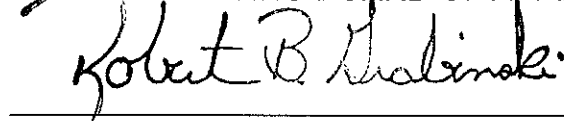
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: August 23, 2002

Address of the Property: 541 W. Grand (Garage)

TO: Franklin Welch, 350 Allen Ave. Apt. 3, Muskegon, MI 49442
[Name & Address of Owner]

Daniel Heller, P.O. Box 101, Hesperia, MI 49421
Names & Addresses of Other Interested Parties]

Express Funding, Inc. 16802 Aston St. Irvine, CA 92714

Financial Recource Svc. 10250 N Meridian Rd Ste 121, Pleasant Lake, MI 49272

Bankers Trust, 3 Park Plaza 16th Floor, Irvine, CA 92614

FMB/Hunting Bank, One Lumbermans Square, Muskegon, MI 49443

Walsh Securities, 4 Campus Drive, Parsippany, NJ 07054-401

Quality Mortgage 9968 Lakewood Blvd. Downey, CA 90240

← NOT Their's

Please take notice that on Thursday, September 5, 2002, the City Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon o'clock p.m., and at the said hearing consider whether or not the fol should be determined to be dangerous, substandard and a nuisance or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish issued July 30, 2002.

At the hearing on Thursday, September 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 30, 2002

Address of the Property: 541 W. Grand, (Garage), Muskegon, Michigan

TO: Franklin Welch, 350 Allen Ave. Apt. 3, Muskegon, MI 49442
[Name & Address of Owner]

None
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. _____ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

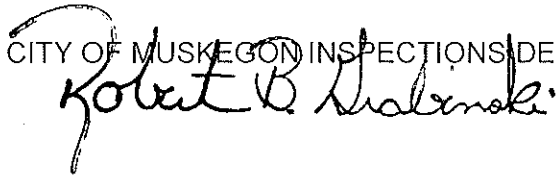
FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 541 E. Grand (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT


Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

541 W. Grand (Garage)

July 25, 2002

Inspection noted:

1. Roof is deteriorated and must be repaired or replaced.
2. Windows must be repaired.
3. Siding damaged and must be repaired.
4. Foundation appears non-existent. Wood rot noticed and must be repaired.
5. Doors must be repaired.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski / lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

7-25-02
DATE

The motion carried.

#02-33 – 541 W. Grand (Garage) – Franklin Welch 350 Allen Ave. Apt 3

The owner was not present to represent this case.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Motion made by Randy Mackie, supported by Clara Shepherd to support staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd

John Warner

The motion carried.

#02-26 – 187 E. Laketon – TNT – same address

Don Tyler was present to represent this case. Mr. Grabinski gave a history of the initial start of this case. The city manager asked him to look into this house because of the appearance of the exterior. There has been an interior inspection and there are 21 items on that list. There has been some painting done and the items have been removed from the front porch. Some of the people that were living there are now gone. They also have an electrician to work for them.

Mr. Borgman asked how this structure got so bad and Mr. Tyler stated it was worse when they bought it. The permits have been open since 1999, with the work not being finished. Mr. Grabinski stated they are looking at a minimum of \$15,000 to repair the structure.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

Motion made by Randy Mackie, supported by Jonathon Rolewicz to support staff's recommendation.

A roll call vote was taken: