

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

OCTOBER 14, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

### AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION: Jim Sinclair, MML President
- CONSENT AGENDA:
  - a. Approval of Minutes. CITY CLERK
  - b. Sale of Non-buildable lot at 1332 Sixth Street. PLANNING & ECONOMIC DEVELOPMENT
  - c. Sale of Non-buildable lot at 1509 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT
  - d. Plow Blades. DEPARTMENT OF PUBLIC WORKS
  - e. Excavator Purchase. DEPARTMENT OF PUBLIC WORKS
  - f. Cross Connection Control Inspections. DEPARTMENT OF PUBLIC WORKS
  - g. Reprogramming of HOME funds. COMMUNITY AND NEIGHBORHOOD SERVICES
  - h. Selection of Additional Siding Contractor. COMMUNITY AND NEIGHBORHOOD SERVICES
- PUBLIC HEARINGS:
  - a. Alpha Street, Commerce to Jefferson, Spreading of the Special Assessment Roll. ENGINEERING
  - b. Clifford Street, Lakeshore to Miner, Spreading of the Special Assessment Roll. ENGINEERING
  - c. Davis, Laketon to Southern, Spreading of the Special Assessment Roll. ENGINEERING

d. Mann Street, Lakeshore to Harrison, Spreading of the Special Assessment Roll. ENGINEERING

e. Moon Street, Lakeshore to Harrison, Spreading of the Special Assessment Roll. ENGINEERING

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

a. Verizon Telephone Services Contract. INFORMATION TECHNOLOGY

b. Special Assessment Consent Agreement – Edison Landing. PLANNING & ECONOMIC DEVELOPMENT

c. Concurrence with the Housing Board of Appeals Notice and Order to demolish the following: INSPECTIONS

1) 1650 Pine (garage)

2) 346 McLaughlin (garage) Area 11

3) 354 McLaughlin Area 11

4) 297 McLaughlin Area 11

5) 866 E. Forest

6) 460 Houston (garage) Area 10

7) 1969 Wood (garage)

8) 1087 W. Grand

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

➤ *Reminder: Individuals who would like to address the City Commission shall do the following:*

➤ Fill out a request to speak form attached to the agenda or located in the back of the room.

➤ Submit the form to the City Clerk.

➤ 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 14, 2003**  
**To: Honorable Mayor and City Commissioners**  
**From: Gail A. Kunding, City Clerk**  
**RE: Approval of Minutes**

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SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, September 23, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**OCTOBER 14, 2003**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, October 14, 2003.

Mayor Warmington opened the meeting with a prayer from Pastor Fred Halde of First Presbyterian Church after which the Commission and Public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

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

#### **INTRODUCTIONS/PRESENTATION: Jim Sinclair, MML President**

Mr. Sinclair spoke to the Commission.

#### **2003-80      CONSENT AGENDA:**

##### **a. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, September 23, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **b. Sale of Non-buildable lot at 1332 Sixth Street. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-388-0006-10) at 1332 Sixth Street to Robert Ellis, owner of 1338 Sixth Street, Muskegon, MI 49441. Approval of this sale will allow the adjacent property owner to expand their current yard. This is a corner lot and is, therefore, being offered to Mr. Ellis for \$1 under the City's Area 10 \$1 lot sale policy.

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.

**c. Sale of Non-buildable lot at 1509 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-611-000-0460-00) at 1509 Marquette Avenue to Michael McKinley, owner of 1495 and 1517 Marquette Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to build a home incorporating his two other lots, one of which is unbuildable. Although the size of this vacant lot is considered buildable, there are extenuating circumstances surrounding it. Since it has several power poles bisecting the lot, it was determined by the Land Reutilization Committee to be unbuildable. Since Mr. McKinley is the property owner on both sides of the lot, it will be offered to him for \$100.

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.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval at their July 22, 2003, meeting.

**f. Cross Connection Control Inspections. DEPARTMENT OF PUBLIC WORKS**

SUMMARY OF REQUEST: To make a contract with Riverside Inspections, LLC., of Muskegon (Scott Plummer) to perform water system cross connection control inspections and follow-up plumbing inspections. These are needed to comply with State of Michigan regulations governing our water system.

FINANCIAL IMPACT: The costs of this program, approximately \$50,000 per year, would be expensed to the Water Fund.

BUDGET ACTION REQUIRED: Budgeted item—no action needed.

STAFF RECOMMENDATION: Contract with Riverside Inspections to perform this work.

**g. Reprogramming of HOME funds. COMMUNITY AND NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: Community and Neighborhood Services request to reprogram funding that was originally awarded to the Nelson Neighborhood in

1998, 1999, and 2000. The total amount of funding is \$120,000. The funding will be reprogrammed to assist Neighborhood Investment Corporation with \$80,000 for Infill Construction, Bethany Housing with \$18,000 for housing rehabilitation and CNS \$22,000 for Turnkey 3 demolition and administration.

FINANCIAL IMPACT: Funding will be disbursed from the City's HOME funds reprogrammed to 2003-2004.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

**h. Selection of Additional Siding Contractor.** COMMUNITY AND  
NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Community and Neighborhood Services Department request to add Gawlick Construction of 2084 Mary St., Fruitport Township, MI as one of the City's contractors for vinyl siding installers. Gawlick Construction will be installing vinyl siding on CDBG approved applicants homes for the price of \$65.00 (sixty-five dollars) per building square. If the Commission approves to add Gawlick construction, the total number of contractors working on the City's vinyl siding program will be four during the 2003-2004 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2003-2004 CDBG siding program.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: Both the Commission and the CDC approved the CDBG budget.

**Motion by Vice Mayor Schweifler, second by Commissioner Shepherd to approve the consent agenda with the exception of items d and e.**

**ROLL VOTE: Ayes: Warmington, Schweifler, Carter, Gawron, Larson, Shepherd, Spataro**

**Nays: None**

**MOTION PASSES**

**2003-81 ITEMS REMOVED FROM AGENDA:**

**d. Plow Blades.** DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase 350 plow blades.

FINANCIAL IMPACT: Cost \$11,259.50

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchase of 350 plow blades from Truck & Trailer Specialties.

**e. Excavator Purchase.** DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Hyundai R160LC-3 Excavator.

FINANCIAL IMPACT: Total Cost \$78,500.00

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchase of one Hyundai R160LC-3 Excavator from Wolverine Tractor.

**Motion by Commissioner Larson, second by Vice Mayor Schweifler to approve the purchase of 350 plow blades from Truck & Trailer Specialties and one Hyundai R160LC-3 excavator from Wolverine Tractor.**

**ROLL VOTE: Ayes: Carter, Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler**

**Nays: None**

**MOTION PASSES**

**2003-82 PUBLIC HEARINGS:**

**a. Alpha Street, Commerce to Jefferson, Spreading of the Special Assessment Roll.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Alpha Street, Commerce to Jefferson, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$21,281.52 would be spread against the eight-(8) 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 opened at 5:48 p.m. to hear and consider any comments from the public. No comments were heard.

**Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 5:49 p.m. and spread the special assessment roll for Alpha Street, Commerce to Jefferson and adopt the resolution.**

**ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler, Carter**

**Nays: None**

**MOTION PASSES**

**b. Clifford Street, Lakeshore to Miner, Spreading of the Special Assessment**

**Roll. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Clifford Street, Lakeshore Drive to Miner, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$24,607.46 would be spread against the twelve (12) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:50 p.m. to hear and consider any comments from the public. No comments were heard.

**Motion by Commissioner Larson, second by Commissioner Spataro to close the Public Hearing at 5:51 p.m. and spread the special assessment roll for Clifford Street, Lakeshore to Miner and adopt the resolution.**

**ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Schweifler, Carter, Gawron**

**Nays: None**

**MOTION PASSES**

**c. Davis, Laketon to Southern, Spreading of the Special Assessment Roll.**  
**ENGINEERING**

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

FINANCIAL IMPACT: A total of \$31,775.69 would be spread against the twenty-nine (29) 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 opened at 5:52 p.m. to hear and consider any comments from the public. Letter was received from James & Katrina VanderWall, 1771 Davis in opposition. No comments were heard.

**Motion by Vice Mayor Schweifler, second by Commissioner Spataro to close the Public Hearing at 5:53 p.m. and spread the special assessment roll for Davis, Laketon to Southern and adopt the resolution.**

**ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Schweifler, Carter, Gawron, Larson**

Nays: None

**MOTION PASSES**

**d. Mann Street, Lakeshore to Harrison, Spreading of the Special Assessment Roll. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Mann Street, Lakeshore Drive to Harrison, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$13,178.64 would be spread against the six (6) 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 opened at 5:54 p.m. to hear and consider any comments from the public. No comments were heard.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 5:58 p.m. and spread the special assessment roll for Mann Street, Lakeshore to Harrison and adopt the resolution.**

**ROLL VOTE: Ayes: Spataro, Schweifler, Carter, Gawron, Larson, Shepherd**

**Nays: None**

**Excused: Warmington**

**MOTION PASSES**

**e. Moon Street, Lakeshore to Harrison, Spreading of the Special Assessment Roll. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Moon Street, Lakeshore Drive to Harrison, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$10,978.02 would be spread against the five (5) 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 opened at 5:55 p.m. to hear and consider any comments from the public. No comments were heard.

**Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:56 p.m. and spread the special assessment roll for Moon Street, Lakeshore to Harrison and adopt the resolution.**

**ROLL VOTE: Ayes: Warmington, Schweifler, Carter, Gawron, Larson, Shepherd, Spataro**

**Nays: None**

**MOTION PASSES**

**2003-83 NEW BUSINESS:**

**a. Request from Archimedes Group, LLC.**

SUMMARY OF REQUEST: Archimedes Group, LLC is requesting approval of the resolution for support and endorsement of the citizens' determination reference Casino Gaming.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The City Commission recommended approval at the October 13<sup>th</sup> Commission Worksession.

**Motion by Commissioner Larson, second by Commissioner Spataro to approve the resolution.**

**ROLL VOTE: Ayes: Schweifler, Carter, Larson, Shepherd, Spataro, Warmington**

**Nays: Gawron**

**MOTION PASSES**

**b. Verizon Telephone Services Contract. INFORMATION TECHNOLOGY**

SUMMARY OF REQUEST: The contract for Verizon telephone services, formerly GTE, has expired and is up for renewal. The contract was for \$6,086.29 per month and expired in March of this year. Verizon offered to continue services on a monthly basis at the same rate until a new contract price could be established. The new one-year contract is for \$6,288.44 per month, an increase of \$202.15 per month. The IT department has also determined that by canceling unnecessary lines and services, a savings of \$800 per month will be realized. Because of changing technology and local developments in this industry, it is not recommended that a multi-year contract be considered at this time.

FINANCIAL IMPACT:

Old Rate: \$6,086.29

Increase: 202.15

Savings from canceling unnecessary services: 800.00

New Monthly Rate: \$5,488.44

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the proposed contract with Verizon.

**Motion by Commissioner Larson, second by Vice Mayor Schweifler to approve the contract with Verizon.**

**ROLL VOTE: Ayes: Carter, Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler**

**Nays: None**

**MOTION PASSES**

- c. Special Assessment Consent Agreement – Edison Landing. PLANNING & ECONOMIC DEVELOPMENT**

**ITEM REMOVED**

- d. Concurrence with the Housing Board of Appeals Notice and Order to demolish the following: INSPECTIONS**

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures located at **1650 Pine (garage), 346 McLaughlin (garage)** Area 11, **354 McLaughlin** Area 11, **297 McLaughlin** Area 11, **866 E. Forest, 460 Houston (garage)** Area 10, **1969 Wood (garage)**, and **1087 W. Grand** 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 a contract for demolition with the lowest responsible bidder.

**1. 1650 Pine – Garage only**

CASE # & PROJECT ADDRESS: 03-59—1650 Pine

LOCATION AND OWNERSHIP: This structure is located on Pine St. between E. Dale and E. Forest and is owned by Jeffery Stowers of Spring Lake, MI.

STAFF CORRESPONDENCE: This structure was written as dangerous/substandard on 5/29/03. A Notice and Order to repair or remove was issued 6/12/03 and on 8/7/03 the HBA declared the structure.

OWNER(S): This office, after a title search, is notifying the following:

1. Jeffery Stowers, 7070 Beachwood Lane, Spring Lake, MI

OWNER CONTACT: There has been no contact from the owner.

SEV: \$17,200

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

ESTIMATED COST OF REPAIRS: \$1,500

**2. 346 McLaughlin – Garage only –Area 11**

CASE # & PROJECT ADDRESS: 03-52-346 McLaughlin Area 11

LOCATION AND OWNERSHIP: This structure is located on McLaughlin between Spring and Ambrosia and is now owned by Merrill Lynch Mortgage Capital in Hatboro, PA. It is in the McLaughlin Neighborhood.

STAFF CORRESPONDENCE: This structure was written as dangerous/substandard on 5/29/03. A Notice and Order to repair or remove was issued 6/12/03 and on 8/7/03 the HBA declared the structure.

OWNER(S): This office, after a title search is notifying the following:

1. Merrill Lynch Mortgage, Hatboro, PA
2. Judy Smith/John Jordan, Muskegon, MI
3. Muskegon County Treasurer, Muskegon MI

OWNER CONTACT: There has been no contact from the owner.

SEV: \$13,900

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

ESTIMATED COST OF REPAIRS: \$2,000

### **3. 354 McLaughlin – Area 11**

CASE# & PROJECT ADDRESS: 03-53-354 McLaughlin, Area 11

LOCATION AND OWNERSHIP: This structure is located on McLaughlin between Spring and Ambrosia and is now owned by the State of Michigan. It is in the McLaughlin Neighborhood.

STAFF CORRESPONDENCE: This property was written as dangerous/substandard on 5/29/03. A notice and order to repair or remove was issued 6/13/03 and on 8/7/03 the HBA declared the structure.

OWNER(S): This office, after a title search is notifying the following:

1. State of MI, (Real Estate Div.) P.O. Box 30448, Lansing, MI

OWNER CONTACT: There has been no contact from the owner.

SEV: \$12,300

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

ESTIMATED COST OF REPAIRS: \$10,000 plus the cost for interior repairs

### **4. 297 McLaughlin – Area 11**

CASE# & PROJECT ADDRESS: 03-30-297 McLaughlin, Area 11

LOCATION AND OWNERSHIP: This structure is located on McLaughlin between Spring and Pine and is now owned by Jason Outley who lives in Muskegon Heights. It is in the McLaughlin Neighborhood.

STAFF CORRESPONDENCE: This property was written as dangerous/substandard on 6/3/03. A notice for an interior inspection was issued 6/4/03 and the owner did not show for it. A Notice and Order to repair or remove was issued 7/7/03 and on 9/4/03 the HBA declared the structure.

OWNER(S): This office after a title search is notifying the following:

1. Jason Outley, 2141 Jefferson, Muskegon Hts.

OWNER CONTACT: There has been no contact from the owner.

SEV: \$11,100

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

ESTIMATED COST OF REPAIRS: \$12,000 plus the cost for interior repairs

#### **5. 866 E. Forest**

CASE# & PROJECT ADDRESS: 03-73-866 E. Forest

LOCATION AND OWNERSHIP: This structure is located on E. Forest between Kingsley and Madison and is owned by Homecomings Financial in Houston, TX. It is in the Oakview Neighborhood.

STAFF CORRESPONDENCE: This property was written as dangerous/substandard on 7/9/03 when the MPD contacted the Director of Inspections about the conditions of this house. The City had the structure boarded on 7/11/03. A Notice and Order to repair or remove was issued 7/17/03 and on 9/4/03 the HBA declared the structure.

OWNER(S): This office, after a title search is notifying the following:

1. Homecomings Financial network, Houston, TX

OWNER CONTACT: There has been no contact from the owner.

SEV: \$21,600

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: Demo would be paid from General Funds.

ESTIMATED COST OF REPAIRS: \$10,000 plus the cost of interior repairs.

#### **6. 460 Houston – Garage only-Area 10**

CASE# & PROJECT ADDRESS: 03-42-460 Houston, Area 10

LOCATION AND OWNERSHIP: This structure is located on Houston between Sixth & Seventh and is owned by James Foster, 1938 Maryland, Muskegon, MI.

STAFF CORRESPONDENCE: This structure was written as dangerous/substandard on 6/4/03. A Notice and Order to repair or remove was issued 6/5/03 and on 8/7/03 the HBA declared the structure.

OWNER(S): This office, after a title search is notifying the following:

1. James Foster, 1938 Maryland Muskegon, 49441
2. Aames Capital Corp, REO Division Los Angeles, CA
3. Huntington Bank, Columbus, OH

OWNER CONTACT: Mr. Foster was present for the meeting and stated he intended to repair the garage. The board explained that he would still have 30 days until the case went to commission and 21 days after that to repair the structure. There has been no contact since 8/7/03 and no permit has been applied for.

SEV: \$18,300

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

ESTIMATED COST OF REPAIRS: \$20,000

#### **7. 1969 Wood – Garage only**

CASE# & PROJECT ADDRESS: 03-63—1969 Wood

LOCATION AND OWNERSHIP: This structure is located on Wood between Holbrook and Keating and is owned by Annie Rudd, same address.

STAFF CORRESPONDENCE: This structure was written as dangerous/substandard on 5/29/03. A Notice and Order to repair or remove was issued 6/12/03 and on 9/4/03 the HBA declared the structure.

OWNER(S): This office, after a title search is notifying the following:

1. Annie Rudd, 1969 Wood St., Muskegon, MI

OWNER CONTACT: There has been no contact from the owner.

SEV: \$19,000

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

ESTIMATED COST OF REPAIRS: \$2,000

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

**Motion by Vice Mayor Schweifler, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 1650 Pine-garage only; 346 McLaughlin-garage only; 354 McLaughlin; 297 McLaughlin; 866 E. Forest; 460**

**Houston-garage only; and 1969 Wood-garage only.**

**8. 1087 W. Grand**

CASE# & PROJECT ADDRESS: #00-56—1087 W. Grand, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on W. Grand between Barclay and Franklin. It is owned by Brenda and Larry Davis.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 7/20/00 because of a fire. In October 2000 the HBA tabled the case for 60 days and the case was again tabled in January 2001. The owners have had problems with their contractors and have filed a formal complaint to the state. There have been numerous progress inspections and all permits have been pulled. The case was again brought before the HBA in February 2003 and tabled 4 months before forwarding to Commission. On 7/8/03 the City Commission tabled the case for 90 days with monthly progress inspections scheduled. An inspection was conducted on October 6, 2003. The inspectors were instructed to look at this as a final inspection with an eye toward granting a temporary Certificate of Occupancy. Due to the number of outstanding issues, including the new furnace needing repair, no water heater installed, improper wiring for several areas, no stairs to the second floor, improper and incomplete siding, as well as several other issues, the inspectors were unable to grant a temporary Certificate of Occupancy.

OWNER CONTACT: Don LaBrenz and Bob Grabinski met with the Davis's and attempted to explain the items noted. I informed them that as a last attempt to grant, at a minimum, temporary Certificate of occupancy, Don LaBrenz, Rick Clark and myself will conduct an additional inspection on October 14, 2003 at 2:30 P.M. They were further informed this office would continue with the City Commission notice for the October 14, 2003 meeting.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$26,600

ESTIMATED COST TO REPAIR: \$30,000

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

**Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 1087 W. Grand.**

**ROLL VOTE: Ayes: Spataro, Gawron**

**Nays: Larson, Shepherd, Warmington, Schweifler, Carter**

**MOTION FAILS**

Motion by Vice Mayor Schweifler, second by Commissioner Carter to concur with the Housing Board of Appeals decision to demolish 1087 W. Grand and direct staff to delay action 60 days and take no action if items on the October 6<sup>th</sup> inspection report are satisfied.

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

Nays: None

**MOTION PASSES**

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:41PM.

Respectfully submitted,



Gail A. Kunding, MMC

City Clerk

**Commission Meeting Date: October 14, 2003**

**Date:** September 29, 2003  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development *CB*  
**RE:** Sale of Non-buildable Lot at 1332 Sixth Street

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**SUMMARY OF REQUEST:**

To approve the sale of a vacant non-buildable lot (Parcel #24-205-388-0006-10) at 1332 Sixth Street to Robert Ellis, owner of 1338 Sixth Street, Muskegon, MI 49441. Approval of this sale will allow the adjacent property owner to expand their current yard (see attached map). This is a corner lot and is, therefore, being offered to Mr. Ellis for \$1 under the City's Area 10 \$1 lot sale policy.

**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 #2003-80(b)**

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

WHEREAS, the City of Muskegon has received \$1 from Robert L. Ellis, 4102 N. Norway, Grand Rapids, MI 49546 for the purchase of a vacant, City-owned lot located adjacent to his property at 1332 Sixth Street (parcel #24-205-388-0006-10);

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 the Area 10 \$1 lot program;

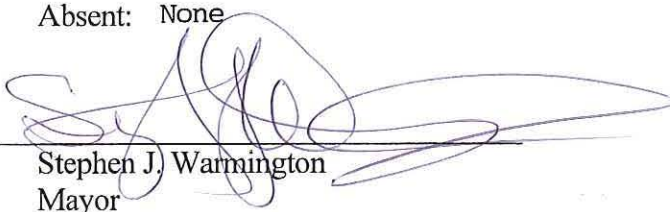
NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 WLY 26 FT OF NLY 44 FT LOT 5 & NLY 44 FT LOT 6 BLK 388 be sold to Robert L. Ellis for \$1.

Resolution adopted this 14<sup>th</sup> day of October, 2003.

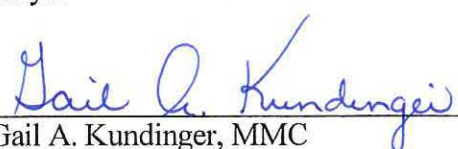
Ayes: Warmington, Schweifler, Carter, Gawron, Larson, Shepherd, Spataro

Nays: None

Absent: None

By: 

Stephen J. Warmington  
Mayor

Attest: 

Gail A. Kunding, MMC  
Clerk

## **CERTIFICATION**

2003-80(b)

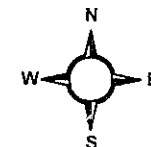
This resolution was adopted at a regular meeting of the City Commission, held on October 14, 2003. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

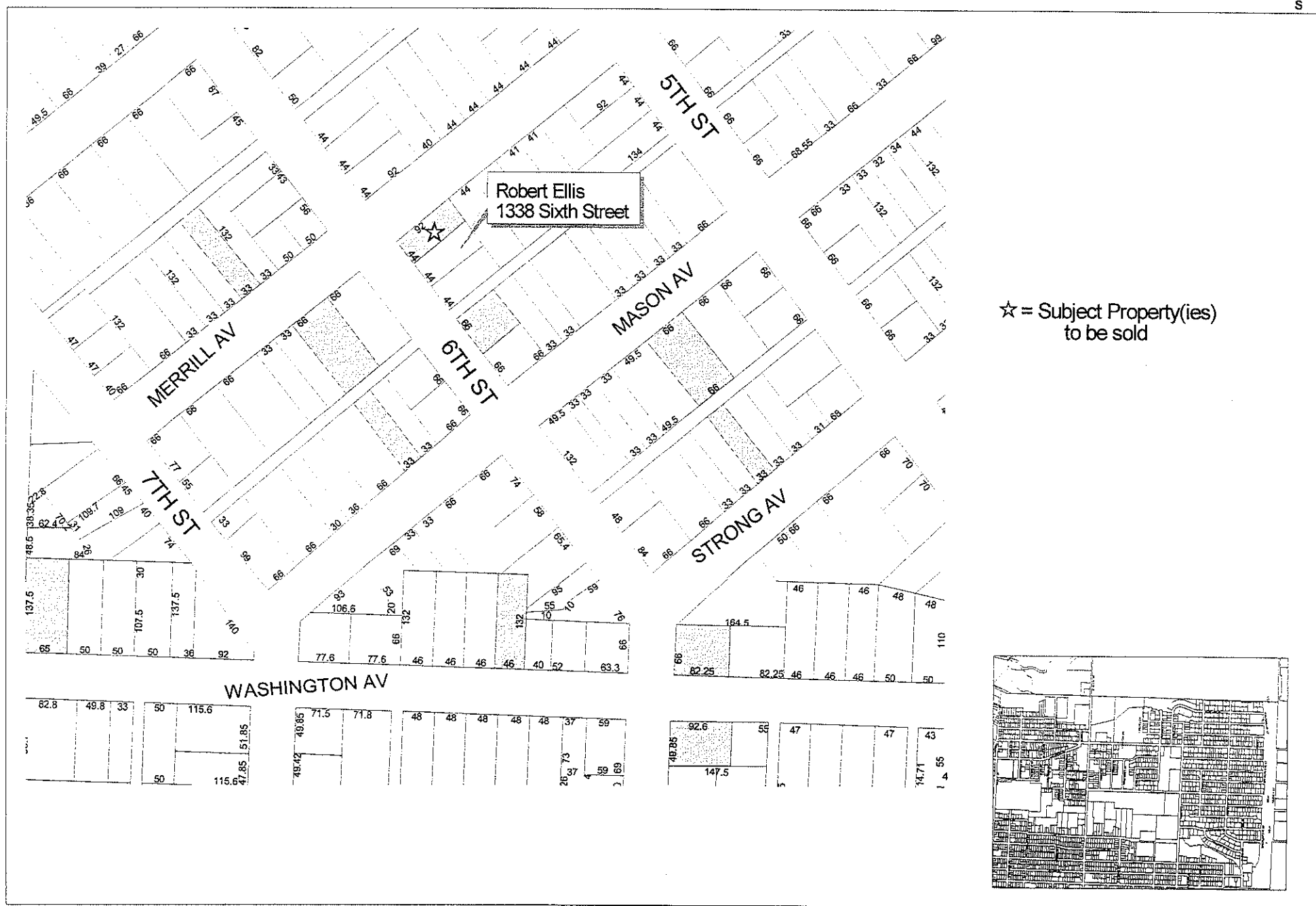
  
Gail A. Kunderinger, MMC  
Clerk

# Vacant Non-buildable City-Owned Lot 1338 Sixth Street



Robert Ellis  
1338 Sixth Street

☆ = Subject Property(ies)  
to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **ROBERT L. ELLIS**, a \_\_\_\_\_ man, of 4102 N. Norway, Grand Rapids, MI 49546,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, WESTERLY 26 FEET OF THE NORTHERLY 44  
FEET OF LOT 5 AND THE NORTHERLY 44 FEET OF LOT 6 BLOCK 388 (COMMON ADDRESS:  
1332 SIXTH STREET)

for the sum of: One (\$1) Dollar

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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 \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

Signed in the presence of:

CITY OF MUSKEGON

\_\_\_\_\_

By \_\_\_\_\_  
Stephen J. Warmington, Its Mayor

\_\_\_\_\_

and \_\_\_\_\_  
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

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

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

\_\_\_\_\_, Notary Public  
Muskegon County, Michigan  
My Comm. Expires: \_\_\_\_\_

**WHEN RECORDED RETURN TO: Grantee**

**SEND SUBSEQUENT TAX BILLS TO: Grantee**

QUIT-CLAIM DEED

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

QUIT CLAIMS to **ROBERT L. ELLIS**, a single man, of 4102 N. Norway, Grand Rapids, MI 49546,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, WESTERLY 26 FEET OF THE NORTHERLY 44 FEET OF LOT 5 AND THE NORTHERLY 44 FEET OF LOT 6 BLOCK 388 (COMMON ADDRESS: 1332 SIXTH STREET)

for the sum of: One (\$1) Dollar

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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 21st day of October, 2003.

Signed in the presence of:

Linda Potter  
Linda Potter

JoAnn Krukowski  
JoAnn Krukowski

CITY OF MUSKEGON

By Stephen J. Warmington  
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 21st day of October, 2003, by STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and 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 Avenue/P.O. Box 786  
Muskegon, MI 49443-0786  
Telephone: 231/722-1621

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

**Commission Meeting Date: October 14, 2003**

**Date:** September 24, 2003  
**To:** Honorable Mayor and City Commissioners  
**From:** Planning & Economic Development *CBC*  
**RE:** Sale of Non-Buildable Lot at 1509 Marquette Avenue

---

**SUMMARY OF REQUEST:**

To approve the sale of a vacant non-buildable lot (Parcel #24-611-000-0460-00) at 1509 Marquette Avenue to Michael McKinley, owner of 1495 and 1517 Marquette Avenue, Muskegon, MI 49442. Approval of this sale will allow the adjacent property owner to build a home incorporating his two other lots, one of which is unbuildable (see attached map). Although the size of this vacant lot is considered buildable, there are extenuating circumstances surrounding it. Since it has several power poles bisecting the lot, it was determined by the Land Reutilization Committee (LRC) to be unbuildable. Since Mr. McKinley is the property owner on both sides of the lot, it will be offered to to him for \$100.

**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:**

The Land Reutilization Committee (LRC) recommended approval at their July 22, 2003 meeting.

## CITY OF MUSKEGON

### **RESOLUTION #2003-80(c)**

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

WHEREAS, the City of Muskegon has received \$100 from Michael McKinley, 231 Donald, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to his property at 1495 nd 1517 Marquette Avenue (parcel #24-611-000-0460-00);

WHEREAS, this lot is not considered buildable due to extenuating circumstances,

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 special recommendation of the Land Reutilization Committee (LRC);

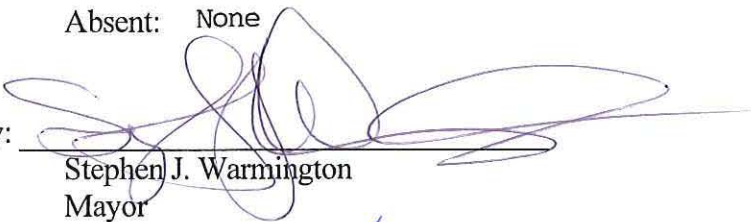
NOW, THEREFORE BE IT RESOLVED, that URBAN RENEWAL PLAT NO 2 LOT 460 be sold to Michael McKinley for \$100.

Resolution adopted this 14<sup>th</sup> day of October, 2003.

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

Nays: None

Absent: None

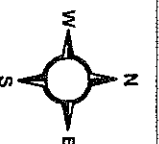
By: 

Stephen J. Warmington  
Mayor

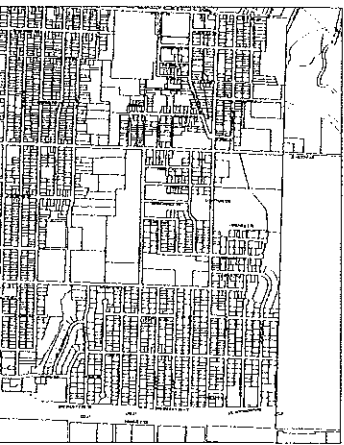
Attest: 

Gail A. Kunding, MMC  
Clerk

# Vacant P.ildable City-Owned Lot 1509 Marquette Avenue



☆ = Subject Property(ies)  
to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **MICHAEL McKINLEY**, a \_\_\_\_\_ man, of 231 Donald, Muskegon, Michigan 49442, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, LOT 460 (COMMON  
ADDRESS: 1509 MARQUETTE, MUSKEGON, MI)

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

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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 \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

Signed in the presence of:

CITY OF MUSKEGON

\_\_\_\_\_

By \_\_\_\_\_  
Stephen J. Warmington, Its Mayor

\_\_\_\_\_

and \_\_\_\_\_  
Gail A. Kunding, MMC, Its Clerk

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

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

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

\_\_\_\_\_, Notary Public  
Muskegon County, Michigan  
My Comm. Expires: \_\_\_\_\_

**WHEN RECORDED RETURN TO: Grantee**

**SEND SUBSEQUENT TAX BILLS TO: Grantee**

QUIT-CLAIM DEED

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

QUIT CLAIMS to **MICHAEL McKINLEY**, a married man, of 231 Donald, Muskegon, Michigan 49442, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, LOT 460 (COMMON ADDRESS: 1509 MARQUETTE, MUSKEGON, MI)

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

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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 21st day of October, 2003.

Signed in the presence of:

Linda Potter  
Linda Potter

Jo Ann Krzkowski  
Jo Ann Krzkowski

CITY OF MUSKEGON

By [Signature]  
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 21st day of October, 2003, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

**WHEN RECORDED RETURN TO: Grantee**

**SEND SUBSEQUENT TAX BILLS TO: Grantee**

**Date: October 14, 2003**  
**To: Honorable Mayor and City Commission**  
**From: Public Works**  
**RE: Cross Connection Control Inspections**

---

**SUMMARY OF REQUEST:** To make a contract with Riverside Inspections, LLC., of Muskegon (Scott Plummer) to perform water system cross connection control inspections and follow-up plumbing inspections. These are needed to comply with State of Michigan regulations governing our water system.

**FINANCIAL IMPACT:** The costs of this program, approximately \$50,000 per year, would be expensed to the Water Fund.

**BUDGET ACTION REQUIRED:** Budgeted item – no action needed.

**STAFF RECOMMENDATION:** Contract with Riverside Inspections to perform this work.

# Memo

**To:** Bob Kuhn, Public Works Director  
**From:** Bob Fountain, Special Operations Supervisor  
**Date:** September 29, 2003  
**Re:** New Contract for Cross Connection/Plumbing Inspector

---

The City of Muskegon has had the responsibility of operating a cross connection control program since 1976 when we passed the ordinance and developed a program. This program was to insure that the municipal water system is protected from backflow or backsiphonage of contaminated water. Chemical processes, boilers, irrigation systems and fire lines are some examples where contaminated water could enter the potable water system. If a hazardous situation cannot be eliminated, then protective devices called backflow preventers are installed to prevent contamination of the water supply. Until recently the enforcement of this program was somewhat voluntary and self-policing. Systematic inspections of property were not conducted by the City. We did not have a complete inventory of protective devices that were installed or a survey of hazards in commercial, institutional, governmental and industrial properties. A few of the largest cities in the state had sufficient licensed staff to conduct inspections and enforcement.

In 2002 the Michigan Department of Environmental Quality which oversees the operation of all potable water systems, conducted a survey of the City's water system to determine reliability of the system and safe operating practices in place. Muskegon was written up as deficient in conducting a cross connection program. The implications of that criticism were very serious and the city staff had to respond. We needed to implement an inspection program. The only person on staff licensed to do such inspections, our Plumbing Inspector, was already fully occupied with inspecting construction work. For this reason we opted to contract out this work.

In September 2002 we employed Scott Plummer of Riverside Inspections, LLC, a Muskegon-based inspection sole proprietorship firm, as a contractor to perform cross connection inspections of buildings and premises in the city. He documents the location of backflow preventers and catalogues locations where drinking water is exposed to contamination but not protected. He makes recommendations, but in this capacity has no enforcement power. He reports to Bob Fountain who sends out enforcement letters and tracks the inspection details and locations of backflow prevents on a computerized database. As a city employee, Bob Fountain represents the water system with only the option to order water service termination in the event of non-compliance.

The results of cross connection inspections have been excellent. So far 181 properties have been inspected. The majority of these require corrective action. Typically the property owner must install protective devices or remove the hazard.

Whenever we issue an order for corrective action, we require the property owner to hire a qualified plumber who must pull a plumbing permit from our Inspections Department. To follow up on such permits, we must employ a plumbing inspector, that is, a qualified code enforcement official. Initially we tried to refer this work to our in-house plumbing inspector, but we learned that he did not have the time

## Cross Connection/Plumbing Inspector

available to do the inspection follow-up. To complete the implementation of an effective cross connection control program, we seek to contract out the plumbing inspection follow up to Scott Plummer. He is a fully qualified plumbing inspector who already works for other municipalities part-time and fills in for Muskegon when our in-house inspector is on vacation. We would expand his contract to encompass this additional role. The City Attorney has already completed the contract changes. We have also made an estimate of the cost of this program which is attached. We believe that this is the most cost effective solution to meet our cross connection inspection program needs and recommend that this contract be approved by the City Commission.

### Cross Connection Inspection Budget 2004

| Service Performed          | Hourly Rate | # of weeks | Hours per week | % of time | Total Cost  |
|----------------------------|-------------|------------|----------------|-----------|-------------|
| Cross Connection Inspector | \$55.00     | 44         | 20             | 70%       | 33,880.00   |
| Plumbing Inspector         | \$85.00     | 44         | 20             | 30%       | 22,440.00   |
| Annual Projected Total     |             |            |                |           | \$56,320.00 |

Note: the 70/30 split of inspection activities is merely an estimate.

**CITY OF MUSKEGON  
INDEPENDENT CONTRACT FOR SERVICES**

This Agreement is effective on September 15, 2003, between City of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, MI 49443 ("City"), and Riverside Inspections, L.L.C., a Michigan limited liability company, of 314 Quarterline, Muskegon, Michigan 49442 ("Riverside"), with reference to the following facts:

**Background**

- A. City has undertaken and will continue a cross-connection control inspection process.
- B. Riverside possesses the qualifications, skills, and experience suitable for undertaking such a program.
- C. City and Riverside entered into a contract dated September 3, 2002 to formalize the terms and conditions according to which City agreed to retain Riverside for the cross-connection control inspection process.
- D. City desires to expand the duties of Riverside to include plumbing inspections.

**Therefore, the parties agree as follows:**

- 1. The parties agree that the contract between City and Riverside dated September 3, 2002 is hereby terminated.
- 2. **Riverside's Qualifications.** Riverside represents and warrants that it is, and, at all times shall be, qualified and professionally competent to provide the professional services required under this Agreement.
- 3. **Term and Termination.**
  - a. This Agreement shall be effective on September 15, 2003, and shall remain in full force and effect until September 14, 2004.
  - b. This Agreement may be terminated by either party with cause upon thirty (30) days' written notice to the other party.
- 4. **Duties and Compensation of Riverside.** Riverside shall perform the activities set forth on attached Exhibit A and B.
  - 4.1 **Cross-Connection.** City shall retain Riverside to perform those activities listed on Exhibit A. City guarantees to pay Riverside for at least 1,040 hours per 12 month period. City will pay Riverside an hourly fee of \$55 based upon invoices, which shall be paid monthly.
  - 4.2 **Plumbing Inspection.** City shall retain Riverside to perform those activities listed on Exhibit B. City will pay Riverside an hourly fee of \$85 based upon invoices, which shall be paid monthly.

4.3 Riverside shall perform Services from his home or office. At all times under this Agreement, Riverside shall maintain regular contact with staff employed by City, particularly with Robert Fountain of the City, who shall be responsible to monitor the planning and performance provided by Riverside.

5. **No Other Benefits.** Riverside shall not be entitled to receive any benefits other than those set forth in this Agreement.

6. **Expenses.** Riverside shall be responsible to pay for all expenses incurred by Riverside related to the performance of his duties under this Agreement.

7. **Insurance and Indemnity.**

a. **Hold Harmless Agreements.** To the fullest extent permitted by law, City and Riverside agree 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 all 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 any way connected or associated with this contract. The obligation to defend and hold harmless extends to City's employees, agents, subcontractors, assigns and successors.

b. **City Insurance Requirement.** City and Riverside shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to City.

c. **Workers' Compensation Insurance.** The City and Riverside shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.

d. **Commercial General Liability Insurance.** The City and Riverside 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 \$1,000,000 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 Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all explosion, Collapse and Underground (SCU) exclusions, if applicable.

e. **Additional Insured.** Commercial General Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds": The City, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. The endorsement adding the City as additional insured shall read exactly as follows: "The City of Muskegon is hereby added as an additional insured..."

f. **Cancellation Notice.** Workers' Compensation Insurance and Commercial General 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 DEPARTMENT OF PUBLIC WORKS."

g. **Proof of Insurance Coverage.** The City and Riverside shall provide the City at the time the contracts are returned by him for execution, certificates and policies endorsing the City as additional insured as listed below:

i. Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance, if applicable;

ii. Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

iii. If so requested, Certified Copies of all policies mentioned above will be furnished.

h. If any of the above coverages expire during the term of this contract, the City and Riverside shall deliver renewal certificates and/or policies to City at least ten (10) days prior to the expiration date.

8. **General Provisions.**

a. **Notices.** Any notice that either party may give or is required to give under this Agreement shall be in writing, and, if mailed, shall be effective on the day it is delivered to the other party at the other party's address set forth in this Agreement or at any other address that the other party provides in writing. Notices given in person are effective on the day they are given.

b. **Governing Law.** This Agreement is executed in accordance with, shall be governed by, and construed and interpreted in accordance with, the laws of the State of Michigan.

c. **Assignment or Delegation.** Neither party shall assign all or any portion of its rights and obligations contained in this Agreement without the express prior written approval of the other party, which approval may be withheld in the other party's sole discretion.

d. **Entire Agreement.** This Agreement shall constitute the entire agreement, and shall supersede any other agreements, written or oral, that may have been made or entered into, by, and between the parties with respect to the subject matter of this Agreement, and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought.

e. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of, and be enforceable by, the parties and their respective legal representatives, permitted successors, and assigns.

f. **Non-Waiver.** No waiver by any party of any provision of this Agreement shall constitute a waiver by such party of such provision on any other occasion or a waiver by such party of any other provision of this Agreement.

g. **Severability.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful, or unenforceable in any respect, the validity, legality, and

enforceability of the remaining provisions of this Agreement shall not in any way be impaired or affected.

h. **Venue.** The parties agree that, for purposes of any dispute in connection with this Agreement, the Muskegon County Circuit Court shall have exclusive personal and subject matter jurisdiction and venue.

i. **Survival.** All representations, warranties, and covenants in this Agreement shall survive the signing of this Agreement.

City and Riverside have executed this Agreement on the date written below their signatures to be effective according to the term(s) stated in this document.

City –

CITY OF MUSKEGON

By: \_\_\_\_\_

Stephen J. Warmington  
Mayor

And: \_\_\_\_\_

Gail A. Kunding, MMC  
City Clerk

Riverside –

Riverside Inspections, L.L.C.–

\_\_\_\_\_  
Leonard Plummer  
Its Member

Exhibit A  
Cross Connection Control Inspection Services

The City of Muskegon Department of Public Works, the "City", is contracting with Riverside Inspections, L.L.C., the "Contractor", to provide water system cross connection control inspection services. These services are to include:

1. Visual inspection of cross connection control devices as installed in all buildings served by the municipal water system as assigned. Such inspection will include the following:
  - a. Verification of make, model, size and serial number.
  - b. Verification that installation conforms to proper plumbing procedures and that the location of devices is accessible for testing and service.
  - c. Inspection of the premises to determine if hazards exist that require the installation of additional protective devices.
  - d. Verification that the device has been tested within 365 days.
2. Inspection of any building served by the municipal water system as assigned to determine if backflow or backsiphonage hazards exist. This inspection will determine the need for backflow prevention devices, the type to be installed, and the location in the building plumbing where such hazards exist.
3. The City will notify any properties to be inspected by written advance notice that a cross connection inspection is to be performed by the Contractor.
4. The Contractor will document all inspections on proper inspection forms as required by the City.
5. The Contractor will fill out a time sheet as specified by the City to document the dates, locations, and hours of work.
6. The Contract will honor requests for service as submitted by the City with the right to delay a request if scheduling does not permit. However, the Contractor will make every effort to comply with requests in a timely manner.
7. The Contractor is to provide own transportation, tools, appropriate journeyman plumber contractor's license and certification for backflow preventer testing.

Exhibit B  
Plumbing Inspections Services in Support of  
Cross Connection Control Inspection Services

The City of Muskegon Department of Public Works, the "City", is contracting with Riverside Inspections, L.L.C., the "Contractor", to provide plumbing inspections services to support the water system cross connection control inspection services.

1. Inspection of plumbing systems and backflow preventer installations as specified in plumbing permits obtained from the City's Inspection Services Office. The scope of this work will be limited to the performance of a cross connection control inspection program.
2. Such plumbing inspections will be conducted to enforce the State of Michigan Code and Cross Connection Control Rules as adopted by city ordinance.
3. The Contractor will document all inspections on proper inspection forms as required by the City.
4. The City will be responsible for management of computerized records.
5. The Contractor will fill out a time sheet as specified by the City to document the dates, locations, and hours of work.
6. The Contractor will honor requests for service as submitted by the City with the right to delay a request if scheduling does not permit. However, the Contractor will make every effort to comply with requests in a timely manner.
7. The Contractor is to provide own transportation, tools and appropriate plumbing inspector's license. The Contractor must surrender his plumbing contractor's license per state law. He must be licensed at a minimum as a journeyman plumber with two years experience.

September 2003

**ACORD CERTIFICATE OF LIABILITY INSURANCE**OP ID CB  
RIVER-1DATE (MM/DD/YYYY)  
08/26/03

## PRODUCER

Muskegon Insurance Agency, Inc  
89 West Apple Avenue  
Muskegon MI 49443  
Phone: 231-722-7281 Fax: 231-726-6071

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION  
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE  
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR  
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## INSURERS AFFORDING COVERAGE

NAIC #

## INSURED

Riverside Inspections LLC  
Scott Plummer  
314 N. Quarterline  
Muskegon MI 49442

INSURER A: Frankenmuth Mutual Ins Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING  
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR  
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH  
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR ADD'L<br>LTR INSRD | TYPE OF INSURANCE                                                                                         | POLICY NUMBER | POLICY EFFECTIVE<br>DATE (MM/DD/YY) | POLICY EXPIRATION<br>DATE (MM/DD/YY) | LIMITS                                    |            |  |
|-------------------------|-----------------------------------------------------------------------------------------------------------|---------------|-------------------------------------|--------------------------------------|-------------------------------------------|------------|--|
| A                       | GENERAL LIABILITY                                                                                         | CPP3001320    | 02/15/03                            | 02/15/04                             | EACH OCCURRENCE                           | \$ 1000000 |  |
|                         | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                                          |               |                                     |                                      | DAMAGE TO RENTED PREMISES (Ea occurrence) | \$ 100000  |  |
|                         | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR                            |               |                                     |                                      | MED EXP (Any one person)                  | \$ 5000    |  |
|                         |                                                                                                           |               |                                     |                                      | PERSONAL & ADV INJURY                     | \$ 1000000 |  |
|                         |                                                                                                           |               |                                     |                                      | GENERAL AGGREGATE                         | \$ 2000000 |  |
|                         |                                                                                                           |               |                                     |                                      | PRODUCTS - COMP/OP AGG                    | \$ 2000000 |  |
|                         | GEN'L AGGREGATE LIMIT APPLIES PER:                                                                        |               |                                     |                                      |                                           |            |  |
|                         | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |               |                                     |                                      |                                           |            |  |
|                         | AUTOMOBILE LIABILITY                                                                                      |               |                                     |                                      | COMBINED SINGLE LIMIT (Ea accident)       | \$         |  |
|                         | <input type="checkbox"/> ANY AUTO                                                                         |               |                                     |                                      | BODILY INJURY (Per person)                | \$         |  |
|                         | <input type="checkbox"/> ALL OWNED AUTOS                                                                  |               |                                     |                                      | BODILY INJURY (Per accident)              | \$         |  |
|                         | <input type="checkbox"/> SCHEDULED AUTOS                                                                  |               |                                     |                                      | PROPERTY DAMAGE (Per accident)            | \$         |  |
|                         | <input type="checkbox"/> HIRED AUTOS                                                                      |               |                                     |                                      |                                           |            |  |
|                         | <input type="checkbox"/> NON-OWNED AUTOS                                                                  |               |                                     |                                      |                                           |            |  |
|                         | GARAGE LIABILITY                                                                                          |               |                                     |                                      | AUTO ONLY - EA ACCIDENT                   | \$         |  |
|                         | <input type="checkbox"/> ANY AUTO                                                                         |               |                                     |                                      | OTHER THAN AUTO ONLY: EA ACC              | \$         |  |
|                         |                                                                                                           |               |                                     |                                      | AGG                                       | \$         |  |
|                         | EXCESS/UMBRELLA LIABILITY                                                                                 |               |                                     |                                      | EACH OCCURRENCE                           | \$         |  |
|                         | <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE                                       |               |                                     |                                      | AGGREGATE                                 | \$         |  |
|                         |                                                                                                           |               |                                     |                                      |                                           | \$         |  |
|                         | DEDUCTIBLE                                                                                                |               |                                     |                                      |                                           | \$         |  |
|                         | RETENTION \$                                                                                              |               |                                     |                                      |                                           | \$         |  |
|                         | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                             |               |                                     |                                      | WC STATU-TORY LIMITS                      | OTH-ER     |  |
|                         | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?                                                 |               |                                     |                                      | E.L. EACH ACCIDENT                        | \$         |  |
|                         | If yes, describe under SPECIAL PROVISIONS below                                                           |               |                                     |                                      | E.L. DISEASE - EA EMPLOYEE                | \$         |  |
|                         | OTHER                                                                                                     |               |                                     |                                      | E.L. DISEASE - POLICY LIMIT               | \$         |  |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Additional Insured: City of Muskegon, 993 Terrace, Muskegon, Mi. 49440

## CERTIFICATE HOLDER

CITYOF2

City of Muskegon  
City Clerks Office  
993 Terrace  
Muskegon MI 49440

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION  
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN  
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL  
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR  
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Mark E. Schiefer

**Commission Meeting Date:   October 14, 2003**

**Date:       October 7, 2003**

**To:         Honorable Mayor & City Commission**

**From:       Community and Neighborhood Services  
              Department**

**RE:         Reprogramming of HOME funds**

---

SUMMARY OF REQUEST: Community and Neighborhood Services request to reprogram funding that was originally awarded to the Nelson Neighborhood in 1998, 1999, and 2000. The total amount of funding is \$120,000. The funding will be reprogrammed to assist Neighborhood Investment Corporation with \$80,000 for Infill Construction, Bethany Housing with \$18,000 for housing rehabilitation and CNS \$22,000 for Turnkey 3 demolition and administration.

FINANCIAL IMPACT: Funding will be disbursed from the City's HOME funds reprogrammed to 2003-2004

BUDGET ACTION REQUIRED: None at this time

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: None

**Commission Meeting Date:   October 14, 2003**

**Date:       October 7, 2003**

**To:         Honorable Mayor & City Commission**

**From:       Community and Neighborhood Services  
              Department**

**RE:         Selection of Additional Siding Contractor**

---

SUMMARY OF REQUEST: Community and Neighborhood Services department request to add Gawlick Construction of 2084 Mary St., Fruitport Township, MI as one of the City's contractors for vinyl siding installers.

Gawlick Construction will be installing vinyl siding on CDBG approved applicants homes for the price of \$65.00 (sixty-five dollars) per building square. If the Commission's approves to add Gawlick Construction, the total number of contractors working on the City's vinyl siding program will be four during the 2003-2004 fiscal year

FINANCIAL IMPACT: Funding will be disbursed from the 2003-2004 CDBG siding program

BUDGET ACTION REQUIRED: None at this time

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: Both the Commission and the CDC approved the CDBG budget.

**Date:** 9/24/03  
**To:** Honorable Mayor and City Commission  
**From:** Brett Kraley, Equipment Supervisor DPW  
**RE:** Plow Blades

---

SUMMARY OF REQUEST: Approval to purchase 350 plow blades.

FINANCIAL IMPACT: Cost \$11,259.50

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of 350 plow blades from Truck & Trailer Specialties.

# Memorandum

**To:** Honorable Mayor and City Commissioners  
**From:** Brett Kraley  
**Date:** 09/29/03  
**Re:** Plow Blades

---

The Equipment Division is preparing for the winter plowing operations. Every year we request bids from area suppliers for under body plow blades. The blades we use are flame hardened, which extends the life of the blades and reduces the number of blade changes per year.

I have requested prices from area suppliers as well as a shared purchasing program with the Muskegon County Road Commission. Unfortunately, the road commission is not bidding flame hardened blades this year. Therefore, the lowest responsible bidder for this purchase is Truck & Trailer Specialties. (See attachment)

In accordance with established purchasing policy, I am requesting permission to purchase 350 plow blades from Truck & Trailer Specialties.

[illegible]

**Date:** 9/09/03  
**To:** Honorable Mayor and City Commission  
**From:** Brett Kraley, Equipment Supervisor DPW  
**RE:** Excavator Purchase

---

SUMMARY OF REQUEST: Approval to purchase one Hyundai R160LC-3 Excavator.

FINANCIAL IMPACT: Total Cost \$78,500.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of one Hyundai R160LC-3 Excavator from Wolverine Tractor.

# Memorandum

**To:** Honorable Mayor and City Commissioners  
**From:** Brett Kraley  
**Date:** 09/29/03  
**Re:** Excavator

---

The Equipment Division has been exploring the purchase of an excavator for the last several years, but due to the high cost of this piece of equipment, we have been very apprehensive about this purchase.

A number of factors have changed recently that has made this purchase more viable for the city. The water and sewer departments have proven that it is more cost effective to do some large projects in house. We are also finding this true for several of our storm sewer projects as well. These jobs require us to rent an excavator. Over the last three years we are averaging around \$17,000 per year to rent for these machines and with more in-house work planned this number is sure to rise.

Over time, we have had an opportunity to operate all the major manufacturers equipment in the 36,000-pound class and find them all to be sufficient for the job we need them to do. That said, purchase price is the deciding factor for this purchase. The lowest responsible bidder for this purchase is Wolverine Tractor. (See attachment)

In accordance with established purchasing policy, I am requesting permission to purchase one Hyundai R160LC-3 from Wolverine Tractor.

## Excavator

|                              | <u>Bid</u>    | <u>Model</u>           |
|------------------------------|---------------|------------------------|
| <b>Contractors Machinery</b> | \$ 103,800.00 | Volvo EC 150LC         |
| 13200 North End Ave          |               |                        |
| Oak Park, Mi 48237           |               |                        |
| <b>United Rentals</b>        | \$ 102,199.00 | Kobelco SK160LC        |
| 2122 Turner                  |               |                        |
| Grand Rapids MI 49544        |               |                        |
| <b>Michigan Caterpillar</b>  | \$ 98,500.00  | Caterpillar 315C       |
| 7700 Caterpillar Ct.         |               |                        |
| Grand Rapids MI 49548        |               |                        |
| <b>Wolverine Tractor</b>     | \$ 78,500.00  | Hyundai Robex R160LC-3 |
| 2450 28th Street SW          |               |                        |
| Grand Rapids Mi. 49509       |               |                        |
| <b>ALS Equipment</b>         | \$ 103,500.00 | Komatsu PC 160 LC-7    |
| 600 ALS Drive                |               |                        |
| Grand Rapids Mi. 49548       |               |                        |

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: OCTOBER 14, 2003

RE: Public Hearing  
Spreading of the Special Assessment Roll  
Alpha St., Commerce to Jefferson

---

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Alpha St., Commerce to Jefferson**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$21,281.52 would be spread against the eight-(8) 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. 2003-82(a)**

**Resolution Confirming Special Assessment Roll**

**For Alpha Ave., Commerce to Jefferson**

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 **May 13, 2003**, 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 Alpha Ave., Commerce to Jefferson

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: Gawron, Larson, Shepherd, Spataro, Warmington, Schweifler,  
Carter

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 14, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 14, 2003**.

City of Muskegon

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

EXHIBIT A

**ALPHA AVE. COMMERCE TO JEFFERSON**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Alpha Ave. from Commerce to Jefferson**

FAIRVIEW ST

**B-4**

6TH ST

**R**

W DALE AV

**B-2**

COMMERCE ST

5TH ST

5TH ST

**ALPHA AV**

W HOLBROOK AV

JEFFERSON

SANFORD

PECK ST

Special Assessment District

**B-4**

LARCH CT

**OSR**

LINTON ST

ROCH ST

**MC**

LEADY ST

Alpha Ave., Commerce to Jefferson

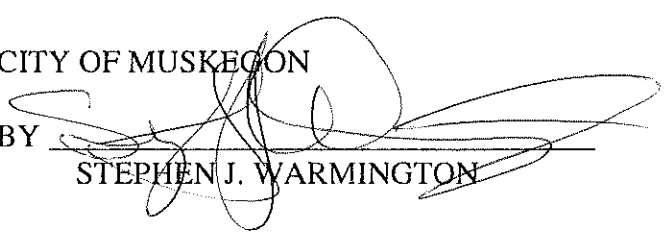
**MAYOR'S ENDORSEMENT AND WARRANT**

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

A large, stylized handwritten signature in black ink is written over the printed name and extends upwards into the space between the city name and the word 'BY'.

October 3rd, 2003

OWNERS NAME  
OWNERS ADDRESS  
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

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

### **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:

ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

#### **Public Hearings**

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 14, 2003 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 14, 2003 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). 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 \$71,000.00 of which \$21,281.50 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2209.88 based on 62.25 feet assessable front footage at \$35.5 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2209.88 Following are the terms of the special assessment:

***Assessment Period: Ten (10) Years***

***Interest Rate: 5% per year***

***First Installment: \$220.99 PER YEAR***

***Due Date: December 15th, 2003***

NO

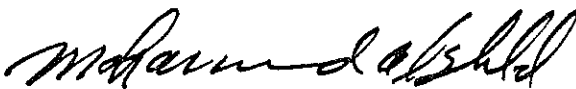
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If 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  
STREET H-1570  
ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.  
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

**HOUSEHOLD INFORMATION**

Name: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Spouse: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Race: \_\_\_\_\_  
Parcel # \_\_\_\_\_ Owner/Spouse Legally Handicapped Or Disabled? ( ) Yes ( ) No  
(Please refer to your assessment letter for this information)  
Number Living in Household: \_\_\_\_\_ List information for household members besides owner/spouse here.  
Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**INCOME INFORMATION**

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

**PROPERTY INFORMATION**

**Proof Of Ownership:** ( ) Deed ( ) Mortgage ( ) Land Contract  
**Homeowner's Insurance Co:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_  
**Property Taxes:** ( ) Current ( ) Delinquent Year(s) Due  
(Property taxes must be current to qualify and will be verified by CDBG staff)

**OWNER'S SIGNATURE**

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

**FOR OFFICE USE ONLY**

APPROVED ( ) DENIED ( ) DATE \_\_\_\_\_ CENSUS TRACT NO. \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_  
COMMENTS/REMARKS \_\_\_\_\_

**\*\*ATTENTION APPLICANT\*\***

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

**CITY OF MUSKEGON**  
**ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.**  
**STREET H-1570**  
**REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

**Dear Resident:**

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

**Application Requirements:**

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2002, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

**2002**

| 65% MEDIAN HOUSEHOLD INCOME CHART |              |
|-----------------------------------|--------------|
| FAMILY SIZE                       | INCOME LIMIT |
| 1                                 | \$27,885     |
| 2                                 | 31,850       |
| 3                                 | 35,880       |
| 4                                 | 39,845       |
| 5                                 | 43,030       |
| 6                                 | 46,326       |
| 7                                 | 49,400       |
| 8                                 | 52,585       |
| For each extra, add               | 3,185        |

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

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

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

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

*The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.*

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

**SPECIAL ASSESSMENT DISTRICTS:**

**ALPHA ST., COMMERCE ST. TO JEFFERSON ST.  
CLIFFORD ST. , LAKESHORE DR. TO MINER  
DAVIS ST., LAKETON AVE. TO SOUTHERN AVE.  
MANN ST., LAKESHORE DRIVE TO HARRISON AVE.  
AND  
MOON ST., LAKESHORE DRIVE TO HARRISON AVE.**

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

- All parcels abutting Alpha St. from Commerce St. to Jefferson St.
- **All parcels abutting Clifford St. from Lakeshore Drive to Miner Avenue**
- All parcels abutting Davis St. from Laketon Avenue to Southern Avenue
- All parcels abutting Mann St. from Lakeshore Drive to Harrison Avenue
- All parcels abutting Moon St. from Lakeshore Drive to Harrison Avenue

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **October 14,, 2003 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

Publish: **OCTOBER 4, 2003**

**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

**RECEIVED**  
**CITY OF MUSKEGON**

MAY 19 2003

CITY OF MUSKEGON

Resolution No. 2003-41 (e)

**ENGINEERING DEPT.**

Resolution At First Hearing Creating Special Assessment District

For **Alpha Ave., Commerce to Jefferson**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **May 13, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **May 13, 2003**, there were 24.95% 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

Commissioner~~s~~ Spataro and Vice Mayor Buie  
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 **27.03%** 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 Warmington, Buie, Gawron, Larson, Schweifler, Shepherd,  
Spataro

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 **May 13, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding  
Gail A. Kunding, Clerk

EXHIBIT A

**ALPHA AVE. COMMERCE TO JEFFERSON**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Alpha Ave. from Commerce to Jefferson**

FAIRVIEW ST

**B-4**

6TH ST

**R**

W DALE AV

**B-2**

COMMERCE ST

5TH ST

5TH ST

**ALPHA AV**

W HOLBROOK AV

JEFFERSON ST

SANFORD ST

PECK ST

Special Assessment District

**B-4**

LARCH CT

**OSR**

LINTON ST

ROCH ST

**MC**

LEAHY ST

## ALPHA AVE., COMMERCE ST. TO JEFFERSON ST.

## SPECIAL ASSESSMENT ROLL

| PARCEL             | @      | OWNER       | MAILING ADDRESS                                           | PAVING             | DR APP<br>/ SW    | TOTAL                     |
|--------------------|--------|-------------|-----------------------------------------------------------|--------------------|-------------------|---------------------------|
| 24-232-012-0008-00 | 1856.0 | COMMERCE S  | BLAIS KAREN L TRU 19049 ELIZABETH CT SPRING LAKE MI 49456 | \$2,209.88         | \$0.00            | <b>\$2,209.88</b>         |
| 24-232-012-0007-00 | 1855.0 | 5TH ST      | WEDLAW LATECHA A 1855 5TH ST MUSKEGON MI 49441            | \$2,209.88         | \$0.00            | <b>\$2,209.88</b>         |
| 24-232-007-0008-00 | 1854.0 | 5TH ST      | TISCH GERALD A/JO 1854 5TH ST MUSKEGON MI 49441-2         | \$2,218.75         | 1,600.00          | <b>\$3,818.75</b>         |
| 24-232-007-0007-00 | 1853.0 | JEFFERSON S | MCLAURIN CAROL R 1853 JEFFERSON ST MUSKEGON MI 49441      | \$2,218.75         | \$0.00            | <b>\$2,218.75</b>         |
| 24-232-011-0014-00 | 1872.0 | COMMERCE S  | TYLER JAMES 1872 COMMERCE ST MUSKEGON MI 49441            | \$2,209.88         | \$879.00          | <b>\$3,088.88</b>         |
| 24-232-011-0001-00 | 177.0  | ALPHA AVE   | HINES WILTON/AUD 177 ALPHA AVE MUSKEGON MI 49441          | \$2,209.88         | 1,088.00          | <b>\$3,297.88</b>         |
| 24-232-008-0014-00 | 1872.0 | 5TH ST      | HUSMANN TODD 1872 5TH ST MUSKEGON MI 49441                | \$2,218.75         | \$0.00            | <b>\$2,218.75</b>         |
| 24-232-008-0001-00 | 1871.0 | JEFFERSON S | RUSH QUEENIE D 1871 JEFFERSON ST MUSKEGON MI 49441        | \$2,218.75         | \$0.00            | <b>\$2,218.75</b>         |
| <b>TOTALS</b>      |        |             |                                                           | <b>\$17,714.52</b> | <b>\$3,567.00</b> | <b><u>\$21,281.52</u></b> |

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

## BOARD OF ASSESSORS

 10/16/03  
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 10-20-03  
 LARRY SPATARO CITY COMMISSIONER DATE

 10/20/03  
 KAREN BUIE CITY COMMISSIONER DATE

**AFFIDAVIT OF MAILING**

STATE OF MICHIGAN     )  
                                      ) SS  
COUNTY OF MUSKEGON )

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :**

**H-1570 Alpha, Commerce St. to Jefferson St.**

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 3rd OF OCTOBER, 2003

Gail A. Kunderger  
GAIL A. KUNDERGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
3 DAY OF October, 2003.

Jo Ann Kruskowski  
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN  
MY COMMISSION EXPIRES 5-13-05

RECEIVED  
CITY OF MUSKEGON

OCT 03 2003

ENGINEERING DEPT.

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: OCTOBER 14, 2003

RE: Public Hearing  
Spreading of the Special Assessment Roll  
**Clifford St., Lakeshore Dr. to Miner**

---

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Clifford St., Lakeshore Dr. to Miner**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$24,607.46 would be spread against the twelve-(12) 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. 8003-82(b)**

**Resolution Confirming Special Assessment Roll**

**For Clifford St., Lakeshore Dr. to Miner**

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 25, 2003**, 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 Clifford St., Lakeshore Dr. to Miner

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: Larson, Shepherd, Spataro, Warmington, Schweifler, Carter,  
Gawron

Nays: None

City of Muskegon

By

Gail A. Kunding

Gail A. Kunding, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 14, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 14, 2003**.

City of Muskegon

By

Gail A. Kunding

Gail A. Kunding, City Clerk

EXHIBIT A

**Clifford St., Lakeshore Dr. to Miner**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Clifford St., Lakeshore  
Dr. to Miner**

I-2

SPECIAL ASSESSMENT DISTRICT

B-4

B-4

B-4

B-4

SHERIN ST

LA RUE ST

CHESFORD ST

HARRISON AV

MINER AV

MEURER CT

MORTON AV

HARDING AV

LEON ST

MAIN ST

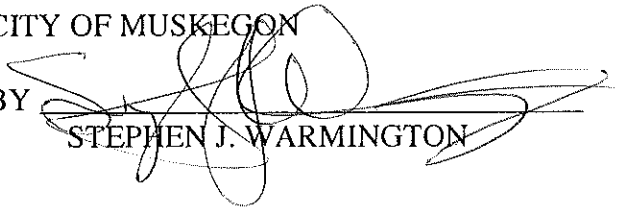
**Clifford St., Lakeshore Dr. to Miner**

**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

October 3rd, 2003

OWNERS NAME  
OWNERS ADDRESS  
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

4

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

### **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:

CLIFFORD ST., LAKESHORE DR. TO MINER

#### **Public Hearings**

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 14, 2003 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 14, 2003 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). 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 \$114,000.00 of which \$24,607.46 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1893.6 based on 60 feet assessable front footage at \$31.56 per assessable foot for the street improvements. In addition, you will be assessed \$403.26 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2296.86 Following are the terms of the special assessment:

**Assessment Period: Ten (10) Years**

**Interest Rate: 5% per year**

**First Installment: \$229.69 PER YEAR**

**Due Date: December 15th, 2003**

CDBG Approved You Owe \$0.00

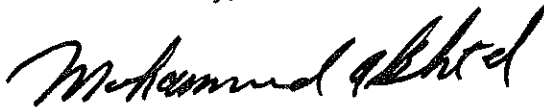
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If 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".

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  
STREET H-1558  
CLIFFORD, LAKESHORE DR. TO MINER  
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

**HOUSEHOLD INFORMATION**

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

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

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

**INCOME INFORMATION**

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

**PROPERTY INFORMATION**

**Proof Of Ownership:** ( ) Deed ( ) Mortgage ( ) Land Contract  
**Homeowner's Insurance Co:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_  
**Property Taxes:** ( ) Current ( ) Delinquent Year(s) Due \_\_\_\_\_  
 (Property taxes must be current to qualify and will be verified by CDBG staff)

**OWNER'S SIGNATURE**

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

**FOR OFFICE USE ONLY**

APPROVED ( ) DENIED ( ) DATE \_\_\_\_\_ CENSUS TRACT NO. \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_  
 COMMENTS/REMARKS \_\_\_\_\_

**\*\*ATTENTION APPLICANT\*\***

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

**CITY OF MUSKEGON  
CLIFFORD, LAKESHORE DR. TO MINER  
STREET H-1558  
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

**Dear Resident:**

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

**Application Requirements:**

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2002, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

**2002**

| 65% MEDIAN HOUSEHOLD INCOME CHART |              |
|-----------------------------------|--------------|
| FAMILY SIZE                       | INCOME LIMIT |
| 1                                 | \$27,885     |
| 2                                 | 31,850       |
| 3                                 | 35,880       |
| 4                                 | 39,845       |
| 5                                 | 43,030       |
| 6                                 | 46,326       |
| 7                                 | 49,400       |
| 8                                 | 52,585       |
| For each extra, add               | 3,185        |

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

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

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

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

*The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.*

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

**SPECIAL ASSESSMENT DISTRICTS:**

**ALPHA ST., COMMERCE ST. TO JEFFERSON ST.  
CLIFFORD ST. , LAKESHORE DR. TO MINER  
DAVIS ST., LAKETON AVE. TO SOUTHERN AVE.  
MANN ST., LAKESHORE DRIVE TO HARRISON AVE.**

**AND**

**MOON ST., LAKESHORE DRIVE TO HARRISON AVE.**

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

- All parcels abutting Alpha St. from Commerce St. to Jefferson St.
- **All parcels abutting Clifford St. from Lakeshore Drive to Miner Avenue**
- All parcels abutting Davis St. from Laketon Avenue to Southern Avenue
- All parcels abutting Mann St. from Lakeshore Drive to Harrison Avenue
- All parcels abutting Moon St. from Lakeshore Drive to Harrison Avenue

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **October 14,, 2003 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.

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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

Publish: **OCTOBER 4, 2003**

**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. 2003-28 ( f )

Resolution At First Hearing Creating Special Assessment District  
For **Clifford St., from Lakeshore Dr. to Miner**

Location and Description of Properties to be Assessed

See Exhibit A attached to this resolution

RECEIVED

CITY OF MUSKEGON

MAR 28 2003

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were 22.43% 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.

ENGINEERING DEPT.

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 Schweifler and Mayor Warmington 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 27.87% 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 Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

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 25, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding  
Gail A. Kunding, Clerk

EXHIBIT A

**Clifford St., Lakeshore Dr. to Miner**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Clifford St., Lakeshore  
Dr. to Miner**

I-2

SPECIAL ASSESSMENT DISTRICT

1

B-4

SHERIN ST

LA RUE ST

CLIFFORD ST

B-4

MORTON AV

HARDING AV

MAIN ST

MINER AV

HARRISON AV

MEURER CT

LEON ST

B-

B-4

## CLIFFORD ST., LAKESHORE DR. TO MINER

## SPECIAL ASSESSMENT ROLL

| PARCEL               | @      | OWNER       | MAILING ADDRESS   |                   |          |            | PAVING     | DR APP<br>/ SW | TOTAL             |
|----------------------|--------|-------------|-------------------|-------------------|----------|------------|------------|----------------|-------------------|
| 24-205-693-0001-16   | 2485.0 | LAKESHORE D | BLAKE THOMAS E/S  | 3223 PARK PLACE   | MUSKEGON | MI 49441   | \$1,578.00 | \$0.00         | <b>\$1,578.00</b> |
| 24-205-693-0001-19   | 2181.0 | CLIFFORD ST | MITCHELL FRANKIE  | 2181 CLIFFORD ST  | MUSKEGON | MI 49441   | \$1,420.20 | \$0.00         | <b>\$1,420.20</b> |
| 24-205-693-0001-20   | 2187.0 | CLIFFORD ST | MOREY JAMES A     | P O BOX 73        | MEARS    | MI 49436-0 | \$1,420.20 | \$0.00         | <b>\$1,420.20</b> |
| ✱ 24-205-693-0001-21 | 2193.0 | CLIFFORD ST | RICHARDS ROBERT   | 2193 CLIFFORD ST  | MUSKEGON | MI 49441   | \$1,893.60 | \$403.26       | <b>\$2,296.86</b> |
| 24-205-693-0001-22   | 2203.0 | CLIFFORD ST | SCHNEIDER RANDAL  | 2990 COUNTRY CLUB | MUSKEGON | MI 49441   | \$946.80   | \$550.11       | <b>\$1,496.91</b> |
| 24-205-693-0001-41   | 2207.0 | CLIFFORD ST | TOSCANO DARCEY J  | 2207 CLIFFORD ST  | MUSKEGON | MI 49441   | \$946.80   | \$220.11       | <b>\$1,166.91</b> |
| 24-205-693-0001-42   | 2211.0 | CLIFFORD ST | HILLARD RODNEY/C  | 2211 CLIFFORD ST  | MUSKEGON | MI 49441   | \$946.80   | \$256.74       | <b>\$1,203.54</b> |
| ✱ 24-205-693-0001-43 | 2217.0 | CLIFFORD ST | GILBERT VIRGINA   | 2217 CLIFFORD ST  | MUSKEGON | MI 49441   | \$946.80   | \$201.63       | <b>\$1,148.43</b> |
| ✱ 24-205-693-0001-44 | 2223.0 | CLIFFORD ST | TROMBLEY JAMES    | 2223 CLIFFORD ST  | MUSKEGON | MI 49441   | \$1,893.60 | \$274.89       | <b>\$2,168.49</b> |
| 24-205-693-0001-45   | 2241.0 | CLIFFORD ST | TILFORD STEPHANIE | 2241 CLIFFORD ST  | MUSKEGON | MI 49441   | \$1,649.01 | \$403.26       | <b>\$2,052.27</b> |
| 24-205-678-0001-00   | 2471.0 | LAKESHORE D | DOUGLAS STEVEN M  | 2471 LAKESHORE DR | MUSKEGON | MI 49441   | \$5,002.26 | \$0.00         | <b>\$5,002.26</b> |
| 24-205-693-0001-46   | 2226.0 | CLIFFORD ST | DION EDWARD J     | 2226 CLIFFORD ST  | MUSKEGON | MI 49441   | \$3,653.39 | \$0.00         | <b>\$3,653.39</b> |

H 1558

HEARING DATE OCTOBER 14, 2003

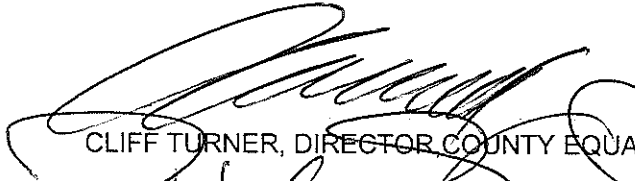
CLIFFORD ST., LAKESHORE DR. TO MINER

## SPECIAL ASSESSMENT ROLL

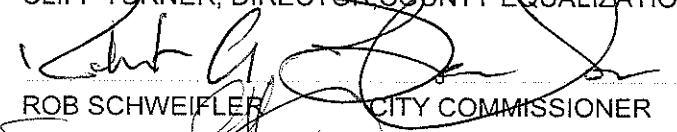
| PARCEL | @ | OWNER | MAILING ADDRESS | PAVING      | DR APP<br>/ SW | TOTAL              |
|--------|---|-------|-----------------|-------------|----------------|--------------------|
| TOTALS |   |       |                 | \$22,297.46 | \$2,310.00     | <u>\$24,607.46</u> |

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

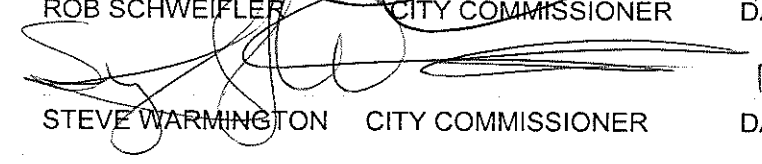
## BOARD OF ASSESSORS

  
CLIFF TURNER, DIRECTOR COUNTY EQUALIZATION DATE

10/14/03

  
ROB SCHWEIFLER, CITY COMMISSIONER DATE

10/17/03

  
STEVE WARMINGTON, CITY COMMISSIONER DATE

10/20/03

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: OCTOBER 14, 2003

RE: Public Hearing  
Spreading of the Special Assessment Roll  
**Davis, Laketon to Southern**

---

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Davis, Laketon to Southern**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$31,775.69 would be spread against the twenty-nine-(29) 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. 2003-82(c)**

**Resolution Confirming Special Assessment Roll**

**For Davis, Laketon to Southern**

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 **Februaray 25, 2003**, 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 Davis, Laketon to Southern

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, Schweifler, Carter, Gawron,  
Larson

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 14, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 14, 2003**.

City of Muskegon

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

EXHIBIT A

**Davis, Laketon to Southern**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Davis St., from Laketon to Southern**



SPECIAL ASSESSMENT DISTRICT

|                             |            |                      |            |
|-----------------------------|------------|----------------------|------------|
| CITY OF MUSKOGEE            |            | DAVIS STREET         |            |
| OFFICE OF THE CITY ENGINEER |            | LARETTON TO SOUTHER  |            |
| SECTION 6 DEATH RISK        | SECTION 10 | SECTION 6 DEATH RISK | H-1563.9   |
| SECTION 10                  | SECTION 10 | SECTION 10           | SECTION 10 |
| SECTION 10                  | SECTION 10 | SECTION 10           | SECTION 10 |
| SECTION 10                  | SECTION 10 | SECTION 10           | SECTION 10 |

**Davis, Laketon to Southern**

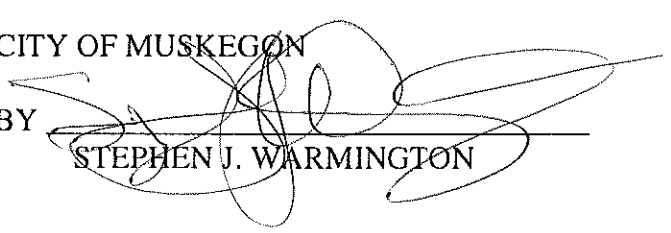
**MAYOR'S ENDORSEMENT AND WARRANT**

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

A large, stylized handwritten signature in black ink is written over the printed name "STEPHEN J. WARMINGTON" and extends upwards into the "CITY OF MUSKEGON" line.

October 3rd, 2003

OWNERS NAME  
OWNERS ADDRESS  
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

2

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

### **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:

DAVIS, LAKETON TO SOUTHERN

#### **Public Hearings**

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 14, 2003 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 14, 2003 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). 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 \$105,000.00 of which \$31,775.68 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1178.1 based on 66 feet assessable front footage at \$17.85 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1178.1 Following are the terms of the special assessment:

**Assessment Period: Ten (10) Years**

**Interest Rate: 5% per year**

**First Installment: \$117.81 PER YEAR**

**Due Date: December 15th, 2003**

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". The signature is fluid and cursive, with the first name "Mohammed" being more prominent.

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  
STREET H-1563  
DAVIS, LAKETON TO SOUTHERN  
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

**HOUSEHOLD INFORMATION**

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

(Please refer to your assessment letter for this information)

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

Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Name \_\_\_\_\_ Birthdate \_\_\_\_\_ Social Security # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**INCOME INFORMATION**

**ANNUAL Household Income:** \$ \_\_\_\_\_ **Wage earner:** \_\_\_\_\_

(Must include all household income)

**Wage earner:** \_\_\_\_\_

**Wage earner:** \_\_\_\_\_

**Wage earner:** \_\_\_\_\_

**Total:** \$ \_\_\_\_\_

**PROPERTY INFORMATION**

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

**Homeowner's Insurance Co:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_

**Property Taxes:** ( ) Current ( ) Delinquent Year(s) Due

(Property taxes must be current to qualify and will be verified by CDBG staff)

**OWNER'S SIGNATURE**

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

**FOR OFFICE USE ONLY**

APPROVED ( ) DENIED ( ) DATE \_\_\_\_\_ CENSUS TRACT NO. \_\_\_\_\_

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_

COMMENTS/REMARKS \_\_\_\_\_

**\*\*ATTENTION APPLICANT\*\***

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

**CITY OF MUSKEGON  
DAVIS, LAKETON TO SOUTHERN  
STREET H-1563  
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

**Dear Resident:**

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

**Application Requirements:**

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2002, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

**2002**

| 65% MEDIAN HOUSEHOLD INCOME CHART |              |
|-----------------------------------|--------------|
| FAMILY SIZE                       | INCOME LIMIT |
| 1                                 | \$27,885     |
| 2                                 | 31,850       |
| 3                                 | 35,880       |
| 4                                 | 39,845       |
| 5                                 | 43,030       |
| 6                                 | 46,326       |
| 7                                 | 49,400       |
| 8                                 | 52,585       |
| For each extra, add               | 3,185        |

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

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

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

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

*The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.*

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

**SPECIAL ASSESSMENT DISTRICTS:**

**ALPHA ST., COMMERCE ST. TO JEFFERSON ST.  
CLIFFORD ST. , LAKESHORE DR. TO MINER  
DAVIS ST., LAKETON AVE. TO SOUTHERN AVE.  
MANN ST., LAKESHORE DRIVE TO HARRISON AVE.  
AND  
MOON ST., LAKESHORE DRIVE TO HARRISON AVE.**

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

- All parcels abutting Alpha St. from Commerce St. to Jefferson St.
- **All parcels abutting Clifford St. from Lakeshore Drive to Miner Avenue**
- All parcels abutting Davis St. from Laketon Avenue to Southern Avenue
- All parcels abutting Mann St. from Lakeshore Drive to Harrison Avenue
- All parcels abutting Moon St. from Lakeshore Drive to Harrison Avenue

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **October 14,, 2003 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

Publish: **OCTOBER 4, 2003**

**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. 2003-20 (c)

RECEIVED  
CITY OF MUSKEGON

MAR 03 2003

Resolution At First Hearing Creating Special Assessment District

For **Davis, Laketon to Southern**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

ENGINEERING DEPT.

RECITALS:

1. A hearing has been held on **February 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 25, 2003**, there were 32-38% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Spataro and 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 18.69% 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 Warlington, Buie, Gawron, Larson, Schweifler, Shepherd,  
Spataro

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger  
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 25, 2003**.  
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger  
Gail A. Kunderger, Clerk

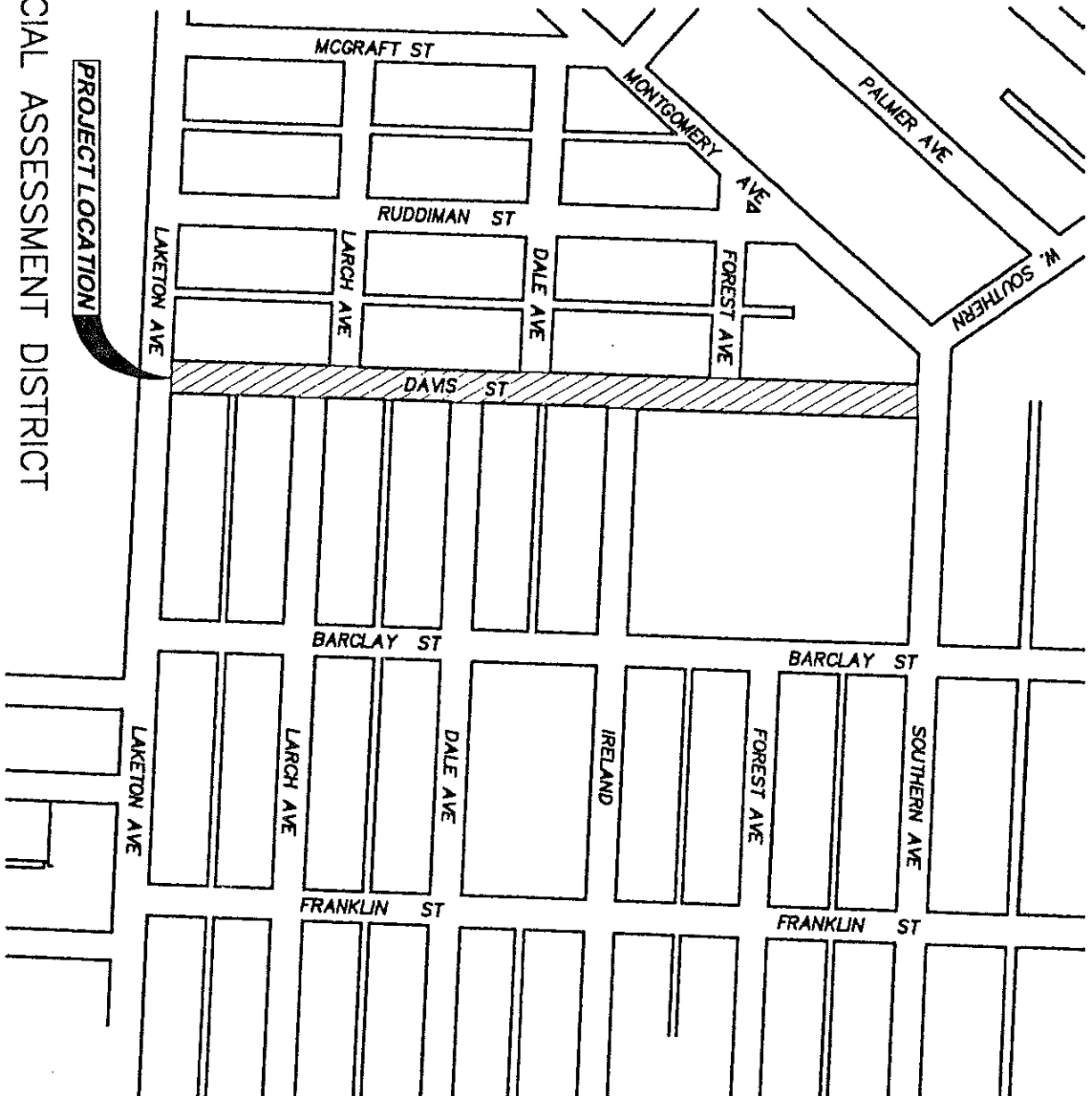
EXHIBIT A

**Davis, Laketon to Southern**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Davis St., from Laketon to Southern**

**PROJECT LOCATION**



|                             |                        |
|-----------------------------|------------------------|
| CITY OF MUSKOGEE            | DAVIS STREET           |
| OFFICE OF THE CITY ENGINEER | LAKETON TO SOUTHERN    |
| DATE & MONTH FOR DESIGN     | DESIGN BY CONTRACT NO. |
| SHEET NO.                   | DRAWING NO.            |
| BY                          | REVISIONS              |
| CHECKED                     |                        |
| APPROVED                    |                        |

# DAVIS, LAKETON TO SOUTHERN SPECIAL ASSESSMENT ROLL

| PARCEL               | @      | OWNER     | MAILING ADDRESS   |                   |            |          | PAVING     | DR APP<br>/ SW | TOTAL             |
|----------------------|--------|-----------|-------------------|-------------------|------------|----------|------------|----------------|-------------------|
| 24-205-513-0001-00   | 1781.0 | DAVIS ST  | MACHOWSKI SCOTT/  | 1781 DAVIS ST     | MUSKEGON   | MI 49441 | \$1,178.10 | \$0.00         | <b>\$1,178.10</b> |
| 24-205-513-0002-00   | 1777.0 | DAVIS ST  | M THREE LLC       | 3361 FULTON       | MUSKEGON   | MI 49441 | \$1,178.10 | \$0.00         | <b>\$1,178.10</b> |
| 24-205-513-0003-00   | 1771.0 | DAVIS ST  | VANDERWALL JAME   | 1771 DAVIS ST     | MUSKEGON   | MI 49441 | \$1,178.10 | \$0.00         | <b>\$1,178.10</b> |
| 24-205-513-0004-00   | 1761.0 | DAVIS ST  | MCREYNOLDS JANIC  | 1761 DAVIS ST     | MUSKEGON   | MI 49441 | \$1,463.70 | \$0.00         | <b>\$1,463.70</b> |
| 24-205-513-0005-00   | 1223.0 | LARCH AVE | HILL RICHARD M    | 1223 W LARCH AVE  | MUSKEGON   | MI 49441 | \$892.50   | \$0.00         | <b>\$892.50</b>   |
| X 24-205-510-0001-00 | 1733.0 | DAVIS ST  | PLOUHAR JUDITH A  | 1733 DAVIS ST     | MUSKEGON   | MI 49441 | \$892.50   | \$0.00         | <b>\$892.50</b>   |
| 24-205-510-0002-00   | 1723.0 | DAVIS ST  | POULIN MONTY L    | 1723 DAVIS        | MUSKEGON   | MI 49441 | \$1,160.25 | \$0.00         | <b>\$1,160.25</b> |
| 24-205-510-0003-00   | 1715.0 | DAVIS ST  | MARTINEZ LOUIE    | 1715 DAVIS ST     | MUSKEGON   | MI 49441 | \$874.65   | \$0.00         | <b>\$874.65</b>   |
| 24-205-510-0003-10   | 1707.0 | DAVIS ST  | MAXWELL JOSEPH B  | 1707 DAVIS ST     | MUSKEGON   | MI 49441 | \$892.50   | \$0.00         | <b>\$892.50</b>   |
| 24-205-510-0004-00   | 1703.0 | DAVIS ST  | BRATSBURG GREGO   | 1703 DAVIS ST     | MUSKEGON   | MI 49441 | \$892.50   | \$0.00         | <b>\$892.50</b>   |
| 24-205-510-0005-00   | 1213.0 | DALE AVE  | FISH ANN F        | 1213 W DALE AVE   | MUSKEGON   | MI 49441 | \$1,178.10 | \$0.00         | <b>\$1,178.10</b> |
| 24-205-500-0001-00   | 1212.0 | DALE AVE  | PRUITT PAUL D     | 1212 W. DALE AVE. | MUSKEGON   | MI 49441 | \$1,392.30 | \$0.00         | <b>\$1,392.30</b> |
| 24-205-500-0002-00   | 1659.0 | DAVIS ST  | ROOD MARCELLA     | 3519 EVANSTON AVE | MUSKEGON   | MI 49442 | \$963.90   | \$0.00         | <b>\$963.90</b>   |
| 24-205-500-0003-00   | 1651.0 | DAVIS ST  | GORKISCH JEFFREY  | 1651 DAVIS ST     | MUSKEGON   | MI 49441 | \$1,178.10 | \$0.00         | <b>\$1,178.10</b> |
| 24-205-500-0004-00   | 1641.0 | DAVIS ST  | LLOYD H KEVIN/SUS | 419 OAKNOLL       | MUSKEGON   | MI 49445 | \$1,178.10 | \$0.00         | <b>\$1,178.10</b> |
| 24-205-500-0005-00   | 1631.0 | DAVIS ST  | BANKERS TRUST CO  | ONE E 4TH ST      | CINCINNATI | OH 45202 | \$1,178.10 | \$0.00         | <b>\$1,178.10</b> |
| 24-205-494-0001-00   | 1611.0 | DAVIS ST  | KANTOLA KEVIN     | 1611 DAVIS ST     | MUSKEGON   | MI 49441 | \$941.59   | \$0.00         | <b>\$941.59</b>   |
| 24-205-494-0002-00   | 1605.0 | DAVIS ST  | SCHMIDT JEFFERY A | 1605 DAVIS        | MUSKEGON   | MI 49441 | \$941.59   | \$0.00         | <b>\$941.59</b>   |

# DAVIS, LAKETON TO SOUTHERN SPECIAL ASSESSMENT ROLL

| PARCEL                         | @      | OWNER       | MAILING ADDRESS  |                  |            |          | PAVING     | DR APP / SW | TOTAL             |
|--------------------------------|--------|-------------|------------------|------------------|------------|----------|------------|-------------|-------------------|
| <del>24</del> -205-494-0005-06 | 1597.0 | DAVIS ST    | MCCORMACK DANIE  | 1597 DAVIS ST    | MUSKEGON   | MI 49441 | \$892.50   | \$0.00      | <b>\$892.50</b>   |
| 24-205-494-0005-05             | 1589.0 | DAVIS ST    | LONG ALLAN/BETTY | 1589 DAVIS ST    | MUSKEGON   | MI 49441 | \$1,445.85 | \$0.00      | <b>\$1,445.85</b> |
| 24-205-494-0005-04             | 1565.0 | DAVIS ST    | MERWIN DAVID B   | 1565 DAVIS ST    | MUSKEGON   | MI 49441 | \$1,104.92 | \$0.00      | <b>\$1,104.92</b> |
| 24-205-519-0011-00             | 1190.0 | LAKETON AVE | WALTERS JERRY    | 6182 BELL RD     | WHITEHALL  | MI 49461 | \$1,088.85 | \$0.00      | <b>\$1,088.85</b> |
| 24-205-519-0010-00             | 1766.0 | DAVIS ST    | TORNGA PETER J/R | 1766 DAVIS ST    | MUSKEGON   | MI 49441 | \$1,088.85 | \$0.00      | <b>\$1,088.85</b> |
| <del>24</del> -205-514-0011-00 | 1188.0 | LARCH AVE   | OCHS AGNES S/CIN | 1188 W LARCH AVE | MUSKEGON   | MI 49441 | \$1,088.85 | \$0.00      | <b>\$1,088.85</b> |
| 24-205-514-0010-00             | 1732.0 | DAVIS ST    | CRANDLE DIANA L  | 1732 DAVIS ST    | MUSKEGON   | MI 49441 | \$1,088.85 | \$0.00      | <b>\$1,088.85</b> |
| 24-205-514-0009-00             | 1191.0 | DALE AVE    | FARRELL SCOTT D  | 4464 MILLER      | NORTON SHO | MI 49441 | \$1,088.85 | \$0.00      | <b>\$1,088.85</b> |
| 24-205-509-0010-00             | 1190.0 | DALE AVE    | KOTECKI MATTHEW/ | 1190 W DALE AVE  | MUSKEGON   | MI 49441 | \$1,088.85 | \$0.00      | <b>\$1,088.85</b> |
| 24-205-509-0009-00             | 1189.0 | IRELAND AVE | GOULET WILLIAM K | 1189 IRELAND AVE | MUSKEGON   | MI 49441 | \$1,088.85 | \$0.00      | <b>\$1,088.85</b> |
| 24-205-501-0010-00             | 1190.0 | IRELAND AVE | FOSSLER GINA J   | 1190 IRELAND AVE | MUSKEGON   | MI 49441 | \$1,155.79 | \$0.00      | <b>\$1,155.79</b> |

H-1563

HEARING DATE OCTOBER 14, 2003

DAVIS, LAKETON TO SOUTHERN  
SPECIAL ASSESSMENT ROLL

| PARCEL       | @ | OWNER | MAILING ADDRESS | PAVING      | DR APP<br>/ SW | TOTAL              |
|--------------|---|-------|-----------------|-------------|----------------|--------------------|
| TOTALS ..... |   |       |                 | \$31,775.69 | \$0.00         | <u>\$31,775.69</u> |

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

## BOARD OF ASSESSORS

|                                                                                    |                        |
|------------------------------------------------------------------------------------|------------------------|
|  | 10/14/03               |
| CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION                                        | DATE                   |
|  | 10-20-03               |
| LARRY SPATARO                                                                      | CITY COMMISSIONER DATE |
|  | 10-15-03               |
| STEVE GAWRON                                                                       | CITY COMMISSIONER DATE |

**AFFIDAVIT OF MAILING**

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF MUSKEGON )

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :**

**H-1563 Davis, Laketon to Southern**

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 3rd OF OCTOBER, 2003

Gail A. Kunderger  
GAIL A. KUNDINGER, CITY CLERK

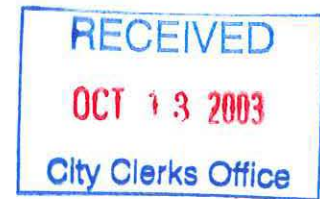
SUBSCRIBED AND SWORN TO BEFORE ME THIS  
3rd DAY OF October, 2003.

Jo Ann Kruckowski  
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN  
MY COMMISSION EXPIRES 5-13-05

**RECEIVED**  
CITY OF MUSKEGON  
OCT 03 2003  
ENGINEERING DEPT.

Engineering Department  
933 Terrace St.  
Muskegon, MI 49443-0536  
(231)727-6904

James&Katrina VanderWall  
1771 Davis  
Muskegon, MI 49441  
(231)755-3625  
Parcel Number: 24-205-513-00003-00



Dear Whom it May Concern:

The approval of the project of DAVIS, LAKETON TO SOUTHERN that the Muskegon City Commission has approved I would like to protest my assessment. Based on the upcoming 2003 federal tax statement our approximate income between the two of us is only \$19,028.00. Both my husband and I are students at Grand Valley State University. I also work full-time as a teller at Muskegon Commerce Bank. Due to GVSU's intense Special Education program Jim will be Student Assisting for two years. This only allows him to work 3 nights at Fricano's. This income does not exceed by any means the 65% Median Household Income of \$31,850.00.

Again, thank-you for your time and consideration, and this is our written statement that we do not agree with the special assessment and DO NOT have the money to pay for such a decision.

Sincerely,

A handwritten signature in black ink that reads "Katrina VanderWall". Below the signature is a stylized flourish or scribble.

James and Katrina VanderWall  
10/12/03

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: OCTOBER 14, 2003

RE: Public Hearing  
Spreading of the Special Assessment Roll  
**Mann St., Lakeshore Dr. to Harrison**

---

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Mann St., Lakeshore Dr. to Harrison**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$13,178.64 would be spread against the six(6) 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. 2003-82(d)**

**Resolution Confirming Special Assessment Roll**

**For Mann St., Lakeshore Dr. to Harrison**

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 25, 2003**, 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 Mann St., Lakeshore Dr. to Harrison

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: Spataro, Schweifler, Carter, Gawron, Larson, Shepherd

Nays: None

Excused: Warmington

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 14, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 14, 2003**.

City of Muskegon

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

EXHIBIT A

**Mann St., Lakeshore Dr. to Harrison**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Mann St., Lakeshore Dr.  
to Harrison**

**B-2**

BLODGETT ST

FAIR AV

BOURDON ST

ESTES ST

MORTON AV

BETT ST

ENT ST

MANN ST

**WM**

SPECIAL ASSESSMENT DISTRICT

SHORE DR

**B-A**

**RM-1**

WILKINSON AV

HART

MINER AV MOON ST

MCCRACKEN ST

MORTON AV

DENMARK ST

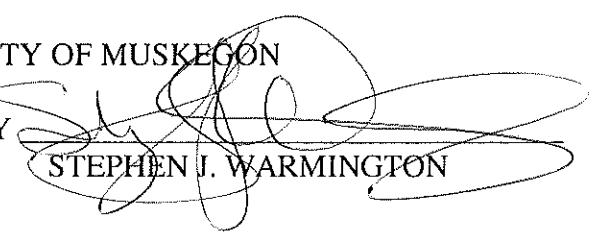
**Mann St., Lakeshore Dr. to Harrison**

**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

October 3rd, 2003

OWNERS NAME  
OWNERS ADDRESS  
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

1

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

**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:

MANN, LAKESHORE DR. TO HARRISON

**Public Hearings**

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 14, 2003 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 14, 2003 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). 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 \$73,000.00 of which \$13,178.67 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2196.38 based on 61.86999999999997 feet assessable front footage at \$35.5 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2196.38. Following are the terms of the special assessment:

**Assessment Period: Ten (10) Years**  
**Interest Rate: 5% per year**  
**First Installment: \$219.64 PER YEAR**  
**Due Date: December 15th, 2003**

NO

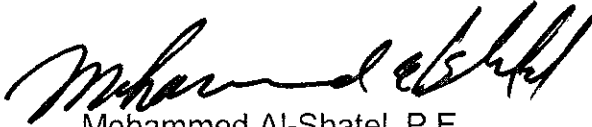
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If 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  
STREET H-1550  
MANN, LAKESHORE DR. TO HARRISON  
**CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

**HOUSEHOLD INFORMATION**

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

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

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

**INCOME INFORMATION**

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

**PROPERTY INFORMATION**

**Proof Of Ownership:** ( ) Deed ( ) Mortgage ( ) Land Contract  
**Homeowner's Insurance Co:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_  
**Property Taxes:** ( ) Current ( ) Delinquent Year(s) Due \_\_\_\_\_  
(Property taxes must be current to qualify and will be verified by CDBG staff)

**OWNER'S SIGNATURE**

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

**FOR OFFICE USE ONLY**

APPROVED ( ) DENIED ( ) DATE \_\_\_\_\_ CENSUS TRACT NO. \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_  
COMMENTS/REMARKS \_\_\_\_\_

**\*\*ATTENTION APPLICANT\*\***

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

**CITY OF MUSKEGON  
MANN, LAKESHORE DR. TO HARRISON  
STREET H-1550  
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

**Dear Resident:**

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

**Application Requirements:**

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2002, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

**2002**

| 65% MEDIAN HOUSEHOLD INCOME CHART |              |
|-----------------------------------|--------------|
| FAMILY SIZE                       | INCOME LIMIT |
| 1                                 | \$27,885     |
| 2                                 | 31,850       |
| 3                                 | 35,880       |
| 4                                 | 39,845       |
| 5                                 | 43,030       |
| 6                                 | 46,326       |
| 7                                 | 49,400       |
| 8                                 | 52,585       |
| For each extra, add               | 3,185        |

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

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

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

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

*The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.*

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

**SPECIAL ASSESSMENT DISTRICTS:**

**ALPHA ST., COMMERCE ST. TO JEFFERSON ST.  
CLIFFORD ST. , LAKESHORE DR. TO MINER  
DAVIS ST., LAKETON AVE. TO SOUTHERN AVE.  
MANN ST., LAKESHORE DRIVE TO HARRISON AVE.**

**AND**

**MOON ST., LAKESHORE DRIVE TO HARRISON AVE.**

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

- All parcels abutting Alpha St. from Commerce St. to Jefferson St.
- **All parcels abutting Clifford St. from Lakeshore Drive to Miner Avenue**
- All parcels abutting Davis St. from Laketon Avenue to Southern Avenue
- All parcels abutting Mann St. from Lakeshore Drive to Harrison Avenue
- All parcels abutting Moon St. from Lakeshore Drive to Harrison Avenue

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **October 14,, 2003 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. Kundering, City Clerk

Publish: **OCTOBER 4, 2003**

**ADA POLICY**

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

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

CITY OF MUSKEGON

Resolution No. 2003-28 (e)

Resolution At First Hearing Creating Special Assessment District  
For **Mann St., from Lakeshore Dr. to Harrison**

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

**RECEIVED**  
**CITY OF MUSKEGON**  
**MAR 28 2003**

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were 0.0 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Gawron and Schweifler 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 **13.18%** 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 Larson, Schweifler, Shepherd, Spataro, Buie, Gawron

Nays None

Excused: Warmington

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 25, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

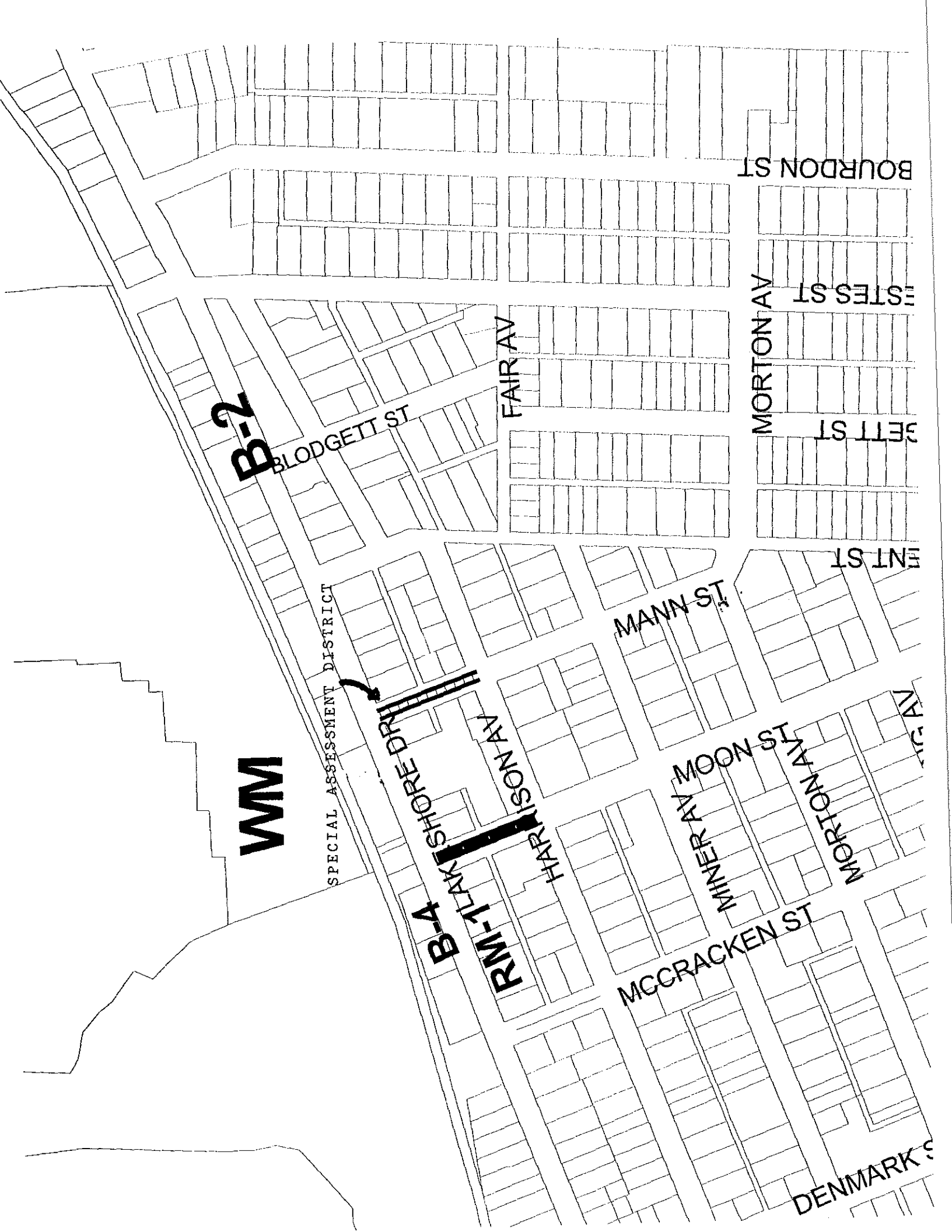
By Gail A. Kunding  
Gail A. Kunding, Clerk

EXHIBIT A

**Mann St., Lakeshore Dr. to Harrison**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Mann St., Lakeshore Dr.  
to Harrison**



H 1550

HEARING DATE OCTOBER 14, 2003

## MANN, LAKESHORE DR. TO HARRISON

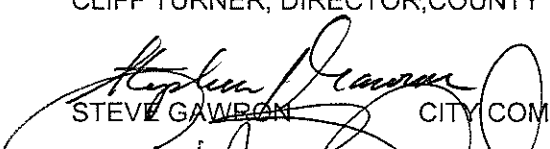
## SPECIAL ASSESSMENT ROLL

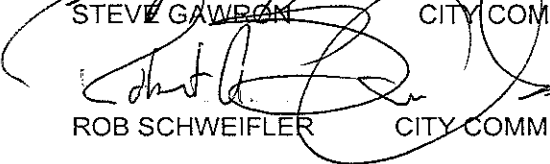
| PARCEL             | @      | OWNER       | MAILING ADDRESS                                        | PAVING             | DR APP / SW   | TOTAL                     |
|--------------------|--------|-------------|--------------------------------------------------------|--------------------|---------------|---------------------------|
| 24-205-635-0001-00 | 1983.0 | LAKESHORE D | WARMINGTON STEP 1983 LAKESHORE DR MUSKEGON MI 49441    | \$2,196.38         | \$0.00        | <b>\$2,196.38</b>         |
| 24-205-635-0002-00 | 1991.0 | LAKESHORE D | JOE LLC 144 GRAND AVE NE GRAND RAPID MI 49505          | \$2,653.62         | \$0.00        | <b>\$2,653.62</b>         |
| 24-205-635-0012-00 | 1962.0 | HARRISON AV | SPANILOA WILLIAM A 1962 HARRISON AVE MUSKEGON MI 49441 | \$1,739.50         | \$0.00        | <b>\$1,739.50</b>         |
| 24-205-627-0005-00 | 1965.0 | LAKESHORE D | WILLIAM J GIBNER L 2125 W GLEN CT MUSKEGON MI 49441-4  | \$2,196.38         | \$0.00        | <b>\$2,196.38</b>         |
| 24-205-627-0006-00 | 2074.0 | MANN ST     | HALL CHARLES L 2074 MANN ST MUSKEGON MI 49441          | \$2,196.38         | \$0.00        | <b>\$2,196.38</b>         |
| 24-205-627-0006-10 | 1944.0 | HARRISON AV | KITREL JEWEL 898 GREENE 407 RD LAKE AR 72436           | \$2,196.38         | \$0.00        | <b>\$2,196.38</b>         |
| <b>TOTALS</b>      |        |             |                                                        | <b>\$13,178.64</b> | <b>\$0.00</b> | <b><u>\$13,178.64</u></b> |

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

## BOARD OF ASSESSORS

  
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE 10/14/03

  
 STEVE GAWRON CITY COMMISSIONER DATE 10-15-03

  
 ROB SCHWEIFLER CITY COMMISSIONER DATE 10/17/03

**AFFIDAVIT OF MAILING**

STATE OF MICHIGAN     )  
                                      ) SS  
COUNTY OF MUSKEGON )

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :**

**H-1550 Mann, Lakeshore. to Harrison**

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 3rd OF OCTOBER, 2003

Gail A. Kunderger  
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
3rd DAY OF October, 2003.

Jo Ann Kerkowski  
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN  
MY COMMISSION EXPIRES 5-13-05

**RECEIVED**  
CITY OF MUSKEGON

OCT 0<sup>J</sup> 2003

**ENGINEERING DEPT.**

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: OCTOBER 14, 2003

RE: Public Hearing  
Spreading of the Special Assessment Roll  
**Moon St., Lakeshore Dr. to Harrison**

---

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Moon St., Lakeshore Dr. to Harrison**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$10,978.02 would be spread against the five(5) 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. 2003-82(e)**

**Resolution Confirming Special Assessment Roll**

**For Moon St., Lakeshore Dr. to Harrison**

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 25, 2003**, 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 Moon St., Lakeshore Dr. to Harrison

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: Warmington, Schweifler, Carter, Gawron, Larson, Shepherd,  
Spataro

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **October 14, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **October 14, 2003**.

City of Muskegon

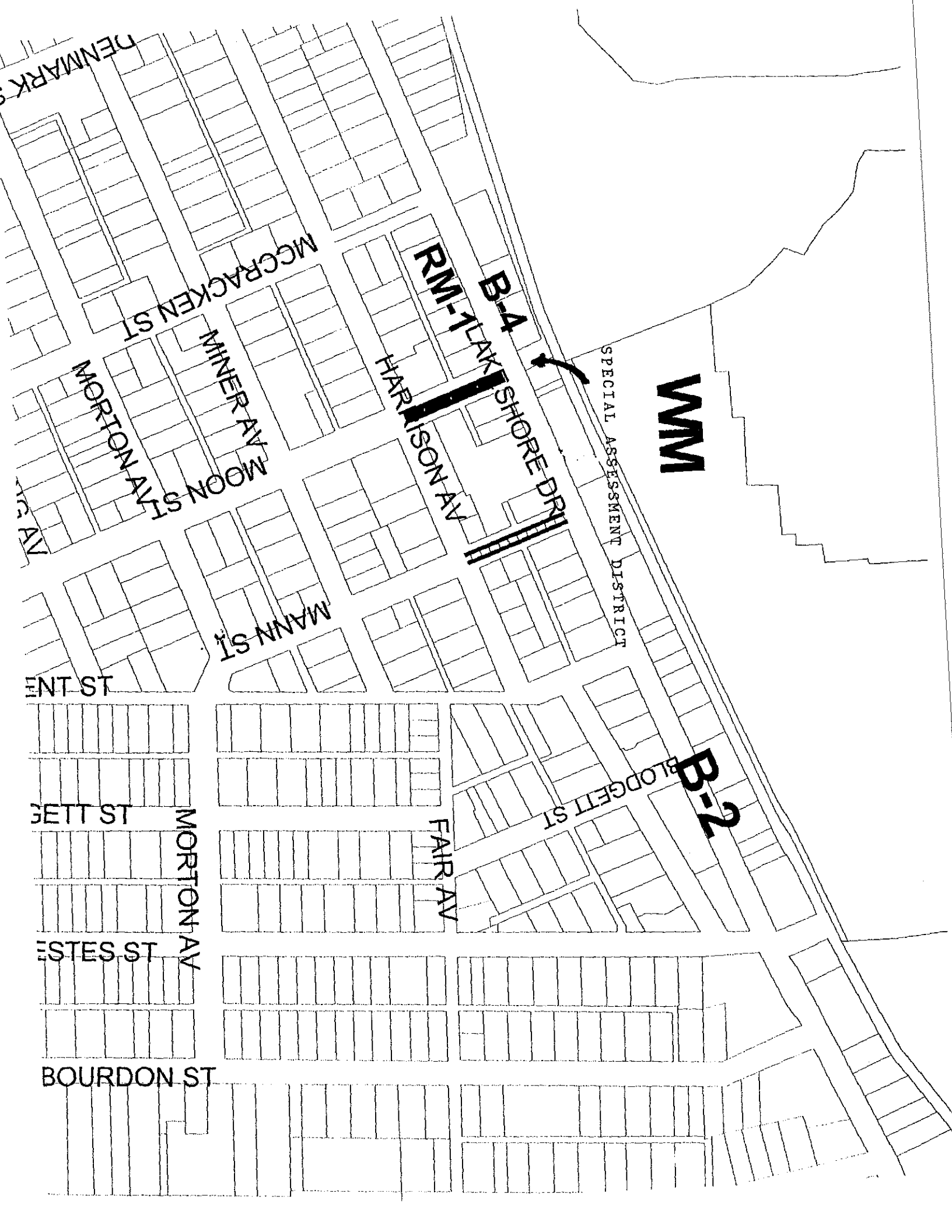
By Gail A. Kunding  
Gail A. Kunding, City Clerk

EXHIBIT A

**Moon St., Lakeshore Dr. to Harrison**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Moon St., Lakeshore Dr.  
to Harrison**



WM

B-4

RM-11-WM

B-2

SPECIAL ASSESSMENT DISTRICT

DENMARK ST

MCCrackEN ST

MOON ST

HARRISON AV

FAIR AV

BLODGETT ST

MORTON AV

ESTES ST

ESTES ST

BOURDON ST

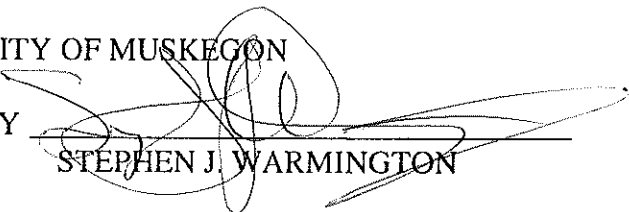
**Moon St., Lakeshore Dr. to Harrison**

**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

October 3rd, 2003

OWNERS NAME  
OWNERS ADDRESS  
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 2

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

### **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:

MOON, LAKESHORE DR. TO HARRISON

#### **Public Hearings**

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, OCTOBER 14, 2003 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 14, 2003 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). 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 \$73,000.00 of which \$10,978.02 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2196.74 based on 61.88000000000003 feet assessable front footage at \$35.5 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2196.74 Following are the terms of the special assessment:

***Assessment Period: Ten (10) Years***

***Interest Rate: 5% per year***

***First Installment: \$219.67 PER YEAR***

***Due Date: December 15th, 2003***

CDBG Approved You Owe \$0.00

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'.

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  
STREET H-1549  
MOON, LAKESHORE DR. TO HARRISON  
**CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

**HOUSEHOLD INFORMATION**

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

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

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

**INCOME INFORMATION**

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

**PROPERTY INFORMATION**

**Proof Of Ownership:** ( ) Deed ( ) Mortgage ( ) Land Contract  
**Homeowner's Insurance Co:** \_\_\_\_\_ **Expiration Date:** \_\_\_\_\_  
**Property Taxes:** ( ) Current ( ) Delinquent Year(s) Due \_\_\_\_\_  
(Property taxes must be current to qualify and will be verified by CDBG staff)

**OWNER'S SIGNATURE**

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

**FOR OFFICE USE ONLY**

APPROVED ( ) DENIED ( ) DATE \_\_\_\_\_ CENSUS TRACT NO. \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_  
COMMENTS/REMARKS \_\_\_\_\_

**\*\*ATTENTION APPLICANT\*\***

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

**CITY OF MUSKEGON  
MOON, LAKESHORE DR. TO HARRISON  
STREET H-1549  
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

**Dear Resident:**

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

**Application Requirements:**

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2002, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

**2002**

| 65% MEDIAN HOUSEHOLD INCOME CHART |              |
|-----------------------------------|--------------|
| FAMILY SIZE                       | INCOME LIMIT |
| 1                                 | \$27,885     |
| 2                                 | 31,850       |
| 3                                 | 35,880       |
| 4                                 | 39,845       |
| 5                                 | 43,030       |
| 6                                 | 46,326       |
| 7                                 | 49,400       |
| 8                                 | 52,585       |
| For each extra, add               | 3,185        |

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

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

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

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

*The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.*

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

**SPECIAL ASSESSMENT DISTRICTS:**

**ALPHA ST., COMMERCE ST. TO JEFFERSON ST.  
DAVIS ST., LAKETON AVE. TO SOUTHERN AVE.  
FRANKLIN ST., MICHIGAN AVE. TO WASHINGTON AVE.  
MANN ST., LAKESHORE DRIVE TO HARRISON AVE.  
MOON ST., LAKESHORE DRIVE TO HARRISON AVE.  
AND  
WASHINGTON AVE., FRANKLIN ST. TO LAKESHORE DRIVE**

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- All parcels abutting Alpha St. from Commerce St. to Jefferson St.
- All parcels abutting Davis St. from Laketon Avenue to Southern Avenue
- All parcels abutting Franklin St. from Michigan Ave. to Washington Ave.
- All parcels abutting Mann St. from Lakeshore Drive to Harrison Ave.
- All parcels abutting Moon St. from Lakeshore Drive to Harrison Ave.
- All parcels abutting Washington Ave. from Franklin St. to Lakeshore Drive

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **September 23, 2003 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.

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\_\_\_\_\_  
Gail A. Kunding, City Clerk

Publish: **SEPTEMBER 13, 2003**

**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

**Acct# 643-60447-5267**

CITY OF MUSKEGON

Resolution No. 2003-28 ( d )

Resolution At First Hearing Creating Special Assessment District  
For **Moon St., from Lakeshore Dr. to Harrison**

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

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were 33.33% 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 Larson and Mayor Warmington 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 **10.98%** 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 Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington  
Buie

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger  
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 25, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger  
Gail A. Kunderger, Clerk

EXHIBIT A

**Moon St., Lakeshore Dr. to Harrison**

**SPECIAL ASSESSMENT DISTRICT**

**All properties abutting that section of Moon St., Lakeshore Dr.  
to Harrison**



DENMARK ST

MCCracken ST

MINER AV

MOON ST

MORTON AV

MANN ST

ENT ST

BETT ST

ESTES ST

BOURDON ST

MORTON AV

FAIR AV

BLODGETT ST

HARRISON AV

SHORE DRIVE

B-4

RM-1

MM

B-2

SPECIAL ASSESSMENT DISTRICT

## MOON, LAKESHORE DR. TO HARRISON

## SPECIAL ASSESSMENT ROLL

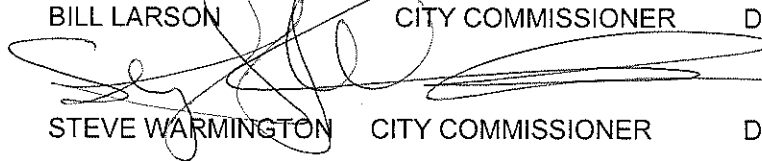
| PARCEL               | @      | OWNER       | MAILING ADDRESS                                      | PAVING             | DR APP / SW   | TOTAL                     |
|----------------------|--------|-------------|------------------------------------------------------|--------------------|---------------|---------------------------|
| 24-205-636-0001-00   | 2033.0 | LAKESHORE D | DEWALD LORRAINE 1580 NELSON ST MUSKEGON MI 49441     | \$2,196.74         | \$0.00        | \$2,196.74                |
| * 24-205-636-0013-00 | 2101.0 | MOON ST     | KOWALSKI ROSEMA 2101 MOON ST MUSKEGON MI 49441       | \$2,196.74         | \$0.00        | \$2,196.74                |
| 24-205-635-0007-00   | 2017.0 | LAKESHORE D | GHEZZI RICHARD P 1924 SPENCER DR MUSKEGON MI 49441   | \$2,196.74         | \$0.00        | \$2,196.74                |
| 24-205-635-0002-00   | 1991.0 | LAKESHORE D | JORE LLC 144 GRAND AVE NE GRAND RAPID MI 49505       | \$2,925.20         | \$0.00        | \$2,925.20                |
| 24-205-635-0008-00   | 1980.0 | HARRISON AV | ETTERMAN MARVA J 1980 HARRISON AVE MUSKEGON MI 49441 | \$1,462.60         | \$0.00        | \$1,462.60                |
| <b>TOTALS</b>        |        |             |                                                      | <b>\$10,978.02</b> | <b>\$0.00</b> | <b><u>\$10,978.02</u></b> |

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

## BOARD OF ASSESSORS

 10/16/03  
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 10-17-03  
 BILL LARSON CITY COMMISSIONER DATE

 10/20/03  
 STEVE WARMINGTON CITY COMMISSIONER DATE

**AFFIDAVIT OF MAILING**

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF MUSKEGON )

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :**

**H-1549 Moon, Lakeshore. to Harrison**

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 3rd OF OCTOBER, 2003

Gail A. Kunderger  
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
3rd DAY OF October, 2003.

John Kruskowski  
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN  
MY COMMISSION EXPIRES 5-13-05

**RECEIVED**  
CITY OF MUSKEGON  
OCT 03 2003

**ENGINEERING DEPT.**

**CITY OF MUSKEGON**  
**Support and Endorsement of the Citizens'**  
**Determination reference Casino Gaming**

**Resolution # 2003-83(a)**

WHEREAS, the Archimedes Group-CBD, LLC/Group One Productions, Inc requested that the City Commission hold a non-binding referendum requesting the Citizens of Muskegon to determine, "Should casino gaming be permitted in the City of Muskegon", and

WHEREAS, on September 9, 2003 the Citizens of the City of Muskegon passed this non-binding referendum, and

WHEREAS, the Archimedes Group-CBD, LLC/Group One Productions, Inc/INGENUS Management/Consulting has requested that the Mayor and City Commission take affirmative action on a Resolution of Support and Endorsement of the Citizens' Determination, and

WHEREAS, the Mayor and City Commission have endorsed Downtown Redevelopment as a top priority of the City through adoption of a Comprehensive Plan, Downtown Plan, Waterfront Plan and the City's continuing emphasis and actions to revitalize the waterfront and the City, and

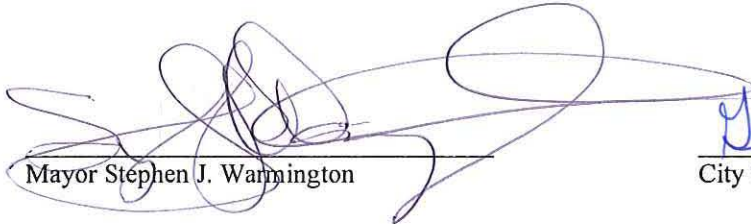
WHEREAS, the stated goal of the Archimedes Group-CBD, LLC/Group one/INGENUS Initiative is to develop a casino gaming facility in the central part of the City designed to create Jobs, Growth and Opportunity by attracting private investment for the casino and other private development on adjacent vacant and underutilized land, and

WHEREAS, the Mayor and City Commission find this Initiative in harmony with Goals, Objectives and Plans already adopted by the City.

NOW THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED:

1. The Mayor and City Commission support the Initiative of the Archimedes Group-CBD, LLC/Group One Production's, Inc/INGENUS and the Citizens of Muskegon to develop a casino gaming facility in the City of Muskegon which may include, but not be limited to, a Native American Owned Casino.
2. The Mayor and City Commission specifically express this support to the Governor and Legislators of Michigan, the U.S. Congress and other appropriate governmental agencies.
3. The Mayor and City Manager are hereby authorized to participate and negotiate on behalf of the City of Muskegon to secure such assurances as are deemed necessary and appropriate to properly integrate the Archimedes Group-CBD, LLC/Group One Productions, Inc/INGENUS Initiative into plans of the City and secure such benefits as are reasonable within Federal Law and a Tribal Compact with the Governor of Michigan.

Approved the 14<sup>th</sup> Day of October, 2003.

  
Mayor Stephen J. Warrington

  
City Clerk Gail Kundinger

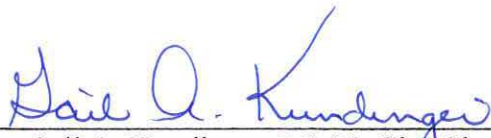
CERTIFICATION

2003-83(a)

This resolution was adopted at a regular meeting of the City Commission, held on October 14, 2003. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

  
\_\_\_\_\_  
Gail A. Kunding, MMC, City Clerk

# *Positively* Muskegon

P.O. Box 1492  
Muskegon, Michigan 49443  
(231) 722-4132

October 14, 2003

To: Mayor Steve Warmingtom  
City Manager Bryon Mazade  
City Clerk Gail Kunding  
City Commissioners  
From: David Willerup  
1282 Palmer  
Chair, Positively Muskegon  
Re: Alternate to Archimedes Resolution of Support

Dear Sirs and Madams,

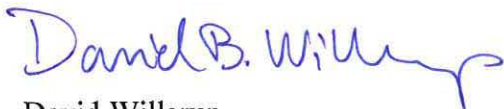
It is clear that the majority of the city commission wishes to support the Archimedes Group for their election result since "they put their money where their mouth is." Please remember that Positively Muskegon did the same, having spent nearly \$40,000 in private donations on the September campaign and winning a healthy 46% of the votes.

We ask that you table this resolution until the election result on Proposition B is known. At that point only would it be appropriate to adopt a resolution which specifically supports the Archimedes Group's Initiative, and then only if Proposition B passes. Any other move supporting the Archimedes Group would undercut the veracity of the November election.

In place of the Archimedes resolution, we ask the following attached resolution be put on the agenda.

Rationale to be addressed by either myself or another representative of Positively Muskegon when the resolution in question comes up on tonight's agenda.

Sincerely,



David Willerup  
1282 Palmer  
Chair, Positively Muskegon

Positively Muskegon Board of Directors

David Willerup, Charles Poole Sr., Robert Kersman, Donna Lachniet, Roger Spoelman, Roy Winegar, Charles Poole Jr.

**Resolution # \_\_\_\_ Acknowledging the Non-Binding Result re: Casino Gaming  
City Commission, City of Muskegon**

“Whereas Positively Muskegon engaged a vigorous campaign to educate the Citizens of Muskegon about the negative economic and social impact of casino gambling in our city, and

“Whereas Positively Muskegon acknowledges that the result of the election on September 9, 2003 indicates that our city is passionately divided regarding the possibility of a downtown gambling facility, and

“Whereas the election result did not concern any one specific plan, but merely the idea of casino gambling within city limits, and

“Whereas the State Supreme Court, by agreeing to hear the TOMAC case, effectively puts all forward progress in tribal casino development on hold, and

“NOW THEREFORE BE IT RESOLVED AND IT IS HEREBY RESOLVED:

1. The Mayor and City Commission acknowledge that the Citizens of the City of Muskegon voted to support the idea of casino gaming in the City of Muskegon on September 9, 2003 and thank the Archimedes Group et al. for funding that question.
2. The Mayor, City Manager and City Commission specifically address the concerns of those citizens who oppose casino gambling should the election result of November 4, 2003 indicate the strong local support needed to bring casino gambling into our city.
3. The Mayor, City Manager and City Commission wait until the State Supreme Court rules on the TOMAC case to best know how to allocate time and money in pursuit of the will of the people as expressed on November 4, 2003.

Approved the 14<sup>th</sup> day of October, 2003

\_\_\_\_\_  
Mayor Steve Warmington

city seal

\_\_\_\_\_  
City Clerk Gail Kunding

**Date:** October 14, 2003  
**To:** **Honorable Mayor and City Commissioners**  
**From:** Information Systems  
**RE:** Verizon Telephone Services

---

#### SUMMARY OF REQUEST:

The contract for Verizon telephone services, formerly GTE, has expired and is up for renewal. The contract was for \$6,086.29 per month and expired in March of this year. Verizon offered to continue services on a monthly basis at the same rate until a new contract price could be established.

The new one-year contract is for \$6288.44 per month, an increase of \$202.15 per month. The IT department has also determined that by canceling unnecessary lines and services, a savings of \$800 per month will be realized.

Because of changing technology and local developments in this industry, it is not recommended that a multi-year contract be considered at this time.

#### FINANCIAL IMPACT:

|                                              |            |
|----------------------------------------------|------------|
| Old rate:                                    | \$6,086.29 |
| Increase:                                    | 202.15     |
| Savings from canceling unnecessary services: | 800.00     |
| <hr/>                                        | <hr/>      |
| New Monthly Rate                             | \$5,488.44 |

**BUDGET ACTION REQUIRED:** None at this time

**STAFF RECOMMENDATION:** Approval of the proposed contract with Verizon.



**APPLICATION FOR SERVICE**  
(State Tariff)

|                                 |                                    |
|---------------------------------|------------------------------------|
| Customer Name: City of Muskegon | Main Billing Tel. No: See attached |
| Address: See attached           |                                    |

Customer applies for and agrees to purchase from the undersigned Verizon operating telephone company the services identified below and as further described in Verizon's applicable tariffs (the "Services"), for a minimum period of Twelve (12) consecutive months following execution of this Application and commencement of Services hereunder (the "Service Period"). The Services will be provided subject to the terms and conditions of Verizon's applicable tariffs in effect during the Service Period (the "Tariffs"), which are incorporated by this reference, and subject to the availability of suitable facilities.

If Customer terminates this Application or any Services prior to expiration of the Service Period, Customer will promptly pay to Verizon any termination and cancellation charges specified in the Tariffs. The rates for the Services shall be as set forth in the Tariffs, which rates are summarized below. Customer shall also pay all applicable charges, fees, taxes and tariff surcharges, including federal End User Common Line Charges, charged pursuant to applicable law, regulations or Tariffs.

| Quantity | Service                                           | Monthly Unit Rate | Non-recurring Charges / Unit |
|----------|---------------------------------------------------|-------------------|------------------------------|
| 118      | BRI Lines at \$7.68 each                          | \$ 906.24         |                              |
| 118      | ISDN Access at \$10.55 each                       | \$ 1,244.90       |                              |
| 118      | MBKS Deluxe at \$8.00 each                        | \$ 944.00         |                              |
| 118      | B-Voice, per line at \$4.00 each                  | \$ 472.00         |                              |
| 118      | Port charge at \$1.55 each                        | \$ 182.90         |                              |
| 118      | Intra/Inter State Access at \$7.67 each           | \$ 905.06         |                              |
| 8        | Lines with Foreign C.O. @ \$6.50 a mile x 3 miles | \$ 156.00         |                              |
|          | Total                                             | \$ 4,811.10       |                              |

The Services will be provided at the following Customer locations:

Multiple locations - - see attached for billing telephone numbers

The provision of any additional locations and/or quantities of Services will be subject to Verizon's applicable Tariffs. Additional charges may also be required if suitable facilities are not available to provide the Services at any locations.

Verizon may assign or transfer part or all of this Application to any of its affiliates. Upon reasonable prior written notice to Verizon and consistent with applicable Tariff supersedure or other regulatory requirements, Customer may assign or transfer this Application to any company that is the successor to substantially all of its assets. All other attempted assignments shall be void without the prior written consent of the other party.

Upon signature below by both parties, this Application and the Tariffs constitute the entire agreement between Customer and Verizon regarding the Services, and supersede all prior oral or written quotations, communications, understandings or agreements. In the event of a conflict between the Tariffs and this Application, the Tariffs shall control. Each party represents that its execution of this Application is based solely on its independent assessment of the rights and obligations set forth herein and not on any other oral or written quotations, communications, understandings or agreements.

AGREED AND ACCEPTED:

City of Muskegon (Customer)

By

Name/title Bryon Mazade, City Manager

Date October 14, 2003

VERIZON

By

Name/title CHARLES BIESZKA

Date 10/21/03



**APPLICATION FOR SERVICE**  
(State Tariff)

|                                 |                                    |
|---------------------------------|------------------------------------|
| Customer Name: City of Muskegon | Main Billing Tel. No: See attached |
| Address: See attached           |                                    |

Customer applies for and agrees to purchase from the undersigned Verizon operating telephone company the services identified below and as further described in Verizon's applicable tariffs (the "Services"), for a minimum period of Twelve (12) consecutive months following execution of this Application and commencement of Services hereunder (the "Service Period"). The Services will be provided subject to the terms and conditions of Verizon's applicable tariffs in effect during the Service Period (the "Tariffs"), which are incorporated by this reference, and subject to the availability of suitable facilities.

If Customer terminates this Application or any Services prior to expiration of the Service Period, Customer will promptly pay to Verizon any termination and cancellation charges specified in the Tariffs. The rates for the Services shall be as set forth in the Tariffs, which rates are summarized below. Customer shall also pay all applicable charges, fees, taxes and tariff surcharges, including federal End User Common Line Charges, charged pursuant to applicable law, regulations or Tariffs.

| Quantity | Service                                                      | Monthly Unit Rate | Non-recurring Charges / Unit |
|----------|--------------------------------------------------------------|-------------------|------------------------------|
| 71       | Centranet Lines at \$7.68 each                               | \$ 545.28         |                              |
| 71       | Feature Series 500 at \$1.10 each                            | \$ 78.10          |                              |
| 71       | Main Station Rate* at \$1.00 each                            | \$ 71.00          |                              |
| 71       | Intra/Inter State Access at \$9.76 each                      | \$ 692.96         |                              |
| 6        | Lines with Foreign C.O. @ \$5.00 x 3 miles                   | \$ 90.00          |                              |
|          |                                                              |                   |                              |
|          | *Termination Liability applies only to the Main Station Rate |                   |                              |
|          | Total                                                        | \$ 1,477.34       |                              |

The Services will be provided at the following Customer locations:

Multiple locations - - see attached for billing telephone numbers

The provision of any additional locations and/or quantities of Services will be subject to Verizon's applicable Tariffs. Additional charges may also be required if suitable facilities are not available to provide the Services at any locations.

Verizon may assign or transfer part or all of this Application to any of its affiliates. Upon reasonable prior written notice to Verizon and consistent with applicable Tariff supersedure or other regulatory requirements, Customer may assign or transfer this Application to any company that is the successor to substantially all of its assets. All other attempted assignments shall be void without the prior written consent of the other party.

Upon signature below by both parties, this Application and the Tariffs constitute the entire agreement between Customer and Verizon regarding the Services, and supersede all prior oral or written quotations, communications, understandings or agreements. In the event of a conflict between the Tariffs and this Application, the Tariffs shall control. Each party represents that its execution of this Application is based solely on its independent assessment of the rights and obligations set forth herein and not on any other oral or written quotations, communications, understandings or agreements.

**AGREED AND ACCEPTED:**

City of Muskegon (Customer)

By Bryon Mazade

Name/title Bryon Mazade, City Manager

Date October 14, 2003

VERIZON

By Charles Bieszka

Name/title CHARLES BIESZKA CAM II

Date 10/21/03

DATE: October 2, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals  
Notice and Order to demolish. Dangerous building case #03-59  
1650 Pine – Garage only.

---

**SUMMARY OF REQUEST:** This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1650 Pine– Garage only**. 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: 03-59- 1650 Pine.

Location and ownership: This structure is located on Pine St. between E. Dale and E. Forest and is owned by Jeffery Stowers of Spring Lake, MI.

Staff Correspondence: This structure was written as dangerous/substandard on 5/29/03. A notice and order to repair or remove was issued 6/12/03 and on 8/7/03 the HBA declared the structure.

Owner(s): This office, after a title search, is notifying the following:  
1. Jeffery Stowers, 7070 Beachwood Lane, Spring Lake, MI

Owner Contact: There has been no contact from the owner.

SEV: \$17,200

Financial Impact: CDBG.

Budget Action Required: None

Estimated Cost of Repairs: \$1500

**CITY COMMISSION RECOMMENDATION:** The Commission will consider this item at it's meeting on Tuesday, October 14, 2003

**CITY OF MUSKEGON  
DANGEROUS BUILDING INSPECTION REPORT**

***1650 Pine  
(GARAGE)***

***5/29/03***

Inspection noted:

1. Roof deteriorated. Repair or replace.
2. Walls rotted in areas.
3. Exterior must be painted.
4. Window boarded.
5. Footing/foundation inspection is required.
6. All work requires construction permits. These permits must be obtained prior to work beginning.

**Please contact Inspection Services with any questions at 231-724-6715.**

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

DATE: October 2, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals  
Notice and Order to demolish. Dangerous building case #03-52  
346 McLaughlin – Garage only.

---

**SUMMARY OF REQUEST:** This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **346 McLaughlin – Garage only- Area 11**. 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: 03-52- 346 McLaughlin, Area 11.

Location and ownership: This structure is located on McLaughlin between Spring and Ambrosia and is now owned by Merrill Lynch Mortgage Capital in Hatboro, PA . It is in the McLaughlin Neighborhood.

Staff Correspondence: This structure was written as dangerous/substandard on 5/29/03. A notice and order to repair or remove was issued 6/12/03 and on 8/7/03 the HBA declared the structure.

Owner(s): This office, after a title search is notifying the following:

1. Merrill Lynch Mortgage, Hatboro, PA
2. Judy Smith/John Jordan, Muskegon, MI
3. Muskegon County Treasurer, Muskegon MI

Owner Contact: There has been no contact from the owner.

SEV: \$13,900

Financial Impact: CDBG.

Budget Action Required: None

Estimated Cost of Repairs: \$2,000

**CITY COMMISSION RECOMMENDATION:** The Commission will consider this item at it's meeting on Tuesday, October 14, 2003

**CITY OF MUSKEGON**  
**DANGEROUS BUILDING INSPECTION REPORT**

**346 McLaughlin - Garage**

*5/29/03*

Inspection noted:

1. No footing or foundation evident.
2. Exterior wood is rotting away at bottom.
3. Exterior needs paint after missing boards/siding is replaced.
4. Roof deteriorated.
5. Window boarded.
6. All work requires construction permits. These permits must be obtained prior to work beginning.

**Please contact Inspection Services with any questions at 231-724-6715.**

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

DATE: October 2, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals  
Notice and Order to demolish. Dangerous building case #03-53  
354 McLaughlin.

---

**SUMMARY OF REQUEST:** This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **354 McLaughlin - Area 11**. 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: 03-53- 354 McLaughlin, Area 11.

Location and ownership: This structure is located on McLaughlin between Spring and Ambrosia and is now owned by the State of Michigan. It is in the McLaughlin Neighborhood.

Staff Correspondence: This property was written as dangerous/substandard on 5/29/03. A notice and order to repair or remove was issued 6/13/03 and on 8/7/03 the HBA declared the structure.

Owner(s): This office, after a title search is notifying the following:  
1. State of MI, (Real Estate Div.) P.O. Box 30448, Lansing, MI

Owner Contact: There has been no contact from the owner.

SEV: \$12,300

Financial Impact: CDBG.

Budget Action Required: None

Estimated Cost of Repairs: \$10,000 plus the cost for interior repairs

**CITY COMMISSION RECOMMENDATION:** The Commission will consider this item at it's meeting on Tuesday, October 14, 2003

**CITY OF MUSKEGON**  
**DANGEROUS BUILDING INSPECTION REPORT**

**354 McLaughlin**

**5/29/03**

Inspection noted:

1. Exterior wood must e repaired or replaced and protected. Protection requires all exterior to be painted.
2. Guardrails on steps are improper. Must be brought into compliance with building code requirements.
3. Soffitt and fascia must be repaired.
4. Windows are boarded and must be replaced.
5. Roof deteriorated and must be repaired or replaced.
6. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
7. All work requires construction permits. These permits must be obtained prior to work beginning.

**Please contact Inspection Services with any questions at 231-724-6715.**

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

10-14-03

## AGREEMENT

THIS AGREEMENT, made this June 8, 2004 by and between:  
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);  
(partnership consisting of \_\_\_\_\_); (an individual trading as \_\_\_\_\_  
\_\_\_\_\_); hereinafter called the "Contractor," and the City of  
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated  
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,  
technical personnel, labor, materials, machinery, tools, equipment, and services,  
including utility and transportation services, and perform and complete all work  
required for the demolition and clearance of **354 McLaughlin** as well as required  
supplemental work for the completion of this project, all in strict accordance with  
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance  
of this Contract and the completion of the work covered therein an amount not to  
exceed **\$3892.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be  
limited to, the following:

Invitation for Bids  
Instructions to Bidders  
Bid Proposal  
Agreement  
General Specifications for Project Performance  
Equal Opportunity and Employment Specifications  
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said  
other documents are as fully a part of the Contract as if attached hereto or  
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with  
any provision of any other component part, the Contractor shall contact the City  
immediately in writing for a determination, interpretation, and/or classification of  
conflicting parts and priority of same. Said determination from the City shall be in  
writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to  
be executed on the day and year first written above.

ATTEST:

\_\_\_\_\_

CONTRACTOR:

BY: Tanny Sager Owner  
Printed name and title

ATTEST:

Irene Dempsey

CITY OF MUSKEGON

BY: [Signature]  
Mayor

Dail A. Krunderger  
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Sager, certify that I am the pres  
of the Corporation named as contractor herein;

That Tanny Sager, who signed this Agreement on behalf of the  
Contractor, was then Owner of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by  
authority of its governing body, and is within the scope of its corporate powers.

Signed:

[Signature]

(CORPORATE SEAL)

Alan Sager pres  
Printed Name and Title

DATE: October 2, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals  
Notice and Order to demolish. Dangerous building case #03-30  
297 McLaughlin.

---

**SUMMARY OF REQUEST:** This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **297 McLaughlin - Area 11**. 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: 03-30- 297 McLaughlin, Area 11.

**Location and ownership:** This structure is located on McLaughlin between Spring and Pine and is now owned by Jason Outley who lives in Muskegon Heights. It is in the McLaughlin Neighborhood.

**Staff Correspondence:** This property was written as dangerous/substandard on 6/3/03. A notice for an interior inspection was issued 6/4/03 and the owner did not show for it. A notice and order to repair or remove was issued 7/7/03 and on 9/4/03 the HBA declared the structure.

**Owner(s):** This office, after a title search is notifying the following:  
1. Jason Outley, 2141 Jefferson, Muskegon Hts.

**Owner Contact:** There has been no contact from the owner.

**SEV:** \$11,100

**Financial Impact:** CDBG.

**Budget Action Required:** None

**Estimated Cost of Repairs:** \$12,000 plus the cost for interior repairs

**CITY COMMISSION RECOMMENDATION:** The Commission will consider this item at it's meeting on Tuesday, October 14, 2003

**CITY OF MUSKEGON**  
**DANGEROUS BUILDING INSPECTION REPORT**

**297 McLaughlin**

**6/3/03**

Inspection noted:

1. Front porch and steps need to be replaced.
2. Flashing on roof with rafter investigation required.
3. Back porch must be repaired.
4. Windows are broken and must be replaced.
5. Roof covering is deteriorated and must be repaired or replaced.
6. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
7. All work requires construction permits. These permits must be obtained prior to work beginning.

**Please contact Inspection Services with any questions at 231-724-6715.**

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

10-14-03

## AGREEMENT

THIS AGREEMENT, made this February 18, 2004 by and between:  
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);  
(partnership consisting of \_\_\_\_\_); (an individual trading as \_\_\_\_\_  
\_\_\_\_\_); hereinafter called the "Contractor," and the City of  
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated  
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,  
technical personnel, labor, materials, machinery, tools, equipment, and services,  
including utility and transportation services, and perform and complete all work  
required for the demolition and clearance of 297 McLaughlin as well as required  
supplemental work for the completion of this project, all in strict accordance with  
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance  
of this Contract and the completion of the work covered therein an amount not to  
exceed \$3305

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be  
limited to, the following:

Invitation for Bids  
Instructions to Bidders  
Bid Proposal  
Agreement  
General Specifications for Project Performance  
Equal Opportunity and Employment Specifications  
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said  
other documents are as fully a part of the Contract as if attached hereto or  
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with  
any provision of any other component part, the Contractor shall contact the City  
immediately in writing for a determination, interpretation, and/or classification of  
conflicting parts and priority of same. Said determination from the City shall be in  
writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to  
be executed on the day and year first written above.

ATTEST:

\_\_\_\_\_

CONTRACTOR:

BY: Alan Jager, Pres.  
Printed name and title

ATTEST:

Heene Dempsey

CITY OF MUSKEGON

BY: [Signature]  
Mayor

Dail A. Kundergei  
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Jager, certify that I am the Sec.

of the Corporation named as contractor herein;

That Alan Jager, who signed this Agreement on behalf of the  
Contractor, was then Pres. of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by  
authority of its governing body, and is within the scope of its corporate powers.

Signed:

[Signature]  
Tammy Jager, Sec.  
Printed Name and Title

(CORPORATE SEAL)

DATE: October 2, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals  
Notice and Order to demolish. Dangerous building case #03-73  
866 E. Forest.

---

**SUMMARY OF REQUEST:** This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **866 E. Forest**. 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: 03-73- 866 E. Forest.

**Location and ownership:** This structure is located on E. Forest between Kingsley and Madison and is owned by Homecomings Financial in Houston, TX. It is in the Oakview Neighborhood.

**Staff Correspondence:** This property was written as dangerous/substandard on 7/9/03 when the MPD contacted the Director of Inspections about the conditions of this house. The city had the structure boarded on 7/11/03. A notice and order to repair or remove was issued 7/17/03 and on 9/4/03 the HBA declared the structure.

**Owner(s):** This office, after a title search is notifying the following:

1. Homecomings Financial Network, Houston, TX

**Owner Contact:** There has been no contact from the owner.

**SEV:** \$21,600

**Financial Impact:** None

**Budget Action Required:** Demo would be paid from General Funds.

**Estimated Cost of Repairs:** \$10,000 plus the cost of interior repairs

**CITY COMMISSION RECOMMENDATION:** The Commission will consider this item at it's meeting on Tuesday, October 14, 2003

**CITY OF MUSKEGON**  
**DANGEROUS BUILDING INSPECTION REPORT**

**866 E. Forest**

**7/9/03**

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Trash and debris in yard.
3. Building is unsecured.
4. Open electrical splices.
5. Front porch guardrail is incomplete.
6. Rear porch guardrail is incomplete.
7. Rear porch steps must be replaced.
8. Garage is totally destroyed.
9. Interior of structure is filthy and unsanitary.
10. Rear slider is missing steps.
11. Abandoned vehicle in yard.
12. No work may commence without obtaining said permit first.

**Please contact Inspection Services at 231-724-6715 with any questions.**

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.

---

Donald LaBrenz, Building Official

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DATE

DATE: October 2, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals  
Notice and Order to demolish. Dangerous building case #03-42  
460 Houston – Garage only.

---

**SUMMARY OF REQUEST:** This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **460 Houston – Garage only- Area 10**. 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: 03-42- 460 Houston, Area 10.

Location and ownership: This structure is located on Houston between Sixth & Seventh and is owned by James Foster, 1938 Maryland, Muskegon, MI.

Staff Correspondence: This structure was written as dangerous/substandard on 6/4/03. A notice and order to repair or remove was issued 6/5/03 and on 8/7/03 the HBA declared the structure.

Owner(s): This office, after a title search is notifying the following:

1. James Foster, 1938 Maryland, Muskegon, 49441
2. Aames Capital Corp, REO Division Los Angeles, CA
3. Huntington Bank, Columbus, OH

Owner Contact: Mr. Foster was present for the meeting and stated he intended to repair the garage. The board explained that he would still have 30 days until the case went to commission and 21 days after that to repair the structure. There has been no contact since 8/7/03 and no permit has been applied for.

SEV: \$18,300

Financial Impact: CDBG.

Budget Action Required: None

Estimated Cost of Repairs: \$20,000

**CITY COMMISSION RECOMMENDATION:** The Commission will consider this item at it's meeting on Tuesday, October 14, 2003

**CITY OF MUSKEGON**  
**DANGEROUS BUILDING INSPECTION REPORT**

**460 Houston**

**6/4/03**

Inspection noted:

1. Roof tarped.
2. West side is improperly constructed.
3. Broken windows must be repaired or replaced.
4. 2<sup>nd</sup> story is improperly constructed.
5. Doors are open – building must be secured.
6. No foundation.
7. Remove unsafe floor and foundation.
8. Fence is required to be straightened and protected.
9. All work requires construction permits. These permits must be obtained prior to work beginning.

**Please contact Inspection Services with any questions at 231-724-6715.**

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

DATE: October 2, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspections

Re: Concurrence with the Housing Board of Appeals  
Notice and Order to demolish. Dangerous building case #03-63  
1969 Wood – Garage only.

---

**SUMMARY OF REQUEST:** This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1969 Wood– Garage only**. 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: 03-63 – 1969 Wood.

Location and ownership: This structure is located on Wood between Holbrook and Keating and is owned by Annie Rudd, same address.

Staff Correspondence: This structure was written as dangerous/substandard on 5/29/03. A notice and order to repair or remove was issued 6/12/03 and on 9/4/03 the HBA declared the structure.

Owner(s): This office, after a title search is notifying the following:

1. Annie Rudd, 1969 Wood St. Muskegon, MI

Owner Contact: There has been no contact from the owner.

SEV: \$19,000

Financial Impact: General Funds

Budget Action Required: None

Estimated Cost of Repairs: \$2000

**CITY COMMISSION RECOMMENDATION:** The Commission will consider this item at it's meeting on Tuesday, October 14, 2003

## AGREEMENT

THIS AGREEMENT, made this June 8, 2004 by and between:  
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);  
(partnership consisting of \_\_\_\_\_); (an individual trading as \_\_\_\_\_  
\_\_\_\_\_); hereinafter called the "Contractor," and the City of  
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated  
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,  
technical personnel, labor, materials, machinery, tools, equipment, and services,  
including utility and transportation services, and perform and complete all work  
required for the demolition and clearance of **1969 Wood-Garage** as well as  
required supplemental work for the completion of this project, all in strict  
accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance  
of this Contract and the completion of the work covered therein an amount not to  
exceed **\$914.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be  
limited to, the following:

Invitation for Bids  
Instructions to Bidders  
Bid Proposal  
Agreement  
General Specifications for Project Performance  
Equal Opportunity and Employment Specifications  
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said  
other documents are as fully a part of the Contract as if attached hereto or  
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with  
any provision of any other component part, the Contractor shall contact the City  
immediately in writing for a determination, interpretation, and/or classification of  
conflicting parts and priority of same. Said determination from the City shall be in  
writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to  
be executed on the day and year first written above.

ATTEST:

\_\_\_\_\_

CONTRACTOR:

BY: TAMMY SAGER OWNER  
Printed name and title

ATTEST:

Irene Dempsey

CITY OF MUSKEGON

BY: [Signature]  
Mayor

Gail A. Kundinga  
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Sager, certify that I am the Presd.

of the Corporation named as contractor herein;

That TAMMY SAGER, who signed this Agreement on behalf of the  
Contractor, was then Owner of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by  
authority of its governing body, and is within the scope of its corporate powers.

Signed:

Alan Sager

(CORPORATE SEAL)

Alan Sager Presd  
Printed Name and Title

**DATE:** October 6, 2003

**TO:** Honorable Mayor and Commissioners

**FROM:** Robert B. Grabinski, Director of Inspection Services

**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-56 Address: 1087 W. Grand

---

**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 **1087 W. Grand** 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:** #00-56 – 1087 W. Grand, Muskegon, MI

**Location and ownership:** This structure is located on W. Grand between Barclay and Franklin. It is owned by Brenda and Larry Davis.

**Staff Correspondence:** A dangerous building inspection was conducted on 7/20/00 because of a fire. In October 2000 the HBA tabled the case for 60 days and the case was again tabled in January 2001. The owners have had problems with their contractors and have filed a formal complaint to the state. There have been numerous progress inspections and all permits have been pulled. The case was again brought before the HBA in February 2003 and tabled 4 months before forwarding to commission. On 7/8/03 the City Commission tabled the case for 90 days with monthly progress inspections scheduled. An inspection was conducted on October 6, 2003. The inspectors were instructed to look at this as a final inspection with an eye toward granting a temporary Certificate of Occupancy. Due to the number of outstanding issues, including the new furnace needing repair, no water heater installed, improper wiring for several areas, no stairs to the second floor, improper and incomplete siding, as well as several other issues, the inspectors were unable to grant a temporary Certificate of Occupancy.

**Owner Contact:** Don LaBrenz and Bob Grabinski met with the Davis's and attempted to explain the items noted. I informed them that as a last attempt to grant, at a minimum, temporary Certificate of Occupancy, Don LaBrenz, Rick Clark and myself will conduct an additional inspection on October 14, 2003 at 2:30 P.M. They were further informed this office would continue with the City Commission notice for the October 14, 2003 meeting. Attached to this summary is a copy of the inspection report from October 6, 2003.

**Financial Impact:** General Funds

**Budget action required:** None

State Equalized value:     \$26,600

Estimated cost to repair:   \$30,000

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 14, 2003.

**CITY OF MUSKEGON**  
**DANGEROUS BUILDING INSPECTION REPORT**  
**1087 W. Grand**  
**10/6/03**

1. Furnace needs outside air for combustion.
2. Heat exchanger cover cracked, spilling condensate inside of furnace cabinet.
3. Return air penetrations not sealed.
4. Water piping needs support.
5. Sump pump needs cover.
6. Furnace not properly wired (see electrical report for photos).
7. Foundation drain discharge crock unable to adequately drain, bubbling up from ground and flowing onto sidewalk.
8. Water heater disconnected.
9. Ground steel boxes.
10. Water heater not wired.
11. Smoke alarms not complete.
12. Outside outlet and kitchen counter plugs not GFI protected.
13. Exterior lights not wired correctly.
14. Make up grounds @ light fixtures with proper termination.
15. Smoke alarms do not appear to match.
16. No peninsula plug.
17. No appliances set.
18. Plugs not secured tight and flush w/ wall.
19. West bedroom outlets not grounded.
20. Master bath jacuzzi tub not complete and GFI protected.
21. Open wire behind kitchen cabinets.
22. Miscellaneous covers missing.
23. No city water bond.
24. Wires not protected by correct sized breakers.
25. ~~Furnace not wired properly.~~ #6
26. Both sets of stairs are not to code, run, rise, slope – also no handrail & guardrail.
27. Slider stairs – incomplete. Need to build to code with landing.
28. Siding – soffit is incomplete.
29. Support cracked wall with engineered design.
30. Basement stair wall is incomplete; plumb header.
31. Basement egress is incomplete.
32. Finish basement draft stopping.
33. Draft stops basement floor holes.
34. Nail sill straps.
35. Finish final grade around home.

---

HENRY FALTINOWSKI, BUILDING INSPECTOR

---

DATE