CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 26, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
- CONSENT AGENDA:
  - A. Approval of Minutes. CITY CLERK
  - B. FIRST READING: Rezoning Request for Property Located at 699 Pulaski Avenue. PLANNING & ECONOMIC DEVELOPMENT
  - C. FIRST READING: Rezoning Request for Property Located at 236 Monroe Avenue. PLANNING & ECONOMIC DEVELOPMENT
  - D. FIRST READING: Rezoning Request for Property Located at 1745 Madison Street. PLANNING & ECONOMIC DEVELOPMENT
  - E. Approval of Contractor for Rehabilitation of House at 435 Monroe. COMMUNITY & NEIGHBORHOOD SERVICES
- PUBLIC HEARINGS:
  - A. Spreading of the Special Assessment Roll for Denmark Street, Lakeshore to Crozier. ENGINEERING
- COMMUNICATIONS:
- CITY MANAGER'S REPORT:
- UNFINISHED BUSINESS:
- NEW BUSINESS:
  - A. Bond Authorizing Resolution 2006 Public Improvement Bonds. FINANCE

B. **<u>Request for Final Planned unit Development Approval for a Residential Development near Sherman Boulevard and Barclay Street.</u>** PLANNING & ECONOMIC DEVELOPMENT

C. **<u>Set Public Hearing for Amendment to Brownfield Plan - Viridian Place at Edison Landing.</u>** PLANNING & ECONOMIC DEVELOPMENT

D. **<u>Farmers' Market Relocation Proposal.</u>** PLANNING & ECONOMIC DEVELOPMENT

- **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 LINDA POTTER, ACTING CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: **September 26, 2006**

To: **Honorable Mayor and City Commissioners**

From: **City Clerk**

RE: **Approval of Minutes**

SUMMARY OF REQUEST: To approve minutes for the September 11th Commission Worksession, and the September 12th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 26, 2006

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 5:30 p.m., Tuesday, September 26, 2006.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Stephen Gawron 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 Stephen Gawron, Commissioner Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

Absent: Commissioner Clara Shepherd (excused)

2006-77 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession held on Monday September 11, 2006 and the Regular Commission Meeting held on Tuesday, September 12, 2006.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes

B. FIRST READING: Rezoning Request for Property Located at 699 Pulaski Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 699 Pulaski Avenue, from I-1, Light Industrial district to B-4, General Business district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECDOMMENDATION: The Planning Commission recommended approval of the request at their September 14th meeting. The vote was unanimous, with T. Michalski and B. Larson absent. **(Requires Second Reading)**

C. FIRST READING: Rezoning Request for Property Located at 236 Monroe Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 236 Monroe Avenue, from R-1, One Family Residential district to B-2, Convenience and Comparison Business district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECDOMMENDATION: The Planning Commission recommended approval of this request at their September 14th meeting. The vote was unanimous, with T. Michalski and B. Larson absent. **(Requires Second Reading)**

D. FIRST READING: Rezoning Request for Property Located at 1745 Madison Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 1745 Madison Street, from I-1, Light Industrial district to R-1, One Family Residential district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECDOMMENDATION: The Planning Commission recommended approval of the request at their September 14th meeting. The vote was unanimous, with T. Michalski and B. Larson absent. **(Requires Second Reading)**

Motion by Vice Mayor Gawron, second by Commissioner Carter to accept the Consent Agenda as read minus item E.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2006-78 ITEM REMOVED FROM THE CONSENT AGENDA:

E. Approval of Contractor for Rehabilitation of House at 435 Monroe. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Lewis E. Johnson Construction, of 16076 Bonita Court, Grand Haven, Michigan, for the completion of the rehabilitation to be located at 435 Monroe, for the cost of $78,900 (Seventy-eight thousand nine hundred dollars).

After the total rehabilitation is completed the home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Nelson neighborhood area under the Operation: "Rejuvenating, Revitalizing, and Resurrecting Our City"

The City received three (3) additional bids:

- J2 Development & Construction, of 109 West Laketon Avenue, Muskegon, Michigan for $ 81, 076 (Eighty-one thousand and seventy-six dollars)
- DeRose Builders Inc, of 7786 Wiczer Drive, Whitehall, Michigan for $86,501.56 (Eighty-six thousand, five hundred and one dollars and fifty-six cents)
- Gawlik Construction, of 5346 East Sternberg Road, Fruitport, Michigan for $87,000 (Eighty-seven thousand dollars)

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2006-2007 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Community and Neighborhood Services office to develop a contract with Lewis E. Johnson Construction and direct the Mayor and Clerk to sign the contract.

Motion by Commissioner Carter, second by Commissioner Davis to approve the contract with Lewis E. Johnson Construction for 435 Monroe.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, and Spataro

Nays: None

MOTION PASSES

2006-79 PUBLIC HEARINGS:

A. **Spreading of the Special Assessment Roll for Denmark Street, Lakeshore to Crozier.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Denmark St. from Lakeshore Dr. to Crozier Ave., and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $61,249.92 would be spread against the 32 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 5:40 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing at 5:41 p.m. and spread the special assessment roll and adopt the resolution.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Spataro, and Warmington

Nays: None

MOTION PASSES

2006-80 CITY MANAGER'S REPORT:

Mayor Stephen Warmington presented City Manager Bryon Mazade with a plaque from ICMA in honor of his 25 years of service as a City Manager.

2006-81 NEW BUSINESS:

A. **Bond Authorizing Resolution 2006 Public Improvement Bonds.** FINANCE

SUMMARY OF REQUEST: The City is undertaking construction of a new Central Fire Station and has previously undertaken major recreation projects including completion of the lakeshore trail and improvements at Hartshorn Marina. To finance these projects, it is necessary to issue public improvement bonds. Previously the Commission adopted a Notice of Intent Resolution which notified citizens of the City's intent to borrow and allowed for a 45 day period during which petitions could be filed to force a referendum on this bond issue. The 45-day period elapsed with no petitions being filed and the next step in the bonding process is adoption of the bond authorizing resolution.

FINANCIAL IMPACT: The resolution authorizes the City to borrow $5,400,000, which will be used as follows (amounts include issuance costs): Central Fire Station ($3,696,970); trail project match ($516,067); Marina project match ($1,032,140); Fisherman's Landing restroom reimbursement ($154,823).

The bonds will be paid from CDBG funds (fire station portion), DDA and Marina funds (as available), Fisherman's Landing contract payments, and general funds over 25 years. The bonds will carry the City's limited full faith and credit. This means that if primary income sources fall short of the amount needed to make annual debt service payments, the City's General Fund will be required to make up the shortfall.

The full future financial impact will not be known until bonds are sold and interest rates determined. Bonds are scheduled for sale on Tuesday, October 10th and the results will be brought to the City Commission that same evening for award.

BUDGET ACTION REQUIRED: None at this time. Projected debt service costs were included in the 2007 budget and will be budgeted in future years as well until the bonds are fully retired (2032).

STAFF RECOMMENDATION: Approval of the bond authorizing resolution.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve

the bond authorizing resolution for the 2006 public improvement bonds.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

B. Request for Final Planned Unit Development Approval for a Residential Development near Sherman Boulevard and Barclay Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The request for Final Planned Unit Development (PUD) approval for a mixed use commercial and residential development for the southerly portion of 1266 W. Sherman Boulevard, the northerly portion of 1228 W. Sherman, a portion of 1254 W. Sherman and a portion of 2495 Barclay Street. The request is by Hazel Churchley, Exit Your Way, LLC.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final approval of the PUD provided that the conditions listed in the resolution are met. Staff added an additional condition regarding Fire Department requirements listed in the Planning Commission staff report.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the final PUD, with the conditions listed on the resolution, at their September 14, 2006 meeting. The vote was approved by majority vote, with J. Aslakson voting no, and T. Michalski and B. Larson absent.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the final Planned Unit Development for residential development near Sherman and Barclay with conditions listed on the resolution.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to Table and refer back to the Planning Commission.

ROLL VOTE: Ayes: Davis, Gawron, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

C. Set Public Hearing for Amendment to Brownfield Plan - Viridian Place at Edison Landing. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Edison Landing Lot I, LLC ("ELLI"), known as Viridian Place at Edison Landing, located at 600 Terrace Street, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a mixed-use development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on September 20, 2006 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for October 24, 2006.

Motion by Vice Mayor Gawron, second by Commissioner Carter to set the Public Hearing for the amendment to the Brownfield Plan for October 24, 2006.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

D. <u>Farmers' Market Relocation Proposal.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: ANM Real Estate Group (Moses Gross, Watermark) has met with staff regarding the possibility of relocating the Farmers' Market to the former Shaw Walker parking lot. The lot would continue to be owned by the City of Muskegon and would be officially part of the Hartshorn Marina. However, ANM Real Estate would lease the property and manage the relocated Farmers Market. They have submitted a proposal.

FINANCIAL IMPACT: The City would contribute $300,000 from the State of Michigan Waterways grant, which is being used for marina improvements (providing the City receives approval from the State to use the funds for this purpose). ANM would match this amount to complete the Farmers' Market relocation. In addition, they would lease the property from the City (at a minimal rate) and share a percentage of their revenues with the City in the future.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize staff to enter into discussion with ANM Real Estate to develop a lease and management agreement for the relocation of the Farmers' Market to the former Shaw Walker parking lot site.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to authorize staff to enter into discussion with ANM Real Estate to develop a lease and management agreement for the relocation of the Farmers' Market to the former Shaw Walker parking lot site.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:53 p.m.

Respectfully submitted,

Linda Potter

Linda Potter, CMC
Acting City Clerk

Commission Meeting Date: September 26, 2006

Needs 2nd Reading

Date: **September 15, 2006**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Rezoning request for property located at 699 Pulaski Ave.**

SUMMARY OF REQUEST:

Request to rezone the property located at 699 Pulaski Avenue, from I-1, Light Industrial district to B-4, General Business district.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/14 meeting. The vote was unanimous, with T. Michalaski and B. Larson absent.

Needs 2nd Reading

Commission Meeting Date: September 26, 2006

Date:	**September 15, 2006**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** CBC
RE:	**Rezoning request for property located at 236 Monroe Ave.**

SUMMARY OF REQUEST:

Request to rezone the property located at 236 Monroe Avenue, from R-1, One Family Residential district to B-2, Convenience and Comparison Business district.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/14 meeting. The vote was unanimous, with T. Michalaski and B. Larson absent.

Needs 2nd Reading

Commission Meeting Date: September 26, 2006

Date:	**September 15, 2006**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** CBC
RE:	**Rezoning request for property located at 1745 Madison St.**

SUMMARY OF REQUEST:

Request to rezone the property located at 1745 Madison Street, from I-1, Light Industrial district to R-1, One Family Residential district.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/14 meeting. The vote was unanimous, with T. Michalaski and B. Larson absent.

Commission Meeting Date: September 26, 2006

Date: **September 19, 2006**

To: **Honorable Mayor & City Commission**

From: **Community and Neighborhood Services Department**

RE: **Approval of Contractor for Rehabilitation of House at 435 Monroe**

SUMMARY OF REQUEST: To approve the contract with Lewis E. Johnson Construction, of 16076 Bonita Court, Grand Haven Michigan, for the completion of the rehabilitation to be located at 435 Monroe, for the cost of $78,900 (Seventy-eight thousand nine hundred dollars).

After the total rehabilitation is completed the home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Nelson neighborhood area under the Operation:

"Rejuvenating, Revitalizing, and Resurrecting Our City"

The City received three (3) additional bids:

- **J2 Development & Construction**, of 109 West Laketon Avenue Muskegon Michigan, for $ 81,076 (~~Ninety-four thousand one hundred twenty dollars~~) eighty-one thousand & seventy-six
- **DeRose Builders Inc**, of 7786 Wiczer Drive Whitehall Michigan, for $ 86,501.56 (Eighty-six thousand five hundred one dollars and fifty-six cents)
- **Gawlik Construction**, of 5346 East Sternberg Road Fruitport Michigan, for $ 87,000 (Eighty-seven thousand dollars)

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2006-2007 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the Community and Neighborhood Services office to develop a contract Lewis E. Johnson Construction and direct the Mayor and Clerk to sign the cortract.

COMMITTEE RECOMMENDATION: None needed.

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: September 26, 2006

RE: Public Hearing
Spreading of the Special Assessment Roll
Denmark St.,Lakeshore Dr. to Crozier Ave.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of $61,249.92 would be spread against the thirty-two- (32) 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. 2006-79(a)

Resolution Confirming Special Assessment Roll

For **Denmark St. from Lakeshore Dr. to Crozier Ave.**

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 **February 28, 2006**, 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 **Denmark St., Lakeshore Dr. to Crozier Ave.**

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: Wierengo, Carter, Davis, Gawron, Spataro, and Warmington

Nays: None

City of Muskegon

By Linda Potter

Linda Potter, Acting City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **September 26, 2006**. 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 **September 26, 2006.**

City of Muskegon

By Linda Potter

Linda Potter, Acting City Clerk

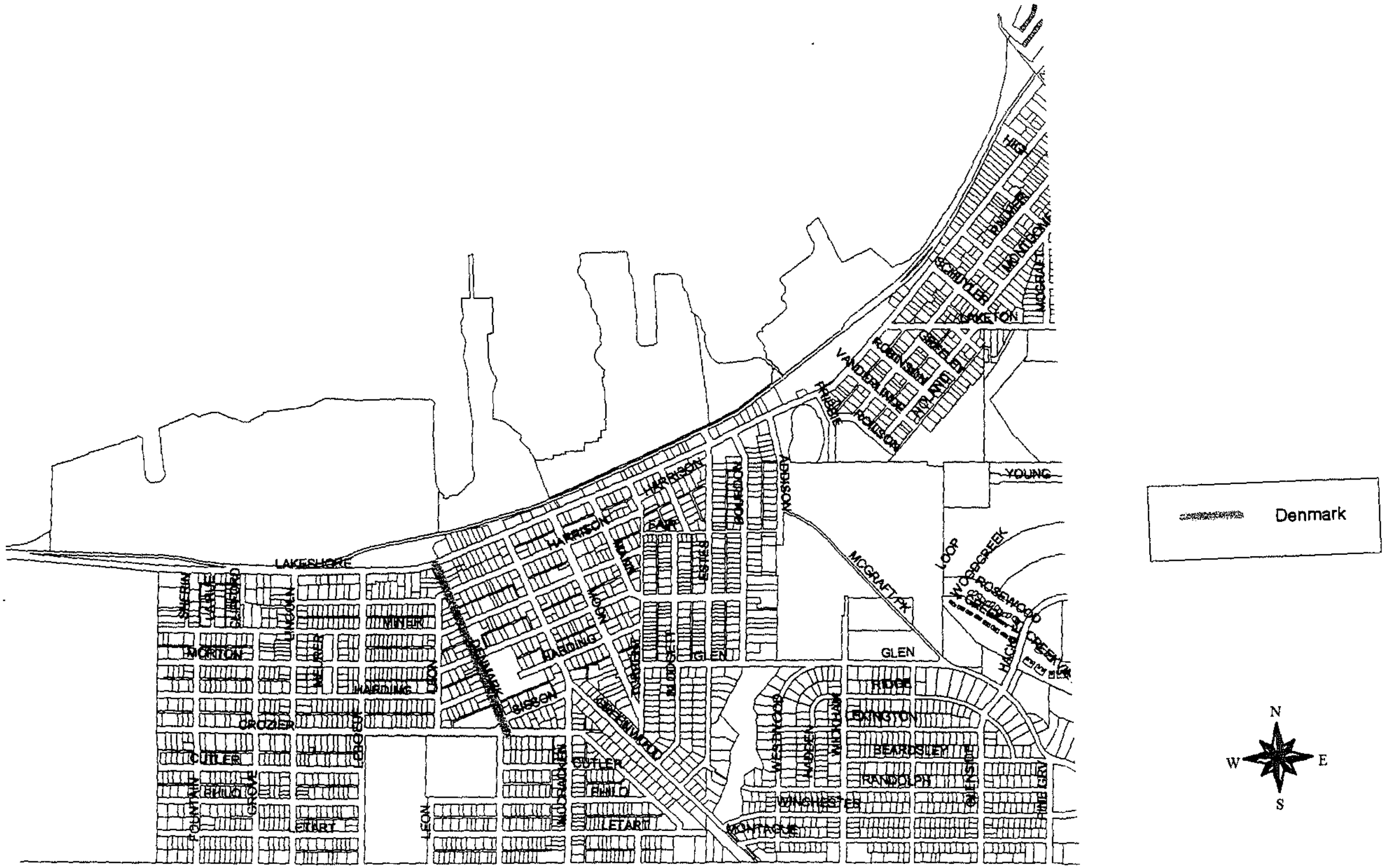
EXHIBIT A

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Denmark - Lakeshore to Crozier



DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY ______________________

STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1613 ,Denmark St., Lakeshore Dr. to Crozier Ave.

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 15th DAY OF SEPTEMBER 2006

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
9th DAY OF October, 2006.

Jo Ann M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 05-13-2012

September 15, 2006

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

Property Parcel Number: 24-XXX-XXX-XXXX-XX at PROPERTY 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:

DENMARK ST.,LAKESHORE DR. TO CROZIER AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, SEPTEMBER 26,2006 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 SEPTEMBER 26,2006 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. 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 $286,600.00 of which $61,249.92 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed $1252.16 based on 39.13 feet assessable front footage at $32 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 $1252.16 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: $125.22 PER YEAR
Due Date: November 27, 2006

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 Assessment for financial assistance.

Sincerely,

Mohammad 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
DENMARK ST., LAKESHORE DR. TO CROZIER AVE. H 1613
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 CONFIRMATION**

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
DENMARK ST., LAKESHORE DR. TO CROZIER AVE. H 1613
CDBG APPLICATION 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 your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk 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 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

✓ **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. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation. The City must complete the sidewalks. Costs incurred from repairs done by you or a private contractor will not be reimbursed.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL

SPECIAL ASSESSMENT DISTRICT:

DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

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

All parcels abutting Denmark St. from Lakeshore Dr. to Crozier Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll will be held at the City of Muskegon Commission Chambers on **September 26, 2006 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 roll that has been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment roll is 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 ROLLS IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLLS 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 hearing the City Commission determined that the special assessment district should be created, the improvements made, and the assessments levied. The purpose of this hearing is to hear objections to the assessment roll and to approve, reject, or correct the said roll.

Linda Potter, Acting City Clerk

Publish: **SEPTEMBER 16, 2006**

ADA POLICY

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

Linda Potter, Acting 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. 2006-19(a)

Resolution At First Hearing Creating Special Assessment District
For **DENMARK ST., LAKESHORE DR. TO CROZIER AVE.**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 28, 2006** 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 28, 2006,** there were 25.93 % 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 Davis 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 **18.97%** 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 Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays None

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 28, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, Clerk

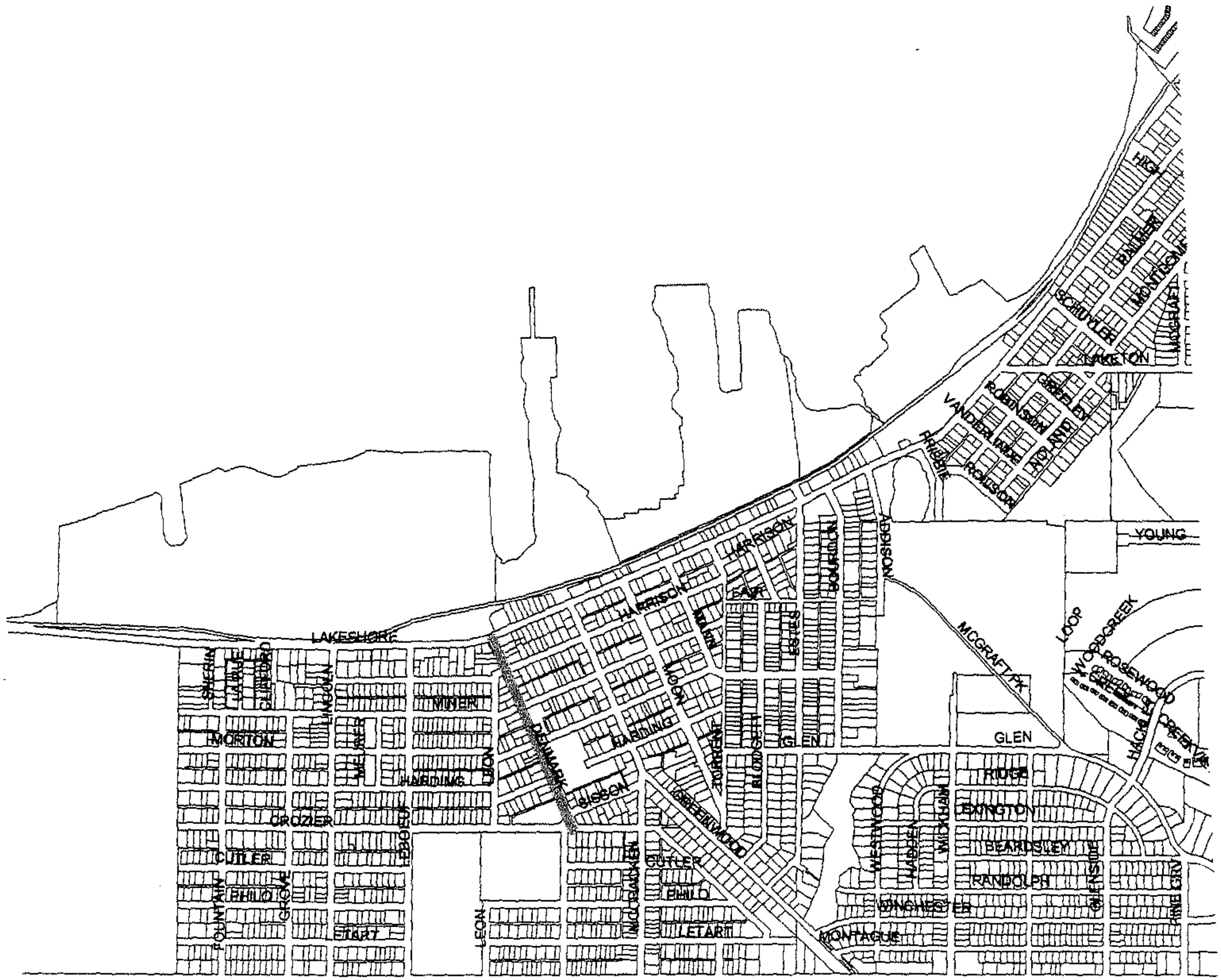
EXHIBIT A

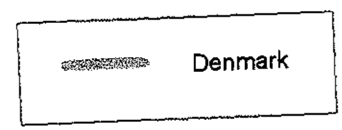
DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of DENMARK ST., LAKESHORE DR. TO CROZIER AVE.

Denmark - Lakeshore to Crozier





AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Denmark St., Lakeshore Dr. to Crozier Ave.

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 17th DAY OF FEBRUARY, 2006.

Gail A. Kundinger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF March, 2006.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

H 1613 **HEARING DATE** SEPTEMBER 26,2006

DENMARK ST.,LAKESHORE DR. TO CROZIER AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-658-0001-0	**2205 LAKESHORE DR**	FRICKE IRENE	156 MILLVIEW AVE	KALAMAZOO	MI	49001	$1,252.16	$0.00	***$1,252.16***
24-205-658-0001-2	**2165 DENMARK ST**	LARSEN RONALD P II	2165 DENMARK ST	MUSKEGON	MI	49441	$1,728.00	$0.00	***$1,728.00***
24-205-658-0001-3	**2171 DENMARK ST**	BILEK ROBERT/BROO	2171 DENMARK ST	MUSKEGON	MI	49441	$1,696.00	$0.00	***$1,696.00***
24-205-658-0001-4	**2200 HARRISON AVE**	STOUT EUGENE E	2200 HARRISON AVE	MUSKEGON	MI	49441	$1,546.56	$0.00	***$1,546.56***
24-205-657-0001-0	**2203 DENMARK ST**	TULEJA ELSIE	306 N JACKSON	SPRING LAKE	MI	49456	$1,584.00	$0.00	***$1,584.00***
24-205-657-0001-1	**2215 DENMARK ST**	CARPENTER JEFFRA	2215 DENMARK ST	MUSKEGON	MI	49441	$792.00	$0.00	***$792.00***
24-205-657-0002-0	**2225 DENMARK ST**	CARPENTER JEFFRA	2215 DENMARK ST	MUSKEGON	MI	49441	$1,056.00	$0.00	***$1,056.00***
24-205-657-0004-0	**2231 DENMARK ST**	DEVOOGD JON P/MC	3404 FULTON AVE	MUSKEGON	MI	49441	$1,056.00	$0.00	***$1,056.00***
24-205-656-0001-0	**2249 DENMARK ST**	BREEN TRACY/ANGEL	2249 DENMARK ST	MUSKEGON	MI	49441	$2,112.00	$0.00	***$2,112.00***
24-205-656-0002-0	**2257 DENMARK ST**	LAKESIDE BAPTIST C	2250 DENMARK ST	MUSKEGON	MI	49441	$2,112.00	$0.00	***$2,112.00***
24-205-656-0007-0	**2269 DENMARK ST**	MOSHER JOHN R	2269 DENMARK ST	MUSKEGON	MI	49441	$2,112.00	$0.00	***$2,112.00***
24-205-656-0006-0	**2279 DENMARK ST**	SNEDEKER MARK/BAI	2279 DENMARK ST	MUSKEGON	MI	49441	$2,112.00	$0.00	***$2,112.00***
24-205-655-0001-0	**2297 DENMARK ST**	KROLL LAURALEE	2297 DENMARK ST	MUSKEGON	MI	49441	$2,112.00	$907.20	***$3,019.20***
24-205-655-0002-0	**2303 DENMARK ST**	TOWNE KAREN I	2303 DENMARK ST	MUSKEGON	MI	49441	$1,056.00	$0.00	***$1,056.00***
24-205-655-0002-1	**2309 DENMARK ST**	HOWARD PATRICK D	2309 DENMARK ST	MUSKEGON	MI	49441	$1,056.00	$0.00	***$1,056.00***
24-205-655-0013-0	**2317 DENMARK ST**	GILLIKEN RENTAL & I	1860 NIELWOOD DR	MUSKEGON	MI	49445	$2,112.00	$0.00	***$2,112.00***
24-205-655-0012-0	**2325 DENMARK ST**	SCHROEDER EDWAR	1456 E MCMILLAN RD	MUSKEGON	MI	49445-1	$2,112.00	$0.00	***$2,112.00***
24-205-654-0001-0	**2341 DENMARK ST**	PERDUE MATTHEW J/	2341 DENMARK ST	MUSKEGON	MI	49441	$2,112.00	$0.00	***$2,112.00***

DENMARK ST.,LAKESHORE DR. TO CROZIER AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-654-0002-0	**2357 DENMARK ST**	LAKESIDE UNITED ME	2160 CROZIER AVE	MUSKEGON	MI	49441	$2,112.00	$0.00	***$2,112.00***
24-205-654-0010-0	**2160 CROZIER AVE**	LAKESIDE UNITED ME	2160 CROZIER AVE	MUSKEGON	MI	49441	$4,224.00	$0.00	***$4,224.00***
24-205-641-0005-0	**2187 LAKESHORE DR**	SWARVAR DANIEL C	2187 LAKESHORE DR	MUSKEGON	MI	49441	$2,720.00	$0.00	***$2,720.00***
24-205-641-0005-1	**2168 DENMARK ST**	DANIELS ELEANOR I	2168 DENMARK ST	MUSKEGON	MI	49441	$1,920.00	$0.00	***$1,920.00***
24-205-641-0005-2	**2176 DENMARK ST**	FORTIER PAULETTA	2176 DENMARK ST	MUSKEGON	MI	49441	$1,408.00	$0.00	***$1,408.00***
24-205-641-0005-3	**2156 HARRISON AVE**	FREYE DOUGLAS	2156 HARRISON AVE	MUSKEGON	MI	49441	$2,400.00	$0.00	***$2,400.00***
24-205-642-0010-0	**2204 DENMARK ST**	VANLEEUWEN LUKE/S	3832 DALSON RD	TWIN LAKE	MI	49457	$1,056.00	$0.00	***$1,056.00***
24-205-642-0010-1	**2214 DENMARK ST**	HORSLY RICHARD A/C	2088 PARSLOW DR A	MUSKEGON	MI	49441	$2,112.00	$0.00	***$2,112.00***
24-205-642-0011-0	**2224 DENMARK ST**	HRYNEWICH SUSAN L	1132 NORTH LN	MUSKEGON	MI	49441	$1,984.00	$0.00	***$1,984.00***
24-205-642-0011-1	**2146 MINER AVE**	GORYL JOANNA ET A	2146 MINER AVE	MUSKEGON	MI	49441	$1,120.00	$0.00	***$1,120.00***
24-205-643-0012-0	**2250 DENMARK ST**	LAKESIDE BAPTIST C	2250 DENMARK ST	MUSKEGON	MI	49441	$6,576.00	$0.00	***$6,576.00***
24-205-645-0001-0	**2312 DENMARK ST**	MUSKEGON PUBLIC S	BUNKER SCHOOL				$0.00	$0.00	***$0.00***
24-205-646-0011-0	**2362 DENMARK ST**	CHURCHLEY PROPER	2239 FILONOW DR	MUSKEGON	MI	49444	$1,760.00	$0.00	***$1,760.00***
24-205-646-0011-1	**2372 DENMARK ST**	BURDEN JACK L	130 N GREEN CREEK	MUSKEGON	MI	49445	$1,232.00	$0.00	***$1,232.00***

H 1613 HEARING DATE SEPTEMBER 26,2006

DENMARK ST.,LAKESHORE DR. TO CROZIER AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
	TOTALS			$60,342.72	$907.20	$61,249.92

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

BOARD OF ASSESSORS

Dan Vandelinder (FOR LARRY) 9/27/06
LARRY MILLARD, DIRECTOR,COUNTY EQUALIZATIO DATE

Kevin R. Davis 9/27/06
KEVIN DAVIS CITY COMMISSIONER DATE

Stephen J. Gawron 10-3-06
STEPHEN GAWRON CITY COMMISSIONER DATE

Christine M. Bailey
2279 Denmark Street
Muskegon, Michigan 49441

RECEIVED
SEP 26 2006
City Clerks Office

September 25, 2006

City of Muskegon
Income Tax Department
933 Terrace Street
PO Box 29
Muskegon, MI 49443-0029

RE: Notice of Proposed Special Assessment
Property No. 24-25-656-0006-00 at 2279 Denmark Street

Dear Sir/Madam:

I am writing in response to your letter regarding the Proposed Special Tax Assessment for the construction work just recently completed on Denmark. I am writing in protest to this "Special Tax Assessment", the entire project has three tax exempt organizations on it and they own the majority of the property not the residence, one is the middle school and the other two are churches. We pay property tax for the school and roads to be maintained and these roads have not been maintained in many years. I can't believe, considering the amount of property tax already being paid, that you would even consider asking the residences to pay additional amounts for something that should already be covered by the property tax they are now paying. Again, not to mention the largest properties on this proposed assessment are tax exempt organizations.

Several residence, including our residence, have had additional plumbing problems related with the work done and many plumbing companies have been out just in the past week trying to remedy the situation. This construction project has cost us money before the project, during the project and now after the project.

So with regards to your "Proposed Special Tax Assessment" this residence is voting **NO**. Should this "Proposed Special Tax Assessment" pass in any way, please be advised that legal action will be taken against the City.

Sincerely,

Mark T. Snedeker & Christine M. Bailey

Date: September 26, 2006

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Bond Authorizing Resolution 2006 Public Improvement Bonds

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SUMMARY OF REQUEST: The City is undertaking construction of a new Central Fire Station and has previously undertaken major recreation projects including completion of the lakeshore trail and improvements at Hartshorn Marina. To finance these projects, it is necessary to issue public improvement bonds. Previously the Commission adopted a *Notice of Intent Resolution* which notified citizens of the City's intent to borrow and allowed for a 45-day period during which petitions could be fil ed to force a referendum on this bond issue. The 45-day period elapsed with no petitions being filed and the next step in the bonding process is adoption of the attached bond authorizing resolution.

FINANCIAL IMPACT: The attached resolution authorizes the City to borrow $5,400,000, which will be used as follows (amounts include issuance costs): Central Fire Station ($3,696,970); trail project match ($516,067); Marina project match ($1,032,140); Fisherman's Landing restroom reimbursement ($154,823).

The bonds will be paid from CDBG funds (fire station portion), DDA and Marina funds (as available), Fisherman's Landing contract pay ments, and general funds over 25 years. The bonds will carry the City's limited full faith and credit. This means that if primary income sources fall short of the amount needed to make annual debt service payments, the City's General Fund will be required to make up the shortfall.

The full future financial impact will not be known until bonds are sold and interest rates determined. Bonds are scheduled for sale on Tuesday, October 10th and the results will be brought to the City Commission that same evening for award.

BUDGET ACTION REQUIRED: None at this time. Projected debt service costs were include in the 2007 budget and will be budgeted in future years as well until the bonds are fully retired (2032).

STAFF RECOMMENDATION: Approval of the attached bond authorizing resolution.

Founded in 1852
by Sidney Davy Miller

MILLER
CANFIELD
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe
Saginaw • Troy
New York, NY
FLORIDA: Naples
Pensacola
CANADA: Windsor, ON
POLAND: Gdynia
Warsaw • Wrocław

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

September 13, 2006

Mr. Timothy J. Paul
Finance Director, City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Via Email

Dear Tim:

I have received the preliminary POS from Warren's office and have suggested that the bonds be offered for sale on October 10th, which as I understand it is a regular meeting date of the City Commission. Based on the specs, I have prepared the bond authorizing resolution which I attach herewith. I am also sending this by regular mail.

May I ask you to review the resolution and if it meets with your approval, submit same to the City Commission. I have assumed that you will do this at the September 26th meeting. Should you have any questions or comments regarding the resolution, please let me know.

As in the past, I would ask that you cause three certified copies of the resolution be returned to me after its adoption.

If you have any questions or if I may be of any other assistance, please do not hesitate to contact me.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: Joel L. Piell

Joel L. Piell

cc: Mr. Warren M. Creamer, III (w/enclosure) *Via Email*
Hard copies via U.S. Mail

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MUSKEGON

West Michigan's Shoreline City

September 28, 2006

Mr. Joel L. Piell
Miller, Canfield, Paddock
& Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, MI 48226

Dear Mr. Piell:

Enclosed are three certified copies of the Resolution Authorizing Limited Tax General Obligation Bonds, Series 2006, that were approved by the City Commission at their September 26th meeting.

If you have any questions, please call me at (231) 724-6705.

Thank you,

Linda Potter

Linda Potter
Acting City Clerk

Enc.

RESOLUTION AUTHORIZING
LIMITED TAX GENERAL OBLIGATION BONDS,
SERIES 2006

City of Muskegon
County of Muskegon, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan (the "City" or "Issuer"), held on September 26, 2006, at 5:30 o'clock p.m., Eastern Daylight Savings Time.

PRESENT: Members Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

ABSENT: Members Shepherd

The following preamble and resolution were offered by Member Spataro and supported by Member Gawron:

WHEREAS, the Issuer does hereby determine that it is necessary to acquire and construct a fire station and recreational improvements consisting of certain marina and trail system improvements together with all necessary and related appurtenances and attachments therefor (the "Project"); and

WHEREAS, the cost of the Project together with financing costs is estimated to be not less than Five Million Four Hundred Thousand Dollars ($5,400,000); and

WHEREAS, to finance the cost of the Project, this City Commission deems it necessary to borrow the principal sum of Five Million Four Hundred Thousand Dollars ($5,400,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001 ("Act 34"), to pay all or part of the cost of the Project; and

WHEREAS, a notice of intent was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the Issuer unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication; and

WHEREAS, no petition for referendum has been filed.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. <u>Authorization of Bonds; Bond Terms</u>. Bonds of the Issuer designated LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2006 (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Five Million Four Hundred Thousand Dollars ($5,400,000) for the purpose of paying all or part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of $5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated as of the date of their delivery to the original purchaser. The Bonds shall bear interest, mature, and be payable at the times and in the manner set forth in Sections 6 and 7 hereof.

The Bonds shall be subject to redemption prior to maturity in the manner and at the times and prices set forth in Sections 6 and 7 hereof.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. Interest shall be payable to the registered owner of record as of the 15th day of the month preceding the payment date for each interest payment. The principal of the Bonds shall be payable upon presentation and surrender to the Transfer Agent (as defined below).

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the Issuer. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Bonds shall be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the City Finance Director and Treasurer are each authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form and to make such changes in the Bond Form within the parameters of this resolution as may be required to accomplish the foregoing.

J. P. Morgan Trust Company, National Association, Detroit, Michigan, is hereby appointed to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for this issue. The Issuer reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

2. Execution of Bonds. The Bonds of this issue shall be executed in the name of the Issuer with the facsimile signatures of the Mayor and the Clerk of the Issuer and shall have the seal of the Issuer, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the Treasurer of the Issuer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the Issuer. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The Issuer hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The Issuer shall each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the Issuer subject to applicable constitutional and statutory tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The Treasurer is authorized and directed to open a depositary account with a bank or trust company designated by the City Commission, to be designated 2006 LIMITED TAX GENERAL OBLIGATION BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The City Treasurer is authorized and

directed to open a separate depositary account with a bank or trust company designated by the City Commission, to be designated 2006 LIMITED TAX GENERAL OBLIGATION BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the Bonds less accrued interest and premium, it any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

6. Bond Form. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF MUSKEGON

CITY OF MUSKEGON

LIMITED TAX GENERAL OBLIGATION BONDS
SERIES 2006

Interest Rate	Maturity Date	Date of Original Issue	CUSIP

Registered Owner:

Principal Amount: Dollars

The City of Muskegon, County of Muskegon, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on April 1, 2007 and semiannually thereafter. Principal of this bond is payable at the designated office of J.P. Morgan Trust Company, National Association, Detroit, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the Issuer kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Issuer are hereby irrevocably pledged.

This bond is one of a series of bonds aggregating the principal sum of $5,400,000, issued for the purpose of paying all or part of the cost of certain capital improvements for the Issuer. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, and a duly adopted resolution of the Issuer.

Bonds of this issue maturing in the years 2008 through 2016, inclusive shall not be subject to redemption prior to maturity. Bonds of this issue maturing in the years 2017 through 2032, inclusive, shall be subject to redemption prior to maturity, at the option of the Issuer, in such order as the Issuer shall determine, on any date on or after October 1, 2016, at par plus accrued interest.

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provide funds are on hand with the transfer agent to redeem the bond or portion thereof.

This bond is transferable only upon the registration books of the Issuer kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Issuer, and the Issuer is required, if necessary, to levy ad valorem taxes on all taxable property in the Issuer for the payment thereof, subject to applicable constitutional and statutory tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Issuer, including this bond, does not exceed any constitutional and statutory debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the Issuer, by its City Commission, has caused this bond to be signed in the name of the Issuer by the facsimile signatures of its Mayor and Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF MUSKEGON
County of Muskegon
State of Michigan

By _________[facsimile]_________

Its Mayor

(SEAL)

By _________[facsimile]_________

Its Clerk

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

(Form of Transfer Agent's Certificate of Authentication)

DATE OF AUTHENTICATION:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

Transfer Agent

By ______________________

Authorized Signatory

[Bond printer to insert form of assignment]

7. Notice of Sale and Sale of Bonds. The City Clerk is authorized to upon receipt of notice of qualified status under Act 34 fix a date of sale for the Bonds; and publish notice of sale of the Bonds in ***The Bond Buyer***, New York, New York. The notice of sale shall be in substantially the following form:

OFFICIAL NOTICE OF SALE

$5,400,000
CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN
LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2006

SEALED OR FAXED BIDS: Bidders may submit bids for the purchase of the above bonds as follows:

SEALED BIDS. The City of Muskegon (the "Issuer") will receive sealed bids at the offices of the City Clerk located at 933 Terrace St., Muskegon, Michigan on Tuesday, the 10th day of October, 2006 until __:__ __.m., Eastern Daylight Time, and simultaneously at the offices of The Municipal Advisory Council of Michigan located at 1445 First National Building, Detroit, Michigan 48226 which time and place said bids will be publicly opened and read.

FAXED BIDS: Signed bids may be submitted by fax by members of The Municipal Advisory Council of Michigan to The Municipal Advisory Council of Michigan at (313) 963-0943, provided that faxed bids must arrive before the time of sale, the bidder bears all risks of transmission failure and the GOOD FAITH DEPOSIT MUST BE MADE AND RECEIVED as described in the section entitled "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10018, (212) 849-5021. NO ELECTRONIC BID WILL BE ACCEPTED UNLESS THE BIDDER HAS SUBMITTED A FINANCIAL SURETY BOND OR A CERTIFIED OR CASHIERS CHECK IN THE AMOUNT DESCRIBED IN THE SECTION ENTITLED "GOOD FAITH" BELOW. IF ANY PROVISION OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE SHALL CONTROL.

Bidders may choose any means to present bids but a bidder may not present a bid by more than one means.

BOND DETAILS: The bonds will be registered bonds of the denomination of $5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of delivery of the bonds to the original purchaser thereof, numbered in order of registration, and will bear interest from their date payable on April 1, 2007 and semiannually thereafter.

The bonds will mature on the 1st day of October in each of the years, as follows:

Year	**Amount**
2008	$ 45,000
2009	50,000
2010 through 2018, inclusive	70,000
2019	295,000
2020	305,000
2021 and 2022	315,000
2023	320,000
2024	340,000
2025, 2026 and 2027	345,000
2028-2032	350,000

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at rate or rates not exceeding 6% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and the lowest interest rate bid shall not exceed three (3) percent. THE INTEREST RATE FOR EACH SERIAL OR TERM BOND MATURITY SHALL BE EQUAL TO OR GREATER THAN THE PRECEDING SERIAL OR TERM BOND MATURITY. No proposal for the purchase of less than all of the bonds or at a price less than 99% of their par value will be considered.

TERM BONDS: Bidders shall have the option of designating bonds maturing in the years 2008 through 2032 inclusive, as serial bonds, term bonds, or both. The bid must designate whether each of the principal amounts shown above for the years 2008 through 2032, inclusive, represent a serial maturity or a mandatory redemption requirement for a term bond maturity. The principal amounts maturing in the years 2008 through 2032, inclusive, shall be represented by either a serial bond maturity, a mandatory redemption requirement or a combination of both. Any such designation must be made at the time the bid is submitted.

PRIOR REDEMPTION OF BONDS: Bonds of this issue maturing in the years 2008 through 2016 shall not be subject to redemption prior to maturity. Bonds maturing in the years 2017 through 2032 shall be subject to redemption prior to maturity, at the option of the Issuer, in such order as the Issuer shall determine, on any date on or after October 1, 2016 at par plus accrued interest to the date of redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the transfer agent. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provide funds are on hand with the transfer agent to redeem the bond or portion thereof.

<u>BOOK-ENTRY ONLY</u>: The bonds will be issued in book-entry only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of $5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

<u>TRANSFER AGENT AND REGISTRATION</u>: Principal shall be payable at the principal corporate trust office of J.P. Morgan Trust Company, National Association, Detroit, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check or draft mailed to the registered owner of record as shown on the registration books of the Issuer as of the 15th day of the month prior to an interest payment date. The bonds will be transferred only upon the registration books of the Issuer kept by the transfer agent.

<u>PURPOSE AND SECURITY</u>: The bonds are authorized for the purpose of paying all or part of the cost of certain capital improvements together with all necessary appurtenances and attachments therefor in the Issuer. The bonds will be a first budget obligation of the Issuer, payable as a first budget obligation from the general funds of the Issuer including the collection of ad valorem taxes on all taxable property in the Issuer subject to applicable constitutional and statutory tax rate limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

<u>GOOD FAITH</u>: A certified or cashier's check drawn upon an incorporated bank or trust company or a Financial Surety Bond, in the amount of $108,000, and payable to the order of the Treasurer of the Issuer is required for each bid as a guaranty of good faith on the part of the

bidder, to be forfeited as a portion of the Issuer's damages if such bid be accepted and the bidder fails to take up and pay for the bonds. If a check is used, it must accompany each bid. If a Financial Surety Bond is used, it must be from an insurance company licensed to issue such a bond in the State of Michigan and such bond must be submitted to the Issuer's financial advisor prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose good faith deposit is guaranteed by such Financial Surety Bond. If the bonds are awarded to a bidder utilizing a Financial Surety Bond, then that purchaser (the "Purchaser") is required to submit its good faith deposit to the Issuer in the form of a cashier's check (or wire transfer such amount as instructed by the Issuer not later than Noon, Eastern Time, on the next business day following the award. If such good faith deposit is not received by that time, the Financial Surety Bond may be drawn upon by the Issuer to satisfy the good faith deposit requirement. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the Issuer. No interest shall be allowed on the good faith check and checks of the unsuccessful bidders will be returned to each bidder's representative or by overnight delivery. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS-TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on April 1, 2007 and semi annually thereafter) necessary to discount the debt service payments from their respective payment dates to November 1, 2006, in an amount equal to the bid price, excluding accrued interest.

TAX MATTERS: In the opinion of bond counsel, assuming compliance with certain covenants, interest on the bonds is excluded from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation in the State of Michigan except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof. The successful bidder will be required to furnish, prior to the delivery of the bonds, a certificate in a form acceptable to bond counsel as to the "issue price" of the bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986.

QUALIFIED TAX EXEMPT OBLIGATIONS: The Issuer has designated the bonds as "qualified tax exempt obligations" for purposes of deduction of interest by financial institutions.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials.

DELIVERY OF BONDS: The Issuer will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by Twelve o'clock noon, Eastern Daylight Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the Issuer shall promptly return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery.

OFFICIAL STATEMENT: A copy of the Official Statement relating to the bonds may be obtained by contacting Robert W. Baird & Co., 1001 Bay Street, Traverse City, Michigan 49684, telephone number: 231-933-8447, fax: 231-933-8448. The Official Statement is in a form deemed final by the Issuer for purposes of paragraph (b)(1) of SEC Rule 15c2-12 (the "Rule"), but is subject to revision, amendment and completion in a final Official Statement.

After the award of the bonds, the Issuer will provide on a timely basis a reasonable number of copies of the final Official Statement, as that term is defined in paragraph (f)(3) of the rule, at the expense of the Issuer (and such additional copies of the final Official Statement as reasonably requested by, and at the expense of, the successful bidder or bidders) to enable the successful bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board. Requests for such additional copies of the final Official Statement shall be made to Robert W. Baird & Co., at the above address within 24 hours of the award of the bonds.

CONTINUING DISCLOSURE: As described in greater detail in the Official Statement, the Issuer will agree in the resolution to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and exchange Commission, (i) on or prior to the lst day of the sixth month following the end of the fiscal year of the Issuer, commencing with the fiscal year ending December 31, 2006, certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (or if audited financial statements are not available, unaudited financial statements) generally consistent with the information contained or cross-referenced in the Official Statement relating to the Bonds, (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a failure by the Issuer to provide the required annual financial information on or before the date specified in (i) above.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid for by the Issuer; provided, however, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchaser.

FINANCIAL CONSULTANT: Further information relating to the bonds may be obtained from Robert W. Baird & Co., 1001 Bay Street, Traverse City, Michigan 49684, telephone number: 231-933-8447, fax: 231- 933-8448.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

ENVELOPES containing the bids should be plainly marked "Proposal for Limited Tax General Obligation Bonds, Series 2006."

Linda Potter, Acting City Clerk
City of Muskegon

8. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty six (26) years.

9. Tax Covenant; Qualified Tax Exempt Obligations. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds. The Issuer hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

10. Authorization of Other Actions. The Mayor, the City Manager, City Clerk, City Treasurer and the Finance Director each is authorized to take all other actions necessary or advisable including the purchase of municipal bond insurance, and to make such other filings with the Michigan Department of Treasury, bond insurers or with other parties, to enable the sale and delivery of the Bonds as contemplated herein.

11. Continuing Disclosure. The City hereby covenants to comply with Securities and Exchange Commission Rule 15c2-12 (the "Rule") and appoints the City's Finance Director as its "Disclosure Representative" in accordance with the Rule. The City Finance Director be and is hereby directed to undertake disclosure in accordance with the Rule.

12. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members Carter, Davis, Gawron, Spataro, Warmington, and Wierengo

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Linda Potter
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on September 26, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Linda Potter
City Clerk

DELIB:2771124.2\063684-00035

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe
Saginaw • Troy
New York, NY
FLORIDA: Naples
Pensacola
CANADA: Windsor, ON
POLAND: Gdynia
Warsaw • Wrocław

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

October 4, 2006

Ms. Linda Potter
Acting City Clerk
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Via Email

Dear Ms. Potter:

I am writing this letter to acknowledge receipt of your mailing of the resolution approving the LTGO bonds. Thank you for sending this to me.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: Joel L Piell

Joel L. Piell

cc: Mr. Timothy J. Paul *Via Email*

DELIB:2778734.1\063684-00035

Commission Meeting Date: September 26, 2006

Date: **September 15, 2006**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Request for Final Planned Unit Development approval for a Residential Development near Sherman Boulevard and Barclay Street**

SUMMARY OF REQUEST:

The request for Final Planned Unit Development (PUD) approval for a mixed use commercial and residential development for the southerly portion of 1266 W. Sherman Boulevard, the northerly portion of 1228 W. Sherman, a portion of 1254 W. Sherman and a portion of 2495 Barclay Street. The request is by Hazel Churchley, Exit Your Way, LLC.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends final approval of the PUD provided that the conditions listed in the attached resolution are met. Staff added an additional condition regarding Fire Department requirements listed in the Planning Commission Staff report.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the final PUD, with the conditions listed on the attached resolution, at their September 14, 2006 meeting. The vote was approved by majority vote, with J. Aslakson voting no, and T. Michalski and B. Larson absent.

CITY OF MUSKEGON

RESOLUTION #2006-

RESOLUTION FOR FINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR THE SOUTHERLY PORTION OF 1266 W SHERMAN BOULEVARD, THE NORTHERLY PORTION OF 1228 W SHERMAN, A PORTION OF 1254 W SHERMAN AND A PORTION OF 2495 BARCLAY STREET.

WHEREAS, a petition for a planned unit development was received from Hazel Churchley, Exit Your Way, LLC; and,

WHEREAS, a planned unit development will allow a mixed use commercial and residential development; and,

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the Final Planned Unit Development and associated site plan, with conditions as follows:

1. The developer obtains the necessary DEQ permits.
2. A landscaping plan will need to be submitted and approved by the Planning Department.
3. The Fire Department requirements listed in number 7 of the Planning Commission staff report must be met.

NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the final planned unit development is hereby approved.

Adopted this 26th day of September, 2006

Ayes:

Nays:

Absent:

By:________________________________
Stephen J. Warmington
Mayor

Attest:______________________________
Linda S. Potter , CMC
Acting City Clerk

CERTIFICATE (Final PUD Sherman and Barclay.)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of September, 2006, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: ____________________, 2006.

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Linda S. Potter, CMC
Acting City Clerk, City of Muskegon

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

September 14, 2006

Hearing; Case 2006-44: Request for final Planned Unit Development approval for a mixed use commercial and residential development for the southerly portion of 1266 W. Sherman Boulevard, the Northerly portion of 1228 W. Sherman, a portion of 1254 W. Sherman, and a portion of 2495 Barclay Street, by Hazel Churchley, Exit Your Way, LLC.

BACKGROUND

Applicant:	Hazel Churchley, Exit Your Way, LLC
Property Address/Location:	Portions of 1266, 1254, 1228 W. Sherman Boulevard and a portion of 2495 Barclay Street
Request:	Final Planned Unit Development (PUD)
Present Land Use:	Vacant
Zoning:	R-1, One Family Residential and B-4, General Business

STAFF OBSERVATIONS

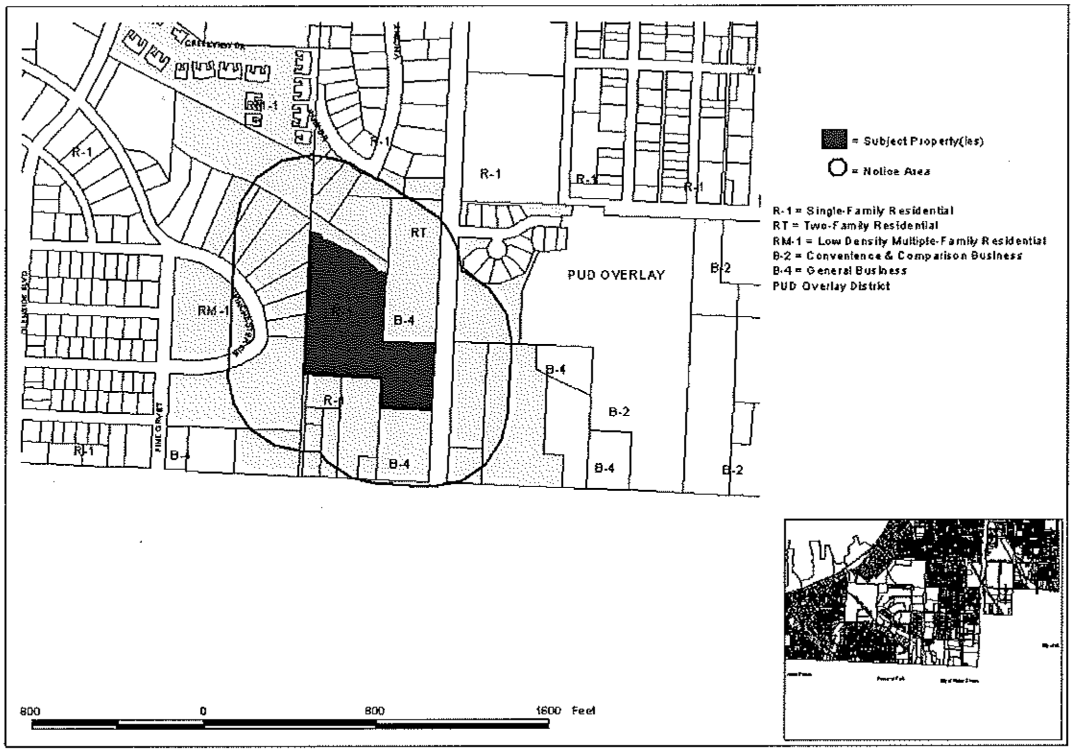
1. This applicant received approval of the Preliminary PUD for this property at the August Planning Commission meeting.
2. The portion of the property along Barclay Street is zoned B-4, General Business. The remainder of the site is zoned R-1, One Family Residential.
3. The site is approximately 7 acres of property that is proposed to be developed at 20 residential units constructed as duplexes and one single unit model home. The homes will have basemenst, some of them along the slope to Ruddiman Creek will have walk-out basements.
4. Properties to the north and west are zoned R-1, the properties to the east are zoned RT, Two Family Residential, and B-4. The properties to the south are also zoned B-4.
5. The site is rather wooded, with a clearing toward the rear along the creek. There is presently an access road off of Barclay Street that was used during the recent clean-up of Ruddiman Creek.
6. The following items need to be addressed on the site plan:
   a. A landscape plan must be submitted and approved by the Planning Department. No trees are to be removed without Zoning Administrator approval. Existing trees are to be marked on the site plan as either being retained or removed.
   b. The height dimensions of the units needs to be provided.
   c. If outdoor lighting is to be install, it must be indicated on the site plan. All outdoor

lighting must be 100% cut-off style.

d. Soil erosion and sedimentation control measures must be shown on the site plan.
e. It is uncertain where the north property line is. If it is Ruddiman Creek, so indicate and provide property dimension.
f. The north/south parcel dimensions need to be provided.
g. Indicate the zoning of the property to the west of the site.
h. Realign unit #8 so as to have at least a 30 ft. rear setback.
i. A landscape buffer shall be provided between the development and the residential properties to the west. It shall consist of closely planted evergreens or fencing approved by the Planning Department as part of the landscape plan.

7. The Fire Department has the following conditions as part of their approval:
   a. Project shall comply with International Fired Code 2003 edition, Chapter 5 for fire service features and appendix D.
   b. Access road shall be a minimum 26 ft. in width, IFC D 103.1.
   c. Cul-de-sac shall be 96 feet in diameter. IFC D 103.1.
   d. Access road shall be capable of supporting 79,000 lb. fire apparatus load. D 102.1.
   e. Fire flow and hydrant distribution shall comply with IFC Appendix C and table B 105.1.
8. DPW approved the site plan, but had the following comment:
   a. Provide water and sewer service detail plans. Contact Kelly DeFrench at 724-4100 with questions.
9. Engineering had no comments regarding this site plan.
10. Bob White, 2470 Woodcreek, has concerns with Unit 10 and it's proximity to his property, how the units are being built along the top of the bank of Ruddiman Creek, and proper screening of the development from adjacent residential properties..

City of Muskegon
Planning Commission
Case # 2006-44



Rear of the Sherman Boulevard property near Ruddiman Creek.

View looking north from Van's Car Wash.

Property located on Barclay Street.

Planned Unit Developments

Excerpted from Section 2101: Development Options

1. Planned Unit Development (PUD) Purpose

   The purpose of this option is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City of Muskegon and encourage the use, reuse, and improvement of existing sites and buildings when the uniform regulations contained in zoning districts do not provide adequate protection and safeguards for the site or surrounding area.

This option is intended to accommodate developments with mixed or varied uses, to allow some degree of flexibility in the application of standards and regulations in this Ordinance to achieve innovation to development on sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems, and shall not be allowed where this option is sought primarily to avoid the imposition of standards and requirements of zoning classifications rather than to achieve the stated purposes above.

a. <u>Planned Unit Development Regulations, Standards and Requirements</u>

1) The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.

2) The application shall meet the criteria established in each specified zoning district.

b. <u>PUD Review Procedures</u>

1) A petition for a PUD approval shall be submitted in accordance with Section 2332 of this ordinance.

2) The review shall be in two phases:

3) The preliminary phase shall involve a review of a conceptual PUD plan to determine its suitability.

4) The final phase shall require a detailed development plan for any part of the approved conceptual PUD plan.

c. <u>Standards for Approval of PUD Plans</u>

The Planning Commission shall approve, deny or modify preliminary PUD plans, based upon the following standards. Likewise, the City Commission shall approve, deny, or modify final PUD plans (after review and recommendation by the Planning Commission) based upon the following standards.

1) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience of any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment.

2) The uses proposed should be consistent with the land use plans adopted by the City.

3) The amount of open space provided, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

4) The amount of off-street parking areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

5) The amount of landscaping and buffering areas, which the Planning Commission or City Commission may modify even though such modifications do not conform to that required in other sections of this ordinance.

6) The protection or enhancement of significant natural, historical, or architectural features within the proposed development area.

7) The uses proposed will result in safe, convenient, uncongested and well defined vehicular and pedestrian circulation systems.

2. <u>Preliminary PUD Plan Submission</u>
The applicant shall submit together with the application for PUD preliminary phase approval:

a. A general development plan depicting the proposed locations of streets, parking areas, open spaces, buildings and structures, and their spatial relationships, the relationship to off-site improvements and infrastructure and any unusual topographic features.

1) Approval by the Planning Commission of the PUD Preliminary Plan shall remain in effect for a period not to exceed three (3) years from the date of approval.

3. <u>Final PUD Plan Submission</u>

The applicant shall submit together with the application for PUD final phase approval, development plans in sufficient detail and in so far as possible the specific locations and dimensions of:

a. all streets, sidewalks, public and private utilities, parking areas, truck docks and service drives;

b. all buildings and structures, elevations and spacial relationships;

c. landscaping, buffers, fences, and protective walls;
d. open space areas and other significant environmental features;
e. existing and final topographic changes;

f. identification and directional signage:
g. a property survey prepared and certified by a licensed land surveyor;

4. Amendments to an Approved Final PUD Plan

    a. Incidental or minor changes may be approved by the Planning Commission if the proposed modifications do not alter the basic design or land uses of the plan.

    b. If the Planning Commission determines that the proposed modifications are significant or major, a public notice and public hearing in accordance with Section 2332 must be conducted prior to approval or denial.

5. PUD Development Time Limits

    a. Construction of the improvements shown on the approved final PUD plan with all proposed buildings, parking areas, landscaping and infrastructure must commence within one year of approval by the City Commission.

    b. Construction must be continued in a reasonable, diligent manner and be completed within five (5) years.

    c. Said five (5) year period may be extended if applied for in writing by the petitioner and granted by the City Commission following public notice and public hearing in accordance with Section 2332 of this ordinance. Failure to secure an extension shall result in a stoppage of all construction.

STAFF RECOMMENDATION

Staff recommends approval of the request for a final PUD for portions of 1266, 1254, & 1228 W. Sherman Boulevard and 2495 Barclay Street.

DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.

2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.

3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.

4. The proposed site plan complies with section 2331of the ordinance and has:
    a. proper ingress and egress
    b. sufficient parking areas, streets, roads and alleys
    c. screening walls and/or fences

d. adequate fire and police protection
e. provisions for disposal of surface water run-off, sanitary sewage
f. adequate traffic control and maintenance services
g. preserves property values to related or adjoining properties.

MOTION FOR CONSIDERATION

I move that the final PUD for a mixed-use residential and commercial development on the southerly portion of 1266 W. Sherman Boulevard, the northerly portion of 1228 W. Sherman Boulevard, and a portion of 1254 W. Sherman Boulevard along with a portion of 2495 Barclay Street be recommended for (approval/denial) to the City Commission pursuant to the determination of (compliance/lack of compliance) with the intent of the City Zoning Ordinance and City Master Land Use Plan.

Commission Meeting Date: September 26, 2006

Date: **September 12, 2006**

To: **Honorable Mayor & City Commission**

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

RE: **Set Public Hearing for Amendment to Brownfield Plan- Viridian Place at Edison Landing**

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned Edison Landing Lot I, LLC ("ELLI"), known as Viridian Place at Edison Landing, located at 600 Terrace Street, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a mixed-use development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on September 20, 2006 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for October 24, 2006.

RESOLUTION NOTIFYING TAXING UNITS AND CALLING PUBLIC HEARING REGARDING APPROVAL OF AMENDMENTS TO THE BROWNFIELD PLAN OF THE CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY

2006-81(c)

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 26th day of September, 2006, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

ABSENT: Members

Shepherd

The following preamble and resolution were offered by Member Gawron and supported by Member Carter:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved Brownfield Plan Amendments to include Viridian Place at Edison Landing, and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendments to the City Commission requesting its approval of the Brownfield Plan Amendments and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendments as required by Act 381; and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendments from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendments to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendments [after the public hearing described below].

2. A public hearing is hereby called on the 24th of October, 2006 at 5:30 p.m., prevailing Eastern Time, in the City Hall Commission Chambers to consider

adoption by the City Commission of a resolution approving the Brownfield Plan Amendments.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the City, twice before the public hearing. The first publication of the notice shall be not less than 20 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

4. The notice of the hearing shall be in substantially the following form:

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON .AN AMENDMENT TO THE MUSKEGON BROWNFIELD PLAN, AS APPROVED BY THE CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on October 24, 2006, at 5:30 p.m., prevailing Eastern Time in the City Hall Commission Chambers located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The property to which the proposed Brownfield Plan Amendment applies is:

Viridian Place at Edison Landing
600 Terrace
Muskegon, Michigan

Copies of the proposed Brownfield Plan Amendment are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendments will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.

Linda S. Potter, Acting City Clerk

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members

Gawron, Spataro, Warmington, Wierengo, Carter, and Davis

NAYS: Members

None

RESOLUTION DECLARED ADOPTED.

Linda S. Potter

Linda S. Potter, Acting City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on September 26, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Linda Potter
City Clerk

Commission Meeting Date: September 26, 2006

Date: **September 19, 2006**

To: **Honorable Mayor & City Commission**

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

RE: **Farmers' Market Relocation Proposal**

SUMMARY OF REQUEST: ANM Real Estate Group (Moses Gross, Watermark) has met with staff regarding the possibility of relocating the Farmers' Market to the former Shaw Walker parking lot. The lot would continue to be owned by the City of Muskegon and would be officially part of the Hartshorn Marina. However, ANM Real Estate would lease the property and manage the relocated Farmers Market. They have submitted a proposal, which is attached.

FINANCIAL IMPACT: The City would contribute $300,000 from the State of Michigan Waterways grant, which is being used for marina improvements (providing the City receives approval from the State to use the funds for this purpose). ANM would match this amount to complete the Farmers' Market relocation. In addition, they would lease the property from the City (at a minimal rate) and share a percentage of their revenues with the City in the future.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to enter into discussions with ANM Real Estate to develop a lease and management agreement for the relocation of the Farmers' Market to the former Shaw Walker parking lot site.

~~See ad~~
see agenda packet for full book

A PROPOSAL

To relocate the Muskegon Farmers Market

Submitted by:

ANM Real Estate Group

Contacts:

Sarah Rooks, Project Manager
Watermark Center & Lofts
930 Washington Street
Muskegon, MI
(231) 727-0805 Direct
(231) 722-6680 Fax

Moses Gross, President
ANM Group
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