

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 24, 2004

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. Michigan Municipal League Unemployment Group Account. CIVIL SERVICE
- ❑ PUBLIC HEARINGS:
 - A. Request to Establish an Obsolete Property District – 715 Terrace Street.
PLANNING & ECONOMIC DEVELOPMENT
 - B. Request to Issue an Obsolete Property Certificate – MSBII – 715 Terrace Street.
PLANNING & ECONOMIC DEVELOPMENT
 - C. Review 2003-2004 Consolidated Annual Performance Evaluation Report (CAPER). COMMUNITY AND NEIGHBORHOOD SERVICES
 - D. Spreading of the Special Assessment Roll - Sidewalk Replacement Program for 2004. ENGINEERING
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Request for Preliminary Planned Unit Development Approval at the Former Muskegon Mall Site, 100 Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT

- B. Disclosure of Potential Conflict of Interest Under HOME Investment Partnerships Program. COMMUNITY AND NEIGHBORHOOD SERVICES
- C. Selection of Contractor for the Building of Duplex at 407 Catherine "Operation – It Takes Two". COMMUNITY AND NEIGHBORHOOD SERVICES
- D. Resolution Supporting Wastewater Rate Relief to Sappi Fine Paper. CITY MANAGER

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- Fill out a request to speak form attached to the agenda or located in the back of the room.
 - Submit the form to the City Clerk.
 - Be recognized by the Chair.
 - Step forward to the microphone.
 - State name and address.
 - Limit of 3 minutes to address the Commission.
 - (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **ADJOURNMENT:**

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

Date: August 24, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, August 9, 2004; and the Regular Commission Meeting that was held on Tuesday, August 10, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 24, 2004

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, August 24, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson from the Word of Truth Outreach 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 Bill Larson, Commissioners Stephen Gawron, Clara Shepherd, Lawrence Spataro, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2004-75 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, August 9, 2004; and the Regular Commission Meeting that was held on Tuesday, August 10, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Michigan Municipal League Unemployment Group Account. CIVIL SERVICE

SUMMARY OF REQUEST: Since its inception in 1978, the City of Muskegon has been a member of the Unemployment Compensation Group Account of the Michigan Municipal League. Participation in this group has provided cost savings in providing state-required unemployment compensation coverage for City employees, particularly in the areas of claims administration assistance and financial fund management. MML updated its membership and requests that all municipalities sign off on the updated agreement, which incorporates three changes:

1. All group members are required to submit a copy of their quarterly wage report with the quarterly contribution report.
2. Changes in the amount of annual taxable payroll from a specified amount for each member to the aggregate for each member.
3. All members are required to pay 100% of a negative account balance rather than 2/3 of the negative balance, which resulted in insufficient funding.

FINANCIAL IMPACT: None as the City's account balance currently is positive (\$56,000).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this request.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the Consent Agenda.

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

Nays: None

MOTION PASSES

2004-76 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District – 715 Terrace Street.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, MSBII, LLC, 99 Monroe Avenue, NW, Ste 1100, Grand Rapids, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 715 Terrace Street, Muskegon, MI, the former National City Bank project.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes on the building would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff has concerns with approval of this request and recommends denial.

The Public Hearing opened at 5:36 p.m. to hear and consider any comments from the public. Comments were heard in support of the request from Mr. Dick Durell, 99 Monroe NW, Grand Rapids and from Mr. Tom DeBoer, 300 Ottawa, Grand Rapids.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:13 p.m. and approve the request to establish an Obsolete Property District at 715 Terrace Street.

ROLL CALL: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron,

Larson

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate – MSBII – 715 Terrace Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, MSBII, LLC, 715 Terrace Street, Muskegon, MI, has requested the issuance of an Obsolete Property Certificate for the property located at 715 Terrace Street (former National City Bank project), Muskegon, MI. The building is presently an incomplete structure that would be completed for use as an office building. Total capital investment for this project is \$4,500,000. The project will result in bringing 140 jobs to the City of Muskegon. Because of these new jobs and the amount of the investment, the applicant could be eligible for a 12 year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes on the building would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff has concerns with approval of this request and therefore, recommends denial.

The Public Hearing opened at 6:14 p.m. to hear and consider any comments from the public. No comments were heard from the public.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 6:16 p.m. and approve the request for an Obsolete Property Certificate at 715 Terrace Street contingent on negotiating an acceptable development agreement approved by staff.

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

Nays: None

MOTION PASSES

C. Review 2003-2004 Consolidated Annual Performance Evaluation Report (CAPER). COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing on August 24, 2004, to review accomplishments and receive comments from the public concerning the 2003 – 2004 CAPER developed by the Community and Neighborhood Services Department. After the public hearing has been conducted and all the comments have been documented, the CNS office requests that the Commission direct the CNS staff to submit the required documents to HUD in compliance with 24 CFR 91.520, by no later than August 31, 2004.

FINANCIAL IMPACT: The City is required to submit the CAPER report in order to

continue receiving CDBG and HOME funding.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the CAPER to HUD after the public comment period has elapsed.

The Public Hearing opened at 6:20 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Shepherd, second by Commissioner Carter to close the Public Hearing at 6:27 p.m. and accept the Consolidated Annual Performance Report.

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

Nays: None

MOTION PASSES

D. Spreading of the Special Assessment Roll - Sidewalk Replacement Program for 2004. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment roll for the 2004 Sidewalk Replacement Program and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$133,000.55 will be assessed against two hundred & seven (207) parcels.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:27 p.m. to hear and consider any comments from the public. Comments in opposition were heard from Ted Hall, 1386 Dudley; Gordon Kalavitz, 15646 Lake Ave., Grand Haven; and Robert Buckner, 1060 Albert.

Motion by Vice Mayor Larson, second by Commissioner Gawron to close the Public Hearing at 6:50 p.m., spread the special assessment roll for the 2004 Sidewalk Replacement Program, and adopt the resolution.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Warmington

Nays: None

Absent: Commissioner Spataro (stepped out of the room)

MOTION PASSES

2004-77 NEW BUSINESS:

A. Request for Preliminary Planned Unit Development Approval at the Former Muskegon Mall Site, 100 Muskegon Mall. PLANNING &

ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The request for preliminary Planned Unit Development (PUD) approval at the former mall site is for a mixed use residential and commercial development. The request is by Chris McGuigan, Downtown Muskegon Development Corporation.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends preliminary approval of the PUD provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the resolution, at their August 12, 2004, meeting. The vote was unanimous with B. Smith absent.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the preliminary Planned Unit Development for the former Muskegon Mall site.

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

Nays: None

MOTION PASSES

B. Disclosure of Potential Conflict of Interest Under HOME Investment Partnerships Program. COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Under HOME Investment Partnership program regulations, potential conflicts of interest must be disclosed to the public prior to requesting a waiver from HUD. Anthony McCloud of 1656 6th Street, Apartment 1, has made an offer to purchase the City-owned home at 1668 Beidler from the City's First Time Homebuyers Infill Program. Mr. McCloud has certified that he is a first time homebuyer who has not owned a home in the last three years. But, because Mr. McCloud is a member of the Citizen's District Council, the City is required to request an opinion from the City Attorney before submitting to U.S. Department of Housing and Urban Development a waiver request. The City Attorney has determined that no conflict of interest is present in this case; however, this must be disclosed to the public before any further action can be taken.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the City's Community and Neighborhood Services Department to submit the waiver of conflict of interest to the U.S. Department of Housing and Urban Development.

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

submitting the waiver of conflict of interest to the U. S. Department of Housing and Urban Development.

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

Nays: None

MOTION PASSES

C. Selection of Contractor for the Building of Duplex at 407 Catherine "Operation - It Takes Two". COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the selection of Nobles Inc., for the construction of a duplex at 407 Catherine on the corner of Wood/Catherine. Project title – Operation: Nyumba Mbili "It Takes Two". The CNS office received three qualified bids for the project:

1. Nobles Inc. \$172,885
210 E. Broadway
Muskegon, MI
2. Bantam Group, Inc. \$199,636
962 Stonewood Dr.
Spring Lake, MI
3. Top Notch Design \$215,100
4740 Jenson
Fruitport, MI

The duplex will be built at the site of the former Briggs Dairy, which was recently demolished because of its blighting status and potential nuisance. Operation: Nyumba Mbili is another example of the City of Muskegon's continued efforts to rid our community of blight by revitalizing and renovating our neighborhoods.

FINANCIAL IMPACT: Funds will be allocated from City HOME budget 2001 and 2002.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the low bid submitted by Nobles Inc., of \$172,885 for the construction of a duplex at 407 Catherine.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee approved the project.

Motion by Commissioner Shepherd, second by Commissioner Davis to award the bid to Nobles Inc.

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

Nays: None

MOTION PASSES

D. Resolution Supporting Wastewater Rate Relief to Sappi Fine Paper. CITY
MANAGER

SUMMARY OF REQUEST: To approve a resolution in support of providing wastewater rate relief to Sappi Fine Paper.

FINANCIAL IMPACT: The rate relief for Sappi will cause an increase in rates to the City of approximately 11.5% in 2006.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to adopt the resolution in support of providing wastewater rate relief to Sappi Fine Paper.

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

Nays: None

MOTION PASSES

2004-78 ANY OTHER BUSINESS: Commission was reminded of up-coming events.

2004-79 CLOSED SESSION: To discuss collective bargaining.

Motion by Commissioner Spataro, second by Commissioner Gawron to go into Closed Session at 7:31 p.m.

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

Nays: None

MOTION PASSES

Motion by Vice Mayor Larson, second by Commissioner Spataro to come out of Closed Session at 7:44 p.m.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:45 p.m.

Respectfully submitted,



Gail A. Kunderinger, MMC
City Clerk

NEIGHBORHOOD BLOCK CAPTAIN'S CLUB

We are asking if you would consider being a sponsor for a "Back to School Bash" for the Neighborhood Block Captain's Club. The event is being held at the Clara Shepherd Park, August 28, 2004, from 11:00am to 5:00pm. The event is planned to promote a positive image to the children returning back to school this fall.

We would appreciate any donations that you can make for the event.

Our program for the event is serving food, enjoying music, participating in games, distributing school supplies and having speakers that will talk about safety, responsibilities, and how success at school will bring them success after they graduate.

Please respond to Commissioner Clara Shepherd at 725-8130 or Katrina Gordon, NBBC President at 725-0731.

Sincerely,

Commissioner Clara Shepherd
Katrina Gordon, President

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 24, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

Request to Speak

CITIZEN'S CONCERN FORM

This request must be returned to the City Clerk first before concern(s) can be brought in front of the Commission. Please state name and address at the microphone for the record.

Name KLEIBERER Phone _____

Address FINE DEPT Signature _____

Description of Concern SEWERAGE ASSESSMENT

Staff person who you have already contacted AL-SHATEL

Request amount of Time 3 minutes _____
 10 minutes _____ (for representing a group)

Request for special equipment (specify) _____

***Please make sure that all cell phones are turned off during meeting.

**CITY COMMISSION MEETING
August 24, 2004**

TO: Honorable Mayor and City Commissioners
FROM: Karen A. Scholle, Civil Service Personnel Director
DATE: August 10, 2004
RE: Michigan Municipal League Unemployment Group Account

SUMMARY OF REQUEST:

Since its inception in 1978, the City of Muskegon has been a member of the Unemployment Compensation Group Account of the Michigan Municipal League. Participation in this group has provided cost savings in providing state-required unemployment compensation coverage for City employees, particularly in the areas of claims administration assistance and financial fund management. MML updated its membership and requests that all municipalities sign off on the updated agreement, which incorporates three changes:

1. All group members are required to submit a copy of their quarterly wage report with the quarterly contribution report.
2. Changes in the amount of annual taxable payroll from a specified amount for each member to the aggregate for each member.
3. All members are required to pay 100% of a negative account balance rather than 2/3 of the negative balance, which resulted in insufficient funding.

FINANCIAL IMPACT:

None as the City's account balance currently is positive (\$56,000).

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve this request.

TO: City Commissioners

cc: Assistant City Manger Lee Slaughter

FROM: Karen Scholle, Civil Service Personnel Director

DATE: August 11, 2004

SUBJECT: Michigan Municipal League Unemployment Group Account

Due to an oversight on my part, I filed away the information on the changes to the unemployment group account contract. MML called recently to check on the status of the contract and requested that the approval to the amended agreement be processed.

The information is attached, with a summary of the changes.

Providing that this meets with your approval, I will return the contract to MML upon its return.

Thank you,

A handwritten signature in cursive script that reads "Karen Scholle". The signature is written in dark ink and is positioned above the printed name.

Karen A. Scholle



Memorandum

To: Board of Trustees
From: Becky Briscoe
Date: 07/31/03
Subject: Revised Unemployment Membership Agreement

Attached is the revised membership agreement between the Michigan Municipal League Unemployment Group Account and the group account members. The language in the agreement has been updated and also incorporates three important changes.

1. Commencing January 1, 2004, the Group Account will require all members to submit a copy of their quarterly wage report (UC 1017) with their quarterly contribution report. Currently information is not available for staff to audit the members taxable payrolls. The quarterly wage report will provide staff with the information needed to confirm that the taxable payrolls reported on the contribution form is accurate.
2. Previous agreements specified the amount of the annual taxable payroll to be used by each member. Since the amount can change, the agreement was updated to the following language. "The annual taxable payroll shall be the aggregate, set by the Board of Trustees."
3. Effective to January 1, 2004, members will be required to pay 100% of any negative balance upon notification of the Group Account. Historically the Group Account has required that a member pay 2/3 of any negative balance. Paying 2/3 of the negative balance proved to be insufficient to adequately fund the member accounts.

I respectfully request the approval of the revised agreement. Based on your approval, all changes will be implemented for all activity commencing January 1, 2003.

2004

MEMBERSHIP AGREEMENT
Michigan Municipal League
Unemployment Compensation Group Account
(November, 2003)

2004-75(b)

This agreement is made between the undersigned governmental entity and other governmental entities of the State of Michigan that are members of the Michigan Municipal League's Unemployment Compensation Group Account. This Agreement supercedes all previous agreements between the parties.

1. In the interpretation of this agreement the following definitions apply:

(A) "League" means the Michigan Municipal League, a Michigan nonprofit corporation, as representative of the Group Account.

(B) "Executive Director" means the Executive Director of the Michigan Municipal League.

(C) "Group Account" is the group, composed of governmental entities as defined by MCL 421.50a, approved by the Michigan Employment Security Commission on January 1, 1978, of which the League is the authorized representative.

(D) "MESA" means the Michigan Employment Security Act, Act 1 of 1936 (Ex Sess) State of Michigan as amended (MCL Sec. 421.1 et seq; MSA Sec. 17.501 et seq).

(E) "BW&UC" means the Michigan Bureau of Workers' & Unemployment Compensation.

(F) "Board" means the Board of Trustees of the Michigan Municipal League.

2. The purpose of this agreement is to pay the cost of unemployment benefits on behalf of members of the Group Account. No applicant shall become a member of the Group Account until its application has been approved by the BW&UC.

3. Members of the Group Account will:

(A) Comply with all rules, regulations and guidelines formulated by the Board with respect to the Group Account. The League or its service agency is permitted to evaluate operational areas of the Unemployment Compensation Group Account program in each member of the Group Account.

(B) Provide the League, upon written request, with an authenticated statement of the member's total gross and taxable payroll and

contributions into the Group Account. The League shall have the right, on reasonable notice and at reasonable times, to inspect all payroll books and records of each member to verify such information.

(C) Cooperate with the League and its service agency in the processing of any claim filed with the BW&UC. Each member will submit, along with the contribution report, a copy of its quarterly wage report (UC 1017).

(D) Pay an initial contribution of an amount equal to 2% of the annual total taxable payroll for the previous calendar year of the Group Account, or such amount currently required by the rules pertaining to the Group Account, at the time of acceptance into the Group Account. This amount is payable within thirty (30) days after the end of each calendar quarter; quarterly payment statements shall be supplied by the League. The annual taxable payroll for each member shall be the aggregate taxable wage base for each employee of that member covered by the MESA, adjusted as necessary, in accordance with an annual audit or other periodic review, by the Board.. Any member with a negative reserve at the end of the Group Account's fiscal quarter ending June 30th of any year must pay the negative balance in full, upon notification from the Group Account.

(E) Be a member of the Group Account for a minimum of two calendar years. Memberships in the Group Account commence on the first day of the calendar quarter following approval by the Board, and the membership automatically renews on December 31st of each year.

(F) Designate and appoint the League, or its service agency, as its agent to represent such member of the Group Account in all activities related to the MESA, and authorize it to use its discretion before the BW&UC, courts, or other agencies of the State of Michigan on claims regarding unemployment compensation. This power shall not be revocable until the member's membership is duly terminated and all claims which arose during its membership have been fully adjudicated.

4. As agent of the Group Account, the League will:

(A) Provide an unemployment compensation group reimbursement and service program for League members and associates who are accepted into the Group Account. The Group Account is operated as a service of the League under authority of the Board, pursuant to such rules as the Board may adopt, in conformity with all statutes and other requirements of the State of Michigan as may now or hereafter be applicable.

(B) Submit the application of each prospective member to the BW&UC for membership in the Group Account.

(C) Serve as the authorized representative of the Group Account for purposes of complying with the MESA, or designate a service agency to act as authorized representative. As appointed attorney-in-fact, the League, or its designated service agency, shall represent each member of the Group Account in all activities relating to the MESA and may at its own discretion represent each member on any unemployment compensation claim against it before the BW&UC, courts, and/or other agencies.

D) Develop, implement, and operate an unemployment compensation claims management service program for the Group Account in accordance with the provisions of the MESA and rules of the BW&UC, and in accordance with such Group Account rules as the Board may from time to time adopt. The claims management service will include such activities as are necessarily involved in the processing of unemployment claims against the individual members.

(E) Report periodically to all members of the Group Account on the status of the Group Account and the balances of individual members' accounts and other expenses incurred in the operation of the Group Account.

(F) Receive and administer the contributions of the Group Account for the purpose of funding a suitable and sufficient reserve to reimburse the BW&UC for all legal obligations arising out of claims filed by employees of members of the Group Account, and funding any and all expenses incurred in the establishment and operation of the Group Account. Contributions paid by members shall be credited to the account of the member. All sums paid in, and interest earned on advance deposits, may be applied to any lawful purpose of the Group Account, including maintenance of delinquent members' accounts pending termination as authorized herein.

5. A Technical Advisory Committee will be appointed by the Board, to advise the Board on matters affecting the operation of the Group Account, if the Board elects to appoint one.

6. The League may provide, at its discretion, education and training for officials of Group Account members in the general provisions of unemployment compensation and the procedures necessary for effective unemployment compensation cost control at workshops and otherwise.

7. Termination

(A) After two (2) calendar years' of membership, any member may terminate by giving notice to the BW&UC and to the League, at least thirty

(30) days prior to the first day of the calendar year when the member's termination is to be effective.

(B) Any member of the Group Account may be terminated by the League, subject to the approval of the BW&UC. If any member is in arrears on contributions or on reimbursements to the Group Account for more than thirty (30) days after billing, the Executive Director is authorized to report the member to the BW&UC for termination at the end of the calendar year, in accordance with the MESA. Such termination shall not affect any member's obligations to reimburse the Group Account for all charges attributable for credit weeks of eligible persons in its employ. The member shall pay amounts owed the Group Account on or after termination, and any additional amounts which the Group Account may be required by the BW&UC to pay on the account of any member. The member shall also be liable to the League and/or the BW&UC for all such sums and any other payments made on its behalf.

(C) On termination of any member of the Group Account, whether the membership was terminated voluntarily by the member or involuntarily pursuant to this agreement, the member shall pay the Group Account the full amount of the negative balance, if any, as established after verification of charges incurred prior to the termination date. Any member terminated from the Group Account shall remain obligated to reimburse the Group Account for any charges for claims and benefits paid by the BW&UC to individuals who have terminated employment with the member due to credit weeks charged in accordance with state law while the terminated member was a member of the Group Account.

(D) Any member who fails to abide by the terms of this agreement and the rules and regulations applicable to the Group Account, or who fails to maintain its membership in the Michigan Municipal League, shall be notified of its responsibility under this agreement and the action required to remedy its default. Failure to correct the default within thirty (30) days shall be grounds for termination of the member's membership in the Group Account as above provided.

(E) In the event of the termination of any member, the account of the member shall be maintained for an additional fifty-two (52) week period. If, during this fifty-two (52) week period the member's reserve balance reaches zero, the member will then become responsible for immediate payment to the Group Account for all payments due by the Group Account to the BW&UC. If at the end of the fifty-two (52) week period the member's account balance is positive, the balance will be refunded to the member, less a termination charge of ten (10) percent of the balance (but not less than \$200 nor more than \$1,000).

(F) The Group Account will be responsible for only those claims and benefits initiated by individuals who have terminated employment with the member on or after the first day of membership in the Group Account, and

who have credit weeks charged in accordance with the MESA to time periods of employment on or after the first day of the membership. BW&UC charges in excess of the member's contributions will be reimbursable to the Group Account by the member. All claims continuing in effect against the Group Account, and all claims which subsequently become the liability of the Group Account through application of either state or federal law shall be reimbursable to the Group Account by the member. All claims filed by persons who earned credit weeks prior to the employer becoming a member of the Group Account, and who have terminated from the member prior to the acceptance of the member's application for membership, will be the obligation of the member.

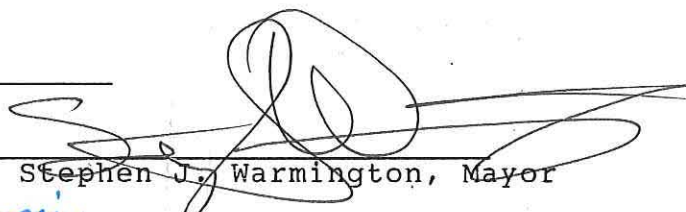
8. The Group Account will compensate the League for its services in the establishment and operation of the Group Account as approved by the Board.

9. In the event the Group Account is dissolved, the League will remit to each member all monies remaining in the Group Account unless required to deposit these monies or part thereof with the BW&UC. This remittance will be based upon each member's account balance, less any and all claims charged against each participating member, less all pro rata administrative and other expenses.

I certify that the entity named below has received and accepted the revised membership agreement of the Michigan Municipal League Municipal Unemployment Compensation Group Account, and will comply with its terms and conditions.

City/Village/Entity City of Muskegon

By: Mayor/Village President/ or equivalent officer


Stephen J. Warmington, Mayor

Clerk/Secretary :


Gail A. Kunding, City Clerk

Receipt and Acceptance August 24, 2004

Approved by the Michigan Municipal League by


Executive Director, Michigan Municipal League

Sep 8, 2004

Commission Meeting Date: August 24, 2004

Date: August 17, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to Establish an Obsolete Property District – 715 Terrace Street

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, MSBII, LLC, 99 Monroe Avenue, NW, Ste 1100, Grand Rapids, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 715 Terrace Street, Muskegon, MI, the former National City Bank project.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes on the building would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff has concerns with approval of this request (see attached memo) and recommends denial.

COMMITTEE RECOMMENDATION:

Memorandum

To: Honorable Mayor and City Commissioners
CC: Bryon Mazade, City Manager
From: Lonna Anguilm, Assistant Planner *LA*
Date: 08/17/04
Re: Obsolete Property Rehabilitation District and Certificate Request for MSBII

MSBII, LLC has submitted a request to establish an Obsolete Property Rehabilitation District and request for an Obsolete Property Rehabilitation Certificate in the amount of \$4,500,000. The request is for 715 Terrace Street, which is the former building started by Westwood for National City Bank.

The requests pose a dilemma for staff due to several factors. Please consider carefully the following information:

1. Technically the request meets the definition for an "obsolete property" in that it is a "blighted property". It meets this criteria because it "Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire or other related code or ordinance". In other words, it has been placed on the dangerous building list.
2. The request meets our own City guidelines for Obsolete Property Rehabilitation Districts, section 3.1 #2. "Completion of the rehabilitated facility . . . will at the time of issuance of the certificate have reasonable likelihood to increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, . . ." It would also have an "impact on property values in the general area of the project" (3.1 #11).

However, regardless of the above:

1. The definition in the legislation of "Rehabilitated Facility" is " a commercial property . . . that has undergone rehabilitation or is in the process of being rehabilitated". There wasn't a completed building on the site to be rehabilitated.
2. Other property owners in the downtown area have not been given the same opportunity in the past.
3. Prospectively, it may encourage developers to start construction (or-remodeling), delay completion, and then seek an Obsolete Property Rehabilitation Exemption Certificate.

CONFIDENTIAL

August 17, 2004

The decision on this issue is strictly up to the City Commission, and there is no appeal process to the State available for the applicant.

Considering the circumstances, staff has concerns regarding the granting of both the requests and recommends denial. If Commission feels it isn't in the best interest of the City to grant an Obsolete Property Rehabilitation Exemption Certificate, it makes sense to simply deny the request to establish the Obsolete Property Rehabilitation District, since it is the only property involved in the request.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2004-76(a)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

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

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

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

This resolution passed.

Ayes Shepherd, Spataro, Warmington, Carter, Davis, Gawron,
and Larson

Nays None

CITY OF MUSKEGON

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

2004-76(a)
CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on August 24, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

ATTACHMENT A

LEGAL DESCRIPTION

The property located in the City of Muskegon, Muskegon County, Michigan described as:

Parcel A: That part of Lots 1, 2, and 3 of Block 558, being part of vacated Water Street, and part of Block 567 of the Revised Plat of 1903 of the City of Muskegon as recorded in Liber 3 of Plats, page 71, Muskegon County, Michigan described as follows:

Commencing at the South most corner of Block 556; thence North $61^{\circ}13'00''$ West (deed= $N62^{\circ}44'00''$ W) along the Northeasterly line of Terrace Street, as extended, a distance of 730.00 feet to the point of beginning; thence North $61^{\circ}13'00''$ West along said Northeasterly line of Terrace Street, a distance of 518.69 feet; thence Northwesterly along an arc of a curve to the left, a distance of 2.49 feet, (said curve data being: $\Delta=00^{\circ}28'15''$, $r=302.48'$, l.c.b.= $61^{\circ}27'09''$ W, a distance of 2.49 feet to a point being located on the Southerly right-of-way of Shoreline Drive); thence Northeasterly along the Southerly line of Shoreline Drive, along a curve to the right, an arc distance of 300.51 feet, (said curve data being: $\Delta=24^{\circ}19'04''$, $r=708.05'$, l.c.b.= $N82^{\circ}07'41''$ E, l.c.=298.62') to a point of tangency; thence South $85^{\circ}42'47''$ East along the Southerly right-of-way of Shoreline Drive, a distance of 147.28 feet; thence South $42^{\circ}00'00''$ East, a distance of 37.54 feet; thence South $04^{\circ}17'13''$ West along the Northerly right-of-way of Terrace Street connector, a distance of 91.77 feet; thence Southeasterly along the Northerly right-of-way of Terrace Street connector, along a curve to the left, an arc distance of 132.23 feet, (said curve data being: $\Delta=16^{\circ}28'11''$, $r=650.02'$, l.c.b.= $S03^{\circ}56'55''$ E, l.c.=131.78'); thence South $23^{\circ}17'55''$ West, a distance of 32.56 feet to the point of beginning. Said parcel contains 1.63 acres more or less.

Parcel B (vacated portion of Terrace): Also together with the following vacated portion of Terrace Street lying adjacent to part of Blocks 558 and 557 of the Revised Plat of 1903 of the City of Muskegon, as described in Liber 3 of Plats Page 71, Muskegon County, Michigan, and part of vacated Water Street described as follows:

Commence at the South most corner of Block 556 for the point of beginning; thence North $61^{\circ}13'00''$ West (deed= $N62^{\circ}44'00''$ W), along the Northeasterly line of Terrace Street, as extended, a distance of 730.00 feet to the point of beginning; thence South $69^{\circ}51'52''$ West along the Northerly line of Morris Street connector, a distance of 19.43 feet; thence Southwesterly along a curve to the left, being the Northerly right-of-way of Morris Street connector, an arc distance of 60.98 feet (said curve data being: $\Delta=12^{\circ}57'22''$, $r=269.66'$, l.c.b.= $S63^{\circ}23'11''$ W, l.c.=60.85'); thence North $61^{\circ}12'04''$ West, a distance of 384.34 feet; thence North $28^{\circ}47'56''$ East, a distance of 64.63 feet; thence South $61^{\circ}13'00''$ seconds East along the Northeasterly line of Terrace Street as extended, a distance of 431.64 feet to the point of beginning. Said parcel contains 0.60 acres more or less.

Parcel C (vacated portion of Terrace Street): Also together with the following vacated portion of Terrace Street lying adjacent to part of Blocks 558 and 557 of the Revised Plat of 1903 of the City of Muskegon, as described in Liber 3 of Plats, Page 71, Muskegon County, Michigan, and part of vacated Water Street described as follows:

Commence at the South most corner of Block 556 for the point of beginning; thence North $61^{\circ}13'00''$ West (deed= $N62^{\circ}44'00''$ W), along the Northeasterly line of Terrace Street, as extended, a distance of 1161.64 feet to the point of beginning; thence South $28^{\circ}47'56''$ East, a distance of 64.63 feet; thence North $00^{\circ}08'13''$ East, a distance of 73.64 feet; thence South $61^{\circ}13'00''$ West, a distance of 35.22 feet to the point of beginning. Said parcel contains 0.03 acres more or less.

Commission Meeting Date: August 24, 2004

Date: August 17, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to Issue an Obsolete Property Certificate – MSBII – 715 Terrace Street

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, MSBII, LLC, 715 Terrace Street, Muskegon, MI, has requested the issuance of an Obsolete Property Certificate for the property located at 715 Terrace Street (former National City Bank project), Muskegon, MI. The building is presently an incomplete structure that would be completed for use as an office building. Total capital investment for this project is \$4,500,000. The project will result in bringing 140 jobs to the City of Muskegon. Because of these new jobs and the amount of the investment, the applicant could be eligible for a 12^{ten} (twelve) year certificate.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes on the building would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff has concerns with approval of this request (see previous memo), and therefore, recommends denial.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2004-76(b)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by MSBII, L.L.C.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from MSBII, L.L.C., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on August 24, 2004, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on August 24, 2004, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, MSBII, L.L.C., is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for ten (10) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by August 24, 2005, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by MSBII, L.L.C., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of ten (10) years;
2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson,
and Shepherd

Nays: None

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, City Clerk

2004-76(b)
CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on August 24, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

ATTACHMENT A

LEGAL DESCRIPTION

The property located in the City of Muskegon, Muskegon County, Michigan described as:

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Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by P.A. 146 of 2000. Filing of this form is voluntary. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and one copy of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires one copy of the Application and the Resolution. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility; (b) General description of the proposed use of the rehabilitated facility; (c) Description of the general nature and extent of the rehabilitation to be undertaken; (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility; (e) A time schedule for undertaking and completing the rehabilitation of the facility; (f) A statement of the economic advantages expected from the exemption.

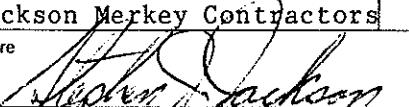
Applicant (Company) Name (applicant must be the OWNER of the facility)		
MSBII, LLC		
Company Mailing address (No. and street, P.O. Box, City, State, Zip code)		
99 Monroe Avenue, NW, Suite 1100, Grand Rapids, MI 49503		
Location of obsolete facility (No. and street, P.O. Box, City, State, Zip Code)		
715 Terrace, Muskegon, MI		
City, Township, Village		County
City of Muskegon		Muskegon
Date of Commencement of Rehabilitation	Planned date of Completion of Rehabilitation	School District where facility is located (include school code)
10/15/04 (estimated)	10/15/05	Muskegon
Estimated Cost of Rehabilitation	Number of years exemption requested	Expected project likelihood (check all that apply):
\$4,500,000	12	☒ Increase Commercial activity ☒ Create employment ☒ Retain employment ☒ Prevent a loss of employment ☒ Revitalize urban areas ☐ Increase number of residents in the community in which the facility is situated
Legal description of Obsolete Property		Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment <u>140</u>
See attached		
The State Treasurer may exclude from the specific tax up to 1/2 of the mills levied for local school operating purposes and for the State Education Tax. Check the following box if you wish to be considered for this exclusion.		
☒		

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Contact person name	Title	Telephone Number
Andrew C. Shier	Attorney	(616) 732-5000
Mailing Address		
99 Monroe Avenue, NW, Suite 1100, Grand Rapids, MI 49503		
Company Officer name	Title	Telephone Number
Jackson Merkey Contractors	Member	
Signature	Telephone Number	
		

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

Clerk must also complete Parts 1-3 on Page 2.

Signature	Date application received

FOR STATE TAX COMMISSION USE

Application Number	Date Received

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application.

PART 1: ACTION TAKEN

Action Date: _____

☐ Exemption Approved for _____ Years, ending December 31, _____ (not to exceed 12 years)

☐ Disapproved
PART 2: RESOLUTIONS
☐ A statement that the local unit is a Qualified Local Governmental Unit.

☐ A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of P.A. 146 of 2000.

☐ A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.

☐ A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.

☐ A statement that the application was approved at a public hearing as provided by section 4(2) of P.A. 146 of 2000 including the date of the hearing.

☐ A statement that the applicant is not delinquent in any taxes related to the facility.

☐ If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operating of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.

☐ A statement that all of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.

☐ A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

☐ A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.

☐ A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under P.A. 146 of 2000 to establish such a district.

☐ A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.

☐ A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of P.A. 146 of 2000.

☐ A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.
PART 3: ASSESSOR RECOMMENDATIONS

Current Taxable Value and State Equalized Value of obsolete properties

	Taxable Value	State Equalized Value (SEV)
Land		
Buildings		
Buildings on Leased Land		
Other Personal Property		
Year of Values		
Name of Local Government Body	Date of Action on application	

CLERK CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

Clerk Signature	Date	Telephone Number
Clerk's Mailing Address	City & State	Zip Code

Mail completed Application and copy of Resolution to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, Michigan 48909-7971

If you have any questions, call (517) 373-2408 or 373-3302.

**SUPPLEMENTAL INFORMATION TO APPLICATION FOR
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE
MSB II, LLC
715 TERRACE, MUSKEGON**

A) General description of the obsolete facility.

The obsolete facility is a partially-constructed two-storey office building located at 715 Terrace in downtown of Muskegon. The project, which is built on a contaminated site, failed under a previous developer and has been acquired by the applicant. The site currently carries significant negative stigma due to the project's history. The project has been idle for a period of time and the applicant is working to restart and complete construction of the structure. Excessive costs to relocate major infrastructure, however, put the project at risk. Also, the obsolete facility faces aggressive competition for tenants in the downtown area and is adjacent to a tax free renaissance zone.

B) General description of the proposed use of the rehabilitated facility.

The developer intends to create a Class A office building for general office tenants (i.e., financial, legal, insurance, and brokerage).

C) Description of the general nature and extent of the rehabilitation to be undertaken.

The extent of the rehabilitation is expected to be as follows:

- 1) Environmental BEA and Due Care Activities
- 2) Relocation of utility infrastructure
- 3) Demolition of portions of the building
- 4) Site improvements
- 5) New construction
- 6) New equipment and fixtures

D) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility

HVAC systems
Elevators
Networking equipment
Furnaces
Electrical services
Telephone and data lines
Custom lighting

E) Time schedule for undertaking and completing the rehabilitation.

The project is expected to begin on or about October 15, 2004 and be completed by or before October 15, 2005.

F) A statement of the economic advantages expected from the exemption.

The tax exemption is a vital component to the obsolete building because of the market competition and office climate for downtown Muskegon. The exemption will allow the building owner to offer more attractive lease terms to potential tenants and strengthen the financial viability of the project as a whole. The site is highly visible and this development will promote additional economic development in the immediate area. Furthermore, the building will complement existing infrastructure the city has recently completed.

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") dated as of September 17, 2004 between the City of Muskegon, Michigan, a Michigan municipal corporation ("City"), of 933 Terrace Street, P.O. Box 536, Muskegon, Michigan 49443-0536 and MSB II LLC, a Michigan limited liability company ("Owner"), c/o McShane & Bowie, P.L.C., 99 Monroe Avenue, NW, Suite 1100, Grand Rapids, Michigan 49503 .

On application by the Owner, the City Commission ("City Commission") at a meeting duly called and held on August 24, 2004, adopted a resolution pursuant to the Obsolete Property Rehabilitation Act, Act 146 of 2000 (the "Act") establishing an Obsolete Property Rehabilitation District on the real property located in the City and owned by the Owner, the legal description of which is attached as **Exhibit A** ("Obsolete Property").

Also upon application of the Owner, the City Commission adopted a resolution approving the Owner's application for an Obsolete Property Rehabilitation Exemption Certificate ("Certificate").

This Agreement sets forth the understanding of the City and the Owner regarding the Certificate.

The City and Owner agree as follows:

1. Commencement and Completion to Construction. The Owner or its successor shall commence construction on the Obsolete Property as soon as practicable, shall finish completely closing in the facility not later than May 31, 2005, shall complete landscaping not later than August 31, 2005, and shall substantially complete all construction and improvements to the Obsolete Property sufficient to receive a certificate of occupancy for the building not later than December 31, 2005.

2. Anticipated Effective Date. It is anticipated that the Certificate will be issued in calendar year 2004 and become effective on December 31, 2004, as provided in Section 6(3) of the Act. If the State Tax Commission approves the application in calendar year 2004 as contemplated by Section 6 of the Act, then the effective date of the certificate will be December 31, 2004.

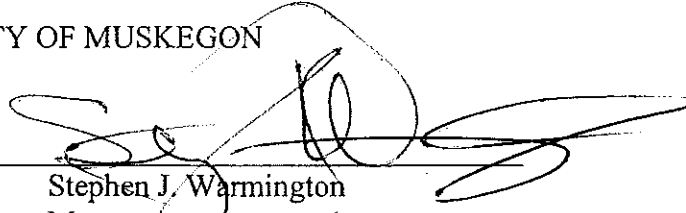
3. Period of Certificate. The Certificate shall remain in full force and effect until December 31, 2014 as determined by the City Commission, subject to being earlier revoked as provided in Sections 7 and 12 of the Act.

4. Successors and Assigns. This Agreement is binding upon and shall inure to the benefit of the City and the Owner and the Owner's successors and assigns.

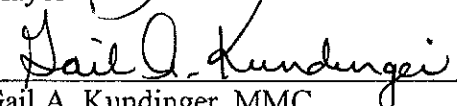
This Agreement has been executed as of the day and year first written above.

CITY:

CITY OF MUSKEGON

By: 

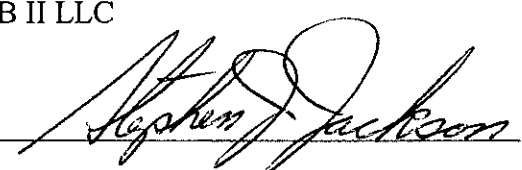
Stephen J. Warmington
Mayor

And: 

Gail A. Kunderger, MMC
City Clerk

OWNER:

MSB II LLC

By: 

Its: Authorized Member

#109731 v3

**EXHIBIT A
TO
DEVELOPMENT AGREEMENT**

(Obsolete Property)

The property located in the City of Muskegon, Muskegon County, Michigan described as:

Parcel A: That part of Lots 1, 2, and 3 of Block 558, being part of vacated Water Street, and part of Block 567 of the Revised Plat of 1903 of the City of Muskegon as recorded in Liber 3 of Plats, page 71, Muskegon County, Michigan described as follows:

Commencing at the South most corner of Block 556; thence North $61^{\circ}13'00''$ West (deed-N $62^{\circ}44'00''$ W) along the Northeasterly line of Terrace Street, as extended, a distance of 730.00 feet to the point of beginning; thence North $61^{\circ}13'00''$ West along said Northeasterly line of Terrace Street, a distance of 518.69 feet; thence Northwesterly along an arc of a curve to the left, a distance of 2.49 feet, (said curve data being: $\Delta=00^{\circ}28'15''$, $r=302.48'$, l.c.b.= $61^{\circ}27'09''$ W, a distance of 2.49 feet to a point being located on the Southerly right-of-way of Shoreline Drive); thence Northeasterly along the Southerly line of Shoreline Drive, along a curve to the right, an arc distance of 300.51 feet, (said curve data being: $\Delta=24^{\circ}19'04''$, $r=708.05'$, l.c.b.=N $82^{\circ}07'41''$ E, l.c.=298.62') to a point of tangency; thence South $85^{\circ}42'47''$ East along the Southerly right-of-way of Shoreline Drive, a distance of 147.28 feet; thence South $42^{\circ}00'00''$ East, a distance of 37.54 feet; thence South $04^{\circ}17'13''$ West along the Northerly right-of-way of Terrace Street connector, a distance of 91.77 feet; thence Southeasterly along the Northerly right-of-way of Terrace Street connector, along a curve to the left, an arc distance of 132.23 feet, (said curve data being: $\Delta=16^{\circ}28'11''$, $r=650.02'$, l.c.b.=S $03^{\circ}56'55''$ E, l.c.=131.78'); thence South $23^{\circ}17'55''$ West, a distance of 32.56 feet to the point of beginning. Said parcel contains 1.63 acres more or less.

Parcel B (vacated portion of Terrace): Also together with the following vacated portion of Terrace Street lying adjacent to part of Blocks 558 and 557 of the Revised Plat of 1903 of the City of Muskegon, as described in Liber 3 of Plats Page 71, Muskegon County, Michigan, and part of vacated Water Street described as follows:

Commence at the South most corner of Block 556 for the point of beginning; thence North $61^{\circ}13'00''$ West (deed=N $62^{\circ}44'00''$ W), along the Northeasterly line of Terrace Street, as extended, a distance of 730.00 feet to the point of beginning; thence South $69^{\circ}51'52''$ West along the Northerly line of Morris Street connector, a distance of 19.43 feet; thence Southwesterly along a curve to the left, being the Northerly right-of-way of Morris Street connector, an arc distance of 60.98 feet (said curve data being: $\Delta=12^{\circ}57'22''$, $r=269.66'$, l.c.b.=S $63^{\circ}23'11''$

W, l.c.=60.85'); thence North $61^{\circ}12'04''$ West, a distance of 384.34 feet; thence North $28^{\circ}47'56''$ East, a distance of 64.63 feet; thence South $61^{\circ}13'00''$ seconds East along the Northeasterly line of Terrace Street as extended, a distance of 431.64 feet to the point of beginning. Said parcel contains 0.60 acres more or less.

Parcel C (vacated portion of Terrace Street): Also together with the following vacated portion of Terrace Street lying adjacent to part of Blocks 558 and 557 of the Revised Plat of 1903 of the City of Muskegon, as described in Liber 3 of Plats, Page 71, Muskegon County, Michigan, and part of vacated Water Street described as follows:

Commence at the South most corner of Block 556 for the point of beginning; thence North $61^{\circ}13'00''$ West (deed= $N62^{\circ}44'00''$ W), along the Northeasterly line of Terrace Street, as extended, a distance of 1161.64 feet to the point of beginning; thence South $28^{\circ}47'56''$ East, a distance of 64.63 feet; thence North $00^{\circ}08'13''$ East, a distance of 73.64 feet; thence South $61^{\circ}13'00''$ West, a distance of 35.22 feet to the point of beginning. Said parcel contains 0.03 acres more or less.

Commission Meeting Date: August 24, 2003

Date: August 17, 2003

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services W.G.
Department**

**RE: Public Hearing to Review 2003-2004 Consolidated
Annual Performance Evaluation Report (CAPER)**

SUMMARY OF REQUEST: To conduct a public hearing on August 24, 2004 to review accomplishments and receive comments from the public concerning the 2003 – 2004 CAPER developed by the Community and Neighborhood Services department.

After the public hearing has been conducted and all the comments have been documented, the CNS office request that the Commission direct the CNS staff to submit the required documents to HUD in compliance with 24 CFR 91.520, by no later than August 31, 2004.

FINANCIAL IMPACT: The City is required to submit the CAPER report in order to continue receiving CDBG and HOME funding.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the CAPER to HUD after the public comment period has elapsed.

COMMITTEE RECOMMENDATION: None



City of Muskegon 2003 - 2004



Consolidated Annual Performance Evaluation Report



Submitted HUD
August, 31, 2004

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The City of Muskegon completed its 2003 – 2004 fiscal year on May 31, 2004. The 2003 – 2004 fiscal year was the 30th year that the City of Muskegon received Community Development Block Grant funding awarded through the U. S. Department of Housing and Urban Development. The 2003 – 2004 fiscal year was also the fourth year of the City of Muskegon's activities under the 2000 – 2004 Consolidated Plan which was approved by HUD in June of 2000. The Consolidated Plan is the City's required five year "steering devise" as well as a "measuring stick" to determine how the City of Muskegon is meeting its stated goals and objectives as developed in the Consolidated Plan. The main areas of objectives that were established in the City's Consolidated Plan were housing issues, economic development, neighborhood improvement issues, community health issues and public services facilities upgrading.

2003 – 2004 Performance Report

The intent of the 2003 – 2004 Consolidated Annual Performance Evaluation Report (CAPER) is to illustrate the City of Muskegon's Community and Neighborhood Services department's accomplishments as well as the City's subrecipients and Community Housing Development Organizations (CHDO) accomplishments.

The City of Muskegon's Community and Neighborhood Services department is proud to be in partnership with the private sector and the nonprofit community. Significant progress is being made in the City of Muskegon in housing rehabilitation, new affordable housing, blight elimination, public improvement, social services and overall quality of life issues in our community.

City of Muskegon Consolidated Plan 2000 – 2004 Strategic Goals and Objectives

1. To work with and to support the City's Community Housing Development Organizations (CHDO's) and other public services in the community to increase homeownership opportunities for low and moderate-income residents.
2. To work with area nonprofits, realtors and builders to increase the availability of low, middle and upper-income housing in the community.
3. To improve the City's aging housing stock through rehabilitation efforts. This is accomplished either through the City's rehabilitation programs, the Infill program or through one of the programs of the local CHDO's.
4. To assist local developers when and where possible with the construction of mixed housing in Muskegon neighborhoods, especially those targeted to low/moderate-income neighborhoods with a surplus of vacant land.
5. To work with the Muskegon Housing Commission when economically feasible and logistically possible to improve its overall HUD rating and to eliminate its supply of vacant structures.

Economic Development

1. To work with public service agencies, local educators, employers and others to increase the availability of a local skilled workforce and support efforts to develop training programs.
2. To continue to work to develop the City's Brownfields in order to increase the developable land within the community in the areas of industrial, residential and commercial.
3. Increase the development of the City's lakeshore area in order to increase the tourist appeal of the community.
4. To work with other agencies, organizations and non-profits to increase the number of small businesses in the community, especially small businesses owned by minorities and females.

Neighborhood (Non-Housing)

1. To assist the City's Leisure Services department, local school systems and other local non-profits to increase activities in the community for local youth and families by upgrading current facilities and programs when economically feasible.
2. To work with local enforcement agencies, public services, neighborhood organizations and members of the religious community to improve the quality of life throughout Muskegon neighborhoods especially the low/moderate-income neighborhoods.
3. To work with established organizations, committees and developers to increase the retail opportunities throughout the City of Muskegon with special concentration on the downtown and other low and moderate-income neighborhoods within the City.
4. Work to improve and upgrade City equipment in the area(s) of public safety (i.e., fire, police, public works etc.)
5. Work with the local health community and other neighborhood organizations within the city to improve the overall health of the City of Muskegon residents especially the low-income, elderly and the minority population.

Housing Objectives

- Priority 1. To allocate at least the required amount of HOME funding to area CHDO's to assist low-income residents with down-payment assistance and increase their ability to obtain mortgages.
- Priority 2. By working through the City's Infill project to increase the number of new homes constructed within the targeted areas.
- Priority 3. Rehabilitate owner-occupied and rental structures throughout the community.

Economic Development Objective

- Priority 1. To work collaboratively to increase new employers and availability of skilled workforce.
- Priority 2. Increase developable land in the areas of commercial, industrial and residential.
- Priority 3. Increase number of small businesses.

Neighborhood (Non-Housing) objectives

- Priority 1. Increase Leisure Service activities/facilities.
- Priority 2. Improve quality of life in low/moderate-income neighborhoods.
- Priority 3. Increase neighborhood retail opportunities.
- Priority 4. Improve and upgrade City public safety equipment.
- Priority 5. To continue to work with and when possible supply financial assistance to subrecipients in the health field.

Community Development Block Grant / HOME

During fiscal year 2003-2004, the City received \$1,376,000 in Community Development Block Grant (CDBG) funding from HUD. The City also received \$340,111 in funding under the HOME Ownership Partnership Program plus an additional \$20,000 in program income. The total amount of federal funding that the City of Muskegon received through the CDBG and HOME programs during fiscal year 2003-2004 was:

2003-2004 Community Development Block Grant fund revenue budget:

Entitlement	\$1,217,000
Reprogrammed funds	\$ 100,000
Program Income	<u>\$ 50,000</u>
Total	\$1,367,000

I.	Housing Related Activities	\$590,000	39.8%
		Amount Allocated	Percentage
	<i>Community and Neighborhood Services</i>	\$455,000	33.3%
		Amount Allocated	Percentage
	*Housing Rehabilitation-Emergency Repair	\$185,000	13.5%
	*Housing Rehabilitation-Siding	\$155,000	11.3%
	*Housing Rehabilitation-Service Delivery	\$115,000	8.4%
	<i>Neighborhood and Construction Services</i>		
		Amount Allocated	Percentage
	*Residential Clearance	\$90,000	6.6%
	<i>Community and Economic Development</i>		
		Amount Allocated	Percentage
	*Code Enforcement	\$ 45,000	3.3%
II.	Non Housing (Economic Development)	\$245,000	
		Amount Allocated	Percentage
	*Shoreline Drive Bond Repayment	\$245,000	17.9%
III.	Public Improvement Projects	\$163,500	10.1%
		Amount Allocated	Percentage
	*Public Facilitates/Rehab/Lot Cleanup	\$ 45,000	3.2%
	*Sidewalk Assessment	\$ 48,500	3.5%
	*Street Assessment	\$ 70,000	5.1%
IV.	Public Services	\$170,887	12.59%
	<i>Leisure Services</i>		
		Amount Allocated	Percentage
	*Recreation Programs	\$ 70,000	5.1%

Department of Public Works

*Senior Transit	\$ 50,000	3.6%
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**Community Based Organization*

a.	Muskegon Community Health Project	\$ 5,000	0.3%
b.	Red Cross	\$ 5,000	0.3%
c.	HealthCare	\$ 6,887	0.5%
d.	Volunteer Muskegon "KKIS"	\$ 5,000	0.3%
e.	Volunteer Muskegon "Mapping"	\$ 5,000	0.3%
f.	West Michigan Veterans	\$ 5,000	0.3%
g.	Legal Aid of West Michigan	\$10,500	0.7%
i.	Family Service Center "Dads"	\$ 8,500	0.6%

V.	Administration	\$172,500	12.6%
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Community and Neighborhood Services

*Management & Coordination	\$172,500	12.6%
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* High priority item - 20

** Medium priority item - 0

Other Federal Funding received by the City of Muskegon during this fiscal year

FEMA Fire Grant	\$ 40,000
WEMET	\$ 34,495
UHP-Distressed Neighborhood	\$ 89,419
Local Law Enforcement Block Grant	\$ 53,914
Weed and Seed (Asset Forfeiture)	\$ 13,548
Bullet Proof Vest Partnership Grant	\$ 11,851
After School Learning Center	\$473,353
Emergency Shelter Grant	\$ 65,000

2003-2004 Proposed CDBG Activity Correlation Analysis

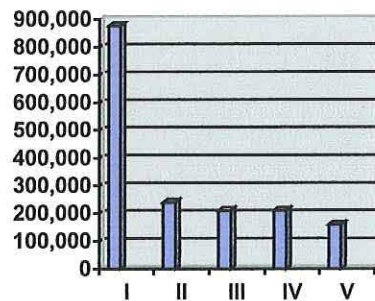
Section 1. Housing – represents the City of Muskegon’s continued efforts to improve its aging housing stock by assisting low/moderate income homeowners and its efforts to improve the communities overall quality of life especially in the City’s low and moderate-income neighborhoods.

Section 2. Non-housing – represents the City of Muskegon’s continuing efforts to improve its infrastructure and promote economic development activities. Section 2 correlates with economic development goal 2 and economic development priority 2.

Section 3. Public Improvements – represents the City of Muskegon’s continued commitment to invest and reinvest in its infrastructure and facilities, which highly meets non-housing goal 4 and non-housing neighborhood priorities 1, 2 and 4.

Section 4. Public Services – represents the City of Muskegon’s firm commitment in supporting community development at the neighborhood level by supporting local non-profits and public services within the community. Section 4 is significantly correlated with neighborhood goals 2 and 5. Section 4 is also significantly equated with neighborhood objective priorities and neighborhood priority 5.

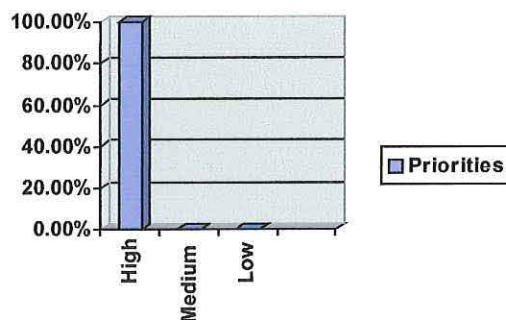
Section 5. Administration is highly equated with all goals and objectives associated with the administrative activities within the 2000-2004 Consolidated Plan.



Priority Analysis

In correlation with the stated priorities in the 2000-2004 City of Muskegon’s Consolidated Plan of the areas or projects funded, the funding met the City’s prioritized rating in the following manner.

High	20 (100.0%)
Medium	0 (0.0%)
Low	0 (0.0%)



2003-2004 Community Development Block Grant Expenditures Summary

I. Community and Neighborhood Services			
	Budget	Spent	Percentage Spent
Management/Coordination	\$172,500	\$161,131	93%
Housing Rehab Emergency	\$185,000	\$221,084	120%
Housing Rehab Siding	\$155,000	\$235,348	152%
Housing Rehab Service Delivery	\$115,000	\$122,968	107%
II. Community and Neighborhood Construction Services			
Residential Clearance	\$90,000	\$85,989	96%
Code Enforcement	\$45,000	\$46,437	103%
III. Finance Division			
Shoreline Drive Bond Repayment	\$245,000	\$245,288	100%
IV. Community and Neighborhood Services/Engineering			
	Budget	Spent	Percentage Spent
Street Assessment	\$70,000	\$59,420	0.85%
Sidewalk Assessment	\$48,500	\$68,876	142%
V. Leisure Services			
Recreation Program	\$70,000	\$70,000	100%
VI. Department Public Works / Economic Development			
Senior Citizen Transit	\$50,000	\$47,789	96%
*Pubic Lot Cleanup	\$45,000	\$45,000	100%
VII. Community Based Organizations			
a. Muskegon Community Health Project	\$ 5,000	\$ 5,000	1.00%
b. Red Cross Senior Transportation	\$ 5,000	\$ 5,000	1.00%
c. West Michigan Veterans	\$ 5,000	\$ 2,360	41%
d. HealthCare Project	\$ 6,887	\$ 6,069	94%
e. Volunteer Muskegon (Mapping)	\$ 5,000	\$ 3,332	66%
f. Volunteer Muskegon (KKIS)	\$ 5,000	\$ 2,616	52%
g. Legal Aid of West Michigan	\$10,500	\$ 7,500	75%
h. Family Service Center "Dads"	\$ 8,500	\$ 7,000	70%

2003-2004 Subrecipient Activity

During fiscal year 2003-2004, the City of Muskegon awarded \$50,887 in CDBG funds to eight area non-profits.

1. Muskegon HealthCARE - \$6,887

Activity: Health screening and preventive advocacy.

Number served	1447
Low Income	931
Female Head of Household	422
White	78
Black	331
Hispanic	31
Average Cost Per Client:	\$4.76

2. Muskegon Community Health Project - "Miles of Smiles" - \$5,000.

Activity: Supplied mobile dental unit to assist low-income youngsters with dental services.

Number Served	304
Extremely Low	224
Female Head of Household	32
White	73
Black	94
Hispanic	47
Asian	4
American Indian	6
Average Cost Per Client:	\$16.44

3. American Red Cross – Senior Transportation - \$5,000

Activity: To provide transportation for area seniors to health related facilities.

Number Served	1622
Extremely Low Income	399
Very Low Income	48
Low Income	53
Female Head of Household	323
Disabled	257
White	337
Black	177
Hispanic	26
Native American	2
Average Cost Per Client:	\$3.08

4. West Michigan Veterans Inc. - \$5,000.
Activity: To offer a food bank to low-income Veterans and their families and transportation assistance to health facilities for Veterans and family members.

Number Served	593
Extremely Low Income	30
Very Low Income	89
Low Income	390
Senior Citizens (over 62)	62
Female Head of Household	22
White	221
Black	329
Native American	6
Hispanic	37
Average Cost Per Client: \$8.43	

5. Volunteer Muskegon – “Keep Kids in School” - \$5,000
Activity: Grassroots volunteer program to stop truancy.

Number Served	90
Low Income	9
Very Low Income	6
Extremely Low Income	3
Female Head of Household	10
White	10
Black	6
Hispanic	2
Average Cost Per Client: \$55.56	

6. Volunteer Muskegon – Youth Volunteer Corps - \$5,000
Activity: Youth volunteers used to do asset mapping in city neighborhoods.

Number Served	69
Extremely Low Income	03
Very Low Income	10
Low Income	56
Female Headed Household	25
Senior Citizen (over 62)	0
White	42
Black	18
Hispanic	9
Average Cost Per Client: \$72.46	

7. Family Service Center 'Dads' Program – \$8,500

Number Served	390
White	100
Black	275
Hispanic	15
Over age 62	11
Low Income	41
Very Low Income	128
Extremely Low Income	310
Average Cost Per Client:	\$21.79

8. Legal Aid of West Michigan – \$10,500

Number Served	198
White	99
Black	94
Hispanic	2
Other	3
Female Head of Household	128
Over age 62	17
Low Income	6
Very Low Income	25
Extremely Low Income	167
Average Cost Per Client:	\$53.03

Sidewalk Assessment Relief

The City assisted 63 low income Nelson neighborhood residence with sidewalk assessment relief. Fiscal year 2003-2004 total for Nelson (census tract 6.02) for the approved applicants totaled \$69,376.00. Breakdowns of the addresses assisted are the following:

Street #	St Address	Cost
304 W. Dale		\$539.40
1725 6th St.		\$2,014.00
1910 5th St.		\$455.00
1513 6th St.		\$968.01
1447 7th St.		\$113.75
1980 9th St.		\$541.45
316 W. Forest Ave		\$409.50
235 W. Larch		\$796.25
1888 5th St.		\$341.25
305 W. Larch		\$1,153.28
472 W. Grand Ave		\$3,799.25
559 W. Grand		\$1,424.15
1366 Sanford		\$3,466.37
1919 5th St		\$796.25
1592 6th St		\$1,944.41

165 W. Southern	\$186.55
1464 7th St.	\$637.00
324 W. Forest Ave	\$177.45
77 W. Larch	\$1,089.07
1783 Sanford	\$443.62
1734 5th St.	\$91.00
1606 5th St.	\$1,337.70
151 W. Larch	\$716.62
313 W. Larch	\$1,503.49
1717 6th St.	\$113.75
205 W. Dale	\$182.00
1639 7th St.	\$346.94
1568 Sanford	\$1,115.46
457 W. Grand	\$364.00
453 W. Grand	\$1,333.91
1842 Jefferson	\$250.25
1848 Commerce	\$455.00
450 W. Grand	\$796.25
1917 Jefferson	\$1,757.27
315 W. Southern	\$864.50
1576 6th St.	\$1,103.38
261 W. Forest	\$4,192.02
1647 6th St.	\$1,722.39
224 W. Grand Ave	\$420.88
329 W. Forest	\$1,148.88
32 W. Forest Ave	\$1,175.58
1529 Park	\$944.12
1578 Sanford	\$1,230.13
1662 5th St.	\$585.81
598 W. Forest Ave	\$989.62
1530 8th	\$1,137.50
1671 Park	\$773.50
1514 7th St.	\$801.94
1816 Jefferson	\$2,217.33
1461 Park	\$773.50
1513 8th St.	\$1,167.08
1478 Park St.	\$3,229.18
1671 Park	\$1,480.80
345 W. Forest	\$1,404.41
1910 Jefferson	\$1,386.50
394 W. Southern	\$756.44
340 W. Forest Ave	\$559.65
1910 Commerce	\$455.00
1515 7th St.	\$1,994.90
609 W. Forest Ave	\$775.65
1575 6th St.	\$91.00
353 W. Southern	\$2,446.60
154 W. Larch	\$1,888.06

Average Cost Per Client: \$1,101

Street Assessment Relief

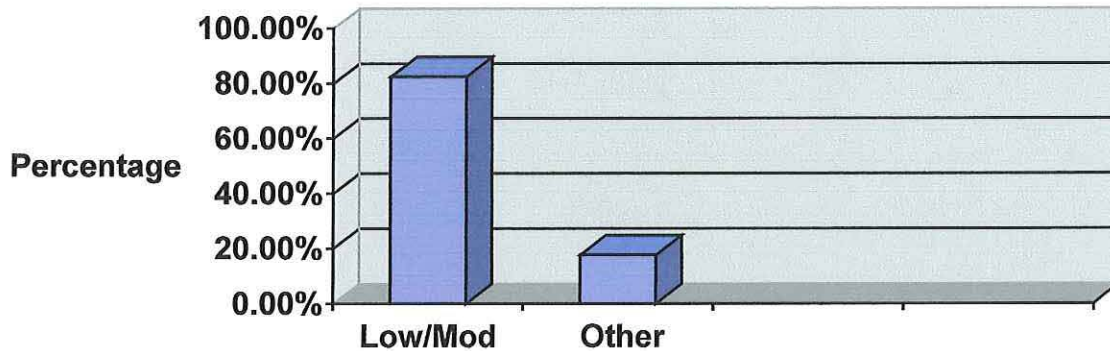
The City assisted 28 residence with street assessment relief. Fiscal year 2003-2004 total assessment for the approved applicants totaled \$34,028.75 breakdowns of the addresses assisted were the following:

Street #	St. Address	Cost
	2216 Clifford	\$1,148.43
	2193 Clifford	\$2,296.86
	2223 Clifford	\$2,168.49
	1597 Davis	\$892.50
	1188 W. Larch	\$1,088.85
	1733 Davis	\$892.50
	2229 Lincoln	\$1,245.04
	2411 Cutler	\$714.00
	2238 Lincoln	\$999.60
	2212 Lincoln	\$999.60
	2387 Morton Ave	\$1,204.88
	2408 Letart	\$1,163.28
	2317 Lincoln	\$803.00
	2268 Lincoln	\$1,294.12
	2393 Lincoln	\$1,178.10
	2370 Lincoln	\$1,178.10
	2393 Philo	\$1,074.03
	2540 Lincoln	\$1,447.63
	2489 Lincoln	\$714.00
	1157 Washington	\$1,658.74
	1083 Washington	\$1,658.74
	1249 Lakeshore #139	\$160.85
	1082 Washington	\$1,658.74
	1110 Washington	\$2,764.58
	1249 Lakeshore #234	\$167.21
	1405 Barclay	\$1,658.74
	1249 Lakeshore #315	\$139.40
	1187 Washington	\$1,658.74

Average Cost Per Client: \$1,308.80

Of the \$1,569,152 CDBG dollars spent last fiscal year by the City of Muskegon, \$1,385,256 or 82.4% was for low/moderate-income activities. This data illustrates the City of Muskegon's continuing efforts to address the needs of our low and moderate-income residents and how those activities correspond to strength and improvement of the overall economic health of the community.

CDBG Low / Mod Statistics



Low / Moderate Income Classifications

CDBG – Category

Emergency Repair – Low/Mod – Housing Household Income

Vinyl Siding – Low/Mod-Housing Household Income

Infrastructure

Sidewalk Assessment – Low/Moderate – Limit Clientele Household Income

Street Assessment – Low / Moderate Limit Clientele Household Income

Public Services

Muskegon Community Health – Low/Moderate – Limit Clientele

Red Cross - Transportation – Low/Moderate – Limit Clientele

West Michigan Veterans – Low/Moderate – Limit Clientele

HealthCare Project – Low/Moderate – Limit Clientele

Volunteer Muskegon – Low/Moderate – Limit Clientele

Family Service Center “DADS” – Low/Moderate – Limit Clientele

Children

Senior

Veteran

Individuals

Youth

Men

Program Income

The amount of program income produced last year through CDBG loan repayment, loan payoffs, refinancing and subordination request was \$101,547.09

City of Muskegon HOME Activity Budget

During fiscal year 2003-2004, the City of Muskegon received \$340,111 in HOME funding plus \$20,000 of program income. The funding was allocated in the following manner.

Program Administration	\$ 36,011
Tax Reverted Rehab	\$ 50,000
Tax Reverted Infill	\$ 60,000
CHDO Support Services	\$165,000
Housing Demolition	\$ 10,000
Program Income	\$ 20,000
Carryover Fund	\$ 19,100

HOME Correlation Analysis

Program Administration is in direct correlation with all four (4) Housing Goals from the 2000 – 2004 Consolidated Plan (CP) and all Housing Objectives.

Neighborhood Infill program is in direct correlation with goals 2, 3, and 4. The category is also significantly correlated with Housing Objectives Priority 2.

Tax-Reverted Rehabilitation is directly correlated with goals 2 and 3 while this activity is also directly related to Housing Priority 3.

Tax-Reverted Infill is directly correlated with goals 2 and 4. Housing Priority number 2 is significantly related.

CHDO Support Services is in direct correlation with Housing Goal 1 and Housing Objectives Priority 1 and Priority 3.

High Priority	100%
Medium Priority	0%
Low Priority	0%

HOME Infill

During fiscal year 2003 –2004 the City of Muskegon Community and Neighborhood Services department designed, built and sold all five projects under the City's new construction Infill programs and or total rehabilitation program, which produced approximately \$220,000 of program income.

Operation: New Moon Rising



The site at 1638 Hoyt was a blighted burned out building for a number of years. The neighbors in the area not only complained about the sight, but also complained about the awful smell that came from the structure in the summer time.

Although the previous owner had said that he would rehabilitate the property for whatever reason; it never got done. The City of Muskegon's Community and Neighborhood Services negotiated with the former owner to gain ownership of the property. After gaining ownership, the City demolished the burned out blighted structure and began to redevelop the site with a new 3-bedroom bungalow style home with a full basement and two-car garage.

On a site where less than a year ago there was a burnt out house spewing blight on the 1600 block of Hoyt, near Moon Elementary school, is a lovely new bungalow home with a very happy new homeowner and her son.

Homebuyer Demographics	Race	Income level	Size of Household
Female head of household	African American	Low 80%<	2

Operation Jackson Hill Renewal Projects

One and Two – AKA *Operation: W.G.I.T.T.T. (We Got It Right This Time)*



The Jackson Hill neighborhood, a central core neighborhood within the City of Muskegon, has gone through many transitions since its original development. The 1970's saw the Jackson Neighborhood become an Urban Renewal community. Many of the original homes were demolished and the neighborhood was left with an abundance of vacant lots. In the last few years, the Jackson Hill neighborhood has experience one of the most impressive renaissance in the city. A significant number of those previous vacant lots now have homes on it because of the commitment of the local Habitat for Humanity, Muskegon Housing Commission, the City of Muskegon's Community and Neighborhood Services and several visional residents.

During 2003 – 2004, the City of Muskegon had two total rehabilitation projects in the Jackson Hill neighborhood under the title Operation Jackson Hill Renewal Projects AKA Operation WGIRTT (We Got it Right This Time) We got it right is just project at 503 home that was on building list and if demolished most of would not have the long negative the home. Instead and just tear down Muskegon elected structure. Now we rehabilitated home at 503 Octavius, which is now home to a husband, wife and their two teenage children. It may not be the perfect ending, but is sure is darn close.



It Right This Time) We what we did. The first Octavius was a blighted the City's dangerous the home had been the residents probably been upset because of history associated with of doing the easy thing the home, the City of to totally rehabilitate the have a beautiful totally

The house at 351 Erickson Operation WGIRTT Project #2 was a house that the City assisted one of its CHDO's to obtain a few years ago, but unfortunately the CHDO was not able to complete the project. So the City obtained the home and completed the project. The finish product is a testament to why it is important that we preserve as much of old housing as possible. In a place where a vacant lot could be, stands proudly a 2,500 square foot home with four bedrooms 3 and ½ baths and several features that would make HGTV envious. 351 Erickson is just another component in the Jackson Hill renaissance and the City of Muskegon commitment to revitalizing its neighborhoods.

Homebuyer Demographics	Race	Income level	Size of Household
Male head of household	African American	Low 50%<	4

Wood Street Revival



The Wood Street Revival project was probably the City of Muskegon's Community and Neighborhood Services office most ambitious project during the 2002-2003 fiscal year. The home at 850 Wood had spewed blight on the Angell neighborhood for as long as most residents can remember. But behind the chipping paint, boarded up windows and several layers of old

paint was a beautiful American Gothic home one of only two remaining in the city according to our local historic district committee.

The City of Muskegon purchased the home at 850 Wood from John Wesley AME Zion Church and began the process of revealing a diamond in the rough that resided at the corner of Wood and Orchard. The results of beyond what was selected contractor. returned to its former every feature glory. The home gentleman who is a Muskegon community. Wood is another true accomplished when a invest its' funding and instead of looking at only the wrecking ball as the means to eliminate blight from a community. *Project sold during fiscal year 2003-2004.



Homebuyer Demographics			
Homebuyer	Race	Income level	Size of Household
Single male	White	Low 80%<	1

Operation: At Long Last AKA Shangaliwa



For as long as most residents can remember, eight vacant dilapidated homes have sat in several different neighborhoods throughout the city of Muskegon. Those houses were known to the common population as the "City" houses, but were officially under the Turnkey 3 program where the Muskegon Housing Commission originally obtained the infamous homes for total rehabilitation and then homeownership. Unfortunately, the homes never were rehabilitated and allowed to sit and become a blighting nemesis on their respective neighborhoods.

The City of Muskegon has worked diligently for a number of years to get the approval from the U. S. Department of Housing and Urban Development to demolish those "eyesores". After experiencing the pains and frustration of going through the bureaucratic maze that we've all

experienced at some time, the team of the City of Muskegon's Community and Neighborhood Services, Neighborhood and Construction Services along with the Muskegon Housing Commission were victorious after about three years. It goes to show diligence and persistence always goes to the victor.

On a beautiful June day in the Angell neighborhood, the City of Muskegon sponsored a neighborhood cook out to celebrate the first of eight demolitions. Shangaliwa is Swahili for "time to celebrate" and celebrate was what we did. The participants consisted of City Commissioners, neighborhood association presidents, City employees and the local neighbors from throughout the city who were finally seeing one of eight bad neighbors leave their neighborhoods forever. Everyone said "Shangaliwa!"

The next phase of Operation "At Long Last" was the building of the house at 1668 Beidler. Just like all the other former neighborhood had been influence of the abandoned Turnkey-3 sites, the victimized by the blighting house for as long as most folks that vacant eyesore now stands bedroom home with a 2-car all seasons porch.



"HOWDY PARTNER!"



Webster defines the word partnership as "a contract entered into by two or more persons or entities in which each agrees to furnish a part of the capital and labor for a business enterprise."

The City of Muskegon's Community and Neighborhood Services department and Neighborhood Investment Corporation (NIC), a Community Housing Development Organization (CHDO) developed a partnership during fiscal year 2003-2004. Its goal was to build two Infill homes in the downtown area of Muskegon. The City allocated \$40,000 of HOME funding per home. NIC was able to secure funding from a number of other sources to bring the projects to fruition. Some of the other sources were Michigan State Housing Development Authority - (MSHDA), Federal Home Loan Bank and National City Bank. Both projects are completed and are another piece to the City of Muskegon's overall neighborhood revitalization efforts.

Rental Rehabilitation Program

In order to make necessary improvements and upgrades to make the unit safe and affordable, the City's rental rehab program offers assistance to rental property owners in the city of Muskegon by providing up to \$14,999 per unit to match the owner's contribution of the project.

2003 – 2004 Fiscal Year Rental Rehab Projects

Address	Number of Units	Home Contribution
1279-85 Fourth	4	\$22,000
1115 Sanford	2	\$22,526

Tenant Information – 1279-85 Fourth

Black	Female	0 – 30% AMI
White	Female	0 – 30% AMI
Black	Female	0 – 30% AMI
Black	Male	Over 80%AMI

Tenant Information – 1115 Sanford

Black	Female	0 – 30% AMI
Black	Female	0 – 30% AMI

Community Housing Development Organization Activity

Habitat for Humanity ***\$25,000***

Activity: Constructed two homes for its homeownership program

<u>Address</u>	<u>Purchase price</u>
1. 1255 Amity	\$11,208
2. 1438 Ducey	\$ 9,590

Homebuyer Information

Hispanic	Female	31-50% AMI
White	Female	31-50%AMI

Neighborhood Investment Corporation ***\$85,000***

Activities: Homebuyer rehabilitation and homeowner rehabilitation

Homebuyer Rehab

<u>Address</u>	<u>HOME Funds Used</u>
2159 Letarte	\$5,000
1725 Ray	\$5,000
140 Washington	\$5,000
1067 Pine	\$5,000

Homeowner Rehab

None

Down-payment assistance

<u>Address</u>	<u>HOME Funds Used</u>
850 Wood	\$1,795

Demographics of Clients

Female	2
Male	2
Extremely low income	0
Very low income	1
Low income	3
Black	1
White	3
Hispanic	0

Trinity Village Nonprofit Housing

Activity: Down-payment assistance

<u>Addresses</u>	<u>Downpayment Assistance</u>	<u>% of AMI</u>
821 Stevens	\$1,500	51-80
349 Jackson	\$1,500	51-80
1460 Ducey	\$1,500	30-50
655 Ada	\$1,500	51-50
Number of Families Served	4	
Female headed Households	2	
White	0	
Black	1	
Low Income	4	

2003-2004 Vinyl Siding Activity

A total of thirty-five households in the City of Muskegon received vinyl siding on their homes through the Community and Neighborhood Services siding program.

Addresses of homes that received vinyl siding last fiscal year are as follows:

1. 1315 Frances	11. 463 Mulder	21. 191 McLaughlin	31. 291 Orchard
2. 1592 6 th	12. 2036 Letarte	22. 735 Amity	32. 1464 Park
3. 1955 Wood	13. 2239 Beidler	23. 1111 Michigan	33. 427 E. Larch
4. 1461 Montague	14. 222 Iona	24. 210 Merrill	34. 1710 Manz
5. 1426 Getty	15. 829 Washington	25. 277 Irwin	35. 1325 Lakeshore
6. 1921 Vanderline	16. 1073 E. Dale	26. 567 Leonard	
7. 46 E. Walton	17. 1234 Fleming	27. 492 Oak	
8. 501 Mulder	18. 2217 Sherin	28. 1234 7 th	
9. 1637 Wood	19. 1933 Leahy	29. 1507 Park	
10. 1291 4 th	20. 428 Adams	30. 1922 Wood	

Clearance Program

The City of Muskegon's Neighborhood and Construction Services (Inspection) department demolished 19 structures in the city of Muskegon with CDBG funding at a total cost of \$73,216. The following structures were demolished during last fiscal year with CDBG funds.

DEMOLITIONS FUNDED BY CDBG 6/1/04 - 5/31/04					
<u>NEIGHBORHOOD</u>	<u>CENSUS TRACT</u>	<u>DATE</u>	<u>ST. NAME</u>	<u>ST. #</u>	<u>COST</u>
NELSON	6.02	6/30/2003	PARK	1469	\$ 765.00
JACKSON HILL	2	6/30/2003	MARCOUX	747	\$ 2,987.00
ANGELL	3	6/30/2003	CATHERINE	383	\$ 3,294.00
NELSON	6.02	11/6/2003	MUSKEGON	412	\$ 2,895.00
ANGELL	3	11/6/2003	SOPHIA	1119	\$ 3,290.00
ANGELL	3	11/6/2003	WILLIAMS	1112	\$ 2,890.00
ANGELL	3	11/6/2003	WILLIAMS	1136	\$ 2,890.00
ANGELL	3	11/6/2003	ORCHARD	424	\$ 2,295.00
ANGELL	3	11/6/2003	ORCHARD	444	\$ 715.00
ANGELL	3	11/6/2003	CATHERINE	453	\$ 2,995.00
ANGELL	3	11/6/2003	AMITY	723	\$ 3,895.00
NELSON	6.01	12/22/2003	SEVENTH	1698	\$ 3,295.00
MCLAUGHLIN	5	3/4/2004	HARTFORD	85	\$ 3,425.00
ANGELL	3	3/4/2004	WOOD	1032	\$ 4,315.00
NELSON	6.02	1/20/2004	SEVENTH	1686	\$ 5,420.00
NELSON	6.02	1/16/2004	PARK	1670	\$ 900.00
NELSON	6.02	1/20/2004	HOUSTON	460	\$ 1,100.00
MCLAUGHLIN	5	3/31/2004	PINE	1226	\$ 900.00
ANGELL	3	3/11/2004	APPLE	318	\$ 24,950.00

Average Cost Per Home: \$3,853.47

CDBG Emergency Repair Program

The City of Muskegon assisted 66 households during last fiscal year with emergency housing assistance (furnace replacement, roof replacement, electrical updating, plumbing updating, and structural repairs). The total amount of CDBG funding spent on emergency repairs last fiscal year was \$221,084.

The program is designed to assist low-income residents who have conditions in their homes that can be classified as a threat to the health and or general welfare of the resident and or the public at large.

<u>Address</u>	<u>Project Total</u>	<u>Address</u>	<u>Project Total</u>	<u>Address</u>	<u>Project Total</u>
846 Catherine	4,752	1252 Kenneth	2,242	1158 E. Apple	688 *
492 Oak	755 **	152 Strong	8,194	416 Monroe	7,224 *
753 Orchard	525	667 Wesley	710 *	1273 7 th	2,400
1085 Sophia	13,644 **	1300 Evanston	5,100	413 Houston	3,950
1921 Wood	1,214	32 W. Forest	85	1237 Spring	7,755
2234 Continental	525	1210 Allen	7,700	776 Orchard	3,070
713 Orchard	3,265	303 Mason	590	1533 Hoyt	700
373 Merrill	600	807 Wood	955	339 Amity	1,236
539 Bennett	2,698	428 Adams	3,885	1326 Chestnut	7,078
407 Monroe	2,443 *	1745 Madison	2,225	1530 8 th	5,894
533 Alva	2,485	2256 Blodgett	3,485	1219 3 rd	1,900
1996 Park	6,840	786 W. Forest	105	1965 Cutler	525
1929 Franklin	4,275	1954 Jiroch	1,343	882 Wilson	6,260 *
612 Allen	8,924 *	1433 Kingsley	85	1110 Washington	4,897
2272 Dowd	793	1417 Winters	150	1929 Franklin	1,340 *
1756 Madison	525	338 Mason	5,060	1201 Pine	6,570
854 Oak	105	321 Yuba	2,100	2239 Austin	4,200 *
340 Marquette	7,420	419 Ada	7,000	641 Ada	1,700
1178 Emerson	3,745	319 Mason	800	1158 Fleming	2,250 *
1144 Sanford	2,900	1166 W. Grand	2,846	1299 Jefferson	860
2230 Sherin	2,888	588 E. Apple	7,820	191 McLaughlin	3,101
319 Mason	7,100	1632 Montague	2,970	1079 Holt	3,615

* Received Assistance for two items

** Received Assistance for three items

Demographic Profile of those served

Low Income	66
Black	39
White	25
Hispanic	2
Native American	0
Female Head of Household	45
Average Cost Per Home	\$3,350

Affirmative Marketing Policy

The City's Affirmative Marketing Policy defines the responsibilities for activities funded by the HOME Program to assure the furtherance of fair housing and equal job opportunity objectives. In both instances, the policy refers to the effort to ensure that opportunities exist without regard for race, color, religion, sex, and national origin. Traditionally, this has meant publishing information about availability of housing or job opportunities, through the use of the Equal Housing Opportunity slogan or logo and the Equal Employer slogan. In the case of the City's HOME Program, affirmative marketing also entails special outreach efforts to individuals or classes that might not otherwise apply. The City of Muskegon will seek to assure compliance with the terms of this plan through annual reviews of marketing activities.

Leveraging Resources: The City of Muskegon has been successful at leveraging additional resources in several different ways. The City has been able to allocate funding to its CHDO's and subrecipients who have been able to receive additional funding from state, local and private entities. Most recently the City has partnered with the Neighborhood Investment Corporation in combining resources to develop a rehabilitation fund for targeted properties in the Nelson neighborhood and also to combine resources in order to produce two new Infill houses in the city's downtown area.

Evaluation: During fiscal year 2003-2004, the City of Muskegon has allocated a significant amount of time supplying its staff and CHDO with technical assistance. Fiscal year 2003-2004 also revealed that although the number of emergency and siding projects declined somewhat, the projects that were completed were larger in size and more comprehensive. The City has continued to make a neighborhood impact in regards to its total rehabilitation program through its HOME program, which has not only saved several structures in the community that were in jeopardy of being demolished, but also established those structures as anchor projects in reference to the areas overall neighborhood revitalization efforts. The City's Infill program continues to not only eliminate blight from the area, but also increase the overall economic value of the area as illustrated by the increase in economic condition factors in the neighborhoods where Infill has taken place. The Infill program has brought young working families back to neighborhoods where just a few years ago they were bypassed as possible areas to invest in. The Infill program has shown non-subsidy home investors that these areas are excellent areas to invest in, which is why we are seeing a true renaissance going on in many of our central neighborhoods. Some of the changes that we are witnessing are initiatives from the private market (e.g. the reopening of neighborhood stores) where significant renovations is being done on private owned housing in both the owner-occupied and rental markets, as well as private developers who have expressed interest in doing multiple housing.

Rental Inspections

The City's department of Neighborhood and Construction Services has an on going system for inspection of all rental housing units on a four year basis, which is part of its overall housing code enforcement program. There was two HOME assisted rental rehabilitated projects committed and completed this fiscal year. There was four HOME rental rehabilitation inspections conducted in 2003-2004.

Continuum of Care

The Muskegon County Continuum of Care Network is an integrated advocacy and service delivery whose mission is to reduce homelessness and promote home permanence. The strategy document articulates the planning process that frames the work of the network. It is a snapshot of Muskegon County at a particular point in time. It reflects the best thinking of the service providers, consumers and government agents who have participated in the network and will take part in the next 12 months to reflects its priority to secure transitional supportive housing and services with emphasis on 16-24 year old youth, disabled persons and families. The rationale for these priorities is outlined in this continuum document and addressed in the MCCCN's 2003 supportive housing proposal to HUD.

The Muskegon Continuum of Care has evolved from a funding document written by core agencies (1997) to support unilateral programs. It is designed to integrate systems of interdependent providers consisting of 57 formal members. The network has a protocol to conduct business, hold standing meetings and develop formal referrals and universal intake procedures. In 2001, the Network expanded membership to involve all key players. City governments and the County of Muskegon are members of standing committees, as well as funders, public housing providers and consumers. In addition to information sharing, the standing committees routinely monitor the Continuum of Care Network's document and the network strategies that it articulates. Through the strategy, the network will promote home permanence and reduce homelessness.

The Network is coordinated through a steering committee that acts with direction from the membership to ensure that the network is comprehensive and inclusive. The purpose of these committees is to focus on specific critical components of the Network to insure accurate and inclusive planning. The following is a description of those committees, their function and membership.

- Emergency needs committee leads monthly miracles, case managers and emergency food pantries. Meeting monthly to discuss the community's food, clothing and utility needs. This group is chaired by an individual from Representative Peter Hoekstra's (U.S. House) office and is staffed by the United Way through the Muskegon County FIA Emergency needs program and FEMA. This linkage is critical for both distribution of resources and advocacy members include food pantries, soup kitchens, shelters, drop in centers, and church groups who meet monthly to monitor the utilization and capacity of these resources.

Case managers meet monthly and include hands on case managers from a variety of organizations. The committee serves as a "barrier buster" when obstacles are identified for homeless individuals. In addition, this group has a strong advocacy mission bringing the needs of the homeless to the steering committee, the full MCCCN and to the family coordinating council.

Emergency and Transitional Sheltering meets quarterly to coordinate services and to maximize available resources. Members include shelter providers and community advocacy organizations (i.e. Community Action Against Poverty) and provides vital links to homeless consumers. This group is focussed on operating a seamless system for homeless individuals to support successful transition when issues or opportunities emerge. Group members hold

focus groups and key informant interviews with consumers for input. In addition, consumers are often invited to work with the committee to create strategies and decision concerning service delivery or issue advocacy.

- The Housing Consortium meets quarterly with a focus on permanent housing issues, capacity and utilization of housing units, Section 8 performance and the integration of the Network with the City of Muskegon Consolidated Plan as well as Muskegon Heights and Norton Shores.
- The Health Committee is responsible to articulate both the health needs of homeless individuals and strategies to meet those needs. It meets on an ad hoc basis. This group is linked to the Muskegon Health Project that coordinates health coverage for the uninsured, MI Child and other related outreach services systems.

During fiscal year 2003-2004 the Muskegon County Continuum of Care Network awarded a total of \$65,000 dollars for emergency shelter activities and those agencies that received funding were

Bethany Housing	\$23,870
Every Women's Place/Webster House	\$27,749
West Michigan Therapy	\$13,581

Needs Impediments/Analysis

The results of the community survey conducted for this analysis indicates that across various interest and geographic sections of the community, local perceptions of significant barriers to fair housing choice in the Muskegon area are split between economic and social factors which are frequently inter-connected and are not related or are indirectly related to those specific classes and characteristic covered as matters of federal, state and local fair housing laws.

Taken as a whole survey respondents noted economic factor of insufficient income and poor credit as significant barriers to housing choice and were relatively split (strong agreement vs. strong disagreement) as to whether ones race ethnicity, family size or disability affected housing choice. Related factors such as unstable employment and insufficient supply of affordable housing are directly connected to widespread concern regarding income levels that are inadequate to support housing preferences and in the opinion of survey respondents, negatively impact housing choices in the Muskegon area. Although such factors are not by definition related to fair housing laws as written, they are strongly correlated to protected categories of individuals with disabilities and are also reflected in the protected categories of families with children and particularly racial and ethnic minority groups.

Survey results demonstrate that broader Muskegon community's belief is that economic factors drive neighborhood segregation more significantly than do racial, ethnic or other characteristics, with income disparity among racial and ethnic groups and persons with disabilities controlling housing choice more than any other factor. The study recommends sustained outreach and education efforts directed at housing industry professional and consumers and a corresponding effort among government and advocacy organizations to present housing issues and information

is ways that increase levels of public awareness regarding housing support programs and their role in overall community health.

The fundamental recommendations put forth in the 2002 Analysis of Impediments to Fair housing choice for the Muskegon, Michigan metropolitan area, fall into three main categories of information, education and enforcement.

The City is working diligently to assure that the community is supplied with the appropriate information concerning fair housing. We also are working to continue to educate the public on fair housing issues. At this time a regional Fair Housing advocacy non-profit is being established. The City of Muskegon awarded the agency seed money from the current CDBG funding.

Affirmatively Further Fair Housing

As was stated in the 2001 – 2002 CAPER, the City of Muskegon was part of a consortium of local housing providers that contracted with the Grand Rapids Fair Housing Center to have an Impediment Study conducted in reference to Muskegon County. The consortium consisted of the cities of Muskegon, Muskegon Heights, Norton Shores and Muskegon County.

The City of Muskegon has made that study available for the administration and all policy makers as well as the public.

The City of Muskegon continues to make all of its housing programs available to the general public. The City continues to market all its programs to the public with the fair housing emblem. All of the housing projects being constructed by the City of Muskegon have signs at the sites advertising the availability of the property, the phone number of the CNS office, the contractor and / or contracted realtor. As mentioned earlier, the City of Muskegon advertises all of its property in local newspapers including local minority publications.

The City of Muskegon housing programs are intended to assist the community in providing affordable housing. The City's rental rehabilitation program is structured to not only improve the quality of the available rental stock in the community but to assure that the housing remains affordable. The City's Infill and rehabilitation programs objective is to create or recreate quality housing within the inner city for homeownership. The City's Infill program is targeted to citizens whose household income is between 75 and 80 percent of area median; while the City's rehabilitation program is targeted to attract potential homebuyers that are at 30 percent of area median or higher not to exceed 80 percent.

Homeless Prevention

The City of Muskegon is a "chartered" member of the Muskegon County Continuum of Care Network in an effort to combine county resources to assist those citizens that are in jeopardy of homelessness. The continuum meets monthly to share ideas and to assist each other in items like grant writing, knowledge distribution and inventory analysis.

The City also contributes \$2,500 of their yearly administration funding to the local "IHELP Project" which supplies a local database of service providers (www.ihelp-westmi.info). A homeless person can contact the IHELP system by home computer or local kiosk.

The City of Muskegon continues to supply HOME funds to Bethany Housing Ministries for their transitional housing program. Bethany Housing program objective is to support individual families from the transition of being homeless to the point of self-sufficiency.

The City's CHDO's have programs whose objectives are to assist low-income residents from homelessness. Neighborhood Investment Corporation has a very aggressive homeowner rehab program to assist local residents especially seniors with home repairs by having the particular items repaired at an affordable rate, hopefully, reducing the possibility of the homeowner losing possession of the property. Habitat for Humanity assists very low-income families with becoming homeowners. Many of Habitats clients spend less of their income as homeowners than they did as renters. The City of Muskegon's emergency repair program is geared to assist homeowners eliminate housing problems. Without help, problems could become too costly and force the property owner to desert the structure and possibly become homeless.

Recruitment of Local Minority and Female Contractors

The City of Muskegon's Community and Neighborhood Services office has worked diligently in the last three years to improve the number of local contractors especially those that are owned by minorities or females. The CNS office encourages all contractors awarded jobs with the City to meet the goal of 14% of their staff being minority, female and or residents of Muskegon County. All contractors are required to supply a workforce analysis of their staff with demographic information that includes their stated race or ethnicity, sex and address. No financial allotments are to be release without the department receiving the workforce analysis.

During fiscal year 2003-2004 the City of Muskegon's Community and Neighborhood Services awarded a total of five contracts for new construction and total rehabilitation projects (three rehabilitation and two new constructions). Of the five contracts, one was awarded to a minority builder. Some of the mechanisms that the City of Muskegon has used to increase its outreach to local and minority businesses are advertising in minority newspapers and the areas only urban formatted radio station; presentations to the local ethnic associations and churches, attending housing fairs, having open houses at completed projects and poster board advertisement in front of housing projects during construction period. The City of Muskegon's CNS staff was able to contract with a number of local and minority businesses in several different areas during fiscal year 2003-2004. (see below)

Name of Business	Type of Business	Type Ownership	Locally Owned
A-1 Professional Construction	Construction	Majority	No
AAA Lead Inspections	Risk Assessments	Minority/Female	No
Accent Builders	Construction	Majority	Yes
Allore Plumbing	Plumbing	Majority	Yes
Andy's Tree Service	Tree Removal	Majority	Yes
B & L Electric	Electrician	Majority	Yes

Bantam Group Inc	Construction	Majority	Yes
Belasco Electric Co	Electrician	Majority	Yes
Bishop Heating & Cooling	Heating & Cooling	Majority	Yes
Bowen Refrigeration	Heating & Cooling	Majority	Yes
Ciggzree's Appraisal Service	Realtor	Minority/Female	Yes
Classic Stamp & Sign	Sign	Majority	Yes
Clear Channel	Radio Station	Majority	Yes
Cook's Appliances	Appliance Store	Majority	Yes
Curtis Holden	Construction	Minority/African American	Yes
Cutting Edge Construction	Construction	Majority	Yes
D E Sher Home Improvement	Construction	Majority	Yes
Daniels	Office Supply	Majority	Yes
Destigter/Smith Architects	Architects	Majority	No
Dobb Printing	Printer	Majority	Yes
FedEx	Delivery Service	Majority	Yes
Fine Line Printing	Printer	Minority/Female	Yes
Frank Wilkerson	Painting	Minority/African American	Yes
Franklin Contractors	Construction	Majority	Yes
Fredicks Co	Construction	Majority	Yes
Free Spirit Enterprises Inc	Construction	Majority	Yes
Gawlik Construction	Construction	Majority	Yes
Great Lakes Sewer & Septic	Sewer Cleaner	Majority	Yes
D Hardiman	Cleaning	Minority/Female	Yes
Herbert Taylor	Lawn Care	Minority/African American	Yes
Houseplan Guys	Houseplans	N/A	No
Infinity Electrical LLC	Electrician	Minority/African American	Yes
Keene	Building Supplies	Majority	Yes
Lakeshore Electric	Electrician	Majority	Yes
Lakewood Heating & Cooling	Heating & Cooling	Majority	No
Lascko Plumbing & Mechanical	Plumbing	Majority	Yes
Lewis Johnson Construction	Construction	Majority	Yes
Mary Wittaker Duncan	Architects	Minority/Female	No
Midwest Business Assoc.	Newspaper	Minority/African American	Yes
Mike Thompson Home Imp.	Construction	Majority	Yes
Mueller Heating & Cooling	Heating & Cooling	Majority	Yes
Muskegon Tribune	Newspaper	Minority/African American	Yes
Novotny Electronics	Security	Majority	Yes
O'Malley's Pest Control	Pest Control	Majority	Yes
Pioneer Restoration	Construction	Majority	Yes
Premier	Construction	Majority	Yes
R & K Heating & Cooling	Heating & Cooling	Majority	Yes
Radium	Photo	Majority	Yes
Rose Exterminating	Pest Control	Majority	No
Ryerson Septic Installers	Septic Installers	Majority	No
Schmidt Roofing & Construction	Construction	Majority	Yes
Seaway Appliance Center	Appliance Store	Majority	Yes
Success Enterprise LTD	Construction/Lead Abate	Majority	Yes
Superior Environmental Corp	Environmental Studies	Majority	No
T & T Installers	Construction	Majority	Yes
The Muskegon Chronicle	Newspaper	Majority	Yes
Tom Noordhoff Plumbing	Plumbing	Majority	No

Top Notch Design Contractors	Construction	Majority	Yes
Transnation Title	Title Service	Majority	Yes
Watts Trucking & Excavating	Excavation	Minority/African American	Yes
Weber Lumber	Building Supplies	Majority	Yes
West Michigan Construction	Construction	Majority	Yes
Westshore Consulting	Consulting	Majority	Yes
WUVS	Radio Station	Minority/African American	Yes

*Local owners are determined by being located in Muskegon County

Lead Based Paint

The City of Muskegon has made it policy that any home assisted by the department that is not being assisted under the emergency program must be tested for lead based paint. A risk assessment is conducted to determine if any hazard evidence of lead exist. If so, the City then contracts with a licensed abatement firm to have the lead properly removed. A clearance must be conducted at the end of the project to assure that there is no evidence of harmful lead remaining in the structure. The City has worked diligently to train area contractors concerning the lead based paint issue as well as the CNS rehabilitation staff. The lead base paint activity for last fiscal year was the following:

<u>Lead Inspections/Risk Assessments - (10)</u>	<u>Abatements - (3)</u>	<u>Clearances - (3)</u>
670 Oak	4 th St.	4 th St.
1279 Terrace	503 Octavius	503 Octavius
1165 W. Larch	351 Erickson	351 Erickson
1279 – 85 4 th St.		
314 Mason		
1019 W. Grand		
782 Southern		
1341 Lakeshore		
1126 Aurora		
1534 8 th St.		
Total Cost - \$4,340	Total Cost - \$53,455	Total Cost - \$900

Impact Analysis for Fiscal Year 2003 – 2004

The City of Muskegon mission for the last few years has been to make a significant impact on our neighborhoods through our Infill and total rehabilitation construction program, as well as through our vinyl siding and emergency repair programs. The focus of the programs are to eliminate blight from the neighborhoods while simultaneously increasing the overall tax base and preserving the exiting housing stock. Below is the list of the projects rehabilitated or constructed through the HOME program the structure or parcel value before the improvement and the value after.

Address	Before Tax Value	Yearly Tax Payment (Before)	After Tax Value	Yearly Tax Bill (After)	Increase in Value
503 Octavius	20,000	649.00	68,760	2,231.70	48,760
351 Erickson	54,400	1,765.60	91,787	2,979.07	37,387
850 Wood	21,600	701.05	62,578	2,031.00	40,978
1668 Beidler	0	0	128,088	4,157.27	*128,088
1938 Hoyt	0	0	105,374	3,420.00	105,374
361 Oak	0	0	94,525	3,602.00	94,525
TOTALS	96,000	3,115.65	551,112	18,421.04	455,112

Before Tax Value 96,000
 After Tax Value 551,112
 Percentage Increase in Value 474%
 Before Tax Revenues 3115.65
 After Tax Revenues 14,819
 Percentage Increase in Tax Revenues 375%
 * Not Sold

Infrastructure Improvements

For a number of years the City of Muskegon has been working to improve its aging infrastructure. In order to meet that objective and not put a significant burden on our low-income homeowners, the City has a special assessment assistance program to eligible owner-occupied residence through the use of the City's Community Development Block Grant entitlement. A total of 101 residents were assisted last fiscal year. A total of 22,467 of new linear feet of street were installed and approximately 30,561.30 total square feet of sidewalk square feet were replaced.

Local Economic Impact

The City of Muskegon has also made a conscience effort to make an impact on the local economy through the use of both the CDBG and HOME entitlement. During fiscal year 2003-2004, the CNS office awarded a total of \$1,008,293.32 to contractors, vendors, suppliers and service providers. Of that \$1,008,293 of funding, \$849,214.57 or 84.2% was awarded to local businesses (businesses located within Muskegon County). A total of \$139,092.32 was awarded to businesses that were minority owned a percentage of the aggregate of 13.77%.

Even though the 2003-2004 fiscal year was a somewhat sluggish year economically for the Muskegon community, the impact of the City's CDBG/HOME development, redevelopment and the externalities that derived from those activities had a significant impact on the community monetarily, economically and physically.

Total Amount of Funding Awarded: \$1,008,293.32

Total Number of Businesses: 64
Average Funding Amount: \$ 15,754.54

Total Local Business Awards : \$ 849,214.50

Total Number of Local Businesses: 53
Average Local Business Awards: \$ 16,022.92

Minority Owned Business Awards: \$ 139,092.32

Total Number Minority Businesses: 13
Average Funding Awarded \$ 10,699.40

Public Comments

Date: August 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Spreading of the Special Assessment Roll on:
Sidewalk Replacement Program for 2004 (Area E-6)

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment roll for the **2004 Sidewalk Replacement Program** and to adopt the attached resolution confirming the special assessment Roll.

FINANCIAL IMPACT:

A total of \$133,000.55 will be assessed against two hundreds & seven (207) parcels.

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. 2004-76(d)

Resolution Confirming Special Assessment Roll

for THE 2004 SIDEWALK REPLACEMENT PROGRAM (E-6).

- **E-6 which is bounded by Getty Street to the west, City Limits to the north, City Limits to the east, and Ryerson Creek to the south.**

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 **January 27, 2004**, 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 which is paid in installments shall carry interest at the rate of **5.00%** per annum to be paid in addition to the principal payments on the special assessment.

2004-76 (d)
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: Carter, Davis, Gawron, Larson, Shepherd, Spataro,
and Warmington

Nays: None

City of Muskegon

By

Gail A. Kunding
Gail A. Kunding, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **August 24, 2004**. 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 **August 24, 2004**.

City of Muskegon

By

Gail A. Kunding
Gail A. Kunding, City Clerk

EXHIBIT A

SIDEWALK REPLACEMENT PROGRAM FOR 2004

SPECIAL ASSESSMENT DISTRICT

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by **June 1, 2004**.

All parcels within area E-6 which is bounded by Getty Street to the west, City Limits to the north, City Limits to the east, and Ryerson Creek to the south

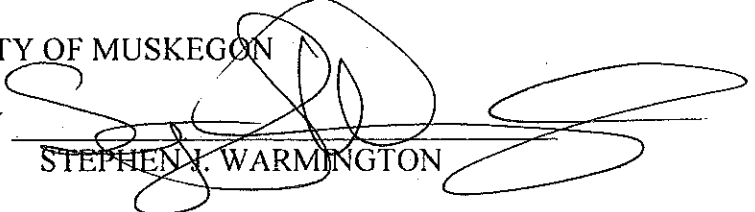
THE 2004 SIDEWALK REPLACEMENT PROGRAM
(Area E-6)

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR:

H-1572, Sidewalk Replacement Program 2004

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 13TH DAY OF AUGUST 2004.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
13th DAY OF August, 2004.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-06

August 13, 2004

OWNERS NAME
OWNERS STREET
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

35

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:

H-1572 Sidewalk Replacement Program for 2004

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, August 24th, 2004 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 ON AUGUST 24th, 2004, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The total cost of the project will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$310.82 for the work performed. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5.00%

First installment \$31.08 per year

Due Date: October 25th, 2004

CDBG Approved You Owe \$0.00

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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

SIDEWALK REPLACEMENT PROGRAM FOR 2004

DETAILS BY PARCEL NUMBER

PARCEL NUMBER : 24-XXX-XXX-XXX NUMBER : 35

FOR PROPERTY ADDRESS : PROPERTY ADDRESS & STR

OWNERS NAME : OWNERS NAME

OWNERS ADDRESS : OWNERS STREET

OWNERS CITY : OWNERS CITY OWNERS STATE : OWNERS STATE

OWNERS ZIPCODE : OWNERS ZIPCODE

CONCRETE CURB

0 L.F. @ \$22.6131 /L.F. = \$0.00

CONCRETE DRIVE APPROACH

0 SQ. YD. @ \$35.9150 / SQ. YD. = \$0.00

CONCRETE DRIVE APPROACH (REMOVAL)

0 SQ. YD. @ \$12.6367 / SQ. YD. = \$0.00

CONCRETE SIDEWALK

61.5 S.F. @ \$5.0539 / S.F. = \$310.81

TOTAL FOR THIS PARCEL = \$310.81

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**.

**2004 SIDEWALK ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

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

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

OWNER'S SIGNATURE

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

By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **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
MARQUETTE NEIGHBORHOOD INCLUDING OUTSIDE AREA
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected 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 sidewalk 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 2003, tax returns, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2003

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

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

- ✓ **Applicants must submit proof of current property insurance.**

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

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

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

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

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

SPECIAL ASSESSMENT DISTRICT:

SIDEWALK REPLACEMENT PROGRAM FOR 2004

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

- **All parcels within area E-6 which is bounded by Getty Street to the west, City Limits to the north, City Limits to the east, and Ryerson Creek to the south.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll will be held at the City of Muskegon Commission Chambers on **August 24, 2004 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 ROLL IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Gail A. Kunding, City Clerk

Publish: **AUGUST 14, 2004**

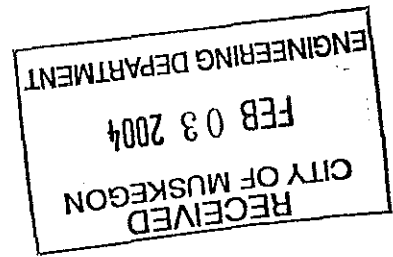
ADA POLICY

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:

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

CITY OF MUSKEGON

Resolution No. 2004-11(b)



Resolution At First Hearing Creating Special Assessment District
For The 2004 Sidewalk Replacement Program (E-6)

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

RECITALS:

1. A hearing has been held on **January 27, 2004** 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 **January 27, 2004**, there were 2.03% objections by the owners of the properties 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 properties to be assessed and the value of the benefit to be received by each properties 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 properties.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the properties set forth in Exhibit A attached to this resolution.

2. The City Commission determines to proceed with the improvements as set forth in the engineer's survey, inspection, recommendation and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Gawron and Spataro and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon actual work performed.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 100% of the cost of the 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, Commissioners Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays, None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

Clerk

H-1572

HEARING DATE

AUGUST 31, 2004

SW2004 RESIDENTIAL
SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	TOTAL
24-612-000-0606-00	429 ABBEY ST	DAWKINS DENICE	429 ABBEY ST MUSKEGON MI 49442	\$101.08
24-612-000-0612-00	487 ABBEY ST	SMITH WILLIE G	487 ABBEY ST MUSKEGON MI 49442	\$209.74
24-612-000-0613-00	495 ABBEY ST	ALSTON BABYLOU	495 ABBEY ST MUSKEGON MI 49442	\$252.70
24-612-000-0614-00	505 ABBEY ST	WATTS SANDRA/WA	PO BOX 1670 MUSKEGON MI 49443-1	\$697.44
24-612-000-0592-00	514 ABBEY ST	WAWRZYNIAK EMILY	514 ABBEY ST MUSKEGON MI 49442	\$126.35
24-612-000-0615-00	515 ABBEY ST	MCALLISTER KEITH	515 ABBEY ST MUSKEGON MI 49442	\$707.55
24-613-000-0778-00	1182 ADAMS AVE	BURNS STANLEY C	PO BOX 4454 MUSKEGON H MI 49444	\$252.70
24-613-000-0782-00	1252 ADAMS AVE	BROWN ANNIE	1252 ADAMS AVE MUSKEGON MI 49442	\$2,550.96
* 24-613-000-0785-00	1276 ADAMS AVE	MCWHINNIE TODD	1276 ADAMS AVE MUSKEGON MI 49442	\$193.82
24-613-000-0850-00	1300 ADAMS AVE	WALKER BILLY C JR	1300 ADAMS ST MUSKEGON MI 49442	\$151.62
24-613-000-0844-00	1355 ADAMS AVE	CITY OF MUSKEGON	933 TERRACE ST MUSKEGON MI 49443	\$631.74
24-181-000-0013-00	1463 ADAMS AVE	IRBY RAYMOND	1463 ADAMS AVE MUSKEGON MI 49442	\$2,630.56
24-612-000-0542-00	1060 ALBERT AVE	BUCKNER ROBERT J	1060 ALBERT AVE MUSKEGON MI 49442	\$694.91
24-612-000-0544-00	1064 ALBERT AVE	TAYLOR RONNIE JR/	1064 ALBERT AVE MUSKEGON MI 49442	\$442.22
24-612-000-0549-00	1075 ALBERT AVE	THE PROVIDENT BA	1 E 4TH ST CINCINNATI OH 45202	\$126.35
24-612-000-0545-00	1078 ALBERT AVE	HARRIS YOLANDA M	1041 ALBERT AVE MUSKEGON MI 49442	\$832.18
24-611-000-0301-00	1227 ALBERT AVE	HANDCOCK FLOIS	1227 ALBERT AVE MUSKEGON MI 49442	\$126.35
24-611-000-0294-00	1321 ALBERT AVE	WESTPHAL ARNOLD/	1321 ALBERT AVE MUSKEGON MI 49442	\$252.70

SW2004 RESIDENTIAL SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-611-000-0315-00	1338 ALBERT AVE	MUSKEGON COUNTY	280 OTTAWA ST	MUSKEGON	MI	49442	\$126.35
24-611-000-0288-00	1387 ALBERT AVE	MAY JACKIE L	1387 ALBERT AVE	MUSKEGON	MI	49442	\$320.16
24-611-000-0287-00	1411 ALBERT AVE	PETTY KELLY/ESSIE	11146 S SANGAMON	CHICAGO	IL	60643	\$1,566.52
24-611-000-0323-00	1424 ALBERT AVE	UNITED STATES OF	5312 BOLSA AVE STE	HUNTINGTON	CA	92649	\$1,184.18
24-611-000-0283-00	1461 ALBERT AVE	LABARGE EDWARD J	1461 ALBERT AVE	MUSKEGON	MI	49442	\$202.16
24-611-000-0326-00	1462 ALBERT AVE	GOODWIN OBIE M	1462 ALBERT AVE	MUSKEGON	MI	49442	\$1,210.73
24-611-000-0282-00	1471 ALBERT AVE	MILLER KATHERINE	1471 ALBERT AVE	MUSKEGON	MI	49442	\$429.58
24-611-000-0281-00	1481 ALBERT AVE	VELAZQUEZ BARBAR	1481 ALBERT AVE	MUSKEGON	MI	49442	\$277.96
24-611-000-0281-10	1491 ALBERT AVE	WALLACE TRACY L	1491 ALBERT AVE	MUSKEGON	MI	49442	\$873.06
24-611-000-0330-00	1492 ALBERT AVE	BLACK BILLY D	1492 ALBERT AVE	MUSKEGON	MI	49442	\$126.35
24-611-000-0279-00	1511 ALBERT AVE	FAUER GERALD A/TE	1511 ALBERT AVE	MUSKEGON	MI	49442	\$1,054.54
24-611-000-0332-00	1516 ALBERT AVE	MOODY THOMAS S	1516 ALBERT AVE	MUSKEGON	MI	49442	\$80.10
24-611-000-0334-00	1536 ALBERT AVE	WILLIAMS SYLVESTE	1536 ALBERT AVE	MUSKEGON	MI	49442	\$1,742.63
24-611-000-0276-00	1537 ALBERT AVE	NICHOLS BETHANY	1537 ALBERT AVE	MUSKEGON	MI	49442	\$509.69
24-611-000-0335-00	1556 ALBERT AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$379.04
24-613-000-0708-00	270 BENNETT ST	WOODWARD CLARE	270 BENNETT ST	MUSKEGON	MI	49442	\$310.81
24-613-000-0713-00	334 BENNETT ST	HALL BARRY	334 BENNETT ST	MUSKEGON	MI	49442	\$385.36
24-613-000-0715-00	346 BENNETT ST	TAYLOR WILFORD L	346 BENNETT ST	MUSKEGON	MI	49442	\$259.01

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SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-612-000-0546-00	539 BENNETT ST	DENNIE VELMA D/PE	539 BENNETT ST	MUSKEGON	MI	49442	\$1,865.81
24-613-000-0886-00	216 CRESTON ST	DOCKERY CYNTHIA	216 CRESTON ST	MUSKEGON	MI	49442	\$126.35
24-613-000-0857-00	287 CRESTON ST	DAVIS TERRI D	16231 HARDEN CIR	SOUTHFIELD	MI	48075	\$1,164.92
24-611-000-0469-00	411 CRESTON ST	WILLIAMS JESSIE	411 CRESTON ST	MUSKEGON	MI	49442	\$924.66
24-611-000-0441-00	431 CRESTON ST	SCOTT TAMIAA	431 CRESTON ST	MUSKEGON	MI	49442	\$1,645.04
24-611-000-0382-00	480 CRESTON ST	ASHLEY NANCY	480 CRESTON ST	MUSKEGON	MI	49442	\$1,601.69
24-611-000-0350-00	519 CRESTON ST	AIKENS SUNDRA/LO	519 CRESTON ST	MUSKEGON	MI	49442	\$379.04
24-611-000-0348-00	520 CRESTON ST	JOHNSON ERIC A	11340 FITZGERALD A	GRANT	MI	49327	\$1,100.18
24-611-000-0322-00	528 CRESTON ST	MORTGAGE ELECTR	8120 NATIONS WAY B	JACKSONVILLEFL	32256		\$1,225.11
24-611-000-0319-00	529 CRESTON ST	MOORE JESSIE JR	529 CRESTON ST	MUSKEGON	MI	49442	\$1,216.71
24-611-000-0321-00	540 CRESTON ST	HALL WILLARD/CON	540 CRESTON ST	MUSKEGON	MI	49442	\$126.35
24-611-000-0263-00	576 CRESTON ST	POWERS DAVID J	576 CRESTON ST	MUSKEGON	MI	49442	\$1,520.08
24-613-000-0729-10	293 DRATZ ST	ROBINSON DAVID/PA	293 DRATZ ST	MUSKEGON	MI	49442	\$257.75
24-613-000-0763-00	332 DRATZ ST	STATE OF MICHIGAN	430 W ALLEGAN FIRS	LANSING	MI	48922	\$379.04
24-613-000-0725-00	353 DRATZ ST	HALL MARSHA F	353 DRATZ ST	MUSKEGON	MI	49442	\$138.98
24-613-000-0764-00	354 DRATZ ST	KUNNEN TERRY A JR	354 DRATZ ST	MUSKEGON	MI	49442	\$379.04
24-612-000-0625-00	858 DUCEY AVE	BUFORD ROLANDA	858 DUCEY AVE	MUSKEGON	MI	49442	\$228.69
24-612-000-0624-00	868 DUCEY AVE	LANE AVIS	868 DUCEY AVE	MUSKEGON	MI	49442	\$271.65

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SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-612-000-0609-00	878 DUCEY AVE	METCALF GLEN E/LI	878 DUCEY AVE	MUSKEGON	MI	49442	\$248.90
24-612-000-0610-00	893 DUCEY AVE	ENSTAM DEREK E	893 DUCEY AVE	MUSKEGON	MI	49442	\$151.62
24-612-000-0503-00	1030 DUCEY AVE	MUSKEGON COUNTY	280 OTTAWA ST	MUSKEGON	MI	49442	\$113.71
24-612-000-0504-00	1046 DUCEY AVE	RAMIREZ STEPHEN	PO BOX 503	MUSKEGON	MI	49443	\$860.34
24-612-000-0513-00	1063 DUCEY AVE	STARR ERMA GORD	1063 DUCEY AVE	MUSKEGON	MI	49442	\$505.39
24-612-000-0507-00	1068 DUCEY AVE	PARKER ROBERT	1496 HARVEY ST	MUSKEGON	MI	49442	\$240.06
24-612-000-0511-00	1077 DUCEY AVE	DOWDY JASON	1077 DUCEY AVE	MUSKEGON	MI	49442	\$240.06
24-612-000-0508-00	1090 DUCEY AVE	BOUKAMP MARIAN P	1090 DUCEY AVE	MUSKEGON	MI	49442	\$381.57
24-611-000-0422-00	1209 DUCEY AVE	KETCHUM SARAH J	1209 DUCEY AVE	MUSKEGON	MI	49442	\$888.84
24-611-000-0368-00	1239 DUCEY AVE	PICKETT MARK A	2411 DUFF RD	TWIN LAKE	MI	49457	\$988.14
24-611-000-0418-00	1271 DUCEY AVE	COUNTY OF MUSKE	990 TERRACE ST	MUSKEGON	MI	49442	\$240.06
24-611-000-0416-00	1305 DUCEY AVE	KNOX RONALD W	1305 DUCEY AVE	MUSKEGON	MI	49442	\$121.29
24-611-000-0414-00	1323 DUCEY AVE	WALLACE REBECCA	1323 DUCEY AVE	MUSKEGON	MI	49442	\$108.66
24-611-000-0435-00	1328 DUCEY AVE	BURNETT ROBERT L	1328 DUCEY AVE	MUSKEGON	MI	49442	\$477.59
24-611-000-0436-00	1340 DUCEY AVE	FONDREN DEDRICK/	1340 DUCEY AVE	MUSKEGON	MI	49442	\$1,119.72
24-611-000-0413-00	1341 DUCEY AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$128.87
24-611-000-0412-00	1349 DUCEY AVE	OUDEMOLLEN ROBER	1349 DUCEY AVE	MUSKEGON	MI	49442	\$1,239.16
24-611-000-0411-00	1359 DUCEY AVE	PETERSON SONIA R	1359 DUCEY AVE	MUSKEGON	MI	49442	\$107.40

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PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-611-000-0438-00	1360 DUCEY AVE	HULBERT DALE	1360 DUCEY AVE	MUSKEGON	MI	49442	\$118.77
24-611-000-0440-00	1372 DUCEY AVE	SHAFFER MINDI	1372 DUCEY AVE	MUSKEGON	MI	49442	\$394.20
24-611-000-0443-00	1418 DUCEY AVE	TUCKER ELIZABETH	1418 DUCEY AVE	MUSKEGON	MI	49442	\$827.58
24-611-000-0455-00	1556 DUCEY AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$113.71
24-610-000-0155-00	1244 DUDLEY AVE	CLARKE DEREK	1244 DUDLEY AVE	MUSKEGON	MI	49442	\$132.66
24-610-000-0147-00	1275 DUDLEY AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$803.57
24-610-000-0162-00	1326 DUDLEY AVE	BUTLER PAULA F/TY	1326 DUDLEY AVE	MUSKEGON	MI	49442	\$830.10
24-610-000-0163-00	1338 DUDLEY AVE	BUTLER TYREE JR/P	1326 DUDLEY AVE	MUSKEGON	MI	49442	\$397.99
24-610-000-0165-00	1360 DUDLEY AVE	PITTMAN GREGORY/	3425 LAKE DUNES DR	MUSKEGON	MI	49441	\$136.46
24-610-000-0137-00	1367 DUDLEY AVE	BUIE WILLIE JR/KARE	1367 DUDLEY AVE	MUSKEGON	MI	49442	\$696.17
24-610-000-0168-00	1386 DUDLEY AVE	HALL TED/LORI	1386 DUDLEY AVE	MUSKEGON	MI	49442	\$588.78
24-610-000-0135-00	1389 DUDLEY AVE	BOXER DAVID/DENIS	1389 DUDLEY AVE	MUSKEGON	MI	49442-0	\$646.90
24-610-000-0014-00	1418 DUDLEY AVE	WILLIS CYNTHIA R	1418 DUDLEY AVE	MUSKEGON	MI	49442	\$516.76
24-610-000-0030-00	1461 DUDLEY AVE	GILLILAND COLMAN	1461 DUDLEY AVE	MUSKEGON	MI	49442	\$1,459.31
24-610-000-0019-10	1496 DUDLEY AVE	RITSEMA KERRI L ET	1496 DUDLEY AVE	MUSKEGON	MI	49442	\$122.56
24-610-000-0027-00	1517 DUDLEY AVE	RODRIGUEZ BETTY/	1517 DUDLEY AVE	MUSKEGON	MI	49441	\$1,225.57
24-610-000-0020-00	1518 DUDLEY AVE	GAUSE SANDRA K	1518 DUDLEY AVE	MUSKEGON	MI	49442	\$133.93
24-610-000-0022-00	1532 DUDLEY AVE	GATES RONALD G	3364 ROOSEVELT RD	MUSKEGON	MI	49441	\$277.96

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SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-612-000-0648-00	526 GETTY ST	SUTTON MAMIE L	526 S GETTY ST	MUSKEGON	MI 49442		\$120.03
24-612-000-0647-00	538 GETTY ST	2005 C/W 24-612-000-	548 S GETTY ST	MUSKEGON	MI 49442		\$305.76
24-612-000-0645-00	556 GETTY ST	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI 49443		\$126.35
24-612-000-0643-00	572 GETTY ST	BETHESDA BAPTIST	PO BOX 665	MUSKEGON	MI 49443-0		\$795.99
24-122-100-0007-00	570 HARVEY ST	MERCY SERV FOR A	34605 TWELVE MILE	FARMINGTON	MI 48331-3		\$3,969.84
24-610-000-0096-00	1461 HILLCREST DR	HOMEcomings FINA	3476 STATE VIEW BL	FORT MILL	SC 29715-7		\$777.04
24-612-000-0521-00	1018 JAMES AVE	HOLMES JEFFREY A	1018 JAMES AVE	MUSKEGON	MI 49442		\$583.73
24-612-000-0531-00	1065 JAMES AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI 49443		\$512.97
24-611-000-0363-00	1223 JAMES AVE	WHITE DONALD JR	1223 JAMES AVE	MUSKEGON	MI 49442		\$126.35
24-611-000-0305-10	1237 JAMES AVE	BUNNELL TIMOTHY J	1237 JAMES AVE	MUSKEGON	MI 49442		\$372.73
24-611-000-0369-00	1256 JAMES AVE	DYE JAMES	1256 JAMES AVE	MUSKEGON	MI 49442		\$391.68
24-611-000-0309-00	1269 JAMES AVE	SILVA MARIA/SANCH	1269 JAMES AVE	MUSKEGON	MI 49442		\$1,187.32
24-611-000-0355-00	1329 JAMES AVE	DECHENEY FRED/ME	1329 JAMES AVE	MUSKEGON	MI 49442		\$252.70
24-611-000-0380-00	1390 JAMES AVE	CLARK CHARLES/RU	1390 JAMES AVE	MUSKEGON	MI 49442		\$126.35
24-611-000-0381-00	1392 JAMES AVE	MALECKI JOHN D	1392 JAMES AVE	MUSKEGON	MI 49442		\$126.35
24-611-000-0384-00	1436 JAMES AVE	MURDAUGH ANNA/MI	4556 KNIGHTS CROS	GRAND PRAIRI TX	75052		\$252.70
24-611-000-0387-00	1466 JAMES AVE	SIMS MCKINLEY	1466 JAMES AVE	MUSKEGON	MI 49442		\$1,682.80
24-611-000-0388-00	1476 JAMES AVE	WARD LEDORA	1476 JAMES AVE	MUSKEGON	MI 49442		\$1,054.54

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SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-611-000-0341-10	1487 JAMES AVE	PRINGLE CRYSTAL	1487 JAMES AVE	MUSKEGON	MI	49442	\$126.35
24-611-000-0339-00	1511 JAMES AVE	PETTEWAY PATRICIA	1511 JAMES AVE	MUSKEGON	MI	49442	\$934.62
24-611-000-0337-00	1525 JAMES AVE	VANDERHOEVEN JU	1525 JAMES AVE	MUSKEGON	MI	49442	\$1,124.94
24-611-000-0336-00	1549 JAMES AVE	ROBERTSON CYNTHI	5430 CERRO SUR	EL SOBRANTE	CA	94803	\$1,424.85
24-611-000-0451-00	441 KRAFT ST	HICKERSON WILLIAM	441 KRAFT ST	MUSKEGON	MI	49442	\$252.70
24-611-000-0391-00	482 KRAFT ST	JDR PROPERTIES LL	PO BOX 145	FRUITPORT	MI	49415	\$2,545.84
24-610-000-0120-00	1210 LAWRENCE AVE	OAKES KEISHA	1210 LAWRENCE AVE	MUSKEGON	MI	49442	\$128.87
24-610-000-0121-00	1228 LAWRENCE AVE	COUNTY OF MUSKE	990 TERRACE ST	MUSKEGON	MI	49442	\$3,381.20
24-610-000-0123-00	1250 LAWRENCE AVE	CAREY JAMES JR/M	1250 LAWRENCE AVE	MUSKEGON	MI	49442	\$379.04
24-610-000-0124-00	1264 LAWRENCE AVE	ANDERSON EUGENE	1264 LAWRENCE AVE	MUSKEGON	MI	49442	\$1,370.87
24-610-000-0037-00	1462 LAWRENCE AVE	CLEVELAND EMILY R	1462 LAWRENCE AVE	MUSKEGON	MI	49442	\$252.70
24-610-000-0039-00	1484 LAWRENCE AVE	HARRIS COREY	1484 LAWRENCE AVE	MUSKEGON	MI	49442	\$505.39
24-613-000-0835-00	1322 LEONARD AVE	CALKINS CHARLES/A	8551 LOCK 17 RD	BESSEMER	AL	35023-7	\$126.35
24-611-000-0185-00	1208 MARCOUX AVE	CENTURY PARTNER	300 E BELTLINE NE	GRAND RAPID	MI	49506	\$126.35
24-610-000-0184-00	1211 MARCOUX AVE	CHAMBERS DARELL	1211 MARCOUX AVE	MUSKEGON	MI	49442	\$1,496.85
24-610-000-0183-00	1221 MARCOUX AVE	HARDIMAN CLAYTON	1221 MARCOUX AVE	MUSKEGON	MI	49442	\$126.35
24-610-000-0180-00	1261 MARCOUX AVE	HAWKINS EDDIE	1261 MARCOUX AVE	MUSKEGON	MI	49442	\$499.07
24-610-000-0179-00	1279 MARCOUX AVE	BAHR KENNAN J	1279 MARCOUX AVE	MUSKEGON	MI	49442	\$454.85

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SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-610-000-0177-00	1301 MARCOUX AVE	WORKMAN GARRY A	1347 DUDLEY AVE	MUSKEGON	MI	49442	\$1,222.05
24-611-000-0191-00	1302 MARCOUX AVE	BURREL ONESIPHOR	212 SCHOOL ST	MUSKEGON	MI	49442	\$377.78
24-611-000-0192-00	1308 MARCOUX AVE	HASKINS TONI	1433 WESLEY AVE	MUSKEGON	MI	49442	\$1,165.24
24-610-000-0176-00	1309 MARCOUX AVE	SMITH JOYCE L	1309 MARCOUX AVE	MUSKEGON	MI	49442	\$1,183.69
24-610-000-0175-00	1319 MARCOUX AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$1,979.67
24-611-000-0197-00	1354 MARCOUX AVE	WOODS JESSIE I	1354 MARCOUX AVE	MUSKEGON	MI	49442	\$1,499.24
24-610-000-0172-00	1361 MARCOUX AVE	BURT JASON	15357 NICKOLAS DR	GRAND HAVENMI	49417		\$1,165.24
24-611-000-0201-00	1390 MARCOUX AVE	MALONE MABLE J	280 OTTAWA AVE	MUSKEGON	MI	49442	\$1,036.05
24-611-000-0203-00	1428 MARCOUX AVE	TIMMER JOYCE M	1428 MARCOUX AVE	MUSKEGON	MI	49442	\$416.95
24-611-000-0205-00	1442 MARCOUX AVE	WARREN SHERISSA	1442 MARCOUX AVE	MUSKEGON	MI	49442	\$138.98
24-610-000-0008-00	1465 MARCOUX AVE	COUNTY OF MUSKE	990 TERRACE ST	MUSKEGON	MI	49442	\$505.39
24-611-000-0208-00	1476 MARCOUX AVE	DIXON JOHN/DELAM	1488 MARCOUX AVE.	MUSKEGON	MI	49442	\$221.11
24-611-000-0209-00	1488 MARCOUX AVE	DIXON JOHN L	1488 MARCOUX AVE	MUSKEGON	MI	49442	\$246.38
24-611-000-0210-00	1496 MARCOUX AVE	BROWN JEANETTA	1496 MARCOUX AVE	MUSKEGON	MI	49442	\$1,497.33
24-611-000-0211-00	1506 MARCOUX AVE	MITCHELL ELOSSIE	1506 MARCOUX AVE	MUSKEGON	MI	49442	\$265.33
24-610-000-0002-00	1535 MARCOUX AVE	STARK DOUGLAS R/	1535 MARCOUX AVE	MUSKEGON	MI	49442	\$712.25
24-611-000-0213-00	1542 MARCOUX AVE	GARCIA MARIA E	1542 MARCOUX AVE	MUSKEGON	MI	49442	\$1,256.63
24-611-000-0214-00	1554 MARCOUX AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$511.71

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SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-612-000-0604-00	885 MARQUETTE AV	LEWIS HANNA B	2303 JACQUELINE	DENTON	TX	76205	\$126.35
24-612-000-0492-00	1085 MARQUETTE AV	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$262.80
24-613-000-0770-00	1192 MARQUETTE AV	COMPRISE LLC	187 FORRESTER SE	GRAND RAPID	MI	49508	\$126.35
24-611-000-0486-00	1215 MARQUETTE AV	BANK ONE NATIONA	9350 WAXIE WAY STE	SAN DIEGO	CA	92123	\$391.68
24-611-000-0482-00	1259 MARQUETTE AV	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$1,048.86
24-613-000-0910-00	1410 MARQUETTE AV	HILLIARD AARON B	1410 MARQUETTE AV	MUSKEGON	MI	49442-1	\$126.35
24-611-000-0446-00	1439 MARQUETTE AV	BRUSH MARY J ET A	1439 MARQUETTE AV	MUSKEGON	MI	49442	\$246.38
24-180-000-0002-00	1450 MARQUETTE AV	DAVIS DIEDRA L	1450 MARQUETTE AV	MUSKEGON	MI	49442	\$504.11
24-611-000-0465-00	1461 MARQUETTE AV	LIVINGSTON PETER	PO BOX 1771	MUSKEGON	MI	49443-1	\$126.35
24-611-000-0464-00	1465 MARQUETTE AV	WHITE GARY W JR	1465 MARQUETTE AV	MUSKEGON	MI	49442	\$252.70
24-611-000-0462-00	1481 MARQUETTE AV	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$972.88
24-613-000-0902-10	1494 MARQUETTE AV	GLOVER GARY	1494 MARQUETTE AV	MUSKEGON	MI	49442	\$488.96
24-611-000-0459-00	1517 MARQUETTE AV	MCKINLEY MICHAEL	864 SPRING ST APT 4	MUSKEGON	MI	49442	\$871.80
<i>PARCEL ID WILL CHANGE - AMOUNT ALSO CHANGED</i>							
24-613-000-0900-20	1526 MARQUETTE AV	KALAVITZ GORDON	15646 LAKE AVE	GRAND HAVEN	MI	49417-8	\$631.74
24-122-100-0005-00	1675 MARQUETTE AV	CARPENTER INSURA	1675 MARQUETTE AV	MUSKEGON	MI	49442	\$265.33
24-612-000-0642-00	591 MARY	VANDAM MICHAEL	591 MARY	MUSKEGON	MI	49441	\$994.35
24-612-000-0622-00	484 MARY ST	CARTER KEITH L/GIL	484 MARY ST	MUSKEGON	MI	49442	\$126.35
24-612-000-0639-00	561 MARY ST	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$252.70

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PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-613-000-0681-00	254 MEEKING ST	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$252.70
24-613-000-0683-00	270 MEEKING ST	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$520.55
24-613-000-0671-00	317 MEEKING ST	PROCTOR VIKI	317 MEEKING ST	MUSKEGON	MI	49442	\$138.98
24-613-000-0670-00	323 MEEKING ST	RONE JACQUELINE	323 MEEKING ST	MUSKEGON	MI	49442	\$882.67
24-613-000-0755-00	1175 MORGAN AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$385.36
24-613-000-0734-00	1188 MORGAN AVE	HOLMBERG WILLIAM	1188 MORGAN AVE	MUSKEGON	MI	49442	\$1,907.85
24-613-000-0750-00	1241 MORGAN AVE	AUSTIN MICHAEL O	1241 MORGAN AVE	MUSKEGON	MI	49442	\$758.09
24-613-000-0746-00	1271 MORGAN AVE	MCWHINNIE TODD	1276 ADAMS AVE	MUSKEGON	MI	49442	\$272.91
24-613-000-0743-10	1274 MORGAN AVE	OLSON DONN M	1274 MORGAN AVE	MUSKEGON	MI	49442	\$271.65
24-613-000-0868-00	1294 MORGAN AVE	TRUITT PROPERTY	PO BOX 0731	MUSKEGON	MI	49443-0	\$126.35
24-613-000-0870-00	1318 MORGAN AVE	RICHARDS TIMOTHY	1318 MORGAN AVE	MUSKEGON	MI	49442	\$657.01
24-613-000-0863-00	1323 MORGAN AVE	ST AMOUR ANNA	1323 MORGAN AVE	MUSKEGON	MI	49442	\$101.08
24-182-000-0026-00	1425 MORGAN AVE	CHOICE PROPERTIE	1893 GREENWOODS	JENISON	MI	49428	\$209.74
24-182-000-0025-00	1441 MORGAN AVE	FOSTER EYVETTE Y/	1441 MORGAN AVE	MUSKEGON	MI	49442	\$635.53
24-182-000-0023-00	1463 MORGAN AVE	HAYNES JOHN	1463 MORGAN AVE	MUSKEGON	MI	49442-0	\$822.52
24-613-000-0889-00	1482 MORGAN AVE	WILLIAMS JAMES/JE	1482 MORGAN AVE	MUSKEGON	MI	49442-1	\$1,134.60
24-610-000-0056-00	1422 OAK AVE	BIBBS COREY E/TRA	1422 OAK AVE	MUSKEGON	MI	49442	\$391.68
24-760-000-0066-00	556 QUARTERLINE R	TURRELL WILLIAM	1426 NEECE	MUSKEGON	MI	49441	\$397.99

SW2004 RESIDENTIAL SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-613-000-0776-00	317 ROBERTS ST	HOLMES KEVIN S	317 ROBERTS ST	MUSKEGON	MI	49442	\$266.59
24-613-000-0790-20	320 ROBERTS ST	HALLMARK HOMES	2027 HYDE PARK RD	N MUSKEGON	MI	49445	\$260.28
24-613-000-0790-30	332 ROBERTS ST	HALLMARK HOMES &	2027 HYDE PARK RD	N MUSKEGON	MI	49445	\$126.35
24-613-000-0771-00	371 ROBERTS ST	SELANDER DAVID H	371 ROBERTS ST	MUSKEGON	MI	49442	\$252.70
24-613-000-0865-00	262 SCHOOL ST	MARTINEZ CECILIA Y	262 SCHOOL ST	MUSKEGON	MI	49442	\$75.81
24-611-000-0310-00	539 SCHOOL ST	NELSON ALMA	539 SCHOOL ST	MUSKEGON	MI	49442	\$126.35
24-611-000-0253-00	586 SCHOOL ST	TENBRINK ETHEL M	586 SCHOOL ST	MUSKEGON	MI	49442	\$838.00
24-611-000-0237-00	621 SCHOOL ST	WILLIAMS ALMA	621 SCHOOL ST	MUSKEGON	MI	49442	\$1,075.42
24-611-000-0190-00	635 SCHOOL ST	MEEKS KEVIN/WINTE	376 W GRAND AVE	MUSKEGON	MI	49441-2	\$94.76
24-612-000-0556-00	1026 WESLEY AVE	WILSON WILLIE C JR/	1026 WESLEY	MUSKEGON	MI	49442	\$252.70
24-612-000-0560-00	1064 WESLEY AVE	KIEFT DEBORAH	1064 WESLEY AVE	MUSKEGON	MI	49442	\$240.06
24-612-000-0562-00	1080 WESLEY AVE	GRAY JAMES E/LOUI	1080 WESLEY AVE	MUSKEGON	MI	49442	\$246.38
24-612-000-0563-00	1094 WESLEY AVE	HERRERA SANTIAGO	1094 WESLEY AVE	MUSKEGON	MI	49442	\$868.10
24-612-000-0490-00	1188 WESLEY AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$1,400.44
24-611-000-0246-00	1212 WESLEY AVE	BURREL ONESIPHOR	212 SCHOOL ST	MUSKEGON	MI	49442	\$128.87
24-611-000-0244-00	1215 WESLEY AVE	CLINCY MARK E/BET	1215 WESLEY AVE	MUSKEGON	MI	49442	\$1,122.63
24-611-000-0241-00	1245 WESLEY AVE	BRUSH DAVID/KIMBE	1245 WESLEY AVE	MUSKEGON	MI	49442	\$544.86
24-611-000-0250-00	1258 WESLEY AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443	\$145.30

H-1572

HEARING DATE

AUGUST 31, 2004

SW2004 RESIDENTIAL SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				TOTAL
24-611-000-0239-00	1263 WESLEY AVE	GREAT LAKES HOUS	2897 TAFT SW SUITE	WYOMING	MI	49509	\$252.70
24-611-000-0255-00	1312 WESLEY AVE	ZACKERY RICHARD	1312 WESLEY AVE	MUSKEGON	MI	49442	\$126.35
24-611-000-0257-00	1330 WESLEY AVE	N & N ASSOCIATES L	420 CARMEN DR	SPRING LAKE	MI	49456	\$1,247.29
24-611-000-0232-00	1349 WESLEY AVE	MCBRIDE REGINA F	1349 WESLEY AVE	MUSKEGON	MI	49442	\$1,346.37
24-611-000-0231-00	1361 WESLEY AVE	ASHLEY MONNIE	480 CRESTON ST	MUSKEGON	MI	49442	\$252.70
24-611-000-0228-00	1389 WESLEY AVE	COLLISON GLENNA	1389 WESLEY AVE	MUSKEGON	MI	49442	\$248.40
24-611-000-0226-00	1421 WESLEY AVE	BRUCE ROYLES/BILL	616 CRESTON AVE	MUSKEGON	MI	49442	\$3,790.43
24-611-000-0222-00	1457 WESLEY AVE	CARSON CATISA	1457 WESLEY AVE	MUSKEGON	MI	49442-2	\$758.09
24-611-000-0272-00	1524 WESLEY AVE	ASHLEY JEFFREY R/	1524 WESLEY AVE	MUSKEGON	MI	49442	\$252.70
24-611-000-0274-00	1560 WESLEY AVE	TATE SHAWN M	1560 WESLEY AVE	MUSKEGON	MI	49442	\$1,250.84

H-1572

HEARING DATE

AUGUST 31, 2004

SW2004 RESIDENTIAL
SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	TOTAL
TOTALS				<u>\$132,852.73</u>

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

BOARD OF ASSESSORS

 9/9/04
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 9-8-04
STEPHEN SAWRON CITY COMMISSIONER DATE

 9-8-04
LAWRENCE SPATARO CITY COMMISSIONER DATE

Memo

To: S. Warmington, Mayor

From: Mohammed Al-Shatel

CC: City Commissioners
B. Mazade, City Manager
B. Kuhn

Date: 08/23/04

Re: Sidewalk Replacement Program for 2004

Attached is a letter that we have received from the property owner at 1525 James St. expressing concern over the assessment amount against that property.

Also attached are a copies of the notification letter we originally sent back in June of 2003 describing the defective drive approach, the detailed charges for the work performed, and the confirmation letter showing the total assessment.

In the first notification letter, it was pointed out that, a 21.3 square yard drive approach was in need of replacement. The letter states "the City will complete the work and assess the associated costs to you". The actual assessment amount of \$1,124.94 (removal, construction and engineering charges) was based on 23.17 square yards of concrete. As you can see, the square yard quantity did not change by much.

The figure that the property owner is referring to may have been the results of miscommunication due to failure to take into account the engineering costs and removal costs.

August 20, 2004

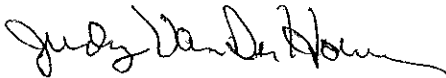
City of Muskegon
Engineering Department
P.O. Box 536
Muskegon, MI 49443-0536

Re: H-1572 24-611-000-0337-0

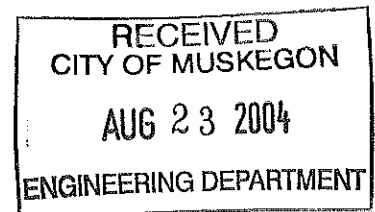
Since you never advised even an estimate on what the charges would be to replace the drive approach, I called your office in April and was told I could expect this to be between \$600-700, while this was not exact, it was a "close estimate". I have a single car width drive. After a very long period of unemployment and just starting to work again, I had very little options but to go along with this. Imagine my surprise to receive a bill for \$1,124.94, more than \$400 what I was quoted. This was a gravy job for a contractor to come in and do, they are hardly 'affordable.'

It was bad enough to have you make the decision based on someone's assumption that a tiny corner of my approach, where it connects to the street, was $\frac{3}{4}$ " too high, an area, by the way so close to the curb it would be almost impossible for it to be a danger to anyone.

I would appreciate knowing how it jumped so high in such a short period. While I cannot miss work to be at this meeting on 8/24, I can certainly write to express my opinion about the charges incurred.



Judy VanDerHoeven
1525 James Ave
Muskegon, MI 49442



SIDEWALK REPLACEMENT PROGRAM FOR 2004

DETAILS BY PARCEL NUMBER

PARCEL NUMBER : 24-611-000-0337-0 NUMBER : 29

FOR PROPERTY ADDRESS : 1525 JAMES AVE

OWNERS NAME : VANDERHOEVEN JUDITH G

OWNERS ADDRESS : 1525 JAMES AVE

OWNERS CITY : MUSKEGON OWNERS STATE : MI

OWNERS ZIPCODE : 49442

CONCRETE CURB

0 L.F. @ \$22.6131 /L.F. = \$0.00

CONCRETE DRIVE APPROACH

23.17 SQ. YD. @ \$35.9150 / SQ. YD. = \$832.15

CONCRETE DRIVE APPROACH (REMOVAL)

23.17 SQ. YD. @ \$12.6367 / SQ. YD. = \$292.79

CONCRETE SIDEWALK

0 S.F. @ \$5.0539 / S.F. = \$0.00

TOTAL FOR THIS PARCEL = \$1,124.94

August 13, 2004

VANDERHOEVEN JUDITH G
1525 JAMES AVE
MUSKEGON, MI 49442

29

Property Parcel Number: 24-611-000-0337-00 at 1525 JAMES AVE

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:

H-1572 Sidewalk Replacement Program for 2004

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, August 24th, 2004 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 ON AUGUST 24th, 2004, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The total cost of the project will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$1124.94 for the work performed. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5.00%
First installment \$112.49 per year
Due Date: October 25th, 2004

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

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

June 20, 2003

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 Dept.
(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 Department
(231)724-6750
FAX: (231)722-5140

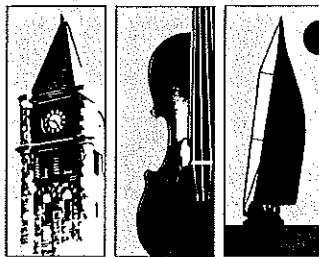
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

VANDERHOEVEN JUDITH G
1525 JAMES AVE
MUSKEGON, MI 49442

254

Dear Property Owner:

As part of the continuing sidewalk replacement program in the City of Muskegon, we have recently inspected the sidewalk abutting your property. This program is in response to the policy that the City Commission has adopted to improve the sidewalks throughout the City. The improvement of the sidewalk serves a dual purpose. First, it reduces the hazards of broken or uneven sidewalk that is a liability to the City as well as the property owner. Second, improvement of the sidewalk enhances the neighborhood resulting in property owner pride leading to higher property values.

Sidewalk in need of replacement has been marked with an "X" during our inspection. In addition, we have marked drive approaches and service walks that need to be replaced to eliminate hazardous conditions. We have also noted where sidewalk does not exist. If more than one-half of your block currently has sidewalk on your side of the street, any locations without sidewalk will be required to have sidewalk installed.

According to City ordinance (74-81) the property owner adjacent to the sidewalk is responsible for its maintenance. In our inspection of the property listed below, which according to our tax records is owned by you, the following estimated quantities need to be replaced:

PROPERTY ADDRESS: 1525 JAMES AVE
PARCEL # 24-611-000-0337-00
ESTIMATED TOTAL FEET OF SIDEWALK: 0
ESTIMATED TOTAL FEET SW ACROSS DRIVEWAY: 0
DRIVE APPROACH: 21.3 SYD.
SERVICE WALK: False

The City allows the property owner to make their own repairs or hire an independent contractor to make the necessary repairs providing that the work is completed under the City's regulations and guidelines. If you would like to complete the required work in this manner, you or your contractor must obtain a permit from the City Engineering Department no later than **December 1, 2003**. **The permitted work must be completed within 90 days of the date of permit issuance, except for the months of November through March which will not be counted as part of the 90 days due to weather.** If you would prefer to have the City make repairs, there is no need to obtain a permit. The City will complete the work and assess the associated costs to you.

254

**N & N ASSOCIATES
420 CARMEN DR.
SPRING LAKE, MI 49456
616-842-7584**



August 24, 2004

City of Muskegon
933 Terrace St.
P.O. Box 536
Muskegon, MI 49443-0536

RE: Special Assessment roll: H-1572

Address: Vacant Lot 1330 Wesley,
Parcel #: 24-611-000-0257-00

Dear Muskegon City Commission

Regarding the above parcel, we object to special assessment in the amount of \$1,247.29.

Prior to the beginning of this project, this drive approach was in acceptable condition. However, during construction, it became apparent that the contractor's heavy equipment had broken off a corner of the drive approach.

This matter was discussed with a representative of the contractor and we were informed that the problem would be rectified. It is now apparent that the correction was to replace the approach and assess us for the repair. This is not acceptable.

Before construction, this drive approach was in better condition than others that were not replaced. As the decision to replace it was made by the contractor as a way to resolve their mistake, we believe that we should not be charged.

Again, as the replacement was necessitated by contractor error and not due to general deterioration, the cost of replacement should be born by the contractor, not the owner. Therefore we object to the special assessment.

If you have any questions, please contact me.

Sincerely

David E. Bancroft
Member N & N Associations, LLC

P.S.
The GRASS WAS NOT REPLACED
properly NEXT to the approach.

SIDEWALK REPLACEMENT PROGRAM FOR 2004

DETAILS BY PARCEL NUMBER

PARCEL NUMBER : 24-611-000-0257-0 NUMBER : 10
FOR PROPERTY ADDRESS : 1330 WESLEY AVE

OWNERS NAME : N & N ASSOCIATES LLC

OWNERS ADDRESS : 420 CARMEN DR

OWNERS CITY : SPRING LAKE OWNERS STATE : MI

OWNERS ZIPCODE : 49456

CONCRETE CURB

0 L.F. @ \$22.6131 /L.F. = \$0.00

CONCRETE DRIVE APPROACH

25.69 SQ. YD. @ \$35.9150 / SQ. YD. = \$922.66

CONCRETE DRIVE APPROACH (REMOVAL)

25.69 SQ. YD. @ \$12.6367 / SQ. YD. = \$324.64

CONCRETE SIDEWALK

0 S.F. @ \$5.0539 / S.F. = \$0.00

TOTAL FOR THIS PARCEL = \$1,247.29



Roy McDonald
1322 Wesley
Muskegon, MI 49442

Regarding the drive approach at the vacant lot east of my house at 1322 Wesley, I observed the following.

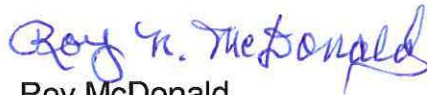
The drive approach that was replaced was in better condition than the drive approach at my house which was determined did not need replacing.

I observed that the contractor's equipment broke off a corner of the drive approach during construction.

I know that a representative of the property owner discussed this matter with the contractor.

The owner of the property should not be charged for the replacement as there was nothing wrong with the drive approach prior to the contractor's error.

Sincerely


Roy McDonald

To The City of Muskegon:

Dear Sir or Maim,

I am defenitly opposed to the rate increase for the sidewalk repair the city is seeking

The reason why is the city owns from the center line of the street 25 feet out on both sides of the road that is the city's responsibility to maintain the sidewalks!!

1) Five years ago the city wanted a Tax increase so it placed it on the ballot at the election polls and the public voted it down 4 times in a row; So the city closed the doors NO Public allowed and passed the Bill to increase the TAX Base for Muskegon Home Owners & People working in Muskegon's city limits 2% of your wages!!

What + Where is all the MONEY Going Too ??

I work in and out of Muskegon County other counties do not have a SIR charge Why is This ??

Please send a response To:

Home Owner: Michael A. C. Austin
1241 Morgan Ave
Muskegon Mich 49442

**CITY OF MUSKEGON
SIDEWALK APPEAL**

Return to:
CITY ENGINEER
PO BOX 536
933 TERRACE
MUSKEGON, MI 49443-0536

TODAY'S DATE: 08-24-04
PROPERTY ADDRESS: 1526 - 1540 ?
PROPERTY OWNER NAME: GORDON KALAVITZ
ADDRESS: 15646 LAKE AVE.
GRAND HAVEN MI. 49417
(city) (state) (zip)
APPELLANT SIGNATURE: Gordon Kalavitz
TELEPHONE (between 8 a.m. - 5 p.m.): _____
HOME TELEPHONE: 616 402-0910

PLEASE WRITE THE NATURE OF THE APPEAL IN THE SPACE BELOW

ADDRESS RE: no sidewalk was replaced on 1526 Marquette
Avenue property. Sidewalk was replaced on side property. 25 feet
was replaced in front of that property (1540 Marquette) not 30 feet.

DO NOT WRITE BELOW--OFFICIAL USE ONLY

PLATE #: _____

PARCEL #: _____

APPEAL HEARING DATE AND TIME: _____

APPEAL BOARD ACTION: _____

Jan 2004

TO: City of Muskegon

22 January 2004

Subject: Special Assessment Parcel NO: 24-611-000-0271-00

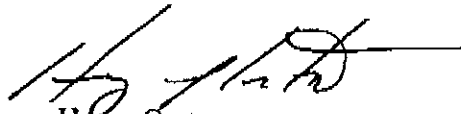
From: Henry J Cortez
119 Birchwood Lane
Cadillac MI 49601

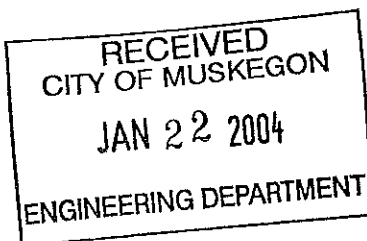
This letter is to protest the creation of a special assessment on the above listed property for sidewalk assessment.

It is correct that the above property had 2 sidewalk squares that were identified by the City of Muskegon as needing to be replaced.

However, these two squares were removed and replaced in the summer of 2003.

Thank You


Henry Cortez



**CITY OF MUSKEGON
SIDEWALK APPEAL**

*Sul
2004*

Return to:
**CITY ENGINEER
PO BOX 536
933 TERRACE
MUSKEGON, MI 49443-0536**

TODAY'S DATE: July 15, 2003
PROPERTY ADDRESS: 1521 Albert Ave.
PROPERTY OWNER NAME: Carol L. Thomas
ADDRESS: 1521 Albert Ave.
Muskegon Mi 49442
(city) (state) (zip)
APPELLANT SIGNATURE: Carol L. Thomas
TELEPHONE (between 8 a.m. - 5 p.m.): 777-3249
HOME TELEPHONE: Same

PLEASE WRITE THE NATURE OF THE APPEAL IN THE SPACE BELOW

My driveway approach is only cracked. My neighbor had a similar
crack and just patched it. He has no X on his. My neighbor directly
across the street has a crack also and has no X. I propose
patching mine like my neighbor did. It's no heard and
seems sound otherwise.

DO NOT WRITE BELOW--OFFICIAL USE ONLY

PLATE #: _____

PARCEL #: _____

APPEAL HEARING DATE AND TIME: _____

APPEAL BOARD ACTION: _____

RECEIVED
CITY OF MUSKEGON

JUL 17 2003

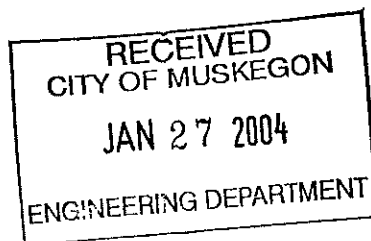
APPEAL BOARD

Remove from
Data base
[Signature]
7/18/03

January 27, 2004

As a City Tax Payer of
Muskegon, I owner of 7.75
Broadmoor St object to
the Notice of Assessment.

Tex Sullivan
231-773 3613

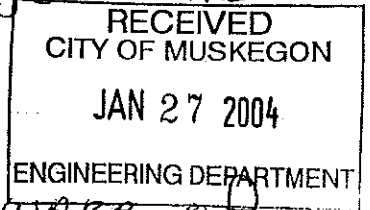


ROBERT D. & DOMAJAN DAWES
145 MARCOUX AV.

MUSKEGON MICH 49442 1-27-04

PARCEL NO. 24-610-000-0010-00

ATTN: City of Muskegon AND
Engineering Dept.



I would make you AWARE OF

A SIDEWALK DEFECT AT MY RESIDENCE
AT OR ABOUT 1997, I BROUGHT THE
DEFECT TO THE ATTENTION OF THE CITY
AND TO DIANE M. ABRAHAM, CNS TECH,
COMMUNITY AND NEIGHBORHOOD SERVICES. THE
REPAIR WAS DONE BY THE CITY OR THEIR
AGENT. IT IS MY OPINION THAT THE
REPAIR WAS NOT ADEQUATE, IN THAT
THE ROOT STRUCTURE OF ~~A~~ A NEAR BY
TREE WAS NOT CUT AWAY PROPERLY

PAGE 1

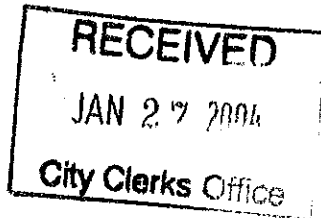
Page 2 of 2

IN REGARD: PARCEL NO. 24.610.000.0010.00 (1-27-04)
to allow the sidewalk to remain
flat. As a result of the inadequate
repair the sidewalk as of JAN 2004
is out of standard and specifications
IN ACCORD with a notice I received
JAN. 16, 2004. I hope the City
and Engineering will see the
situation as one that they will
address.

Thank You
Robert D. Dane 1/27/04

Jan 2004

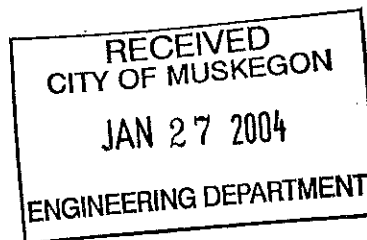
Returned to
Clerk's office
90



Jackie L. May-Shamblay
1387 Albert Ave
Muskegon, MI 49442
January 27, 2004

To: The City of Muskegon
Re: Parcel # 24-611-000-0288-00
1387 Albert Ave.

I am writing to inform you that I object to the sidewalk replacement special assessment. I plan on replacing my sidewalks when the weather improves prior to the June 2004 deadline. I do not approve of this special assessment.



Sincerely
Jackie L. Shamblay (May)

1271 ALBERT AVE.

March 11, 2004

Dear Mohammed Al-Shatel, P.E.;

I recently received notice of a pending special assessment for the area which includes the house my mother currently resides in.

This is the second letter I have received involving the matter of sidewalk replacement.

The first was last summer and was dated 25 June 2003 .

I visited Muskegon in August and met with Thomas Ketchum of your office at that time.

Please see the letter included which was sent to your office as a courtesy for the manner in which Mr. Ketchum dealt with my concerns. I thought the issue was resolved after that meeting.

It would seem I erred in my assumption.

Therefore I shall clarify the situation, as I understand it.

When shown the sidewalk in question, Mr. Ketchum immediately agreed that the condition did not warrant removal. In fact his exact words were, "I was obviously having a bad day when I marked that section."

As I read the requirement you quoted in the letter of last summer, a simple crack in the concrete does not meet the requirement for replacement. The condition must be such that it constitutes a hazard or is likely to become a hazard to people using the sidewalk.

This particular section cracked very shortly after it was laid in 1962. I lived in that house at that time and remember the paving well. That section has not significantly changed its appearance or condition since that time. There is no measurable gap at the crack nor is there any vertical displacement between the sides. It does not constitute a hazard to walkers. Nor will it in my lifetime.

I have included several photographs I took of the section in question immediately before meeting with Mr. Ketchum. Please notice the ruler placed for reference.

A similar conversation was held regarding the driveway.

The photos of the driveway show a condition slightly worse than the sidewalk but again the crack originated (Probably when a contractors vehicle drove on it while it was still green) shortly after paving more than 40 years ago. The crack has not materially changed in that time. I have your publication identified as SIDEWALK PAMPHLET.doc. The sidewalk section and driveway I am referring to is not in violation of any of the 8 points of criteria you define.

It is not necessary or even sensible to tear up concrete, which has been curing for 40 years and exhibits no evidence of degradation during that time period. Please remove these items for your "need to replace list."

Please acknowledge receiving this letter so I know this matter is being addressed

I have forwarded a copy of this letter and attachments to my lawyer for purposes of documentation

Sincerely,

Dave Druif

CC Rose & Eklund 8787 Ferry St , Montague, Michigan, Attn Robert Eklund



8 APRIL 2004

Commission Meeting Date: August 24, 2004

Date: August 17, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Request for preliminary Planned Unit Development approval
at the former Muskegon Mall site, 100 Muskegon Mall.**

SUMMARY OF REQUEST:

The request for preliminary Planned Unit Development (PUD) approval at the former mall site is for a mixed use residential and commercial development. The request is by Chris McGuigan, Downtown Muskegon Development Corporation.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends preliminary approval of the PUD provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended preliminary approval of the PUD, with the conditions listed on the attached resolution, at their August 12, 2004 meeting. The vote was unanimous with B. Smith absent.

Hearing; Case 2004-31: Request for a Preliminary Planned Unit Development approval for a mixed use residential and commercial development on the former Muskegon Mall Property (100 Muskegon Mall) by, Chris McGuigan (Downtown Muskegon Development Corporation)

BACKGROUND

Applicant: Downtown Muskegon Development Corporation

Request: Preliminary PUD approval for the Muskegon Mall redevelopment

Present Land Use: Vacant

Zoning: B-3 Central Business District

STAFF OBSERVATIONS

1. The subject property is the site of the former Muskegon Mall, encompassing approximately eight blocks downtown.
2. A number of buildings still exist within the boundaries of the PUD. Two vacant buildings with historic character may be reused in the project.
3. Redevelopment of the Western Avenue corridor is a major tenant of the Imagine Muskegon! Report.
4. Staff has not received any phone calls or letters regarding this case.
5. The following ordinance sections permit and regulate PUDs. Staff discussion is included under certain sections:

SECTION 1102: PLANNED UNIT DEVELOPMENTS [amended 10/98]

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-2 Convenience and Comparison Business Districts is to allow mixed land uses which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

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. Planned Unit Development Regulations, Standards and Requirements

- 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. PUD Review Procedures

- 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. Standards for Approval of PUD Plans

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.

The mixed use commercial and residential concept meets this standard. The uses will have a positive and beneficial effect upon the underutilized and previously disconnected public utility and circulation systems, surrounding properties will likely see increased values and the environment will benefit with new landscaping, etc.

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

The uses, commercial and residential, are consistent with the Imagine Muskegon! report and the 1997 Downtown/Lakeshore Redevelopment Plan.

- 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.

Provision of open space at this time only includes street trees, etc. Hackley Park is adjacent the site, kitty corner across 3rd Street and Clay Avenue. Based upon the applicant's statement the site is being marketed as a multi-developer project and lots sold according to their needs, any open space provision required by the Planning Commission might be a specifically designated site with designs or a generalized statement that a certain amount will be required and installed once a percentage of the development has taken place.

- 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.

The amount of off-street parking has not been shown nor determined. Under the proposal, the parking needs will not be known until a developer comes to the table.

- 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.

The applicant has stated that design of streetscaping, lighting, etc., will closely follow the Imagine Muskegon! report. As a high density urban area, landscaping and buffering will not be as significant as outside of downtown.

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

Two buildings with significant architectural and social histories are to be saved. Other buildings may remain or be removed by the prospective developer.

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

The uses, and layout, are designed to mirror or bring back the patterns of the old downtown, which traditionally function very well.

2. Preliminary PUD Plan Submission

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.

The nature of the development and marketing strategies makes it difficult to represent all of this information. Staff feels the plan provided sufficiently depicts the information in a manner consistent with this requirement such that approval may be given.

- 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. Final PUD Plan Submission

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 spatial 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.

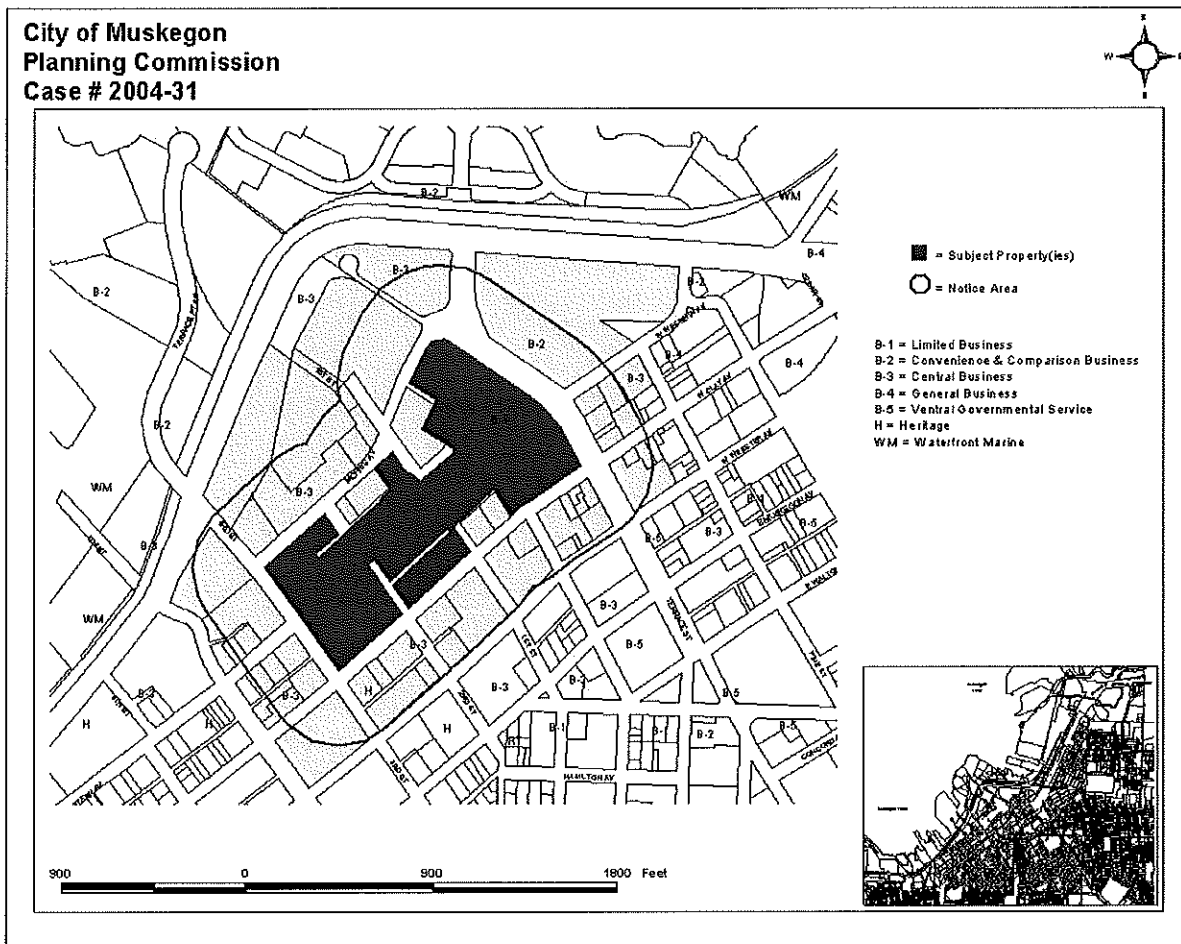
5. PUD Development Time Limits

- 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 preliminary PUD request based upon the above staff review of the **Standards for Approval of PUD Plans** and the **Preliminary PUD Plan Submission** requirements.



CITY OF MUSKEGON

RESOLUTION #2004- 77(a)

**RESOLUTION FOR PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL FOR
100 MUSKEGON MALL, FORMER MUSKEGON MALL SITE.**

WHEREAS, a petition for a planned unit development was received from Chris McGuigan, Downtown Muskegon Development Corporation; and,

WHEREAS, a planned unit development will allow a mixed use residential and commercial 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 preliminary Planned Unit Development and associated conceptual site plan;

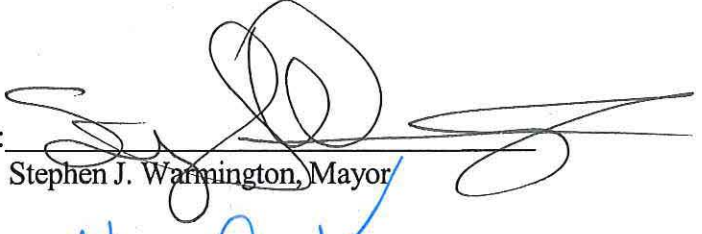
NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the preliminary planned unit development is hereby approved.

Adopted this 24th day of August, 2004

Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington,
and Carter

Nays: None

Absent: None

By: 

Stephen J. Warmington, Mayor

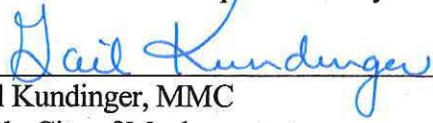
Attest: 

Gail A. Kunderinger, MMC, City Clerk

CERTIFICATE (Preliminary PUD for 100 Muskegon Mall, former Muskegon Mall Site.)

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 24th day of August, 2004, 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: August 24, 2004.



Gail Kunding, MMC
Clerk, City of Muskegon

Commission Meeting Date: March 26, 2002

Date: August 17, 2004
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services W.G.
Department
RE: Disclosure of Potential Conflict of Interest Under
HOME Investment Partnerships Program

SUMMARY OF REQUEST: Under HOME Invest Partnership program regulations, potential conflicts of interest must be disclosed to the public prior to requesting a waiver from HUD. Anthony McCloud of 1656 6th Street Apartment 1, has made an offer to purchase the City owned home at 1668 Beidler from the City's First time Homebuyers Infill program. Mr. McCloud has certified that he is a first time Homebuyer who has not owned a home in the last three years. But because Mr. McCloud is a member of the Citizen's District Council. The City is require to request an opinion from the City attorney before submitting to U.S. Department of Housing and Urban Development a waiver request. The City Attorney has determined that no conflict of interest is present in this case; however, this must be disclosed to the public before any further action can be taken.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the City's Community and Neighborhood Services Dept, to submit the waiver of conflict of interest to the U. S. Department of Housing and Urban Development.

COMMITTEE RECOMMENDATION: Not Applicable

PARMENTER O'TOOLE

Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

August 6, 2004

Mr. Wilmern Griffin
Community and Neighborhood Services
City of Muskegon
933 Terrace Street
Muskegon, MI 49443-0536

Re: Anthony McCloud

Dear Mr. Griffin:

You have requested our opinion concerning a possible conflict of interest.

The facts as presented are:

- 1) Anthony McCloud is a member of the City of Muskegon Citizen District Council. In that capacity, he participates in making recommendations as to the use of federal HOME funds. Neither he, personally, nor the Citizens District Council are the final decision makers as to the use of such monies.
- 2) Mr. McCloud has requested to purchase the property located at 1668 Beidler Street, Muskegon, Michigan. HOME monies allocated to the Community and Neighborhood Services department were used at 1668 Beidler. The Citizens District Council has no input on any terms of the sale of 1668 Beidler, including potential purchasers.
- 3) Mr. McCloud is not a City of Muskegon employee.
- 4) With the exception of a possible conflict of interest, Mr. McCloud complies with all requirements. The sale of property to Mr. McCloud is consistent with the HOME program.
- 5) Mr. McCloud was not in a position to require monies be spent on 1668 Beidler.
- 6) Mr. McCloud will not participate in any decision affecting his application.

FEDERAL CONFLICT OF INTEREST CONCERNS

The federal regulations provide that no employee of the participating jurisdiction or subrecipient which is receiving HOME funds who are in a position to gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME – assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. 29 CFR 92.356.

Mr. McCloud is in a position to affect how monies are spent in this program, but is not in a position to require that monies are spent on the house he proposes to acquire. The appropriate course is to acknowledge the possibility of a conflict under the federal regulations and request HUD to determine that there is no conflict or provide a waiver.

The federal regulations provide for a waiver process. Upon the written request of the participating jurisdiction, HUD may grant an exception to the provision on a case-by-case basis when it determines that the exception will serve to further the purpose of the HOME Investment Partnerships Program and the effective and efficient administration of the participating jurisdiction's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

- (1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
- (2) An opinion of the participating jurisdiction's...attorney that the interest for which the exception is sought would not violate State or local law.

29 CFR 92.356.

While Mr. McCloud will personally benefit, the benefit is provided to any successful bidder. Mr. McCloud is intended to be the beneficiary of the program, and will receive, generally, the same benefit as is made available to others, as the federal guidelines exist.

A waiver would appear to be appropriate.

STATE CONFLICT OF INTEREST CONCERNS

The state has adopted the Contracts for Public Entities Act, which generally regulates contracts between governmental entities and public servants and officials. The Act is applicable in this case. Mr. McCloud would be benefited by the contract.

The Contracts of Public Servants with Public Entities Act relates to the conduct of public servants in respect to contracts with the public entities for which they work. The term "public servant" is defined by Act as all persons serving any public entity. The language is extremely broad, and is intended to cover any governmental entity located within the state.

The Contracts of Public Servants with Public Entities Act recognizes that, at times, it may be in the best interest of the public entity to enter into contracts, notwithstanding a conflict with one or

more of the individuals involved with the public entity. As such, even if there is a conflict, a contract may be entered into, if the following occurs:

- 1) Mr. McCloud discloses in writing to the Mayor his interest in the house and the value of the benefits to be provided by the City seven days prior to action of the City Commission. The disclosure must be made public the same as a public meeting notice;
- 2) The contract is approved by a vote of not less than two-thirds of the full membership in open session; and
- 3) The minutes for the official body disclose the name of each party involved in the contract, the terms of the contract, and the nature of the pecuniary interest of the public servant with the conflict.

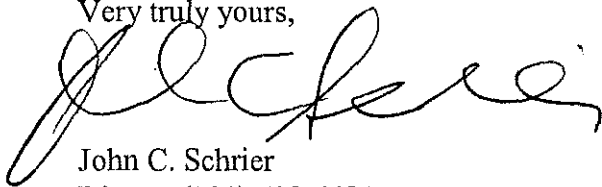
The requirement of approval of the contract by two-thirds of the full membership of the approving body will require five elected officials to vote affirmatively. The "super majority" requirement provides protection for the public entity.

CITY OF MUSKEGON CONFLICT OF INTEREST CONCERNS

The City of Muskegon Charter regulates, and generally prohibits, contracts between the City and employees and officers of the City. City "officers" are designated by the City Charter, Chapter III, Section 2, and is not applicable here. Mr. McCloud is not a city employee. The Charter is not applicable in this case.

If you have any further questions or concerns, please feel free to contact me.

Very truly yours,



John C. Schrier

Direct: (231) 722.5401

Fax: (231) 728.2206

E-Mail Address: jcs@parmenterlaw.com

JCS/kc

Commission Meeting Date: August 24, 2004

Date: August 13, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services W.G.
Department**

**RE: Selection of Contractor for the Building of Duplex
at 407 Catherine "Operation - It Takes Two"**

SUMMARY OF REQUEST: To approve the selection of Nobles Inc, for the construction of a duplex at 407 Catherine on the corner of Wood/Catherine. Project title – Operation: Nyumba Mbili "It Takes Two". The CNS office received three qualified bids for the project.

Nobles Inc \$172,885
210 E. Broadway
Muskegon, MI

Bantam Group, Inc \$199,636
962 Stonewood Dr.
Spring Lake, MI

Top Notch Design \$215,100
4740 Jenson
Fruitport, MI

The duplex will be built at the site of the former Briggs Dairy, which was recently demolished because of its blighting status and potential nuisance. Operation: Nyumba Mbili is another example of the City of Muskegon's continued efforts to rid our community of blight by revitalizing and renovating our neighborhoods.

FINANCIAL IMPACT: Funds will be allocated from City HOME budget 2001 and 2002.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the low bid submitted by Nobles Inc of \$172,885 for the construction of a duplex at 407 Catherine.

COMMITTEE RECOMMENDATION: the Land Reutilization Committee approved the project.

Request for Proposals
Wood Street/Catherine Street Redevelopment Project
Operation "It takes Two" AKA Nyumba Mbili

The City of Muskegon is currently soliciting licensed residential builder (s) / developers to construct a two unit duplex in the City of Muskegon to be located at 407 Catherine (**City of Muskegon Revised Plat 1903 Lot 6 Block 79-Dimension 66'x132'**). The site formerly was the home of an industrial dairy that was recently demolished. The design of the structure to be built will be supplied by the City of Muskegon Community and Neighborhood Services department. Builders with significant experience in the construction of townhouses and duplexes are strongly encouraged to consider submitting proposals.

This project is being financed under the Federal HOME-Ownership Partners Program (HOME). The contractor / developer must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. This project is subject to Section 3 of the Housing and Urban Development Act of 1968 which seeks to promote the greatest possible extent, employment training and business opportunity for low-income residents and small businesses of the area in which the project is located. The City of Muskegon as well as the U. S. Department of Housing and Urban Development (HUD) require the selected contractor / developer to take all affirmative steps to assure that minority firms, women businesses and labor surplus area firms are use whenever possible.

Proposal packets along with design plans can be obtained from the Community and Neighborhood Services Office. All proposal packets require one hundred dollar (\$100.00) refundable deposits. Chosen contractor/developer will not receive refund.

Interested qualified developers/builders should contact the City of Muskegon's Community and Neighborhood Services located at City Hall, 933 Terrace St., 2nd floor.

The City of Muskegon will hold an informational review section for all bidders on

Monday, July 26th at
10 am at City Hall in room 103.

All bids are to be returned to the City of Muskegon Community and Neighborhood Services department 933 Terrace St by no later than **Thursday, July 29, 2004 at 5:00 P.M.**

Anyone with any questions should contact:

Wilmern G. Griffin, Director
Community and Neighborhood Services
City of Muskegon
(231) 724-6717

The City of Muskegon reserves the right to reject any and or all bids for just cause and to waive insignificant requirements.

view floor plans & home design features for Craftsman house plan 53-313

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what's included

Shipping info

Floor plans for Craftsman house plan 53-313

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The Craftsman style features natural materials, with exteriors of wood or stone masonry. It includes foundations that slope outward. Other elements include shed dormers, exposed rafters or rafter tails, overhanging eaves, and gable corbels. Also sometimes referred to as Arts and Crafts style homes.



View floor plans and home design features for this Craftsman style house plan. Scroll down to view elevations and all floor plans. You can add this Craftsman style plan to your list of favorite house plans.

house plan number:

go

Save this Plan

print image

Save \$600

nk
odding

© home plans copyrighted by designer

Bid from general specifications, plans and plan review

Basement/foundation	<u>\$8,294</u>	Lumber (misc. materials)	<u>\$11,959</u>
Cabinets/counter tops/labor and all hardware	<u>6,745</u>	Misc. (fees permits/utilities)	<u>-0-</u>
Cement flat work and material	<u>5,798</u>	Painting and materials	<u>5,743</u>
Dishwasher and labor	<u>550</u>	Plumbing (materials/labor)	<u>14,810</u>
Doors/windows and all hardware	<u>11,398</u>	Roofing and labor	<u>6,584</u>
Drywall and labor	<u>9,975</u>	Sewer/water connections and labor	<u>1,425</u>
Electrical and materials and labor	<u>6,764</u>	Siding/trim, labor and materials	<u>11,165</u>
Excavation, backfill and grading	<u>2,660</u>	Insulation	<u>3,983</u>
Exterior brick as needed and labor	<u>650</u>	All other trim, misc. and labor	<u>4,560</u>
Floor covering and labor	<u>4,631</u>	Dumpster/dumping, Port a Jons, etc	<u>2,000</u>
Establish Allowance Amount (flooring)	<u>3,325</u>	Any other miscellaneous items Deemed appropriate (please be specific)	<u>5,660</u>
Framing, floor, roof decking and materials	<u>21,684</u>	(2) FIRE PLACE \$3910	
Heating 90% water heater energy factor .60 .93 1 st hr. rating	<u>7,287</u>	SHOP DRAWING	
Labor for water heater and heating	<u>2,394</u>	IF NEEDED \$1750	
Light fixtures and labor	<u>7,648</u>		
Establish Allowance Amount (lighting)	<u>1,283</u>		
Subtotal (column one)	<u>\$101,086</u>	Subtotal (column two)	<u>\$67,889</u>

Total \$168,975.00 (172,885.00 - 4,910.00)

Note: All basements are to have a minimum of one egress window, no garden tubs, fireplaces, or pop-outs for bedroom. All soffits' will be vented; all doors and windows will be trim wrapped with aluminum and siding will be vinyl not 6" lap unless otherwise specified.

****The City of Muskegon will pay for all permits.**

House#: 1211A - 407 CATHERINE STREET

Bid from General Specifications, Plans and Plan Review

Basement/Foundation.	\$ 10,350.00
Cabinets/Countertops (Labor and All Hardware)	\$ 10,200.00
Cement Flat Work & Mat'l.	\$ 6,103.00
Dishwasher Allowance.	\$ 700.00
Dishwasher Labor.	\$ 160.00
Doors/Windows***/Hardware.	\$ 10,610.00
Drywall & Labor.	\$ 14,000.00
Electrical Mat'l & Labor.	\$ 9,865.00
Excavating/Backfill/Grading.	\$ 4,300.00
Exterior Masonry Work.	N/A
Flooring Covering & Labor	\$ 8,000.00
Framing, Floor, Roof, Decking & Mat'l - Includes Labor	\$34,014.00
Heating 90% Water Heater Energy Factor .60 .93 1 hr rating.	\$ 6,200.00
Labor for Water Heater & HVAC	\$ 2,200.00
Light Fixtures Labor	\$ 600.00
Light Fixtures Mat'l (Allowance)	\$ 1,200.00

Lumber (Misc. Mat'l)	\$ 3,660.00
Misc. (Fees/Permits/Utilities)	\$ 600.00
Painting & Mat'l	\$ 7,600.00
Plumbing (Mat'l & Labor)	\$11,840.00
Roofing & Labor	\$ 3,400.00
Sewer/Water Connections & Labor	\$ 2,000.00
Siding/Trim Labor & Mat'l	\$ 6,950.00
Insulation	\$ 4,400.00
All other Trim, Labor & Misc.	\$ 8,200.00
Dumpster/Port-A-Jons, etc.*	\$27,084.00
* General Conditions: Includes Overhead & Profit, Clean up, Supervision, Temp. Power, etc.	
Garage Door	\$1,000.00

Fireplace; *includes a \$400.00 allowance for ceramic tile surround and hearth work.	\$4,400.00
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SUBTOTAL (COLUMN ONE) \$118,502.00

SUBTOTAL (COLUMN TWO) \$81,134.00

TOTAL \$199,636.00

Note: All basements are to have a minimum of one egress window, no garden tubs, fireplaces, or popouts for bedroom. All soffits' will be vented; all doors and windows will be trim wrapped with aluminum and siding will be vinyl not 6' lap unless otherwise specified.

**** The City of Muskegon will pay for all permits.**

***** Note: Windows as shown on blueprint do not meet egress code requirements. Windows as priced above meet code requirements.**

House #: 2 story Duplex

Bid from general specifications, plans and plan review

Basement/foundation	<u>inc</u>	Lumber (misc. materials)	<u>inc</u>
Cabinets/counter tops/labor and all hardware	<u>6,000 Allowance</u>	Misc. (fees permits/utilities)	<u>city</u>
Cement flat work and material	<u>inc</u>	Painting and materials <i>Trim & walls 1 color</i>	<u>inc</u>
Dishwasher and labor <i>350 per unit</i>	<u>200 Allowance</u>	Plumbing (materials/labor)	<u>inc</u>
Doors/windows and all hardware <i>vinyl DH</i>	<u>inc</u>	Roofing and labor	<u>inc</u>
Drywall and labor	<u>inc</u>	Sewer/water connections and labor	<u>inc</u>
Electrical and materials and labor	<u>inc</u>	Siding/trim, labor and materials	<u>inc</u>
Excavation, backfill and grading	<u>inc</u>	Insulation	<u>inc</u>
Exterior brick as needed and labor	<u>N/A</u>	All other trim, misc. and labor	<u>inc</u>
Floor covering and labor	<u>5,000 Allowance</u>	Dumpster/dumping, Port a Jons, etc	<u>inc</u>
Establish Allowance Amount (flooring)	<u>inc</u>	Any other miscellaneous items Deemed appropriate (please be specific)	<u>—</u>
Framing, floor, roof decking and materials	<u>inc</u>	<i>extra if wanted</i> Air 1700 each Fireplaces 5,000	
Heating 90% water heater energy factor .60 .93 1 st hr. rating	<u>inc</u>		
Labor for water heater and heating	<u>inc</u>		
Light fixtures and labor	<u>inc</u>		
Establish Allowance Amount (lighting)	<u>1300 Allowance</u>		

Subtotal (column one)

\$ —

Subtotal (column two)

\$ —

Total \$ 215,100

Note: All basements are to have a minimum of one egress window, no garden tubs, fireplaces, or pop-outs for bedroom. All soffits' will be vented; all doors and windows will be trim wrapped with aluminum and siding will be vinyl not 6" lap unless otherwise specified.

**The City of Muskegon will pay for all permits.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

REBECCA A. HUMPHRIES
DIRECTOR

Brigg's Dairy

August 25, 2004

RECEIVED

AUG 30 2004

MUSKEGON
CITY MANAGER'S OFFICE

Stephen Warmington, Mayor
City of Muskegon
Community and Neighborhood Services
933 Terrace
P.O. Box 536
Muskegon, Michigan 49443

Dear Mr. Warmington:

SUBJECT: Public Use Request

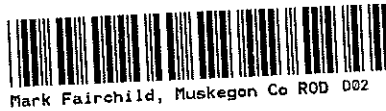
Enclosed is deed number 505804, dated August 24, 2004, for the tax-reverted property you requested, under Act 451, Public Acts of 1994, as amended.

If you have any questions, please contact this office.

Sincerely,

Walter Linn, Closing Officer
Real Estate Services
Office of Land and Facilities
PO Box 30448
Lansing, Michigan 48909-7948
LINNW@michigan.gov
517-373-8242

WL/jc
Enclosure



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Page: 1 of 2



**QUIT CLAIM
PUBLIC USE DEED**

No.505804

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
OFFICE OF LAND AND FACILITIES
Issued under Act 451, Public Acts of 1994, as amended.

THIS DEED, made this 24th day of August, 2004 BY AND BETWEEN, the DEPARTMENT OF NATURAL RESOURCES for the STATE OF MICHIGAN, by authority of Part 5, General Powers and Duties, of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994, being Sections 324.501 to 324.511 of the Michigan Compiled Laws, as amended, hereafter called "Grantor", and

City of Muskegon
933 Terrace St.
PO Box 536
Muskegon, MI 49443-0536

hereafter called "Grantee".

WITNESS, that the Grantor, acting for and in behalf of the State of Michigan by authority of Act 451, P.A. 1994, as amended, and for the sum of Three Hundred and No/100 (\$300.00) Dollars paid to it by Grantee, hereby grants, conveys, and quit-claims unto the Grantee and to Grantee's successors and assigns, for Public purposes, all the right, title and interest acquired by the State of Michigan in and to the following described land located in the County of Muskegon, State of Michigan:

City of Muskegon

City of Muskegon Revised Plat 1903
Lot 6 Block 79, FKA Brigg's Dairy

It is expressly understood that when the above described land is no longer needed by the Grantee and sold for a valuable consideration, the proceeds from any such sale, in excess of expenditures for acquisition or improvement, shall be accounted for to the State and the local units of Government pro rata according to their several interests therein arising from the non-payment of taxes and special assessments thereon as appear in the offices of the State Treasurer, County, City, Village or Township Treasurers.

Exemption from State Transfer Tax is claimed under authority of Section 6(h)(i), Act 255, P.A. 1994 (207.526, Michigan Compiled Laws).

Exemption from County Real Property Transfer Fee is claimed under authority of Section 5(h), Act 134, P.A. 1966 (207.505, Michigan Compiled Laws).

SAVING AND RESERVING unto the People of the State of Michigan all aboriginal antiquities including mounds, earthworks, forts, burial and village sites, mines or other relics and also reserving the right to explore and excavating for the same, by and through its duly authorized agents and employees, pursuant to the provisions of part 761, Aboriginal Records and Antiquities, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.

The terms of this conveyance prohibit the severance of the oil, gas, mineral and other subsurface rights associated with this conveyance from the surface rights. If the oil, gas, mineral or other subsurface rights are ever severed from the surface rights, the severed oil, gas, mineral or other subsurface rights will revert to the State of Michigan.

The terms of this conveyance shall extend to the heirs, executors, administrators, successors and assigns of the parties hereto.

This property may be located within the vicinity of farmlands or a farm operation. Generally accepted agricultural practices, which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

IN WITNESS WHEREOF, the Grantor, by its Manager, Real Estate Services, has signed and affixed the seal of the Department of Natural Resources.

DEPARTMENT OF NATURAL RESOURCES
FOR THE STATE OF MICHIGAN

By: *Robert L. Couvreur*
Robert L. Couvreur, Manager
Real Estate Services
Office of Land and Facilities

STATE OF }
MICHIGAN } ss.
County of Ingham }

The foregoing instrument was acknowledged before me this 24rd day of August, 2004, by Robert L. Couvreur, Manager, Real Estate Services, Office of Land and Facilities of the Department of Natural Resources for the State of Michigan.

Jennifer A. Cherrette
Jennifer A. Cherrette, Notary Public
State of Michigan, County of Ingham
My Commission Expires: March 30, 2008
Acting in the County of Ingham

Prepared by:
Debbie Strzelec
OFFICE OF LAND AND FACILITIES
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30448
LANSING MI 48909-7948



Mark Fairchild, Muskegon Co ROD D02

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Page: 2 of 2

RESIDENTIAL CONSTRUCTION AGREEMENT

This Residential Construction Agreement is made as of the 24 day of September 2004 between the (the "Owner") City of Muskegon 933 Terrace Muskegon and Briggs Construction 525 S Dangel Road Muskegon ("General Contractor") and Nobles Inc 210 E. Broadway Muskegon Heights (Developer). The construction site is ***407 Catherine City of Muskegon Revised Plat 1903 Lot 6 Block 79***

BACKGROUND

A. General Contractor and owner agree that General Contractor shall construct a Duplex Two family residence (the "Residence") for Owner pursuant to the Infill Program, according to terms of this Agreement.

THEREFORE, the parties agree as follows:

1. **The Residence.** General Contractor shall build the Residence in accordance with the plans and specifications, a copy of which is attached as Exhibit C (the "Plans"). Any features of the Residence that are not explicitly described in the Plans shall be determined in the sole discretion of the General contractor and the City of Muskegon. For example, unless specifically set forth on the Plans, the location of all electrical outlets shall be as determined by General Contractor after approval by the City of Muskegon

2. **Price.** The price for constructing the Residence shall be \$ 172,885.00("Price"). **The Price may change in the event General Contractor and Owner, agree to change orders, modifications or extras, as defined below, in writing and signed by all the above.**

2.1 The price is based on certain allowances. Allowances are merely estimates of costs for items to be added to the Residence at Purchaser's and Buyer's discretion, such as carpeting, light fixtures, window treatments, etc. The allowances used in determining the Price are set forth on Exhibit D. The Price will increase or decrease depending on the actual cost of the items listed as allowances. In the event the actual cost of any allowance exceeds the estimated amount ("Additional Allowance Amount"), Purchaser shall pay the Additional Allowance Amount within 30 days of General Contractor's invoice. No Additional Allowance Amount shall be billed through General Contractor without the express prior written consent of Purchaser.

3. **Costs Included.** The Price shall include the cost of all sales taxes incurred by General Contractor for materials purchased and installed in the Residence, but shall exclude sales tax for those items purchased either by General Contractor or owner as an allowance. The Price shall not include any other costs whatsoever associated with the construction of the Residence, including, but not limited to, utility bills, heating costs, sewer or water hook-up charges, trunkage fees, regional fees, or any other water, sewer or property tax assessments, each of which shall be Owner's sole responsibility.

1. **Payment of the Price.** The Price shall be paid in accordance with the following schedule ("Payment Schedule").

Draws may be requested no more than once per month. Requests for draws and documentation required will be in a format acceptable to the City of Muskegon, and shall include at a minimum lien waivers when required. The total amount of a draw may never exceed the percentage of completion, less a 10% holdback. The balance owed on the contract, including any holdback, shall be paid 30 days after issuance of a certificate of occupancy.

4. **Modifications/Extras.** No modifications to the Plans ("Modifications") or requests for additional construction ("Extras") shall be binding upon either party, unless the Modifications and/or Extras are set forth on a written change order that is signed by General Contractor, City of Muskegon ("Owner"). The Change Order must provide a detailed description of the Modifications and/or Extras and the cost or credit to be charged. Where a Change Order increases or decreases the Price ("Adjusted Price"), the Adjusted Price shall be paid according to the remaining portion of the Payment Schedule.

5. **Possession.** Upon payment in full, General Contractor shall deliver to Owner a completed sworn statement and a full unconditional waiver of lien. Payment of the Price or Adjusted Price by Purchaser shall constitute the acceptance of the Residence.

6. **Estimated Completion Date.** General Contractor shall commence construction of the Residence within 30 days from the date the parties sign this agreement ("Commencement Date"). General Contractor shall endeavor to complete the Residence within 150 days of the Commencement Date ("Completion Date"). Provided, that both the Commencement Date and the Completion Date may be extended as a result of circumstances beyond the control of General Contractor, including, but not limited to, delays caused by suppliers or subcontractors, delays for utility hook-ups, Acts of God, labor disputes, governmental inspections, regulations, or permit processes, material back orders, Purchaser's requests for Change Orders, fire, injury or disability to General Contractor or weather.

7. **General Contractor Conditions.** This Agreement is subject to and includes all of the Contractor Conditions attached to this Agreement as Exhibit A.

Dated: Sept 29, 04

Dated: SEPT. 29, 2004

Dated: _____

Dated: _____

General Contractor -

By: Rudy Briggs
Its: **Builder Rudy Briggs Briggs Construction**

By: Walter Nebedum
It's: **Developer Nobles Inc. Walter Nebedum President**

Stephen J. Warmington
Owner: **City of Muskegon, Stephen J. Warmington Mayor**

Gail Kunderger
Owner: **City of Muskegon**
Gail Kunderger, MMC City Clerk

EXHIBIT A

Contractor CONDITIONS

1. **General Contractor's Warranties.** All building materials used in the construction of the Residence shall be new. General Contractor guarantees its workmanship for a period of one year from the date of final completion. Within that period, General Contractor may replace, at its option, any materials incorporated into the Residence which are defective, provided the manufacturer's warranty is still in full force and effect and, in fact, the manufacturer honors that warranty. To make a claim under this warranty, Purchaser must give General Contractor written notice of any such defect in the workmanship and/or materials promptly upon discovery and not later than expiration of the one year warranty period. This warranty does not apply to workmanship or materials requiring repair or replacement because of normal wear and tear or natural settling. General Contractor shall turn over and transfer to Purchaser all manufacturers' warranties that are delivered directly to General Contractor by the manufacturer. All warranties under this agreement shall transfer upon the date of sale to Buyer as the Purchaser's successor in interest.

2. **Purchaser's Warranties.** Purchaser covenants and warrants that the Property is subject to a binding purchase agreement. Purchaser shall locate the exact location of the Residence on the Property. All corners of Residence shall be clearly marked with surveyor stakes. Purchaser covenants and agrees that such location is in compliance with all applicable federal, state and local rules and regulations, including, but not limited to, building restrictions, set-back requirements, sand dune and wetland laws, and regulations and zoning ordinances. In the event the location of the Residence is moved for any reason, General Contractor expressly reserves the right to increase the Price accordingly to the extent and in such amounts as the new location increases the cost to General Contractor.

3. **License.** General Contractor is a residential General Contractor and a residential maintenance and alteration contractor and is required to be licensed under article 24 of Act 299 of the Public Acts of 1980, as amended, being sections 339.2401 to 399.2412 of the Michigan Compiled Laws. An electrician is required to be licensed under Act No. 217 of the Public Acts of 1956, as amended, being sections 338.881 to 338.892 of the Michigan Compiled Laws. A Plumber is required to be licensed under Act No. 266 of the Public Acts of 1929, as amended being sections 338.901 to 338.917 of the Michigan Compiled Laws. General Contractor is licensed by the State of Michigan as a licensed Michigan Contractor and maintains its license in good standing. General Contractor's License and ID numbers are _____ and _____, respectively.

4. **Laws, Ordinances and Regulations.** In connection with the construction of the Residence, General Contractor shall meet and comply with all applicable laws, ordinances, and regulations.

5. **Notice of Commencement.** Purchaser shall deliver a Notice of Commencement in accordance with the Michigan Construction Lien Act within ten days of this Agreement.

6. **Diligent Pursuit.** General Contractor shall diligently pursue its obligations under this Agreement. If Purchaser believes that General Contractor has failed to comply with this paragraph, it shall provide General Contractor not less than 15 days written notice of such non-compliance, a list of Purchaser's specific complaints, and a reasonable time within which General Contractor shall cure any such reasonable complaints. Until Purchaser fully complies with the notice provisions set forth in this paragraph, Purchaser may not replace General Contractor with any other party to complete construction

and may not deduct from the Price any amount paid by Purchaser to complete construction in accordance with the Plans.

7. **Insurance.** Purchaser shall procure and maintain an "all risk" insurance policy and shall name General Contractor as an additional named insured. Purchaser shall provide General Contractor with evidence of such insurance upon request. General Contractor shall maintain a policy of General Contractor's insurance fully insuring the Residence from the date construction commences until the date of substantial completion. Purchaser and their mortgagee may also maintain a policy of insurance upon their interest in the Residence. General Contractor shall also carry public liability insurance with coverage limits not less than \$300,000 single-limit coverage and worker's compensation insurance in an amount not less than the statutory minimum. Such policies shall name Purchaser and their mortgagee as additional named insured. General Contractor shall provide Purchaser with evidence of such insurance upon request. Purchaser and General Contractor waive all rights against each other for damages caused by fire or other perils to the extent covered by insurance provided under this paragraph.

8. **Miscellaneous.**

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

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

9.3 **Full Execution.** This Agreement requires the signature of both parties. Until fully executed on a single copy or in counterparts, this Agreement is of no binding force or effect, and if not fully executed, this Agreement is void.

9.4 **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument. This Agreement shall become binding upon the parties when one or more counterparts, individually or taken together, shall bear the signatures of all parties.

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

9.6 **Severability.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be impaired or affected.

9.7 **No Discrimination.** Discrimination on the basis of religion, race, creed, color, national origin, age, sex, marital status, or handicapped condition by either party in respect to the construction of the Residence is prohibited.

9.8 **Assignment or Delegation.** Neither General Contractor nor Purchaser may assign all or any part of this Agreement. Provided, that General Contractor may delegate all or any part of its obligations to perform the services under this Agreement, to any persons or entities that General Contractor, in its sole discretion, deems appropriate, including sub-contractors. Such delegation shall be at the sole expense of General Contractor unless otherwise provided.

9.9 Notices. All required or permitted written notices shall be deemed effective and duly given when: (i) personally delivered; (ii) sent by fax; (iii) one day after depositing in the custody of a nationally recognized receipted overnight delivery service; or (iv) two days after posting in the U.S. first class, registered or certified mail, postage prepaid, to the recipient party at the address as set forth at the outset of this Agreement, or to such other address as the recipient party shall have furnished to the sender in accordance with the requirements for the giving of notice.

9.10 Pronouns. For convenience, Purchaser has been referred to this Agreement sometimes in the singular and at other times in the plural.

EXHIBIT B
Legal Description

City of Muskegon Revised Plat 1903 Lot 6 Block 79

EXHIBIT C
Plans and Specifications

EXHIBIT D
Allowances

The Price is based on the following allowances:

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 8/24/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: August 20, 2004

RE: Resolution Supporting Wastewater Rate Relief to Sappi Fine Paper

SUMMARY OF REQUEST:

To approve a resolution in support of providing wastewater rate relief to Sappi Fine Paper.

FINANCIAL IMPACT:

The rate relief for Sappi will cause an increase in rates to the City of approximately 11.5% in 2006.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution.

COMMITTEE RECOMMENDATION:

None.

CITY OF MUSKEGON

RESOLUTION SUPPORTING WASTEWATER RATE RELIEF TO SAPPI FINE PAPER

RESOLUTION NO. 2004-77(d)

WHEREAS, the City is a member of the Muskegon Municipal Wastewater Management Committee; and

WHEREAS, the Management Committee has been approached by the County of Muskegon and Sappi Fine Paper with a proposal for financial relief to Sappi Fine Paper in the form of reductions in wastewater debt service payments; and

WHEREAS, the Sappi Fine Paper mill has historically accounted for approximately 50% of all flow to the wastewater system and has paid an average of approximately 41% of debt service; and

WHEREAS, Sappi Fine Paper and the County have proposed to amend existing agreements, which include the City, to reduce Sappi Fine Paper's wastewater debt service obligations by 40% for fiscal years 2004 through 2008, so long as Sappi Fine Paper maintains an annual average flow of 10 million gallons per day; and

WHEREAS, on August 18, 2004, the Management Committee unanimously passed a motion to support the proposed financial relief to Sappi Fine Paper, provided that all appropriate legal documents are amended, and to encourage each Management Committee Member to immediately take the request back to its respective Local Unit for consideration.

NOW, THEREFORE, the City of Muskegon resolves to support the provision of financial relief to Sappi Fine Paper as outlined in the County's August 12, 2004, draft number 2, "First Addendum to Amended Service Agreement, Section II Provision for Financial Relief to Sappi Fine Paper," provided that all appropriate legal documents are amended; and

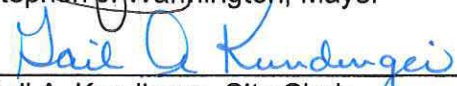
IT IS FURTHER RESOLVED that the Mayor is authorized to execute said legal documents on behalf of the City, upon approval of said documents by the City Attorney and the Management Committee's legal counsel.

AYES: Shepherd, Spataro, Warmington, Carter, Davis, Gawron,
and Larson

NAYS: None

RESOLUTION DECLARED ADOPTED:


Stephen J. Warmington, Mayor


Gail A. Kunderger, City Clerk

Draft #2 8/12/04(gm)

FIRST ADDENDUM TO AMENDED SERVICE AGREEMENT

This Addendum, is entered into by and between the County of Muskegon, Michigan, by and through its Department of Public Works [hereinafter referred to as the "County"], and Laketon Township, City of Montague, Dalton Township, City of Norton Shores, Whitehall Township, City of Whitehall, Muskegon Charter Township, City of North Muskegon, Egelston Township, Fruitport Charter Township, City of Muskegon, City of Roosevelt Park, City of Muskegon Heights, Fruitland Township [hereinafter referred to as the "Local Units"].

WITNESSETH:

WHEREAS, on July 7, 1998, a Consent Judgment was entered in the case of United States of America, et. al., vs. County of Muskegon, et. al., Civil Action Number 1:97 CV 486 (WD Michigan), which Consent Judgment incorporated by reference an "Amended Service Agreement" between County and Local Units; and

WHEREAS, the purpose of both Consent Judgment, and incorporated Amended Service Agreement, was to clarify rights and responsibilities of both County and Local Units with respect to the management and operation of Muskegon County Wastewater Management System Number 1 [hereinafter sometimes referred to as the "System"]; and,

WHEREAS, the parties are desirous of executing a "First Addendum" to said Amended Service Agreement in order to provide both financial relief to the County's major customer, Sappi Fine Paper, and in order to facilitate expansion of customer base; and,

WHEREAS, both County and Local Units deem it to be in the public interest, and in the interest of the customers of the Muskegon County Wastewater System Number 1, that financial relief be afforded to Sappi and that customer base be expanded.

Draft #2 8/12/04(gm)

NOW THEREFORE, it is agreed as follows:

I. Effect Upon Existing Amended Service Agreement.

That except as specifically modified or amended below, all terms and conditions as set forth in Amended Service Agreement shall remain unaltered, and in full force and effect.

II. Provision for Financial Relief to Sappi Fine Paper.

By execution of this "First Addendum", the County and Local Units acknowledge that they have individually, and collectively, made a determination that it is in the best interest of the System that the System's primary customer, Sappi Fine Paper, which historically has accounted for approximately fifty percent (50%) of all flow to System, be afforded financial relief in accordance with the more specific terms and conditions hereinafter set forth in order to assist Sappi in maintaining marketplace competitiveness and financial viability. To such end, the parties more specifically agree as follows:

A. **Debt obligation associated with existing \$17 million bond.**

Effective October 1, 2003, any industrial customer that discharges an annual average flow of 10 million gallons per day shall be accorded a forty percent (40%) "volume discount". This translates into a payment factor of .6 on service/debt charged imposed in connection with the retirement of such debt. Any such industry satisfying such requirement shall, as appropriate, be entitled to rebate consistent therewith within sixty (60) days of execution of this agreement by all Local Units. This is in reference to existing \$17 million bond issue.

Draft #2 8/12/04 (pm)

B. Debt Obligation Associated with Existing \$23 and \$2.3 million Bond Issues

Effective October 1, 2003, any industrial customer that discharges an annual average flow of 10 million gallons per day shall be entitled to a forty percent (40%) "volume discount" on payments which otherwise would be required to be made pursuant to the Muskegon County Wastewater Management System-No. 1 Capacity Allocation Contract, July 27, 1989 version. This translates into a factor payment of .6 of service/debt imposed in connection with the retirement of such debt, should otherwise be payable by any customer thereof. Rebate, as appropriate, shall be provided within sixty (60) days of execution of this Agreement by all Local Units. This is in reference to a \$2.3 million bond issue referenced in Capacity Allocation Contract.

C. Debt Obligation on Future Bond Payments

Effective upon execution of this Agreement by all Local Units, industries discharging an annual average flow of 10 million gallons per day shall be entitled to a forty percent (40%) "volume discount" in connection with the service/debt charge associated with any future bond payments. This translates into a factor payment of .6 of service/debt charge customarily charged.

III. Effect Upon Existing Capacity Allocation Agreement

A. Capacity

Nothing in this Addendum shall be construed, nor have the effect, of impairing the capacity rights of any signator to the Capacity Allocation Agreement, all of which rights shall continue in full force and effect.

Draft #2 8/12/04(pm)

B. Transference of Capacity

Except as specifically provided below, the provisions of the Capacity Allocation Agreement, relating to the transference of capacity, shall remain in full force and effect.

However, recognizing that there is a critical need to lessen, or eliminate barriers to enhancing customer base, and recognizing further that the existence of surplus capacity has lessened, if not eliminated, the practical value of such capacity as a commodity available for sale or transfer for monetary consideration, the County and Local Units hereby agree that there shall be no payment required to be made by any transferee of capacity, either to the System, or the transferor, either under capacity allocation or Access Rights Agreement. Provided, however, that any such transferee of capacity shall prospectively remain fully obligated for future bond payments under the Capacity Allocation Agreement.

IV. EFFECTIVENESS AND DURATION OF AGREEMENT

A. Effectiveness

This Agreement shall be deemed to be in full force and effect following execution of same by the County and all of the aforementioned Local Units and following execution of appropriate "consent" forms by the Service Agreement industries, or their successors, as referenced in Exhibit 1 of the Capacity Allocation Agreement. Such "consent" shall be in form acceptable to County Corporate Counsel.

Draft #2 8/12/04(jmm)

Finally, in the event any provision of this Addendum Agreement shall be determined to be unlawful, or unenforceable by a court of competent jurisdiction, or in the event such Agreement shall be legally challenged by any Service Agreement industry as above referenced, then this Agreement shall be deemed automatically null and void from such date forward.

B. Duration

This Agreement shall in totality be deemed to continue so as to run concurrent with the Amended Service Agreement previously entered into between the County and Local Units. Provided, however, the provisions of Article II of this Agreement, providing for financial relief to Sappi Fine Paper shall be deemed to continue for a period of five (5) years from date of execution by the County, through its Board of Public Works or, upon such date as Sappi Fine Paper annual average discharge is reduced below the level of 10 million gallons per day, calculated on an average annual basis.

IN WITNESS WHEREOF, the parties hereto, by and through their respective boards and commissions, have executed this Agreement, effective as of the 15th day of September, 2004.

This Agreement may be executed in mutual counterparts.

COUNTY OF Muskegon County
By its Board of Public Works

TOWNSHIP OF LAKETON

By: _____
Louis McMurray
Its Chairman

By: _____
Its: _____

Draft #2 K/12/04(gm)

CITY OF MONTAGUE

By: _____

Its: _____

TOWNSHIP OF DALTON

By: _____

Its: _____

CITY OF NORTON SHORES

By: _____

Its: _____

TOWNSHIP OF WHITEHALL

By: _____

Its: _____

CITY OF WHITEHALL

By: _____

Its: _____

MUSKEGON CHARTER TOWNSHIP

By: _____

Its: _____

CITY OF NORTH MUSKEGON

By: _____

Its: _____

TOWNSHIP OF EGELSTON

By: _____

Its: _____

FRUITPORT CHARTER TOWNSHIP

By: _____

Its: _____

CITY OF MUSKEGON

By: _____

Its: _____
CITY OF ROOSEVELT PARK

By: _____

Its: _____

CITY OF MUSKEGON HEIGHTS

By: _____

Its: _____

TOWNSHIP OF FRUITLAND

By: _____

Its: _____

FIRST ADDENDUM TO AMENDED SERVICE AGREEMENT

This Addendum, is entered into by and between the County of Muskegon, Michigan, by and through its Department of Public Works [hereinafter referred to as the "County"], and Laketon Township, City of Montague, Dalton Township, City of Norton Shores, Whitehall Township, City of Whitehall, Muskegon Charter Township, City of North Muskegon, Egelston Township, Fruitport Charter Township, City of Muskegon, City of Roosevelt Park, City of Muskegon Heights, and Montague Township, [hereinafter referred to as the "Local Units"].

WITNESSETH:

WHEREAS, on July 7, 1998, a Consent Judgment was entered in the case of United States of America, et al v County of Muskegon, et al, Civil Action Number 1:97 CV 486 (WD Michigan), which Consent Judgment incorporated by reference an "Amended Service Agreement" between County and Local Units; and

WHEREAS, the purpose of both the Consent Judgment, and incorporated Amended Service Agreement, was to clarify rights and responsibilities of both the County and Local Units with respect to the management and operation of the Muskegon County Wastewater Management System Number 1 [hereinafter sometimes referred to as the "System"]; and,

WHEREAS, the parties are desirous of executing a "First Addendum" to said Amended Service Agreement in order to provide financial relief to the System's major customer, Sappi Fine Paper, and,

WHEREAS, both the County and Local Units deem it to be in the public interest, and in the interest of the customers of the System, that financial relief be afforded to Sappi.

NOW THEREFORE, it is agreed as follows:

I. Effect Upon Existing Amended Service Agreement.

Except as specifically modified or amended below, all terms and conditions as set forth in Amended Service Agreement shall remain unaltered, and in full force and effect.

II. Provision for Financial Relief to Sappi Fine Paper.

By execution of this First Addendum, the County and Local Units acknowledge that they have individually, and collectively, made a determination that it is in the best interest of the System that the System's primary customer, Sappi Fine Paper, which historically has accounted for approximately fifty percent (50%) of all flow to System, be afforded financial relief in accordance with the more specific terms and conditions hereinafter set forth in order to assist Sappi in maintaining marketplace competitiveness and financial viability. To such end, the parties more specifically agree as follows:

A. **Debt Obligation Associated with Existing \$17 million Bond.**

Effective October 1, 2003, any industrial User that discharges an annual average flow of 10 million gallons per day shall be accorded a forty percent (40%) "volume discount". This translates into a payment factor of .6 on service/debt charge imposed in connection with the retirement of the \$17 million bond. Any such industry satisfying such requirement shall, as appropriate, be entitled to a rebate consistent therewith within sixty (60) days of execution of this First Addendum by the County and all Local Units. This is in reference to the existing \$17 million bond issue.

B. **Debt Obligation Associated with Existing \$23 and \$2.3 million Bond Issues**

Effective October 1, 2003, any industrial User that discharges an annual average flow of 10 million gallons per day or more shall be entitled to a forty percent

amount, together with interest calculated at the rate of 4% per annum prior to the expiration of this First Addendum.

III. Effectiveness and Duration of First Addendum

A. Effectiveness

This First Addendum shall be deemed to be in full force and effect following execution of same by the County and all of the aforementioned Local Units.

In the event any provision of this First Addendum shall be determined by a court of competent jurisdiction to be unlawful or unenforceable, all other provisions shall remain in full force and effect.

B. Duration

This First Addendum shall run concurrent with the Amended Service Agreement previously entered into between the County and Local Units. Provided, however, the provisions of Article II of this First Addendum, providing for financial relief for Sappi Fine Paper and/or other large Users, shall be deemed to continue through September 30, 2008 or, upon such date as Sappi Fine Paper's or other User's annual average discharge is reduced below the level of 10 million gallons per day, calculated on an average annual basis, whichever occurs first. The net effect, insofar as Sappi is concerned is that Sappi shall be eligible for up to five (5) annual reductions and/or rebates on debt.

IN WITNESS WHEREOF, the parties hereto, by and through their respective boards and commissions, have executed this First Addendum, effective as of the _____ day of _____, 2004.

This First Addendum may be executed in mutual counterparts.

COUNTY OF MUSKEGON
By its Board of Public Works

By: _____
Louis McMurray
Its: Chairman

CITY OF MONTAGUE

By: _____
Its: _____

TOWNSHIP OF DALTON

By: _____
Its: _____

CITY OF NORTON SHORES

By: _____
Its: _____

TOWNSHIP OF WHITEHALL

By: _____
Its: _____

CITY OF WHITEHALL

By: _____
Its: _____

MUSKEGON CHARTER TOWNSHIP

By: _____
Its: _____

TOWNSHIP OF MONTAGUE

By: _____
Its: _____

TOWNSHIP OF LAKETON

By: _____
Its: _____

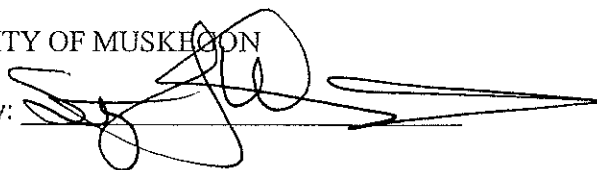
TOWNSHIP OF EGELSTON

By: _____
Its: _____

FRUITPORT CHARTER TOWNSHIP

By: _____
Its: _____

CITY OF MUSKEGON

By: 
Its: Mayor

CITY OF ROOSEVELT PARK

By: _____
Its: _____

CITY OF MUSKEGON HEIGHTS

By: _____
Its: _____

CITY OF NORTH MUSKEGON

By: _____
Its: _____

Memo

To: Mayor Warmington and City Commissioners
From: Bryon L. Mazade, City Manager *BLM*
CC: Gail Kunding
Date: 08/24/04
Re: Closed Session – Collective Bargaining

I would like the City Commission to go into closed session at tonight's meeting to discuss collective bargaining relating to the police patrol unit. We had reached impasse with this unit and were preparing to go to binding arbitration in September. However, we are now close to a resolution and would like to discuss the matter with you.

Thank you for your consideration.