

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 8, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Liquor License Request – Racquets Downtown Grill, 446 W. Western.
CITY CLERK
 - C. City – MDOT Agreement for Western Avenue, Third Street to Eighth Street. PLANNING & ECONOMIC DEVELOPMENT
 - D. Tool & Die Recovery Zone Status for Aero Foil International, Inc.
PLANNING & ECONOMIC DEVELOPMENT
 - E. Reaffirmation of the Metropolitan Planning Organization Policy Committee. CITY MANAGER
- ❑ PUBLIC HEARINGS:
 - A. Request for an Industrial Facilities Exemption Certificate – ESCO.
PLANNING & ECONOMIC DEVELOPMENT
 - B. Create a Special Assessment District for Getty Street, Hovey to Keating.
ENGINEERING
 - C. Spreading of the Special Assessment Roll for Cherry Street, Wilcox to Thompson. ENGINEERING
 - D. Spreading of the Special Assessment Roll for Forest Avenue, Ruddiman to Davis. ENGINEERING
 - E. Spreading of the Special Assessment Roll for Sixth Street, Houston to Muskegon. ENGINEERING

- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**
- ❑ **NEW BUSINESS:**

A. Former Lakos Property – Holiday Inn. 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 LINDA POTTER, ACTING CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: August 8, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 25, 2006.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 8, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, August 8, 2006.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from the Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Clara Shepherd, Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

2006-66 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 25, 2006.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

D. Tool & Die Recovery Zone Status for Aero Foil International, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone for Aero Foil International, Inc., 1839 Sixth Street.

FINANCIAL IMPACT: The City will forgo approximately \$22,660 per year for a total of approximately \$192,610 in taxes for the 15 year period of the zone. This is only for portions of 2012, 2013, 2014 and all of years 2015 – 2021 (as the property is currently located in a Renaissance Zone). In addition, any future investments would be tax exempt also.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone, and authorize the Mayor and Clerk to sign.

E. Reaffirmation of the Metropolitan Planning Organization Policy Committee. CITY MANAGER

SUMMARY OF REQUEST: To reaffirm, by resolution signed by the Mayor, the City's membership on the WestPlan Policy Committee as the Metropolitan Planning Organization Policy Committee for the Muskegon/Grand Haven Urbanized Area transportation planning program.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the Consent Agenda as read minus items C and B.

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

Nays: None

MOTION PASSES

2006-67 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. Liquor License Request – Racquets Downtown Grill, 446 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Southbound Inc., doing business as Racquets Downtown Grill, to add a new permit for Outdoor Service.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval subject to final inspection.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the liquor license request for Racquets Downtown Grill, 446 W. Western.

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

Nays: None

MOTION PASSES

C. City – MDOT Agreement for Western Avenue, Third Street to Eighth Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the contract with Michigan Department Of Transportation for the reconstruction of Western Avenue from Third Street to Eighth Street and to approve the resolution authorizing the Mayor and City Clerk

to sign the contract.

FINANCIAL IMPACT: The estimated total construction cost of the project is \$633,800.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the major Street funds as was budgeted and through CDBG grant funding, and a \$50,000 grant from the Community foundation.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the City – Michigan Department of Transportation Agreement for Western Avenue, Third Street to Eighth Street.

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

Nays: None

MOTION PASSES

2006-68 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – ESCO.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, ESCO, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1221 E. Barney, Muskegon. The total capital investment is approximately \$3,374,253 in personal property and \$58,647 in real property. This request qualifies ESCO for a term of twelve years for real property and seven years for personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve years for real property and seven years for personal property.

The Public Hearing opened at 5:40 p.m. to hear and consider any comments from the public. No comments were heard from the public.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to close the public hearing at 5:41 p.m. and approve the resolution granting the Industrial Facilities Exemption Certificate for twelve years for real property and seven years for personal property for ESCO.

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

Nays: None

MOTION PASSES

B. Create a Special Assessment District for Getty Street, Hovey to Keating.

ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for Getty Street, from Hovey to Keating; and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. The following spoke in opposition: Michelle Poholski, 5845 Maple Island, Nunica, MI owner of 2306 S. Getty; Attorney Annette Smedley, 3006 Glade, representing 2152 S. Getty, 2214 S. Getty, and 2222 S. Getty; Tom George, 535 Seminole, owner of 2350 S. Getty; and Roy Kittle owner of Budget Transmission at 2280 S. Getty.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing at 6:10 p.m. and create the special assessment district for Getty Street, Hovey to Keating and to include 2152 S. Getty, 2214 S. Getty, and 2222 S. Getty as voting "no".

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

Nays: None

MOTION PASSES

Mayor Warmington and Commissioner Carter were assigned to the Board of Assessors.

C. Spreading of the Special Assessment Roll for Cherry Street, Wilcox to Thompson. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Cherry Street from Wilcox Avenue to Thompson Avenue, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$23,808 would be spread against the thirteen parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:12 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Spataro, second by Commissioner Davis to close the Public Hearing at 6:13 p.m. and approve the special assessment roll and adopt the resolution for Cherry Street, Wilcox to Thompson.

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

Nays: None

MOTION PASSES

D. Spreading of the Special Assessment Roll for Forest Avenue, Ruddiman to Davis. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Forest Avenue from Davis Street to Ruddiman Street, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$9,488 would be spread against the five parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

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

Motion by Vice Mayor Gawron, second by Commissioner Spataro to close the Public Hearing at 6:15 p.m. and approve the special assessment roll for Forest Avenue, from Ruddiman to Davis.

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

Nays: None

MOTION PASSES

E. Spreading of the Special Assessment Roll for Sixth Street, Houston to Muskegon. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Sixth Street from Houston Avenue to Muskegon Avenue, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$9,968 would be spread against the six parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:15 p.m. to hear and consider any comments from the public. Robert Mitchell, 1260 Seventh Street, owner of 428 Houston, spoke in opposition.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 6:18 p.m. and approve the spreading of the special assessment roll for Sixth Street, Houston to Muskegon.

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

Nays: None

MOTION PASSES

2006-69 NEW BUSINESS:

A. Former Lakos Property – Holiday Inn. CITY MANAGER

SUMMARY OF REQUEST: The owners of the Holiday Inn have requested the City waive the deed restrictions on the former Lakos property and provide clear title to the property. The hotel owners have offered to pay \$10,000 for this transaction and have agreed to continue to allow the public to use the parking lot until the property is developed.

FINANCIAL IMPACT: \$10,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Commissioner Shepherd to provide clear title to the former Lakos property in exchange for the \$10,000 fee for the transaction, and continue allowing the public to use the parking lot until the property is developed.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:46 p.m.

Respectfully submitted,



Linda Potter, CMC
Acting City Clerk

Commission Meeting Date: August 8, 2006

Date: July 27, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Tool & Die Recovery Zone Status for Aero Foil International, Inc

SUMMARY OF REQUEST: To approve the attached Development Agreement and Resolution establishing a Tool & Die Recovery Zone for Aero Foil International, Inc., 1839 Sixth Street.

FINANCIAL IMPACT: The City will forgo approximately \$22,660 per year for a total of approximately \$192,610 in taxes for the 15 year period of the zone. This is only for portions of 2012, 2013, 2014 and all of years 2015- 2021 (as the property is currently located in a Renaissance Zone). In addition any future investments would be tax exempt also.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development Agreement and Resolution establishing a Tool & Die Recovery Zone, and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

2006-66(d)

Resolution to Request a Renaissance Recovery Zone

WHEREAS, the City of Muskegon desires to promote economic activity and maintain/increase the number of jobs available to residents of the area, and;

WHEREAS, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased productivity;

WHEREAS, the designation of a Renaissance Recovery Zone will temporarily reduce the tax burden paid by the business enabling it to reposition itself to compete globally, and;

WHEREAS, the business has entered into a collaborative agreement with other business entities having the appropriate North American industrial classification, and;

WHEREAS, the qualified tool and die business property is property leased or owned by a tool and die business and used primarily for tool and die operations;

WHEREAS, should the area be designated a Renaissance Recovery Zone, property within that zone will be exempt from taxes levied by the city, county, and other units of government as provided under this Act, and;

WHEREAS, we estimate that the tax revenue lost, which is estimated on the attached schedule, would be a small fraction of the benefits the designation of a Renaissance Recovery Zone will bring the community.

THEREFORE BE IT RESOLVED, that the City of Muskegon requests that the State of Michigan designate Aero Foil International, Inc., 1839 6th Street, Muskegon MI 49441, Property ID # 24-230-001-0001-10 & 24-921-022-0004-10, identified by the resolution a Renaissance Recovery Zone under Public Act 376 of 1996 for a duration of 15 years.

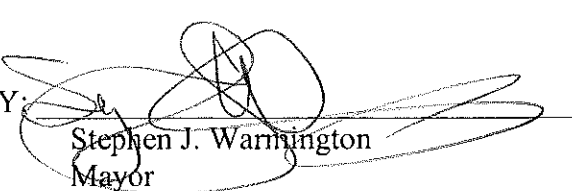
Adopted this 8th Day of August 2006.

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

Nays: None

Absent: None

BY:


Stephen J. Warmington
Mayor

ATTEST: Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on August 8, 2006.

Linda Potter
Linda Potter, Acting City Clerk

Abated Taxes - AeroFoil

Year	Abatement Amount
2012	\$5,665
2013	\$11,330
2014	\$16,995
2015	\$22,660
2016	\$22,660
2017	\$22,660
2018	\$22,660
2019	\$22,660
2020	\$22,660
2021	\$22,660
TOTAL Abatement	
\$192,610	

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON TOOL AND DIE RENAISSANCE RECOVERY ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49443 ("City") and Aero Foil International a Tool & Die Manufacturing company located at 1839 6th Street, Muskegon, MI.

Recitals:

A. The City has received a request from the Company and intends to consider the location designation of a Tool and Die Renaissance Recovery Zone, and as a condition thereof this Agreement must be approved and executed by the Company prior to the establishment of the Tool and Die Renaissance Recovery Zone. Upon approval of Tool and Die Renaissance Recovery Zone status for the Property, the City will sign this Agreement. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of Company in the Tool and Die Renaissance Recovery Zone, and the City relies upon the undertakings of Company in the Agreement to allow and to continue the Tool and Die Renaissance Recovery Zone status of the Company.

B. The Company intends to install the projects set forth in its Application for the Tool And Die Recovery Zone. The Company understands that the City relies upon the undertakings of the Company in the Agreement to establish and to continue the Company's status as a Tool And Die Renaissance Recovery Zone Company.

NOW THEREFORE THAT PARTIES AGREE:

1. DOCUMENTS ATTACHED. Included in this Agreement are the following documents which have been collected and relied upon by the parties:
 - 1.1 Copy of the Michigan Renaissance Zone Act, as amended to date.
2. COMPANY AGREEMENT. The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner.
 - 2.1 Maintain the current level of employment at the same level.
3. AGREEMENT BY THE CITY. Provided this Agreement has been executed and further provided all applications concerning Tool and

Die Renaissance Recovery Zone status have been properly filed, the City shall, in a timely manner, proceed with the appropriate meetings or applications including as necessary with the State of Michigan and with all local review entities by law. The City may consider this agreement in a meeting separate from and prior to the meeting in which the City or any entity considers the approval of the applicant for Tool and Die Renaissance Recovery Zone status.

4. EVENTS OF DEFAULT. The following actions or failures to comply shall be considered events of default by the Company.

- 4.1 Failure to meet any of the commitments set forth above.
- 4.2 Failure to afford to the City the documentation and reporting required.
- 4.3 The failure to pay any taxes other than those exempted by the Michigan Renaissance Zone Act, and the failure to pay any special assessments levied on the Company's property timely after levy or final appeal.
- 4.4 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.
- 4.5 Relocation of the Company to a location outside of the City limits of the City of Muskegon.

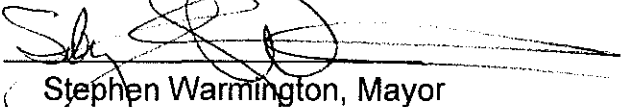
5. REMEDIES ON DEFAULT. In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process.

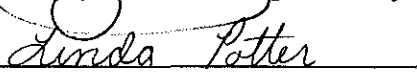
- 5.1 Failure to Install Improvements. In the event the improvements, renovations and the equipment have not been completed or installed by the time set forth in the attachments, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.2 Failure to Expend the Funds Represented. Whether or not the installations have been completed, if the Company has not expended the funds it has represented on its application that it would invest, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company.

- 5.3 Failure to Maintain the Current level of employment. Whether or not the installations have been completed, if the Company has not maintained the number of employees at the same level as when the application for Industrial Facility Tax Abatement was submitted, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company
- 5.4 Relocation of the Company to a location outside of the City limits of the City of Muskegon. In the event the Company relocates outside of the City of Muskegon, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.5 Other Violations. For any material violations of this Agreement, the City reserves the right to seek declaration by a court or entity with authority.
- 5.6 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action which may result in invocation of the remedies above. It shall take the following factors into consideration:
- 5.6.1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City.
- 5.6.2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.
- 5.6.3 Whether the effect on the City's finances of the Company's actions is material and substantial.
- 5.6.4 Whether the circumstances affecting the status of the company was created by occurrences beyond the control of the Company or could have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.

6. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan, and in particular the Michigan Renaissance Zone Act of the State, as amended.
7. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.
8. Benefits. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors assigns and personal representatives.
9. Effective Date. This Agreement shall be effective on the date the State of Michigan grants the Tool and Die Renaissance Recovery Zone designation.
10. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

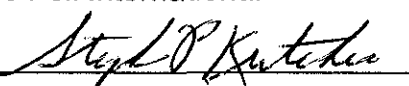
CITY OF MUSKEGON,
a municipal corporation

By 
Stephen Warmington, Mayor

and 
Linda Potter, Acting City Clerk

Dated: August 17, 2006

Aero Foil International

By 
Its _____

and 
Its _____

Dated: July 27, 2006

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: August 1, 2006

RE: Reaffirmation of the Metropolitan Planning Organization Policy Committee

SUMMARY OF REQUEST:

To reaffirm, by resolution signed by the Mayor, the City's membership on the WestPlan Policy Committee as the Metropolitan Planning Organization Policy Committee for the Muskegon/Grand Haven Urbanized Area transportation planning program.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.



City of
Muskegon
State of Michigan

WHEREAS, the U.S. Census Bureau designated portions of Muskegon County and northern Ottawa County as part of the Muskegon/Grand Haven Urbanized Area as a result of the 2000 Census;

WHEREAS, 23 U.S.C. 134 and 49 U.S.C. 5303 require the designation of an MPO in urbanized areas with a population greater than 50,000 in order to carry out the transportation planning process;

WHEREAS, 23 U.S.C. 134 requires the identification of a policy body that will be the forum for cooperative decision making and necessary approval actions;

WHEREAS, local area governments formed the West Michigan Metropolitan Transportation Planning Program (WestPlan) in 2003, to be the MPO Policy Committee;

WHEREAS, WestPlan Policy Committee has final authority for all policy decisions regarding federal transportation planning program;

WHEREAS, the City of Muskegon has been a member of the WestPlan Policy Committee since 2003;

NOW, THEREFORE, BE IT RESOLVED, that the City of Muskegon reaffirms its membership on the WestPlan Policy Committee as the MPO Policy Committee for the Muskegon/Grand Haven Urbanized Area transportation planning program.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the City of Muskegon to be affixed this 8th day of August, 2006.


Stephen J. Warmington, Mayor

Date: August 8, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Request
Racquets Downtown Grill, 446 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Southbound Inc., doing business as Racquets Downtown Grill to add a new permit for Outdoor Service.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval subject to final inspection.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

RECEIVED

JUL 27 2006

**MUSKEGON POLICE DEPT.
CHIEF of POLICE**

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 07-27-06

Re: Liquor License

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Southbound Inc., doing business as Racquets Downtown Grill, of 446 W. Western Ave., Muskegon, MI. 49440.

Southbound Inc. is requesting to add a new permit for Outdoor Service.

A check of MPD records showed no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/liquor/Racquets

2006-67(6)

7-27-06

JMA



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 367561 (jr)

Business ID # 3767

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

July 12, 2006

TO: MUSKEGON POLICE DEPARTMENT
 CHIEF OF POLICE
 1990 E APPLE
 MUSKEGON, MI 49442

Re: 2006 Class C/SDM licensed business with Dance Permit, Entertainment Permit (without dressing rooms), held in the name of Southbound, Inc., located at 446 W Western, Muskegon MI, 49440, Muskegon County.

Contact: Dwight Hamilton, 7216 Lifeguard Road, Montague MI, 49437 (Phone: 231-894-2587) *Request*

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation, as requested below, to the offices of the Michigan Liquor Control Commission at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
 Weekdays _____ A.M. to _____ A.M.
 Sundays _____ A.M. to _____ A.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Note: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
 Weekdays _____ A.M. to _____ A.M.
 Sundays _____ A.M. to _____ A.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

7-27-06
TAM
REQ 367541

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ OUTDOOR SERVICE

☐ Recommended ☒ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

K J. L. Kleber

DIRECTOR OF PUBLIC SAFETY

Signature and Title
Muskegon Police Department

Date: 7-28-06

LIQUOR LICENSE REVIEW FORM

Business Name: Southbound, Inc.

AKA Business Name (if applicable): Racquets

Operator/Manager's Name: Dwight Hamilton

Business Address: 446 W. Western

Muskegon, MI 49440

Reason for Review:

New License ☐

Transfer of Ownership ☐

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other Add Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunder, Jr.,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Southbound, Inc.

AKA Business Name (if applicable): Racquets

Operator/Manager's Name: Dwight Hamilton

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Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other Add Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☒

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Fire/Inspections

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

[Signature]

Please return to the City Clerk's Office

Gail A. Kundering,

Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Southbound, Inc.

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Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☒ Amount: \$112.56 *paid

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

* WATER UTILITY BILL DUE 7/25/06
ACCOUNT # 212271002

Department Signature [Signature] 7/31/06

Please return to the City Clerk's Office
Gail A. Kundinger,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Southbound, Inc.

AKA Business Name (if applicable): Racquets

Operator/Manager's Name: Dwight Hamilton

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Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

RECEIVED

JUL 21 2006

CITY OF MUSKEGON
PLANNING DEPARTMENT

Department Signature M. L. Curran

Please return to the City Clerk's Office
Gail A. Kundinger,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

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AKA Business Name (if applicable): Racquets

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Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Add Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Gene Dempsey

Please return to the City Clerk's Office
Gail A. Kundinger,
Liquor License Coordinator

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Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Pending final inspection

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunder, Jr.
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

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Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

The outdoor set up will

be subject to inspection
by the MFD FPD for the purpose of
EG/CS

Department Signature Mary Metcalfe

Please return to the City Clerk's Office
Gail A. Kunder, Jr.
Liquor License Coordinator

7006 0100 0004 8340 7008

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only, No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To

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

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Liquor Control Commission
 7150 Harris Drive
 PO Box 30005
 Lansing, MI 48909-7505

2. Article Number

(Transfer from service label)

7006 0100 0004 8340 7008

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SECTION ON DELIVERY

☐ Agent	
☐ Addressee	
Printed Name)	C. Date of Delivery

Address different from item 1? ☐ Yes
 Delivery address below: ☐ No

DEAN HALL
 SERVICES, AGENT FOR STATE OF MI

614 2006	
Mail ☐ Express Mail	
☐ Return Receipt for Merchandise	
OFFICE BOX 30005	
Delivery (Extra Fee) ☐ Yes	

10 7008

COMPLETE THIS SECTION ON DELIVERY

A. Signature	☐ Agent
X	☐ Addressee
B. Received by (Printed Name)	C. Date of Delivery

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

3. Service Type	
☒ Certified Mail	☐ Express Mail
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Commission Meeting Date: August 8, 2006

Date: August 1, 2006
To: Honorable Mayor and City Commissioners
From: Planning
**RE: City – MDOT Agreement for:
Western Avenue, Third Street to Eighth Street**

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the reconstruction of Western Avenue from Third Street to Seventh Street and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

The estimated total construction cost of the project, is \$633,800.

BUDGET ACTION REQUIRED:

None at this time. The City's share of the cost will come out of the Major Street funds as was budgeted and through CDBG grant funding, and a \$50,000 grant from the Community Foundation. .

STAFF RECOMMENDATION:

That the attached agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

None.

RESOLUTION 2006-67(c)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE RECONSTRUCTION OF WESTERN AVENUE FROM THIRD STREET TO SEVENTH STREET TOGETHER WITH THE NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND ACTING CITY CLERK LINDA POTTER TO EXECUTE SAID CONTRACT

Moved by Commissioner Spataro and supported by

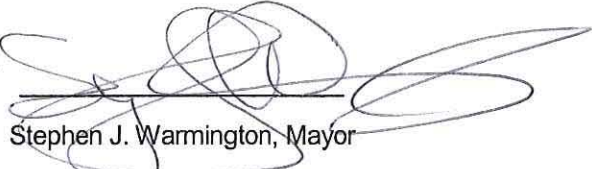
Commissioner Shepherd that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **06-5322** between the Michigan Department of Transportation and the City of Muskegon for the **reconstruction of Western Avenue from Third Street to Eighth Street** within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **06-5322** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 8th day of August , 2006.

BY


Stephen J. Warmington, Mayor

ATTEST


Linda Potter, Acting City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on August 8, 2006. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Linda Potter, Acting City Clerk



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

September 12, 2006

Ms. Gail Kunding, Clerk
City of Muskegon
933 Terrace Street
Muskegon, MI 49443-0536

Dear Ms. Kunding:

RE: MDOT Contract Number: 06-5322
Control Section: STE 61153
Job Number: 83646

Enclosed is a fully executed copy of the above noted agreement.

Sincerely,

Vanessa Skym
Contract Processing
Design Support Area

Enclosure

cc: B. Kadzban, Design Support Area
Grand Region
Project Accounting, Financial Operations Division

*cc: Engineering
Planning*

STP

DIR

Control Section	STE 61153
Job Number	83646
Project	STP 0661 (017)
Federal Item No.	TT 0173
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	06-5322

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of SEP 12 2006, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Muskegon, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated July 7, 2006, attached hereto and made a part hereof:

PART A – FEDERAL PARTICIPATION

Streetscaping work along West Western Avenue from 3rd Street to 8th Street; including stamped concrete crosswalks, colored concrete sidewalk, landscaping, tree plantings, decorative street lighting, benches, trash receptacles, and planter work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Hot mix asphalt coldmilling and resurfacing work along West Western Avenue from 3rd Street to 8th Street; including contractor staking, audiovisual taping, and irrigation system work; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of transportation enhancement activities; and

WHEREAS, it has been determined that the PROJECT qualifies for such funding by virtue of its direct relationship with the intermodal transportation system; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

TRANSPORTATION ENHANCEMENT ACTIVITIES
SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering and inspection incurred by the DEPARTMENT will be charged 100 percent to the REQUESTING PARTY. Any other costs incurred by the DEPARTMENT as a result of this contract will be at PROJECT COST.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, under the terms of this contract, shall:

A. At no cost to the PROJECT

(1) Design or cause to be designed the plans for the PROJECT.

(2) Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

- (3) Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.
- B. Within 10 days of any ceremony to be held in connection with the PROJECT, notify the DEPARTMENT.
- C. When issuing any news release or promotional material regarding the PROJECT, give the DEPARTMENT and FHWA credit for participation in the PROJECT.
- D. Within 60 days of completion of the PROJECT work, prepare and submit a project report in accordance with current DEPARTMENT requirements. Said report & notification shall be submitted to:

Jaqueline G. Shinn, Transportation Enhancement Administrator
Office of Economic Development and Enhancement
425 West Ottawa, P.O. Box 30050
Lansing, Michigan 48909
Phone: (517) 335-1069

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

- 5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at the established Federal participation ratio equal to 72 percent up to an amount not to exceed \$325,460. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

- 6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. It is understood that the REQUESTING PARTY is the owner of the facilities constructed as the PROJECT and that said facilities may require special or unusual operation and/or maintenance. The REQUESTING PARTY certifies, by execution of this contract, that upon completion of construction and at no cost to the PROJECT or the DEPARTMENT, it will properly maintain or provide for the maintenance and operation of the PROJECT, making ample provisions each year for the performance of such maintenance work as may be required.

On projects for the construction of bikeways, the REQUESTING PARTY will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.

On projects involving the restoration of historic facilities, the REQUESTING PARTY agrees that the project will not be awarded until the owner of such facilities has an Historic Preservation Covenant, which includes an Historic Preservation Easement, or an Historic Preservation Agreement, as appropriate, with the Michigan State Historic Preservation Office in accordance with 1995 PA 60 for the purpose of insuring that the historic property will be preserved. The REQUESTING PARTY also agrees that such facilities shall be maintained and repaired by the REQUESTING PARTY or owner, as applicable, at no cost to the DEPARTMENT or the PROJECT, in such a manner as to preserve the historical integrity of features, materials, appearance, workmanship, and environment.

On projects which include landscaping, the REQUESTING PARTY agrees to perform or cause to be performed, at no cost to the DEPARTMENT, the watering and cultivating necessary to properly establish the plantings for a period of two growing seasons, in general conformance with Section 815.03(L) of the DEPARTMENT'S Standard Specifications for Construction. The REQUESTING PARTY shall maintain all plantings following completion of said period of establishment.

Failure of the REQUESTING PARTY to fulfill its responsibilities as outlined herein may disqualify the REQUESTING PARTY from future Federal-aid participation in Transportation Enhancement projects or in other projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(l); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the

amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections, and recommendations by the DEPARTMENT shall not relieve the REQUESTING PARTY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control, or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of any of their highways and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of any REQUESTING PARTY highway for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

15. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

16. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume either ownership of any portion of the PROJECT or jurisdiction of any REQUESTING PARTY highway as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

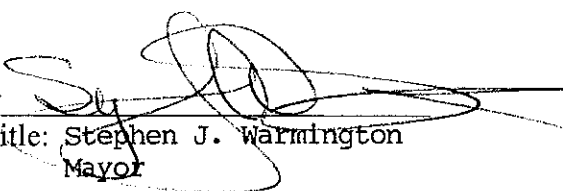
17. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

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

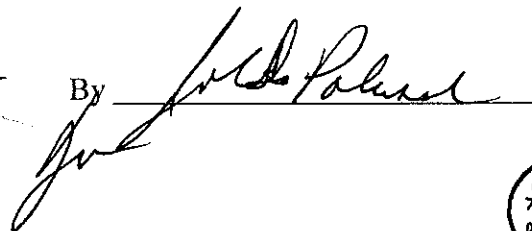
CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

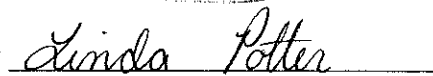
By


Title: Stephen J. Warmington
Mayor

By



By


Title: Linda Potter
Acting City Clerk



July 7, 2006

EXHIBIT I

CONTROL SECTION STE 61153
JOB NUMBER 83646
PROJECT STP 0661 (017)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$432,800	\$201,000	\$633,800

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$432,800	\$201,000	\$633,800
Less Federal Funds*	<u>\$311,600</u>	<u>\$ - 0 -</u>	<u>\$311,600</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$121,200	\$201,000	\$322,200

*Federal Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at a participation ratio equal to 72 percent up to an amount not to exceed \$325,460.

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

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SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement
 - g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

- h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 3. Modification Or Construction Of Railroad Facilities
 - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$25,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and

reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

- A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

- a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).
- b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

- c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.
- d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Commission Meeting Date: August 8, 2006

Date: August 2, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – ESCO

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, ESCO, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1221 E. Barney, Muskegon. The total capital investment is approximately \$3,374,253.00 in personal property and \$58,647.00 in real property. This request qualifies ESCO for a term of twelve (12) years for real property and seven (7) years for personal property.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and seven (7) years for personal property.

COMMITTEE RECOMMENDATION: None

Resolution No. 2006-68 (a)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
ESCO**

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 24, 1995, this Commission by resolution established an Industrial Development District as requested by ESCO, 1221 E. Barney, Muskegon, Michigan 49441; and

WHEREAS, ESCO has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building expansion and new machinery and equipment to be installed within said Industrial Development District ; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on March 28, 2006, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of ESCO, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the building expansion and installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

(See Attachment #1)

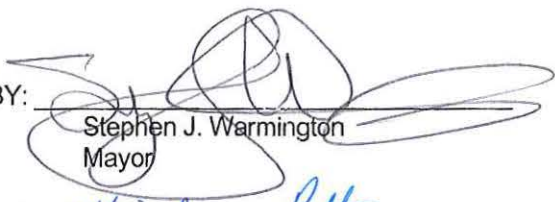
- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of seven (7) years on personal property and twelve (12) years on real property.

Adopted this 8th Day of August 2006.

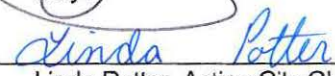
Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and
Warmington

Nays: None

Absent: None

BY: 

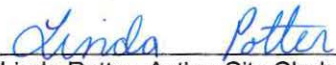
Stephen J. Warmington
Mayor

ATTEST: 

Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on August 8, 2006.


Linda Potter, Acting City Clerk

Attachment A: Property Description

CITY OF MUSKEGON PT OF NW 1/4 OF SE 1/4 & PT OF SW 1/4 OF NE 1/4 SEC 33 T10N R16W
DESC AS: COM @ S 1/4 COR SAID SEC 33 TH N 1D 02M 52S E ALONG N/S 1/4 LINE 2011.75 FT
TH N 89D 27M 40S E ALONG S LINE OF NW 1/4 OF NW 1/4 OF SE 1/4 OF SAID SEC 233.0 FT TH N
1D 02M 52S E PAR WITH N/S 1/4 LINE 33.01 FT TO POB TH CONT N 1D 02M 52S E PAR WITH
N/S 1/4 LINE 637.66 FT TO POINT OF INT WITH E/W 1/4 LINE TH N 1D 00M 40S E PAR WITH N/S
1/4 LINE 79.74 FT TH S 71D 06M 53S E ALONG SLY RT OF WAY LINE CONSUMERS POWER
COMPANY 288.83 FT TH S 1D 02M 52S W PAR WITH N/S 1/4 LINE 621.31 FT TH S 89D 27M 40S
W 275.00 FT TO POB ALSO COM @ A POINT 33 FT N & 508 FT E OF SW 1/4 SEC 33 TH N 621.59
FT TO SLY LINE CONSUMERS POWER COMPANY RT OF WAY TH SELY ALONG SAID RT OF
WAY 866.09 FT TH S 458.50 FT TH NWLY 586.01 FT TO N LINE BARNEY EXTENDED TH W
252.00 FT TO POB ALSO W 727.74 FT OF S 1/2 OF NW 1/4 OF SE 1/4 SEC 33 T10N R16W
INCLUDING VAC E BARNEY AVE BEG 200 FT E OF E LN OF ROBERTS ST EXC N 33 FT AND W
33 FT TH'OF FOR STS

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	Date received by Local Unit 6/26/06
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

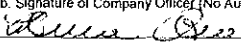
All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility) ESCO Company Limited Partnership		1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (Four or Six Digit Code) 2865	
1c. Address of Facility (real property or personal property location) 1221 E. Barney Muskegon, MI 49444		1d. Name of City/Township/Village (Indicate which) Muskegon	1e. County Muskegon
2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))		3a. School District where facility is located Orchard View	3b. School Code 61-190
4. Amount of years requested for exemption (1-12 Years) Personal 6 years / Real 12 years			
5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed). See attached statement			
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.		\$58,647.00	
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation plus total costs		\$3,374,253.00	
6c. Total Project Costs * Round Costs to Nearest Dollar		\$3,432,900.00	
		Total of Real & Personal Costs	
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.			
	<u>Begin Date (M/D/Y)</u>	<u>End Date (M/D/Y)</u>	
Real Property Improvements	<u>2/16/06</u>	<u>6/30/06</u>	☒ Owned ☐ Leased
Personal Property Improvements	<u>1/11/06</u>	<u>2/28/08</u>	☒ Owned ☐ Leased
8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No			
9. Number of existing jobs at this facility that will be retained as a result of this project. 8		10. Number of new jobs at this facility expected to be created within two years of project completion. 0	
11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district and obsolescence statement for property. The SEV data below must be as of December 31 of the year prior to the rehabilitation.			
a. SEV of Real Property (excluding land) _____			
b. SEV of Personal Property (excluding inventory) _____			
c. Total SEV _____			
12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District			
12b. Date district was established by local government unit (contact local unit)		12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No	

APPLICANT CERTIFICATION - complete all boxes.

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 are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, 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 Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Annette Mills	13b. Phone Number (231) 727-6414	13c. Fax Number (231) 727-6452	13d. E-mail Address amills@escocompany.com
14a. Name of Contact Person Annette Mills	14b. Phone Number (231) 727-6414	14c. Fax Number (231) 727-6452	14d. E-mail Address amills@escocompany.com
15a. Name of Company Officer (No Authorized Agents) Bruce Rice			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (231) 727-6452	15d. Date 6/23/06
15e. Mailing Address (Street, City, State, ZIP) 2340 Roberts / PO Box 448		15f. Phone Number (231) 727-6407	15g. E-mail Address brice@escocompany.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit ☐ Abatement Approved for _____ Years (1-12) After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application. ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvements if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.	
16c. LUCI Code	16d. School Code
17. Name of Local Government Body	18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Phone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

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

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY			
LUCI Code	Begin Date	End Date	End Date2

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT

Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and ESCO ("Company").

Recitals:

A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company's subsequent anticipated application for an industrial facilities exemption certificate.

B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City's determination whether or not to create the district.

C. The Company intends to install the project set forth in its application ("project") which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.

D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation, **stabilization** or increase of economic activity, planning and zoning considerations and the City's general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company's proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.

E. This contract shall become effective upon the issuance of an Industrial Facilities Tax Exemption Certificate.

NOW THEREFORE THE PARTIES AGREE:

1. **COMPANY AGREEMENT.** The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, **subject to the provisions of section 3.4 of this agreement.**

- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of 14% employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$3,432,900.00 in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.
- 1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY.** Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to **whether to create the district and whether to receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate.** The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and/or approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

3. **EVENTS OF DEFAULT.** The following actions or failures to comply shall be considered events of default by the Company:

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby, **unless the company can show that there has been a loss of revenue and employment due to circumstances beyond the control of the company. In order to make that showing the company shall have the burden of supplying, to the City's satisfaction, complete and convincing documentation supporting and justifying reductions in investment, failures to attain affirmative action goals or job losses, such as, without limitation, written evidence of lost contracts, accounting information showing reduced revenues due to the loss of business, (not due to diversion of production to affiliate companies or divisions of the company), production records showing reduced quantities over significant periods of time, and such other information required by the City to support the Company's claim that the failure to invest, failure to achieve affirmative action goals, or loss of jobs should not form the basis for a finding of default.**

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

4. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll, **unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less than expected).**

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced, **unless the company can show that the loss of jobs, or inability to hire as many people as expected, is due to circumstances beyond the control of the company (such as an economic downturn).**

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statute, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

Date: August 8, 2006
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Getty St., Hovey Ave. to Keating Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment for Getty St., from Hovey to Keating and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2006-68 (b)

Resolution At First Hearing Creating Special Assessment District
For **Getty St., Hovey to Keating**

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

RECITALS:

1. A hearing has been held on **August 8, 2006** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **August 8, 2006**, there were 89.02 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **11.12%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Linda Potter
Linda Potter, Acting City Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **August 8, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Linda Potter
Linda Potter, Acting City Clerk

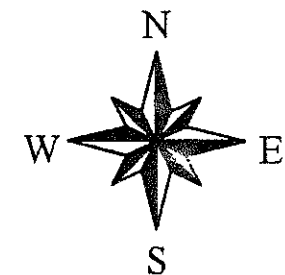
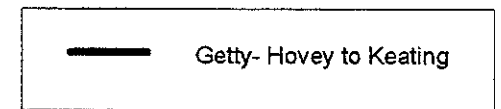
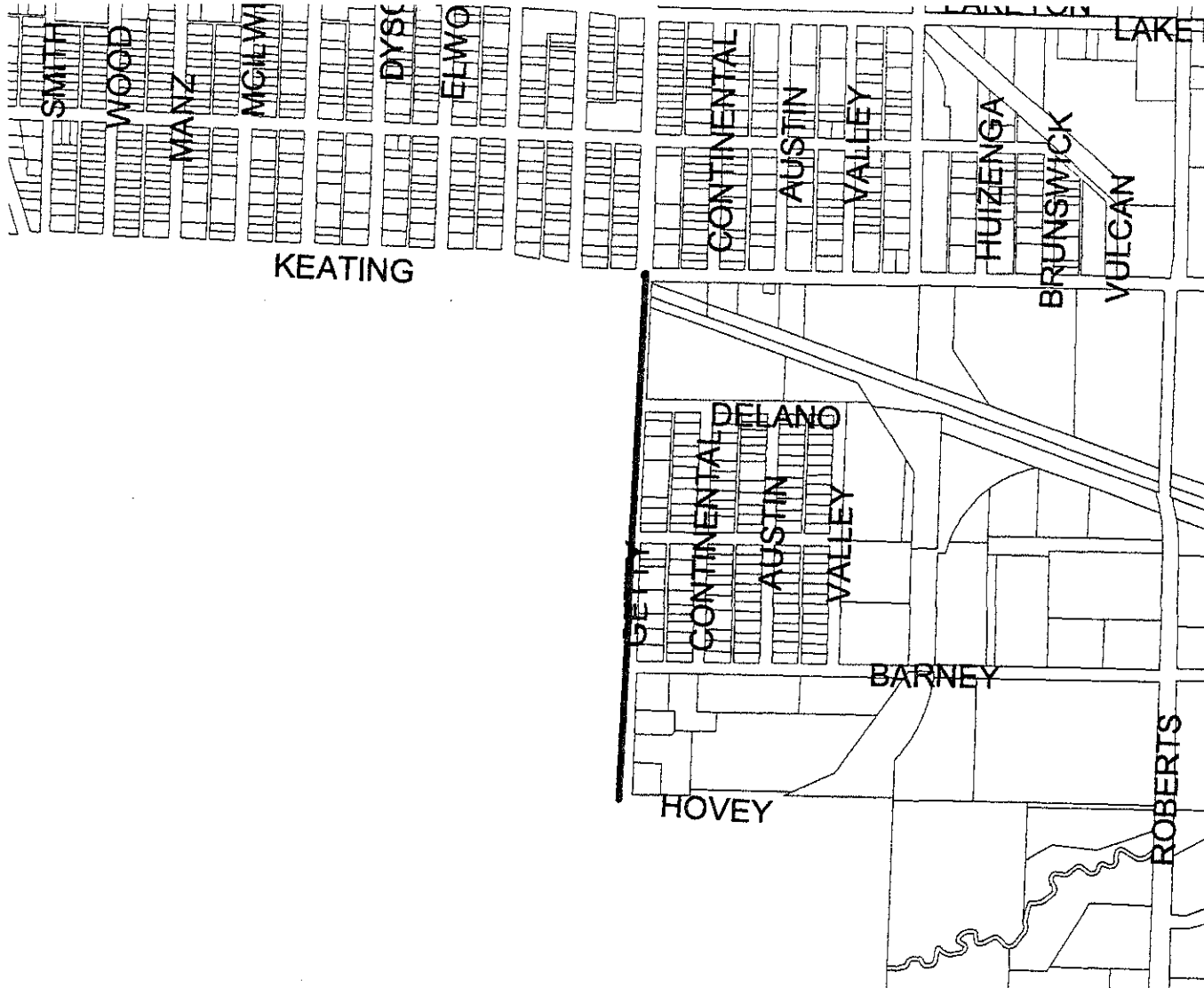
EXHIBIT A

GETTY STREET, KEATING AVE. TO HOVEY AVE.

SPECIAL ASSESSMENT DISTRICT

All parcels abutting the east side of Getty St., from Keating Ave. to Hovey Ave.

Getty Street - Hovey to Keating



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Getty Street Keating Ave. to Hovey Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28TH DAY OF JULY, 2006.

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
11 DAY OF August, 2006.

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICT

IN AN EFFORT TOWARDS NEIGHBORHOOD IMPROVEMENT, the Muskegon City Commission is proposing that special assessment district be created for the following project:

GETTY STREET, KEATING AVE. TO HOVEY AVE.

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

All parcels abutting the east side of Getty St., from Keating Ave. to Hovey Ave.

The City Commission proposes that the City and property owners by means of special assessment will share the cost of improvement. You may examine preliminary plans and cost estimates in the City Hall's Engineering Department during regular business hours - between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **AUGUST 8, 2006 AT 5:30 O'CLOCK P.M**

PLEASE UNDERSTAND 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 (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE ROLL'S CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY YOUR AGENT OR REPRESENTATIVE, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **July 29, 2006**

Linda Potter, Acting City Clerk

ADA POLICY

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

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

ENGINEERING FEASIBILITY STUDY

For

Getty Street, Keating Ave. to Hovey Ave.

The reconstruction of Getty Street between Keating Ave. & Hovey Ave., see attached exhibit for location, was initiated by both the City of Muskegon and Muskegon HTS due to surface conditions. this project was approved for over \$560,000 in federal and state grants. The existing pavement has deteriorated to a level where, we believe, a total reconstruction is necessary. The proposed improvements (reconstruction) consist of following;

1. Complete removal of existing pavement and replace with a new asphalt street section that would include curb & gutter on both sides and a proposed width (matching existing) of 44' back to back .
2. New storm sewer where needed.
3. Sanitary sewer repairs by Muskegon HTS.
4. Minor water works

A memo from the Assessor's office, which addresses the appraisal and benefit information, is attached.

The preliminary cost estimate for the work associated with paving is \$650,000 with the length of the project being approximately 2700 lineal feet (project length) or 2258.94' of assessable footage. This translates into an estimated improvement cost of \$33 per assessable foot. The assessment figure will be at a cost not to exceed \$32.00 per assessable foot as established in the 2006 Special Assessment Rates for this type of improvement

July 25, 2006

Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Getty Street between Keating Avenue and Hovey Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is July 25, 2006.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily commercial properties. The front foot rate of \$32.00 for the reconstruction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$33.00. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Heather M. Singleton, CMAE 3
Senior Appraiser

July 28, 2006

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 21

The City of Muskegon is asking for your support for improvement of the street adjoining your property located at PROPERTY ADDRESS.

The City of Muskegon believes that by making the proposed street improvements you will have less road noise, dust, and wear and tear on your vehicle. In addition, street improvements provide easier access for delivery of services such as snow plowing, mail delivery, and bus service.

Called a special assessment district, the largest percentage of the proposed street improvement will be paid for by the City of Muskegon (via local funds and or grants); however, it will be necessary for you to cover a share of the cost (which you can spread over a period of ten years) based on the amount of property you own bordering the street. A description of the project, including the associated cost to you and the City, is located in the documents attached to this letter.

While the City of Muskegon believes that the proposed improvements will result in a safer and cleaner street while adding curb appeal to your property, you do have the right to ask further questions or protest participation in this particular project. Please carefully review the enclosed materials and call the City's Engineering Department at 724-6707 if you require more information.

A public hearing is also scheduled for this project on AUGUST 8, 2006. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

Also located in this packet of materials is a Special Assessment Hearing Response Card. If mailed back to the City of Muskegon City Clerk's Office before the scheduled public hearing your vote will be added to the tabulation of votes during the public hearing. If you do not send in this form your vote counts as "in favor" of the project.

Thank you for your participation in improving the quality of life in the Muskegon community.

July 28, 2006

OWNERS NAME
OWNERS ADDRESS
OWNERS CITYLAKE, OWNERS STATE OWNERS ZIPCODE 21

Parcel Number 24-XXX-XXX-XXXX-XX: at PROPERTY ADDRESS AND STREET

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following paving project:

GETTY STREET, KEATING AVE. TO HOVEY AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Getty Street on the east side, Keating Ave. to Hovey Ave.

It is proposed that a portion of the above improvement will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on AUGUST 8, 2006 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, 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 THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

Estimated Costs

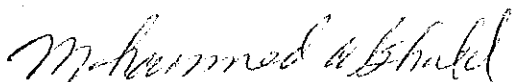
The total estimated cost of the street portion of the project is \$650,000.00 of which approximately 11.12% (\$72,286.08) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street assessment, which covers improvements to the roadway, may be paid in installments over a period of up to ten (10) years. Any work on drive approaches or sidewalks will be assessed to the property at actual contract prices and these costs may also be paid in installments over ten (10) years. Please note this work is in addition to the street special assessment.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and financial assistance programs available.

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
GETTY STREET, KEATING AVE. TO HOVEY AVE. H 1620
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
GETTY STREET, KEATING AVE. TO HOVEY AVE. H 1620
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 street assessment for you **to the extent that funds are available**.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

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

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

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

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

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address: **PROPERTY ADDRESS AND STREET**

Parcel Number **24-XXX-XXX-XXXX-XX**

Assessable Frontage: **159.69 Feet**

Estimated Front Foot Cost: **\$32.00 per Foot**

ESTIMATED TOTAL COST \$5,110.08

Property Description

CITY OF MUSKEGON PART OF NW 1/4 OF SW 1/4 SEC 33 T10N R16W DESC AS BEG @ POINT DISTANT S 01D 12M 00S W 1182.66 FT ALG W LN SEC 33 & S 88D 36M 00S E 33 FT FROM W 1/4 COR SEC 33 & PROCEEDING TH N 01D 12M 00S E 159.69 FT TH S 89D 15M 00S E 180 FT TH ALG A CU

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

CoOwner/Spouse _____

Signature _____

Signature _____

Address _____

Address _____

Thank you for taking the time to vote on this important issue.

20060808

SPECIAL ASSESSMENT

H 1620

RECONSTRUCTION

HEARING DATE

AUGUST 8, 2006

GETTY STREET, KEATING AVE. TO HOVEY AVE.

1	BABBITT SEAN	ASSESSABLE FEET:	12.24
24-133-100-0011-00	7282 LEONARD ST NE	COST PER FOOT:	\$32.00
@ 2010 S GETTY ST	ADA MI 49301	ESTIMATED P.O. COST:	\$391.68
2	BABBITT SEAN	ASSESSABLE FEET:	69.2
24-133-100-0028-00	7282 LEONARD ST NE	COST PER FOOT:	\$32.00
@ 2020 S GETTY ST	ADA MI 49301	ESTIMATED P.O. COST:	\$2,214.40
3	MIDWEST MACHINE TECHNOLO	ASSESSABLE FEET:	492.55
24-133-100-0015-00	PO BOX 629	COST PER FOOT:	\$32.00
@ 2040 S GETTY ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$15,761.60
4	HARVEY HAROLD E	ASSESSABLE FEET:	40
24-860-000-0001-00	2956 DEBAKER RD	COST PER FOOT:	\$32.00
@ 2106 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,280.00
5	HARVEY HAROLD E	ASSESSABLE FEET:	80
24-860-000-0002-00	2956 DEBAKER RD	COST PER FOOT:	\$32.00
@ 2112 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$2,560.00
6	LISINSKI DEBRA L	ASSESSABLE FEET:	192
24-860-000-0007-00	1980 MICHILLINDA RD	COST PER FOOT:	\$32.00
@ 2152 S GETTY ST	TWIN LAKE MI 49457	ESTIMATED P.O. COST:	\$6,144.00
7	LOERA VALENTINO	ASSESSABLE FEET:	48
24-860-000-0012-00	2174 S GETTY ST	COST PER FOOT:	\$32.00
@ 2174 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,536.00

GETTY STREET, KEATING AVE. TO HOVEY AVE.

8	J F B USED CARS	ASSESSABLE FEET:	80
24-860-000-0013-00	2184 S GETTY ST	COST PER FOOT:	\$32.00
@ 2184 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$2,560.00
9	BIKSACKY JOSEPH F	ASSESSABLE FEET:	42.2
24-860-000-0015-00	5671 GRANDEL	COST PER FOOT:	\$32.00
@ 814 E HACKLEY AVE	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,350.40
10	MURAT CARL	ASSESSABLE FEET:	80
24-860-000-0016-00	2214 S GETTY ST	COST PER FOOT:	\$32.00
@ 2214 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$2,560.00
11	MURAT CARL	ASSESSABLE FEET:	40
24-860-000-0018-00	2214 S GETTY ST	COST PER FOOT:	\$32.00
@ 2222 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,280.00
12	JBS SHEET METAL INC	ASSESSABLE FEET:	120
24-860-000-0019-00	2226 S GETTY ST	COST PER FOOT:	\$32.00
@ 2226 S GETTY ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$3,840.00
13	WRIGHT GERALD K	ASSESSABLE FEET:	120
24-860-000-0022-00	2081 E VIRGINIA DR	COST PER FOOT:	\$32.00
@ 2244 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$3,840.00
14	GOMEZ ANTHONY S	ASSESSABLE FEET:	80
24-860-000-0025-00	16500 HICKORY ST	COST PER FOOT:	\$32.00
@ 2270 S GETTY ST	SPRING LAKE MI 49456-101	ESTIMATED P.O. COST:	\$2,560.00

GETTY STREET, KEATING AVE. TO HOVEY AVE.

15	KITTEL ROY	ASSESSABLE FEET:	80
24-860-000-0027-00	2280 S GETTY ST	COST PER FOOT:	\$32.00
@ 2280 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$2,560.00
16	STONE JULIE L	ASSESSABLE FEET:	83.4
24-860-000-0029-00	3755 HENRY ST APT 106	COST PER FOOT:	\$32.00
@ 2294 S GETTY ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,668.80
17	PAWN IT ALL LLC	ASSESSABLE FEET:	120.5
24-133-300-0006-00	5845 MAPLE ISLAND RD	COST PER FOOT:	\$32.00
@ 2306 S GETTY ST	NUNICA MI 49448	ESTIMATED P.O. COST:	\$3,856.00
18	A T & E LLC	ASSESSABLE FEET:	125
24-133-300-0010-00	2350 S GETTY ST	COST PER FOOT:	\$32.00
@ 2350 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$4,000.00
19	TILFORD LARRY J/ONEIL JENNI	ASSESSABLE FEET:	74.16
24-133-300-0013-10	3889 EASTBROOK DR	COST PER FOOT:	\$32.00
@ 2386 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$2,373.12
20	HARVEY HAROLD E/HARVEY JE	ASSESSABLE FEET:	120
24-860-000-0004-00	2956 DEBAKER RD	COST PER FOOT:	\$32.00
@ 2124 S GETTY ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$3,840.00
21	PK EMERALD LLC	ASSESSABLE FEET:	159.69
24-133-300-0013-00	PO BOX 391	COST PER FOOT:	\$32.00
@ 2370 S GETTY ST	SPRING LAKE MI 49456	ESTIMATED P.O. COST:	\$5,110.08

RECONSTRUCTION

HEARING DATE

AUGUST 8, 2006

GETTY STREET, KEATING AVE. TO HOVEY AVE.

SUM OF ASSESSABLE FOOTAGE: 2258.94

SUM OF ESTIMATED P.O. COST:

\$72,286.08

TOTAL NUMBER OF ASSESSABLE PARCELS 21.00

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

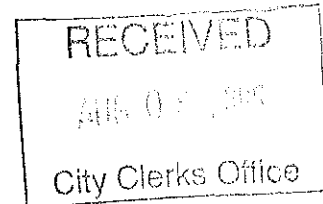
Project Description **RECONSTRUCTION**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. **IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.**

Assessment Information

Property Address: **2010 S GETTY ST**
Parcel Number **24-133-100-0011-00**
Assessable Frontage: **12.24** Feet
Estimated Front Foot Cost: **\$32.00** per Foot



ESTIMATED TOTAL COST \$391.68

Property Description

CITY OF MUSKEGON SEC 33 T10N R16W PRT OF SW 1/4 OF NW 1/4 SD SEC COM @ PT ON E SD OF GETTY AVE 60 FT S OF SW COR BLK 7 OF CONTINENTAL ADD TH E PAR WITH CENTRAL AVE OF SD ADD 272 FT TO W LN OF CONTINENTAL AVE IF EXTND S TH S TO CONSUMERS POWER CO ROW TH NW

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Sean Babbitt

CoOwner/Spouse

Kristie Babbitt

Signature

[Signature]

Signature

[Signature]

Address

7282 Leonard St NE

Address

7282 Leonard St NE

Thank you for taking the time to vote on this important issue.

Ada, MI 49301

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

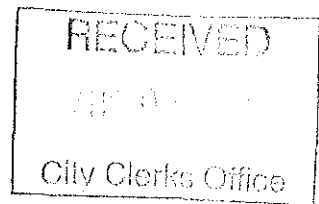
Project Description **RECONSTRUCTION**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address: **2020 S GETTY ST**
Parcel Number **24-133-100-0028-00**
Assessable Frontage: **69.2** Feet
Estimated Front Foot Cost: **\$32.00** per Foot



ESTIMATED TOTAL COST \$2,214.40

Property Description

CITY OF MUSKEGON SEC 33 T10N R16W ALL THAT PART OF FOL DESC PARCEL OF LAND WHICH LIES WLY OF W ROW LN CONTINENTAL ST AS EXTND S TO NLY RR R/W LN OF CONRAIL CORP A STRIP OF LAND 4 RDS IN WIDTH LOC IN NW 1/4 OF SD SEC & LYING NLY OF AND ADJ TO RR R/W OF CON

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Sean Babbitt

CoOwner/Spouse Kristie Babbitt

Signature _____

Signature [Signature]

Address 7282 Leonard St NE

Address 7282 Leonard St NE

Ada, MI 49301
Thank you for taking the time to vote on this important issue.

Ada, MI 49301 2

SPECIAL ASSESSMENT HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

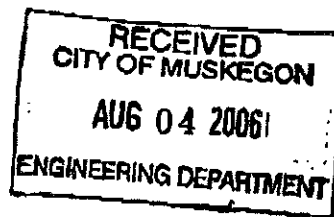
Project Description **RECONSTRUCTION**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing. IF YOU DO NOT SEND IN THIS FORM YOUR VOTE COUNTS AS "IN FAVOR" OF PROJECT.

Assessment Information

Property Address: **2040 S GETTY ST**
Parcel Number **24-133-100-0015-00**
Assessable Frontage: **492.55 Feet**
Estimated Front Foot Cost: **\$32.00 per Foot**
ESTIMATED TOTAL COST \$15,761.60



Property Description

CITY OF MUSKEGON PART OF SEC 33 T10N R16W BEG ON W LN OF SW 1/4 OF NW 1/4 TH S 71 D 4 M E 735.8 FT TH S 1 D 12 M W 256.5 FT TH N 89 D 50 M W 698.74 FT TH N 1 D E 492.55 FT TO BEG EX W 33 FT FOR ST

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner PETER J. APOSTLE Co Owner/Spouse

Signature [Signature]

Signature _____

Address 2040 S. GETTY ST.

Address _____

Thank you for taking the time to vote on this important issue.

MUSKEGON, MI 49441.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address: **2106 S GETTY ST**
Parcel Number **24-860-000-0001-00**
Assessable Frontage: **40** Feet
Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$1,280.00

Property Description

CITY OF MUSKEGON WELWORTH LOT 1

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner

Harold HARVEY

CoOwner/Spouse

Signature

Harold Harvey

Signature

Address

2156 N. Baker Rd Mush

Address

Thank you for taking the time to vote on this important issue.

MUSKEGON, MI 49762

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address:	2112 S GETTY ST
Parcel Number	24-860-000-0002-00
Assessable Frontage:	80 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,560.00

Property Description

CITY OF MUSKEGON WELWORTH LOTS 2 & 3

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner HAROLD HARVEY CoOwner/Spouse _____

Signature Harold Harvey Signature _____

Address 2956 De Baker Rd Address _____

Thank you for taking the time to vote on this important issue.

OPTIONAL FORM NO. 10

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

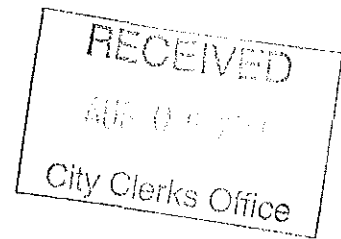
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address:	2184 S GETTY ST
Parcel Number	24-860-000-0013-00
Assessable Frontage:	80 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,560.00



Property Description

CITY OF MUSKEGON WELWORTH LOTS 13 & 14

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR ☐	I AM OPPOSED ☒
Owner <u>Joseph B. Kelly</u>	Co Owner/Spouse _____
Signature <u>[Signature]</u>	Signature _____
Address <u>2184 S Getty St</u>	Address _____

Thank you for taking the time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address: **814 E HACKLEY AVE**

Parcel Number **24-860-000-0015-00**

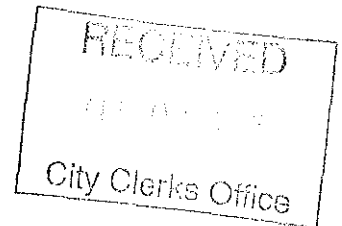
Assessable Frontage: **42.2** Feet

Estimated Front Foot Cost: **\$32.00** per Foot

ESTIMATED TOTAL COST \$1,350.40

Property Description

CITY OF MUSKEGON WELWORTH LOT 15



Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

Thank you for taking the time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

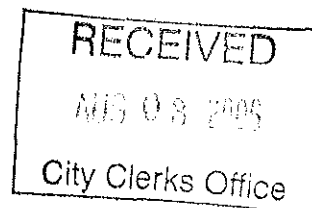
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Assessment Information

Property Address: **2244 S GETTY ST**
Parcel Number **24-860-000-0022-00**
Assessable Frontage: **120** Feet
Estimated Front Foot Cost: **\$32.00** per Foot
ESTIMATED TOTAL COST \$3,840.00

Property Description

CITY OF MUSKEGON WELWORTH LOTS 22-23 & 24



Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

GERALD K. WRIGHT

CoOwner/Spouse

Signature

Gerald K. Wright

Signature

Address

2081 E Virginia St

Address

Muskegon, MI 49444

Thank you for taking the time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

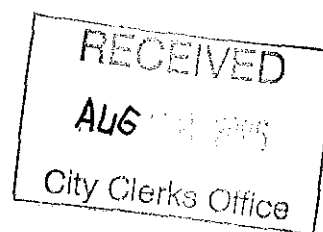
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Assessment Information

Property Address:	2294 S GETTY ST
Parcel Number	24-860-000-0029-00
Assessable Frontage:	83.4 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,668.80

Property Description

CITY OF MUSKEGON WELWORTH LOTS 29 & 30



Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Julie Stone

CoOwner/Spouse

Signature

Julie L Stone

Signature

Address

2294 S Getty

Address

Thank you for taking the time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description: **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address:	2306 S GETTY ST
Parcel Number	24-133-300-0006-00
Assessable Frontage:	120.5 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$3,856.00

Property Description

CITY OF MUSKEGON SEC 33 T10N R16W S 195.5 FT OF N 228.5 FT OF E 200 FT OF W 233 FT OF S 1/2 OF NW 1/4 OF SW 1/4

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

PawnTALL LLC.

CoOwner/Spouse

Michelle Poholski

Signature

Signature

Michelle Poholski

Address

Address

P.O. Box 122
Nunica, MI 49448

Thank you for taking the time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

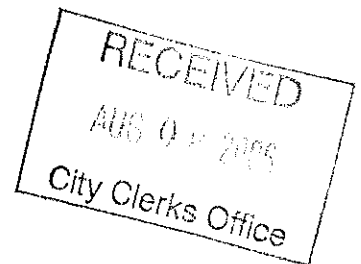
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address:	2386 S GETTY ST
Parcel Number	24-133-300-0013-10
Assessable Frontage:	74.16 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,373.12



Property Description

CITY OF MUSKEGON PART OF NW 1/4 OF SW 1/4 SEC 33 T10N R16W DESC AS BEG @ POINT DISTANT S 01D 12M 00S W 1182.66 FT ALONG W LINE SEC 33 & S 88D 36M 00S E 33.00 FT FROM W 1/4 COR SEC 33 & PROCEEDING TH S 88D 36M 00S E 139.00 FT TH S 01D 12M 00S W 146.73 TH N

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner LARRY TILFORD
Signature [Signature]
Address 3889 EASTBROOK DR
MUSKEGON, MI 49444

CoOwner/Spouse Jennifer O'Neil
Signature [Signature]
Address 3889 EASTBROOK DR
MUSKEGON MI 49444

Thank you for taking the time to vote on this important issue.

19

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address: 2124 S GETTY ST
Parcel Number 24-860-000-0004-00
Assessable Frontage: 120 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$3,840.00

Property Description

CITY OF MUSKEGON WELWORTH LOTS 4, 5 & 6

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner HAROLD HARVEY CoOwner/Spouse _____

Signature Harold Harvey Signature _____

Address 1956 N Baker Rd Address _____

Thank you for taking the time to vote on this important issue.

MUSKEGON, INDIANA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description: **RECONSTRUCTION**

INSTRUCTIONS

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Assessment Information

Property Address: **2370 S GETTY ST**
Parcel Number **24-133-300-0013-00**
Assessable Frontage: **159.69 Feet**
Estimated Front Foot Cost: **\$32.00 per Foot**

ESTIMATED TOTAL COST \$5,110.08

Property Description

CITY OF MUSKEGON PART OF NW 1/4 OF SW 1/4 SEC 33 T10N R16W DESC AS BEG @ POINT DISTANT S 01D 12M 00S W 1182.05 FT ALG W LN SEC 33 & S 88D 36M 00S E 33 FT FROM W 1/4 COR SEC 33 & PROCEEDING TH N 01D 12M 00S E 159.69 FT TH S 89D 15M 00S E 180 FT TH ALG A CU

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED



Owner PK Emerald LLC CoOwner/Spouse _____

Signature Paul L. Brown, as manager Signature _____

Address PO Box 391 Spring Lake MI 49456 Address _____

Thank you for taking the time to vote on this important issue.

PK EMERALD, LLC

21

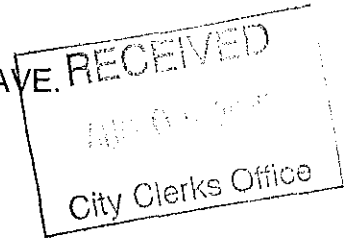
SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **AUGUST 8, 2006**

Project Title: **GETTY STREET, KEATING AVE. TO HOVEY AVE.**

Project Description **RECONSTRUCTION**



INSTRUCTIONS

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Assessment Information

Property Address: 2350 S GETTY ST
Parcel Number 24-133-300-0010-00
Assessable Frontage: 125 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$4,000.00

Property Description

CITY OF MUSKEGON PART OF SW 1/4 SEC 33 T10N R16W COM 33 FT E AMD 228.5 FT S OF NW COR S 1/2 OF NW 1/4 OF SW 1/4 TH S 89D 15M E 200 FT TH S 1D 12M W 105 FT TH SWLY ON A CURVE WITH 20 FT RADIUS 31.6 FT TH N 89D 15M W 180 FT TH N 11 12M E 125 FT POB EXC COM

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner

THOMAS D GEORGE

CoOwner/Spouse

ROD A WILKE

Signature

Thomas D George

Signature

ROD WILKE

Address

535 SEMINOLE RD
49444

Address

585 CEDAR ST

Thank you for taking the time to vote on this important issue.

H-1620 S. GETTY ST., KEATING AVE. TO HOVEY AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 21									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	2258.94 ***							9	814	E. HACKLEY	24-860-000-0015-00	42.20
FRONT FEET OPPOSED	1493.94 1698.94	66.13% 75.21%						1*	2010	S. GETTY	24-133-100-0011-00	12.24
								2*	2020	S. GETTY	24-133-100-0028-00	69.20
								3	2040	S. GETTY	24-133-100-0015-00	492.55
RESPONDING FRONT FEET IN FAVOR	0.00	0.00%						4	2106	S. GETTY	24-860-000-0001-00	40.00
								5	2112	S. GETTY	24-860-000-0002-00	80.00
NOT RESPONDING - FRONT FEET IN FAVOR	765.00	33.87%						20	2124	S. GETTY	24-860-000-0004-00	120.00
								8	2184	S. GETTY	24-860-000-0013-00	80.00
TOTAL FRONT FEET IN FAVOR	765.00	33.87%						13	2244	S. GETTY	24-860-000-0022-00	120.00
								16*	2294	S. GETTY	24-860-000-0029-00	83.40
								17	2306	S. GETTY	24-133-300-0006-00	120.50
								21	2370	S. GETTY	24-133-300-0013-00	159.69
								19	2386	S. GETTY	24-133-300-0013-10	74.16

A lady claiming to be an attorney for these properties with a "NO" vote without any paper document confirming representation (footage has not been added to tally above)

2152 S. GETTY	192	if added 89.2% against
2214 S GETTY	80	
2222 S GETTY	40	
TOTAL	312	

TOTALS

0.00

1493.94

*OWNERS REPORTING THAT NO LETTER WAS SENT

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: August 8, 2006

RE: Public Hearing
Spreading of the Special Assessment Roll
Cherry St., Wilcox Ave. to Thompson Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Cherry St. from Wilcox Ave. to Thompson Ave.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$23,808.00 would be spread against the thirteen- (13) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2006-68(c)

Resolution Confirming Special Assessment Roll

For Cherry St. from Wilcox Ave. to Thompson Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 14, 2006**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Cherry St., Wilcox Ave. to Thompson Ave.

Continued...

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

This resolution passed.

Ayes: Davis, Gawron, Shepherd, Spataro, Warmington,

Wierengo, and Carter

Nays: None

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **August 8, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **August 8, 2006**.

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

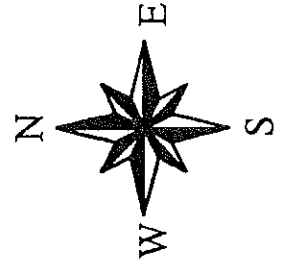
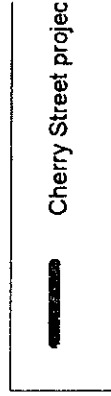
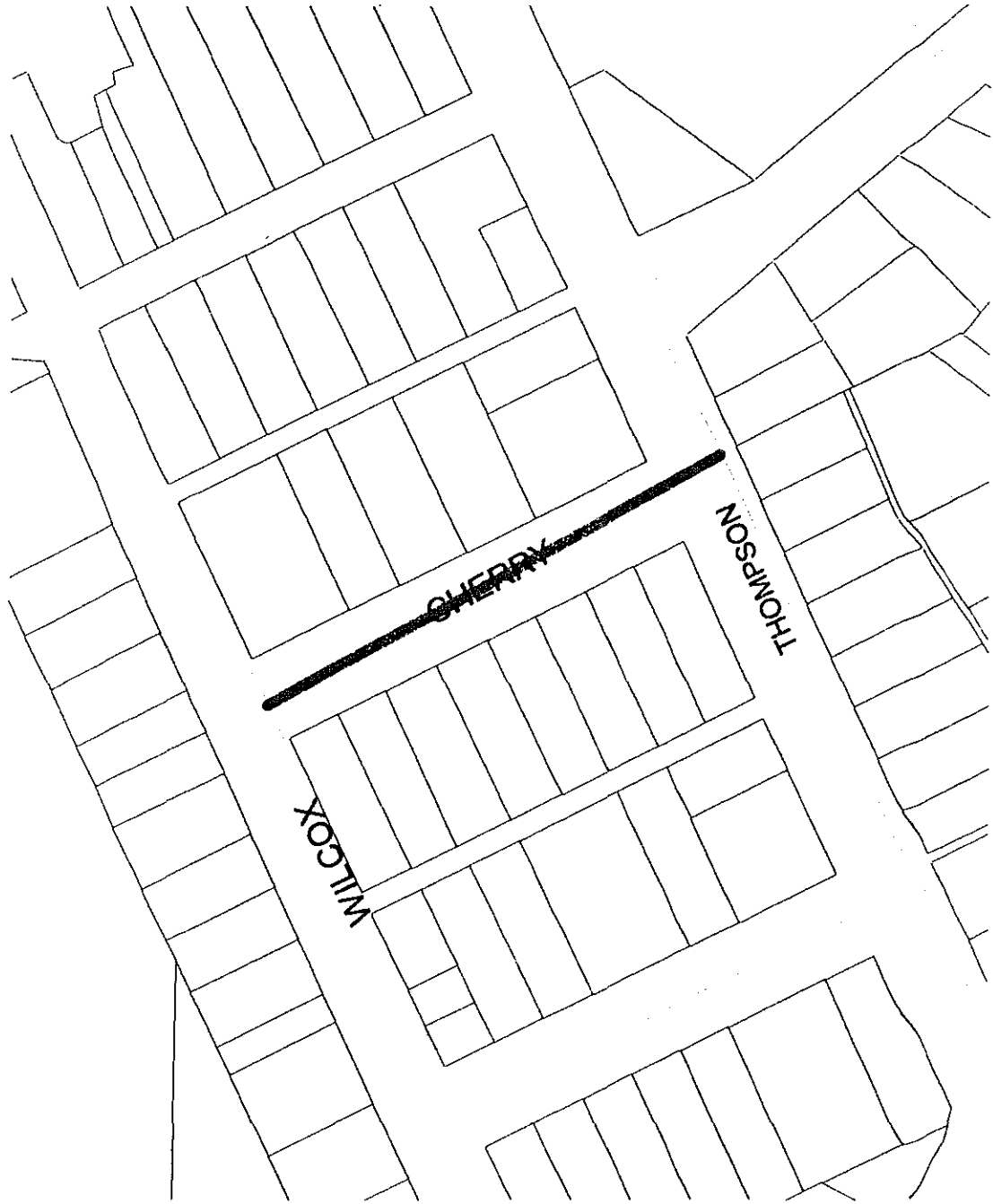
EXHIBIT A

Cherry St. from Wilcox Ave. to Thompson Ave.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Cherry St. from Wilcox Ave. to Thompson Ave.

Cherry Street -Thompson to Wilcox



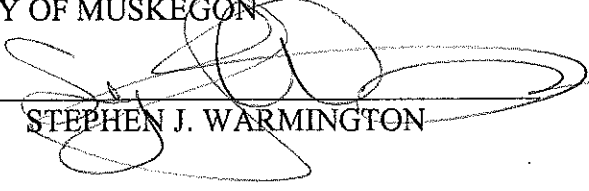
CHERRY ST., WILCOX AVE. TO THOMPSON AVE.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

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

H-1605 ,Cherry St., Wilcox Ave. to Thompson Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28th DAY OF JULY 2006

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
18 DAY OF August, 2006.

JoAnn M. Krutowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 05-13-2012

July 28, 2006

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

11

Property Parcel Number: 24-XXX-XXX-XXXX-XX at CHERRY ST

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:

CHERRY ST., WILCOX AVE. TO THOMPSON AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, AUGUST 8, 2006 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED AUGUST 8, 2006 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$74,500.00 of which \$18,620.52 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1431.95 based on 65 feet assessable front footage at \$22.03 per assessable foot for the street improvements. In addition, you will be assessed \$1312.36 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2744.31. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$274.43 PER YEAR
Due Date: September 26th, 2006

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

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
CHERRY ST., WILCOX AVE. TO THOMPSON AVE. H 1605
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
CHERRY ST., WILCOX AVE. TO THOMPSON AVE. H 1605
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you **to the extent that funds are available.**

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005

65% MEDIAN HOUSEHOLD INCOME CHART

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

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

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

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

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

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

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

SPECIAL ASSESSMENT DISTRICTS:

**CHERRY ST., WILCOX AVE. TO THOMPSON AVE.
FOREST AVE., RUDDIMAN ST. TO DAVIS ST.
SIXTH ST., HOUSTON AVE. TO MUSKEGON AVE.**

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

**All parcels abutting Cherry St. from Wilcox Ave. to Thompson Ave.
All parcels abutting Forest Ave., from Ruddiman St. to Davis St.
All parcels abutting Sixth St., from Houston Ave. to Muskegon Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **August 8, 2006 at 5:30 p.m.**

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

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

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

Linda Potter, Acting City Clerk

Publish: **JULY 29, 2006**

ADA POLICY

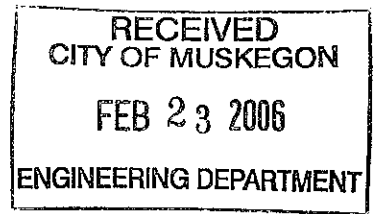
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267

CITY OF MUSKEGON

Resolution No. 2006-13(a)



Resolution At First Hearing Creating Special Assessment District
For **Cherry St. from Wilcox Ave. to Thompson Ave.**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 14, 2006** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 14, 2006**, there were 7.53 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that no more than **25%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 14, 2006**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

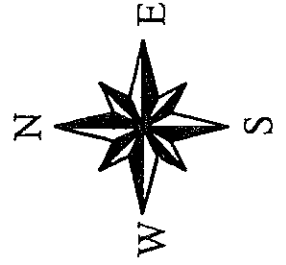
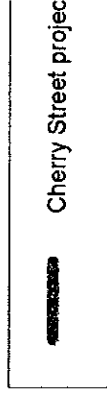
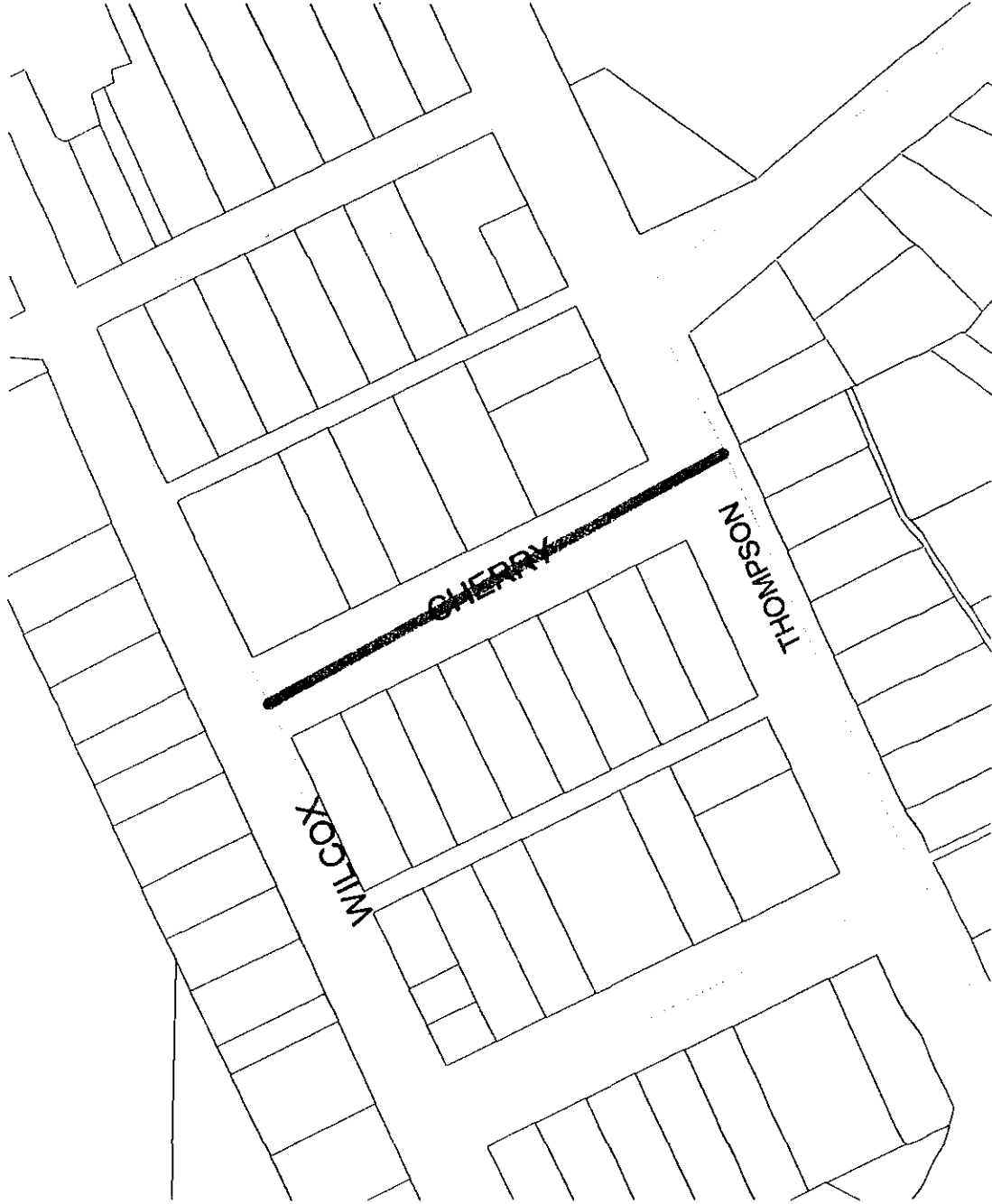
EXHIBIT A

Cherry St. from Wilcox Ave. to Thompson Ave.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Cherry St. from Wilcox Ave. to Thompson Ave.

Cherry Street -Thompson to Wilcox



CHERRY ST., WILCOX AVE. TO THOMPSON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP		TOTAL
					/ SW		
24-205-728-0001-0	1817.0	CHERRY ST	UGANSKI MARNA 1817 CHERRY ST	MUSKEGON MI 49441	\$1,101.50	\$0.00	\$1,101.50
24-205-728-0002-0	1823.0	CHERRY ST	MC CARTNEY DAVID J 1823 CHERRY ST	MUSKEGON MI 49441	\$1,035.41	\$0.00	\$1,035.41
24-205-728-0003-0	1831.0	CHERRY ST	KOLBERG KIRK H/LAU 3414 WHISKEY HOLL	MUSKEGON MI 49441	\$1,167.59	\$0.00	\$1,167.59
24-205-728-0004-0	1839.0	CHERRY ST	DUFF MICHAEL M 1839 CHERRY ST	MUSKEGON MI 49441	\$1,101.50	\$0.00	\$1,101.50
24-205-728-0005-0	1849.0	CHERRY ST	MRJ CORPORATION P O BOX 503	MUSKEGON MI 49441	\$1,101.50	\$0.00	\$1,101.50
24-205-728-0006-0	1853.0	CHERRY ST	PAGE JOHN F/JAMIE 1853 CHERRY ST	MUSKEGON MI 49441	\$1,101.50	\$0.00	\$1,101.50
24-205-728-0007-0	1859.0	CHERRY ST	VANLENTE JOSEPH P/ 1911 N WEBER RD	MUSKEGON MI 49445-8	\$1,101.50	\$0.00	\$1,101.50
24-205-728-0008-0	1867.0	CHERRY ST	DEVRIES KENNETH/C 1867 CHERRY ST	MUSKEGON MI 49441	\$1,123.53	\$0.00	\$1,123.53
24-205-725-0014-0	1820.0	CHERRY ST	DOMBRAUSKY NATALI 1820 CHERRY ST	MUSKEGON MI 49441	\$2,203.00	\$0.00	\$2,203.00
24-205-725-0013-0	1832.0	CHERRY ST	AHLREN HENRIK/CHA 1832 CHERRY ST	MUSKEGON MI 49441	\$1,101.50	\$0.00	\$1,101.50
24-205-725-0012-0	1840.0	CHERRY ST	EDLUND DELBERT V 1840 CHERRY ST	MUSKEGON MI 49441	\$1,431.95	1,312.36	\$2,744.31
24-205-725-0011-0	1854.0	CHERRY ST	WALLIS THOMAS 1854 CHERRY ST	MUSKEGON MI 49441	\$1,586.16	\$917.84	\$2,504.00
24-205-725-0010-0	3256.0	THOMPSON A	REICHERT BARBARA 3256 THOMPSON AVE	MUSKEGON MI 49441	\$1,233.68	\$0.00	\$1,233.68

H 1605

HEARING DATE AUGUST 8, 2006

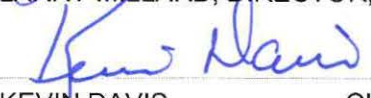
CHERRY ST., WILCOX AVE. TO THOMPSON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$16,390.32	\$2,230.20	<u>\$18,620.52</u>

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

BOARD OF ASSESSORS

	8/15/06
LARRY MILLARD, DIRECTOR, COUNTY EQUALIZATION	DATE
	11 Aug 2006
KEVIN DAVIS	CITY COMMISSIONER DATE
	8-15-06
SUE WIERENGO	CITY COMMISSIONER DATE

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: August 8, 2006

RE: Public Hearing
Spreading of the Special Assessment Roll
Forest Ave., Davis St. to Ruddiman St.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Forest Ave. from Davis St. to Ruddiman St.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$9,488.00 would be spread against the five- (5) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2006-68(d)

Resolution Confirming Special Assessment Roll

For Forest Ave. from Davis St. to Ruddiman St.

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 24, 2006**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Forest Ave., Davis St. to Ruddiman St.

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **August 8, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **August 8, 2006**.

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

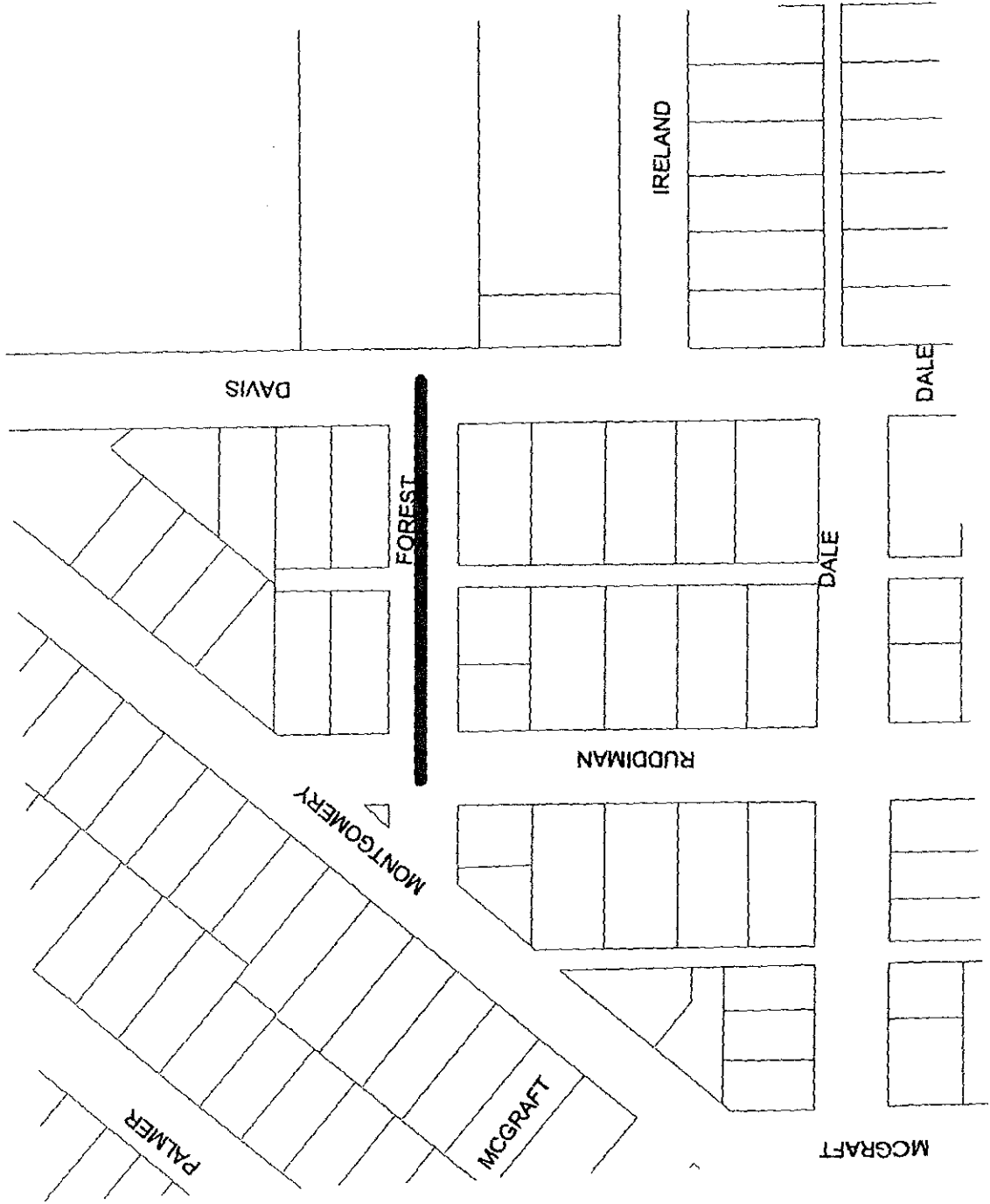
EXHIBIT A

Forest Ave., Davis to Ruddiman

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Forest Ave. between Davis & Ruddiman

Forest - Davis to Ruddiman



FOREST AVE., DAVIS ST. TO RUDDIMAN ST.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

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

H-1616 Forest Ave. , Ruddiman St. to Davis St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28th DAY OF JULY 2006

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
18 DAY OF August, 2006.

John M. Krutowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 09-13-2012

July 28, 2006

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE| OWNERS ZIPCODE

2

Property Parcel Number: 24-XXX-XXX-XXXX-XX at DAVIS ST

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:

FOREST AVE., RUDDIMAN ST. TO DAVIS ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, AUGUST 8, 2006 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED AUGUST 8, 2006 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$54,007.00 of which \$11,702.84 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2112 based on 66 feet assessable front footage at \$32 per assessable foot for the street improvements. In addition, you will be assessed \$990.64 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$3102.64. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$310.26 PER YEAR
Due Date: September 26th, 2006

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

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

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

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

Sincerely,

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

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
FOREST AVE., RUDDIMAN ST. TO DAVIS ST. H 1616
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
FOREST AVE., RUDDIMAN ST. TO DAVIS ST. H 1616
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 street assessment for you **to the extent that funds are available.**

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

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

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

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

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

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

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

SPECIAL ASSESSMENT DISTRICTS:

**CHERRY ST., WILCOX AVE. TO THOMPSON AVE..
FOREST AVE., RUDDIMAN ST. TO DAVIS ST.
SIXTH ST., HOUSTON AVE. TO MUSKEGON AVE.**

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

**All parcels abutting Cherry St. from Wilcox Ave.. to Thompson Ave..
All parcels abutting Forest Ave., from Ruddiman St. to Davis St.
All parcels abutting Sixth St., from Houston Ave. to Muskegon Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **August 8, 2006 at 5:30 p.m.**

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

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

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

Linda Potter, Acting City Clerk

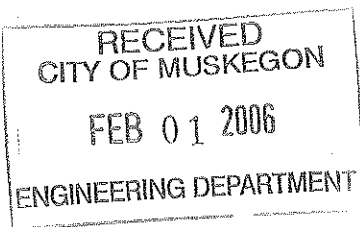
Publish: **JULY 29, 2006**

ADA POLICY

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

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267



CITY OF MUSKEGON

Resolution No. 2006-09(a)

Resolution At First Hearing Creating Special Assessment District
For **Forest Ave., Davis to Ruddiman**

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

RECITALS:

1. A hearing has been held on **January 24, 2006** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 24, 2006**, there were 17.67% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **15.81%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 24, 2006**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of
Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

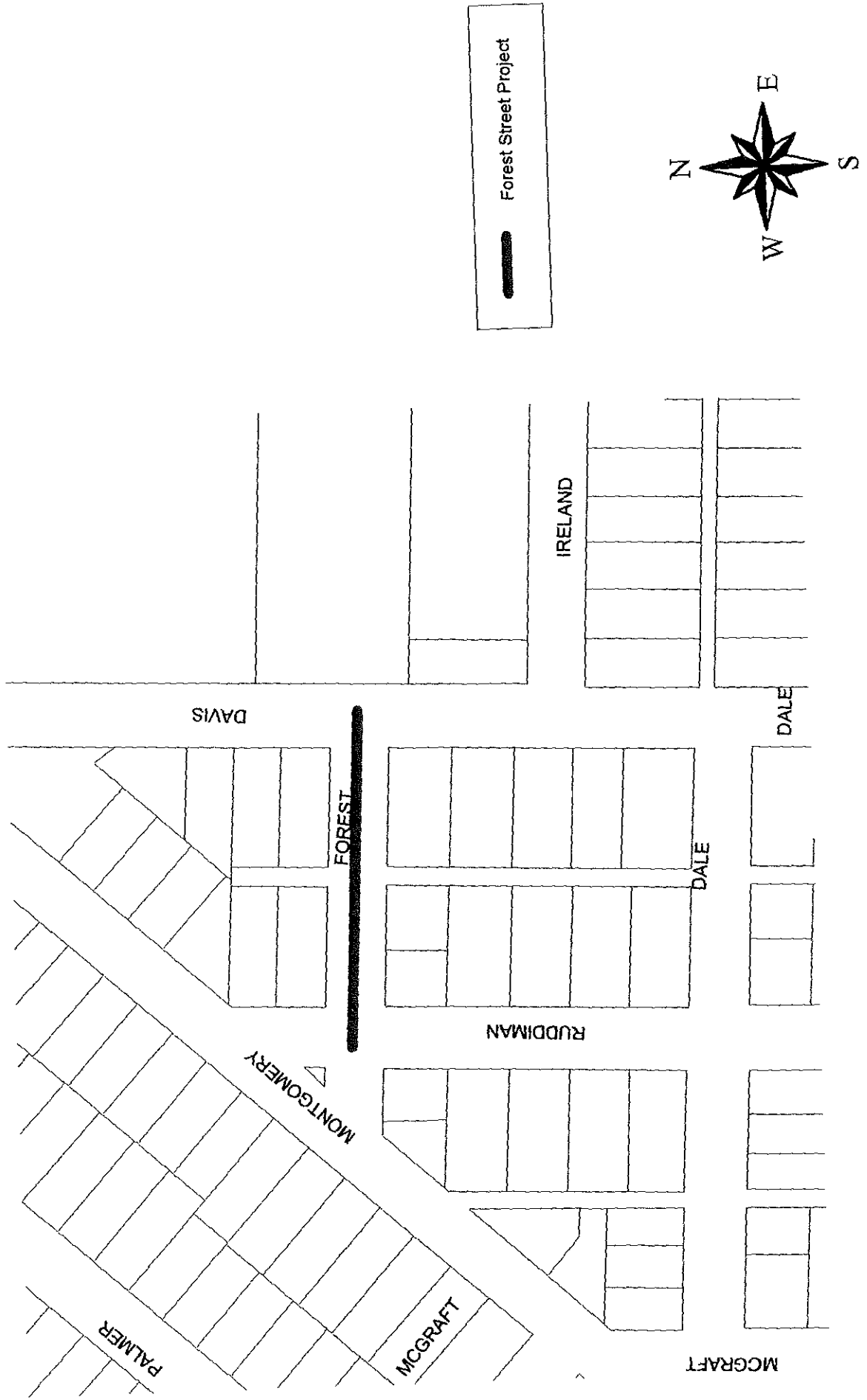
EXHIBIT A

Forest Ave., Davis to Ruddiman

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Forest Ave. between Davis & Ruddiman

Forest - Davis to Ruddiman



SPECIAL ASSESSMENT

H 1616

NEW CONSTRUCTION

HEARING DATE

AUGUST 8, 2006

FOREST AVE., RUDDIMAN ST. TO DAVIS ST.

1	HOZER JAMES S	ASSESSABLE FEET:	66
24-205-494-0004-00	1240 W FOREST AVE	COST PER FOOT:	\$32.00
@ 1240 W FOREST AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00

2	KANTOLA KEVIN	ASSESSABLE FEET:	66
24-205-494-0001-00	1611 DAVIS ST	COST PER FOOT:	\$32.00
@ 1611 DAVIS ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00

5	MAGNUGON EUGENE/MARILY	ASSESSABLE FEET:	33.5
24-205-500-0006-10	1634 RUDDIMAN ST	COST PER FOOT:	\$32.00
@ 1634 RUDDIMAN ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,072.00

6	SCHUMANN ELMER F TRUST	ASSESSABLE FEET:	65
24-205-500-0006-00	1233 W FOREST AVE	COST PER FOOT:	\$32.00
@ 1233 W FOREST AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,080.00

7	VALADEZ ROSIO Y/VERONICA A	ASSESSABLE FEET:	66
24-205-500-0005-00	1631 DAVIS ST	COST PER FOOT:	\$32.00
@ 1631 DAVIS ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00

SUM OF ASSESSABLE FOOTAGE:	296.50	SUM OF ESTIMATED P.O. COST:	\$9,488.00
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TOTAL NUMBER OF ASSESSABLE PARCELS	5.00
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H 1616

HEARING DATE AUGUST 8, 2006

FOREST AVE., RUDDIMAN ST. TO DAVIS ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-494-0004-0	1240.0	FOREST AVE	HOZER JAMES S 1240 W FOREST AVE MUSKEGON MI 49441	\$2,112.00	\$0.00	\$2,112.00
24-205-494-0001-0	1611.0	DAVIS ST	KANTOLA KEVIN 1611 DAVIS ST MUSKEGON MI 49441	\$2,112.00	\$990.64	\$3,102.64
24-205-500-0006-1	1634.0	RUDDIMAN ST	MAGNUGON EUGENE/ 1634 RUDDIMAN ST MUSKEGON MI 49441	\$1,072.00	\$716.52	\$1,788.52
24-205-500-0006-0	1233.0	FOREST AVE	SCHUMANN ELMER F 1233 W FOREST AVE MUSKEGON MI 49441	\$2,080.00	\$0.00	\$2,080.00
24-205-500-0005-0	1631.0	DAVIS ST	VALADEZ ROSIO Y/VE 1631 DAVIS ST MUSKEGON MI 49441	\$2,112.00	\$507.68	\$2,619.68
TOTALS				\$9,488.00	\$2,214.84	\$11,702.84

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

BOARD OF ASSESSORS


 LARRY MILLARD, DIRECTOR, COUNTY EQUALIZATION

DATE


 KEVIN DAVIS

CITY COMMISSIONER

DATE


 SUE WIERENGO

CITY COMMISSIONER

DATE

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: August 8, 2006

RE: Public Hearing
Spreading of the Special Assessment Roll
Sixth St., Houston Ave. to Muskegon Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Sixth St. from Houston Ave. to Muskegon Ave.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$9,968.00 would be spread against the six- (6) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2006-68(e)

Resolution Confirming Special Assessment Roll

For Sixth St. from Houston Ave. to Muskegon Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **January 24, 2006**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Sixth St., Houston Ave. to Muskegon Ave.

Continued...

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

This resolution passed.

Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter,

Davis, and Gawron

Nays: None

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **August 8, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **August 8, 2006**.

City of Muskegon

By Linda Potter
Linda Potter, Acting City Clerk

EXHIBIT A

Sixth Street from Houston to Muskegon

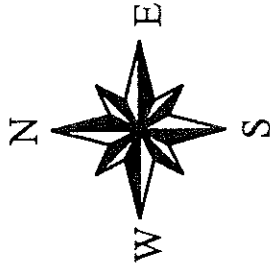
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Sixth Street from Houston to Muskegon**

6th Street -Houston to Muskegon



6th Street Project



SIXTH ST., HOUSTON AVE. TO MUSKEGON AVE.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY _____
STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

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

H-1528 Sixth St., Houston Ave. to Muskegon Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28th DAY OF JULY 2006

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
18 DAY OF August, 2006.

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

July 28, 2006

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

Property Parcel Number: 24-XXX-XXX-XXXX-XX at W MUSKEGON 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:

SIXTH ST., MUSKEGON AVE. TO HOUSTON AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, AUGUST 8, 2006 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED AUGUST 8, 2006 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$103,500.00 of which \$9,968.00 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1472 based on 46 feet assessable front footage at \$32 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1472 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$147.2 PER YEAR
Due Date: September 26th, 2006

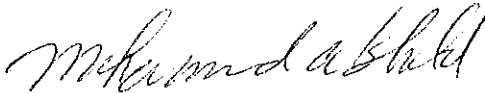
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If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

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

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

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

Sincerely,

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

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
SIXTH ST. MUSKEGON AVE. TO HOUSTON AVE. H 1528
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you **to the extent that funds are available.**

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

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

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

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

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

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

CITY OF MUSKEGON
SIXTH ST. MUSKEGON AVE. TO HOUSTON AVE. H 1528
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
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**CHERRY ST., WILCOX AVE. TO THOMPSON AVE.
FOREST AVE., RUDDIMAN ST. TO DAVIS ST.
SIXTH ST., HOUSTON AVE. TO MUSKEGON AVE.**

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

**All parcels abutting Cherry St. from Wilcox Ave. to Thompson Ave..
All parcels abutting Forest Ave., from Ruddiman St. to Davis St.
All parcels abutting Sixth St., from Houston Ave. to Muskegon Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **August 8, 2006 at 5:30 p.m.**

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

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

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

Linda Potter, Acting City Clerk

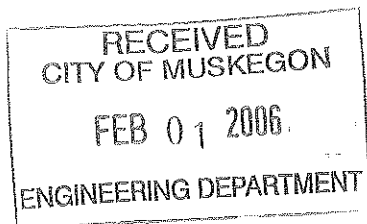
Publish: **JULY 29, 2006**

ADA POLICY

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

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267



CITY OF MUSKEGON

Resolution No. 2006-09(c)

Resolution At First Hearing Creating Special Assessment District
For **Sixth Street from Houston to Muskegon**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 24, 2006** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 24, 2006**, there were 27.61 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **10.07%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

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 24, 2006**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Sixth Street from Houston to Muskegon

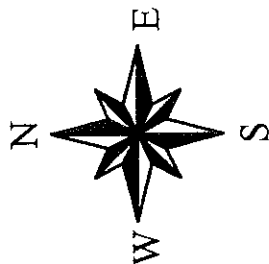
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Sixth Street from Houston to Muskegon**

6th Street -Houston to Muskegon



6th Street Project



SIXTH ST.,MUSKEGON AVE. TO HOUSTON AVE.

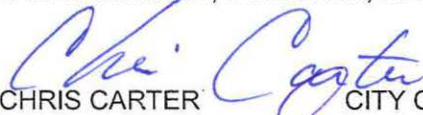
SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-347-0001-0	463.0	MUSKEGON A	JAY DEE PROPERTIES 1375 5TH ST MUSKEGON MI 49441	\$1,472.00	\$0.00	<i>\$1,472.00</i>
24-205-347-0001-1	1221.0	6TH ST	JAY DEE PROPERTIES 1375 5TH ST MUSKEGON MI 49441	\$1,280.00	\$0.00	<i>\$1,280.00</i>
24-205-347-0012-0	428.0	HOUSTON AV	MITCHELL ROBERT 1260 7TH ST. MUSKEGON MI 49441	\$2,112.00	\$0.00	<i>\$2,112.00</i>
24-205-348-0006-0	441.0	MUSKEGON A	JOHNSON DELORIS A 441 W MUSKEGON A MUSKEGON MI 49440-1	\$2,112.00	\$0.00	<i>\$2,112.00</i>
24-205-348-0007-0	1148.0	6TH ST	KNIGHT JOHNNIE 406 HOUSTON AVE MUSKEGON MI 49441	\$1,760.00	\$0.00	<i>\$1,760.00</i>
24-205-348-0007-1	414.0	HOUSTON AV	KNIGHT JOHNNIE 406 HOUSTON AVE MUSKEGON MI 49441	\$1,232.00	\$0.00	<i>\$1,232.00</i>
TOTALS				\$9,968.00	\$0.00	<i>\$9,968.00</i>

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

BOARD OF ASSESSORS

 8/15/06
 LARRY MILLARD, DIRECTOR,COUNTY EQUALIZATIO DATE

 8-14-06
 CHRIS CARTER CITY COMMISSIONER DATE

 8-10-06
 CLARA SHEPHERD CITY COMMISSIONER DATE

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: July 21, 2006

RE: Former Lakos Property – Holiday Inn

SUMMARY OF REQUEST:

The owners of the Holiday Inn have requested the City waive the deed restrictions on the former Lakos property and provide clear title to the property. The hotel owners have offered to pay \$10,000 for this transaction and have agreed to continue to allow the public to use the parking lot until the property is developed.

FINANCIAL IMPACT:

\$10,000.

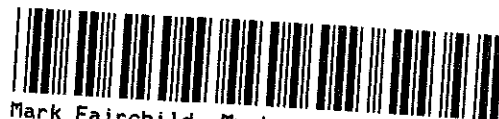
BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

None.

COMMITTEE RECOMMENDATION:



Mark Fairchild, Muskegon Co ROD D02

5211733
L-3711 P-267
08/23/2006 11:16A
Page: 1 of 2

Quit Claim Deed

City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

Conveys and Quit Claims to: **Muskegon Nights, Inc.**, a Michigan corporation, of 24725 Greenfield Road, Southfield, Michigan 48075 ("Grantee").

the property in the City of Muskegon, County of Muskegon, State of Michigan, which is described as follows:

Lot 8, except the East 4 inches; all of Lots 9, 10, and 11; Lot 12, except the Southwesterly .6 feet (6/10ths) more or less, Block 566, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, page 71, Muskegon County Records.

(former Lakos Property)

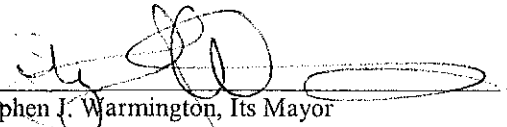
for the sum of: Ten Thousand and no/100 Dollars (\$10,000.00).

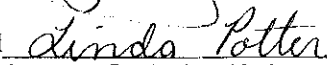
This deed is given to relinquish and terminate the land contract vendee's entire right, title and interest in the property and land contract dated March 1, 2000, between the City of Muskegon as seller and Desiree Enterprises, Inc., a Michigan corporation, as buyer, subject to the public's right to park on the property at no charge as long as the property is used as a parking lot by the Grantee or any successor in interest. A memorandum of the land contract is recorded at Liber 3020, Page 817, Muskegon County Records.

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

Dated: August 18, 2006

CITY OF MUSKEGON

By 
Stephen J. Warmington, Its Mayor

and 
Linda Potter, Its Acting Clerk

[notary block appears on following page]

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18 day of August, 2006, by Stephen J. Warmington and Linda Potter, Mayor and Acting Clerk, respectively, of the City of Muskegon, a municipal corporation.

Jo Ann M. Krauskowski
Jo Ann M. Krauskowski, Notary Public
Muskegon County, Michigan
My commission expires: 05-13-2012
Acting in Muskegon County, Michigan

Drafted by & when recorded return to:
John C. Schrier
PARMENTER O'TOOLE
601 Terrace Street, P.O. Box 786
Muskegon, Michigan 49443-0786

Send subsequent tax bills to:
Grantee



Mark Fairchild, Muskegon Co ROD D02

5211733

L-3711 P-267

08/23/2006 11:16A
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