

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 8, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL MEETING TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **PRESENTATION:**
- ❑ **HONORS AND AWARDS:**
- ❑ **CONSENT AGENDA:** Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.
 - a. Approval of Minutes. CITY CLERK
 - b. Terminate Easements (Terrace Lots). CITY ATTORNEY
 - c. FIRST READING - Seat Belt Ordinance. CITY CLERK
 - d. 2000-2001 Rock Salt Offer. PUBLIC WORKS
 - e. Lighthouse Park. LEISURE SERVICES
 - f. Request for permission to donate Engine #21 to Ahmeek Fire Department. FIRE
 - g. Video Taping of City Commission Meetings. ASSISTANT CITY MANAGER
 - h. Purchase of 423 W. Delano St. (Seaway Industrial Park). PLANNING & ECONOMIC DEVELOPMENT
 - i. Sale of Vacant Non-Buildable Lot in Marquette. PLANNING & ECONOMIC DEVELOPMENT
 - j. Sale of Vacant Non-Buildable Lot in Nelson. PLANNING & ECONOMIC DEVELOPMENT

- k. Sale of Vacant Buildable Lot in Marquette. PLANNING & ECONOMIC DEVELOPMENT
- l. Consideration of Bids – ESCO Watermain, E. End of Barney to C.E. Easement. ENGINEERING
- m. Renaissance Zone Policy. PLANNING & ECONOMIC DEVELOPMENT
- n. CDBG – Citizens District Council. LEGISLATIVE POLICY COMMITTEE

❑ **PUBLIC HEARINGS:**

- a. Request for the Establishment of an Industrial Development District – Harwoods, Inc. PLANNING & ECONOMIC DEVELOPMENT
- b. Request for an Industrial Development Certificate – Harwoods, Inc. PLANNING & ECONOMIC DEVELOPMENT
- c. Request for an Industrial Development Certificate – American Coil Spring. PLANNING & ECONOMIC DEVELOPMENT
- d. Spreading of the Special Assessment Roll Sidewalk Replacement Program for 1999 (Area W3). ENGINEERING

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

- a. Concurrence with Housing Board of Appeals Finding and Order for 1212 Jefferson. (From July 11, 2000 meeting). INSPECTIONS DEPARTMENT

❑ **NEW BUSINESS:**

- a. Brownfield Redevelopment Plan – Fee Amendment. PLANNING & ECONOMIC DEVELOPMENT
- b. Arena Contract Changes. LEISURE SERVICES
- c. Police Department Grant. POLICE

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **ADJOURNMENT:**

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

Date: August 1, 2000
To: Honorable Mayor and City Commission
From: Gail A. Kunding, City Clerk
RE: Minutes

SUMMARY OF REQUEST: To approve the minutes of the regular city commission meeting held on July 25, 2000.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: No recommendation.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 8, 2000

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, 2000.

Mayor Nielsen opened the meeting by introducing Reverend Fred Halde, First Presbyterian Church in Glenside. Reverend Halde offered the opening prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Fred J. Nielsen; Vice Mayor Scott Sieradzki; Commissioners John Aslakson, Robert Schweifler, Clara Shepherd, Lawrence Spataro

Absent: None

Tardy: Commissioner Jone Wortelboer Benedict (arrived at 6:00 p.m.)

2000-076 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes.

CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular City Commission Meeting held on July 25, 2000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

d. 2000-2001 Rock Salt Offer.

PUBLIC WORKS

SUMMARY OF REQUEST: Current rock salt vendor, Morton Salt, has offered to extend price of \$26.00/ton delivered through April 15, 2001. Request acceptance of offer.

FINANCIAL IMPACT: \$54,393, based on 2092.03 tons purchased at same price during 1999/2000 winter.

BUDGET ACTION REQUIRED: None, funds provided in highway budgets.

STAFF RECOMMENDATION: Accept offer.

h. Purchase of 423 W. Delano St. (Seaway Industrial Park).

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To purchase property located at 423 W. Delano Street pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Mr. John Larson, 423 W. Delano Street, Muskegon, Michigan on July 18, 2000. The purchase price is \$32,000.

FINANCIAL IMPACT: State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To grant approval of the resolution consenting to the purchase of 423 W. Delano Street for the development of the Seaway Industrial Park.

i. Sale of Vacant Non-Buildable Lot in Marquette.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant lot designated as map number 24-31-21-203-010 to Mr. John Morrison of 1241 Adams Drive. The lot has 45 feet of frontage and will serve to "square off" Mr. Morrison's property. The parcel is being offered to Mr. Morrison for \$100. The adjacent buildable 50-foot parcel will be sold to another Adams Drive resident who has agreed to pay market value for the lot.

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

BUDGET ACTION REQUIRED: None

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

j. Sale of Vacant Non-Buildable Lot in Nelson.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant lot designated as map number 24-31-21-251-007 to Ms. Laura L. Hammer of 718 Mills Avenue. The lot dimensions are 66 x 83 feet. The sale will allow a place for parking in the rear of the apartment complex adjacent to the vacant lot. Ms. Hammer has been advised that the parcel will have to be paved pursuant to the zoning ordinance for the parking. The parcel is being offered for \$100. There is no other interested adjacent property owner.

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

BUDGET ACTION REQUIRED: None

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

k. Sale of Vacant Buildable Lot in Marquette.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant buildable lot designated as map number 24-31-21-403-025 to Mr. Lawrence Baker of Artistic Builders. The subject parcel is located on Lawrence Avenue and has a total frontage of approximately 320 feet. Mr. Baker will build 3 single-family homes with not less than 1,600 square feet of living space (excluding the basements) and two-stall garages. The appraised value of the land is \$21,000 and Mr. Baker submitted the only bid of \$21,001.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution. The Land Reutilization Committee recommended this sale at their June 20 meeting.

I. Consideration of Bids – ESCO Watermain, E. End of Barney to C.E. Easement.
ENGINEERING

SUMMARY OF REQUEST: The contract to construct a 12" watermain be awarded to Jackson Merkey Contractors, Inc., since they were the lowest, responsible bidder with a bid price of \$51,185.00. Furthermore, we respectfully request that this award be contingent upon reaching an agreement with ESCO Corporation.

FINANCIAL IMPACT: The City would pay one-half of the total cost and ESCO would pay the other half. The anticipated total cost is \$51,185.00 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Jackson Merkey Contractors, Inc.

m. Renaissance Zone Policy.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the policy governing the expansion of existing or the creation of new subzones within the City of Muskegon's Renaissance Zone Program.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the policy. The Legislative & Policy Committee at their regularly scheduled meeting on July 26, 2000 recommended approval.

n. CDBG – Citizens District Council.
LEGISLATIVE POLICY COMMITTEE

SUMMARY OF REQUEST: To approve the recommendations of the Legislative Policy Committee to the CDBG – Citizen's District Council. The recommendations are:

- Allow the CDBG – Citizen District Council to a set regularly scheduled monthly meeting date instead of meeting upon demand,
- To eliminate a member of the Planning Commission as part of the composition of the CDBG – Citizen District Council.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to approve the Consent Agenda with the exception of items (b), (c), (e), (f), (g).

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

Nays: None

Absent: Benedict

ADOPTED

2000-077 ITEMS REMOVED FROM CONSENT:

b. Terminate Easements (Terrace Lots).

CITY ATTORNEY

SUMMARY OF REQUEST: To adopt the resolutions terminating public and private utility easements in vacated streets and alleys located in Blocks 556 and 557 in the City of Muskegon.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request. The resolutions presented here concern the easements that are still present in the streets and alleys, which have long since been vacated in the "Terrace Lots". "Terrace Lots" are across the street from the mall along Terrace between Western Avenue, Terrace Street, the present railroad and Shoreline Drive. Now it is necessary to terminate the utilities. The utilities involved have all been contacted and indicate that there are no live gas, electric or telephone lines in the former streets and alleys. In addition, there are some public sewer, water and storm sewer lines, which still need to be dealt with, and the utility companies have some private easements, which they also appear willing to release. Therefore, as part of the process it is necessary that the city take action along with other releases and responses by the utility companies, to terminate these street and alley utility easements.

NO ACTION TAKEN ON THIS ITEM

c. FIRST READING - Seat Belt Ordinance.

CITY CLERK

SUMMARY OF REQUEST: To adopt the ordinance amending the City Code of Ordinances, Chapter 20, Section 20-6 amending the Uniform Traffic Code concerning mandatory safety belt usage.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Adoption of the ordinance.

Motion by Commissioner Aslakson, second by Commissioner Spataro to adopt the ordinance amending the City Code of Ordinances, Chapter 20, Section 20-6 amending the Uniform Traffic Code concerning mandatory safety belt usage.

ROLL VOTE: Ayes: Aslakson, Nielsen, Schweifler, Shepherd, Spataro

Nays: Sieradzki

Absent: Benedict

REQUIRES SECOND READING

e. Lighthouse Park.

LEISURE SERVICES

SUMMARY OF REQUEST: The Beachwood/Bluffton Neighborhood Association has requested that the property within Pere Marquette that is across from Elliott Park be named Lighthouse Park with appropriate signage.

FINANCIAL IMPACT: None, except the cost of the sign.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve. The Leisure Services Board recommends approval.

Motion by Commissioner Aslakson, second by Commissioner Spataro to refer this item back to staff for further study.

ROLL VOTE: Ayes: Nielsen, Schweifler, Sieradzki, Spataro, Aslakson

Nays: Shepherd

Absent: Benedict

ADOPTED

f. Request for permission to donate Engine #21 to Ahmeek Fire Department. FIRE

SUMMARY OF REQUEST: The Fire Department is requesting City Commission permission to donate Engine #21 to Ahmeek Fire Department, Ahmeek, Michigan.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of donation of Engine #21 to Ahmeek Fire Department.

Motion by Vice Mayor Sieradzki, second by Commissioner Schweifler to approve the donation of Engine #21 to Ahmeek Fire Department, Ahmeek, Michigan.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

Absent: Benedict

ADOPTED

At this time the Mayor took a moment to welcome visitors from Russia. Viktor Yevdokimovich Sibiryakov, Head of Administration, Igarki City Administration and Aleksandr Mikhaylovich Vorotnikov, Minister of Economy, Ministry of Economy of Chuvashia Republic were here to visit our schools. They presented the Mayor with some souvenirs from Russia.

g. Video Taping of City Commission Meetings.

ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: The current contract with the vendor for video taping the City Commission meeting expires on August 18, 2000.

The City of Muskegon recently completed the bid process for this service for the next contract period, which is set at one-year with the option of extending for a second year at the agreement of both parties. The results of the bid process produced 3 bids.

Creative Video Productions – Grand Haven, MI. Cost: The bidder stated a per meeting cost of \$849 based on 26 meetings. However, the RFP stated 2 meetings per month at a contract duration of 12 months, which equals 24 meetings. This would bring the adjusted per meeting cost to \$919.75.

P. A. Entertainment, Inc. – Muskegon Heights, MI. Cost: The bidder submitted a per meeting cost of \$800.00 with a lump sum bid for the year of \$24,000. However, this equals 30 meeting per year. As stated above, 2 meetings per month for 12 months equals 24 meetings. The adjusted per meeting cost for this bidder would be \$1,000.00.

Advanced Video Presentations – North Muskegon, MI. Cost: The bidder submitted a per meeting cost of \$1,170.00 which is a lump sum of \$28,080 for the year. This is based on the 24 meetings per year schedule.

Based on the specifications outlined in the RFP and the quality of the responses from the bidders, staff recommends awarding the contract to the highest bidder, Advanced Video Presentations. Attached, please find information

further discussing the proposals and a copy of the original Request for Proposal that outlined the City's requirements for bidders. Copies of the videotapes submitted by each bidder along with their proposals are available in the City Manager's Office for your review.

FINANCIAL IMPACT: \$28,080

BUDGET ACTION REQUIRED: None at this time. Funds are currently budgeted for this contractual service. Award the contract for video taping of City Commission Meetings to Advanced Video Presentations at a cost of \$28,080 per year. Incidentally, it is worth mentioning that the lump sum on this company's first contract with the City of Muskegon was \$14,032 for 6 months; at a 12-month cost of \$28,064. This equates to a mere \$16.00 increase from the company's first bid to their current bid.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to concur with staff and award the contract to Advanced Video Presentations.

**ROLL VOTE: Ayes: Shepherd, Sieradzki, Aslakson, Benedict, Nielsen
Nays: Schweifler, Spataro**

ADOPTED

2000-078 PUBLIC HEARINGS:

a. Request for the Establishment of an Industrial Development District – Hardwoods, Inc.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Hardwoods, Inc., 1885 E. Laketon Avenue, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 1885 E. Laketon Avenue, Muskegon, Michigan. The project will result in the creation of 10 new jobs and \$506,400 in private investment.

FINANCIAL IMPACT: Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing the Industrial Development District for Hardwoods, Inc.

The Public Hearing opened at 6:15 p.m. to hear and consider any comments from the public on the establishment of an Industrial Development District for property located at 1885 E. Laketon Avenue, Muskegon, Michigan. No comments were heard.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to close the Public Hearing at 6:17 p.m. and establish an Industrial Development District for property located at 1885 E. Laketon Avenue, Muskegon, Michigan.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler

Nays: None

ADOPTED

b. Request for an Industrial Development Certificate – Hardwoods, Inc.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Hardwoods, Inc., 1885 E. Laketon Avenue has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$506,400 in personal property. The project will result in the creation of 10 employment opportunities. Hardwoods, Inc. is a start up company with no current labor force.

FINANCIAL IMPACT: The City will capture certain additional property and income 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 8 years.

The Public Hearing opened at 6:18 p.m. to hear and consider any comments from the public regarding the issuance of an Industrial Facilities Exemption Certificate. Phillip Pierce, President of Hardwoods, Inc. addressed the Commission. No other comments were heard.

Motion by Commissioner Benedict, second by Commissioner Aslakson to close the Public Hearing at 6:22 p.m. and issue an Industrial Facilities Exemption Certificate to Hardwoods, Inc.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

ADOPTED

c. Request for an Industrial Development Certificate – American Coil Spring.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, American Coil Spring Company, 1041 E. Keating Avenue has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$2,861,600 in personal property. The project will result in the creation of 6 employment opportunities while retaining 22 jobs. American Coil Spring's current workforce is 145.

FINANCIAL IMPACT: The City will capture certain additional property and income 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 7 years.

The Public Hearing opened at 6:23 p.m. to hear and consider any comments from the public. Tim Zwiť, Vice President and General Manager of American Coil Spring Company addressed the Commission. No other comments were heard.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to close the Public Hearing at 6:24 p.m. and to issue an Industrial Facilities Exemption Certificate to American Coil Spring Company.

ROLL VOTE: Ayes: Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

ADOPTED

d. Spreading of the Special Assessment Roll Sidewalk Replacement Program for 1999 (Area W3). ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for the 1999 Sidewalk Replacement Program and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$524,990.06 will be assessed against 623 parcels.

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

The Public Hearing opened at 6:26 p.m. to hear and consider any comments from the public. John Marshall, 1405 Barclay St. opposes the spreading of the special assessment. John Kowalski, 776 Washington opposes the assessment.

Ilene McCormick, 1405 Lakeshore Dr. opposes the assessment. Ed Winicki, 1826 Crowley, opposes the assessment. Paul Omness, 1261 W. Southern (1383 Lakeshore Dr.) opposes the assessment. Mike Jenkins, 1291 Fifth St, inquired if city income tax could be used for this project.

Motion by Commissioner Aslakson, second by Commissioner Spataro to close the Public Hearing at 6:48 p.m. and to spread the special assessment for the 1999 Sidewalk Replacement Program and to adopt the resolution confirming the special assessment roll.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

Nays: None

ADOPTED

UNFINISHED BUSINESS:

a. Concurrence with Housing Board of Appeals Finding and Order for 1212 Jefferson. (From July 11, 2000 meeting).

INSPECTIONS DEPARTMENT

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1212 Jefferson is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: This property had a fire in the basement on October 16, 1998. A police report was issued to the Inspections Department on February 13, 1999 and a Board Up Letter was sent on February 13, 1999.

A Notice and Order was sent out on June 18, 1999. The case was discussed at the Housing Board of Appeals on August 5, 1999. An audiotape of the meeting can be obtained in the Inspections Department.

According to the title search done in June of 1999, County taxes are due for 1995, 1996, 1997, 1998 and 1999. Special assessment due to the City of Muskegon as well. Please see Title Search page for taxes and special assessments.

The estimated cost to repair the structure is \$11,000.00.

NO ACTION TAKEN ON THIS ITEM

2000-079 NEW BUSINESS:

a. Brownfield Redevelopment Plan – Fee Amendment. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To amend the Master Fee Schedule to include the fee of \$2,500 for a Brownfield Redevelopment Plan Amendment for a Single-Business Tax Credit (SBT) and \$2,500 plus expenses for an Amendment that includes an SBT and a tax capture.

FINANCIAL IMPACT: The City will receive the fee for the amendment process. Currently, the City is financing these costs, which include City staff time, two public notices in the *Muskegon Chronicle*, letters mailed to taxing jurisdictions, and the costs associated with our Brownfield consultant.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the amendment to the Master Fee schedule for amendments to the Brownfield Plan.

Motion by Commissioner Benedict, second by Commissioner Spataro to amend the Master Fee Schedule to include the fee of \$2,500 for a Brownfield Redevelopment Plan Amendment for a Single-Business Tax Credit and \$2,500 plus expenses for an Amendment that includes a SBT and a tax capture.

ROLL VOTE: Ayes: Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

Nays: None

ADOPTED

b. Arena Contract Changes. LEISURE SERVICES

SUMMARY OF REQUEST: To decrease the payment to Arena Management Group to the 1999 – 2000 management fee and to increase the maintenance fee by \$.25.

FINANCIAL IMPACT: Management fee drops from \$687,000 to \$667,000. Maintenance fee will generate about \$40,000 in additional revenue.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

Motion by Commissioner Spataro, second by Commissioner Aslakson to decrease the payment to Arena Management Group to the 1999 - 2000 management fee and to increase the maintenance fee of \$.25.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Nielsen, Schweifler
Nays: Benedict

ADOPTED

c. Police Department Grant.
POLICE

SUMMARY OF REQUEST: Staff requests that the City Manager be authorized to negotiate an agreement with the County of Muskegon due to a Disparate Funding Certification and then submit the FY 2000 Local Law Enforcement Grant Application in the amount of up to \$141,599. This grant requires local cash match up to \$15,733. This would be the amount of match assuming no sharing with the County of Muskegon. The funds must be used for law enforcement purposes and may be used for personnel or equipment. The exact amount to be placed in each category has not yet been determined. The grant requires that establishment of an Advisory Board to make recommendations prior to the grant funds being released. However, it would be our intent to continue the funding of an information systems person as well as a record's division person that we began funding under a previous block grant. We would be looking at using the remainder of the funds for much needed equipment due to our increased staffing.

The exact amount the City of Muskegon would receive and the corresponding match will not be known until negotiations with the County are finalized. However, due to the entire system being online, the Bureau of Justice Assistance is only allowing 30 days from the time of the grant announcement until all negotiations, hearings and applications are completed. Therefore, staff is asking for Commission approval at this time.

FINANCIAL IMPACT: \$141,599 maximum to be received from the U. S. Department of Justice. \$15,733 maximum required as a local cash match and must be placed in the same interest bearing account as the federal grant funds.

Note that the grant covers a 2-year period.

BUDGET ACTION REQUIRED: A local cash match is required. If there were no sharing with the County the total match would be \$15,733. If there is sharing with the County of Muskegon, our required cash match would go down. This is a 10% cash match. These funds must be placed in the same interest bearing account as the federal grant funds and all interest earned must be spent on items allowable under the grant.

STAFF RECOMMENDATION: Staff recommends authorizing the City Manager to negotiate an agreement with the County Administrator and to then submit the FY 2000 Local Law Enforcement Block Grant Application.

NO ACTION TAKEN ON THIS ITEM

ANY OTHER BUSINESS:

Commissioner Benedict asked if Department Heads were to be present at the Monday Worksession. Discussion followed.

PUBLIC PARTICIPATION:

Mike Jenkins, 1291 Fifth Street reported that a house was burned on Seventh Street and has been demolished. When will the rubble be taken care of? Also, Mr. Jenkins inquired if the City Income Tax is a permanent tax.

ADJOURNMENT:

The Regular Commission Meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding". The signature is written in a cursive, flowing style.

Gail A. Kunding, CMC/AEE
City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: August 2, 2000

SUBJECT: 2000/2001 Rock Salt Offer

SUMMARY OF REQUEST:

Current rock salt vendor, Morton Salt, has offered to extend price of \$26.00/ton delivered through April 15, 2001. Request acceptance of offer.

FINANCIAL IMPACT:

\$54,393, based on 2092.03 tons purchased at same price during 1999/2000 winter.

BUDGET ACTION REQUIRED:

None; funds provided in highway budgets.

STAFF RECOMMENDATION:

Accept offer.

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4055

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

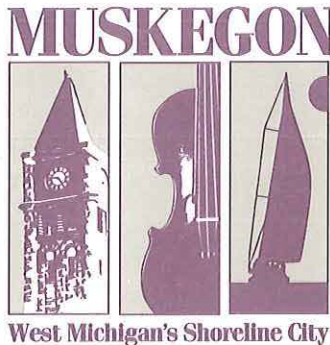
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



Date: July 24, 2000

To: The City Commission through the City Manager

From: 
Robert H. Kuhn, Public Works Director

Subject: Rock Salt Bid

For the 1999/2000 winter, bids to provide rock salt were sought through *The Muskegon Chronicle* and notices were mailed to known vendors. Three bids were received: Morton Salt at \$26.00/ton delivered; Cargill, Incorporated at \$33.98/ton delivered; and IMC Salt at \$26.98/ton delivered. Morton Salt was awarded the bid, as was the case the previous year.

This past winter 2092.03 tons of rock salt were purchased at a cost of \$54,393 based on \$26.00/ton. Current highway budgets—local, majors, and state trunkline—cover rock salt purchases up to \$82,440.

Morton Salt has offered to extend their \$26.00/ton delivered price through April 15, 2001. We are requesting acceptance of this offer.

pmb

(RockSalt 20002001)

Commission Meeting Date: August 8, 2000

Date: July 21, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Purchase of 423 W. Delano St. - Seaway Industrial Park

SUMMARY OF REQUEST:

To purchase property located at 423 W. Delano Street pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by Mr. John Larson, 423 W. Delano Street, Muskegon, Michigan on July 18, 2000. The purchase price is \$32,000.

FINANCIAL IMPACT:

State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To grant approval of the attached resolution consenting to the purchase of 423 W. Delano Street for the development of the Seaway Industrial Park.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2000-76(h)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING ACQUISITION OF PROPERTY AT
423 W. DELANO STREET FOR \$32,000

WHEREAS, the City of Muskegon and John H. Larson have entered into a purchase agreement for property located at 423 W. Delano Street, Muskegon, MI; and

WHEREAS, the purchase of property located at 423 W. Delano Street, Muskegon, Michigan, is consistent with the City's goal to create the Seaway Industrial Park; and

WHEREAS, the City of Muskegon intends to utilize State of Michigan Urban Land Assembly funds for the purchase of the subject property.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize purchase of property located at 423 W. Delano Street, Muskegon, Michigan for the amount of \$32,000.

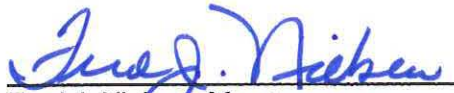
Adopted this 8th day of August 2000.

AYES: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

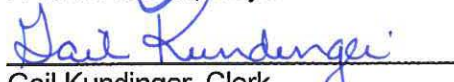
NAYS: None

ABSENT: Benedict

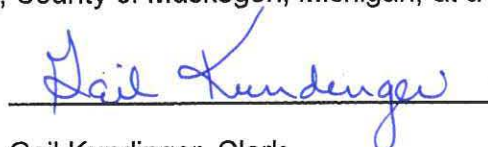
BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunding, Clerk

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, 2000.


Gail Kunding, Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made 07-18-00, 2000, by and between John Larson and Single man, of 923 W Delano, Muskegon, Michigan 49444 ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. General Agreement and Description of Premises. Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property ("Premises"), in the City of Muskegon, Muskegon County, Michigan, specifically described as:

YOUNG : WILLIAMS ADDITION;
WEST 60 FT. OF LOTS 3 AND 4 BLOCK 4;
EAST 11 FT. OF WAALKES ST. VACATED ADJ.

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. Purchase Price and Manner of Payment. The purchase price for the Premises shall be THIRTY-TWO THOUSAND (\$ 32,000) Dollars, payable in cash or city check to Buyer at Closing.

3. Taxes and Assessments. All taxes and assessments which are due and payable at the time of Closing shall be paid by the Seller prior to or at Closing. All taxes and special assessments which become due and payable after Closing shall be the responsibility of Buyer.

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, the Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or (otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If the Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be

terminated at the Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which the Seller wishes to remove shall be removed on or before Closing. The parties are aware that the Buyer intends to demolish the house. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

6. Survey. Buyer, at its own expense, may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. Environmental Matters. Seller represents and warrants to Buyer as follows:

To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranties set forth in this paragraph. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. Condition of Premises and Examination by Buyer. NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT, HOWEVER, TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT; ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON.

9. Real Estate Commission. Seller shall be solely responsible for any real estate commission or expenses of a broker or real estate consultant retained, employed, or utilized by Seller. Seller agrees to indemnify and hold the Buyer harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

10. Closing. The closing date of this sale shall be on or before _____, 2000 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing.

11. Delivery of Deed. Seller shall execute and deliver a warranty deed to Buyer at Closing for the Premises.

12. Affidavit of Title. At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

13. Date of Possession. Possession of Premises is to be delivered to Buyer by Seller no later than _____.

14. Costs. Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing.

15. General Provisions.

a. Paragraph Headings. The paragraph headings are inserted in this Agreement only for convenience.

b. Merger. It is understood and agreed that all understandings and agreements previously made between the Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

c. Governing Law. This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

d. Successors. All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

e. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

f. Survival of Representations and Warranties. The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale and continue until all liabilities of Buyer have been fully satisfied.

g. Modification of the Agreement. This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

Shanna Hill
Shanna Hill

Linda Porter
Linda Porter

BUYER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

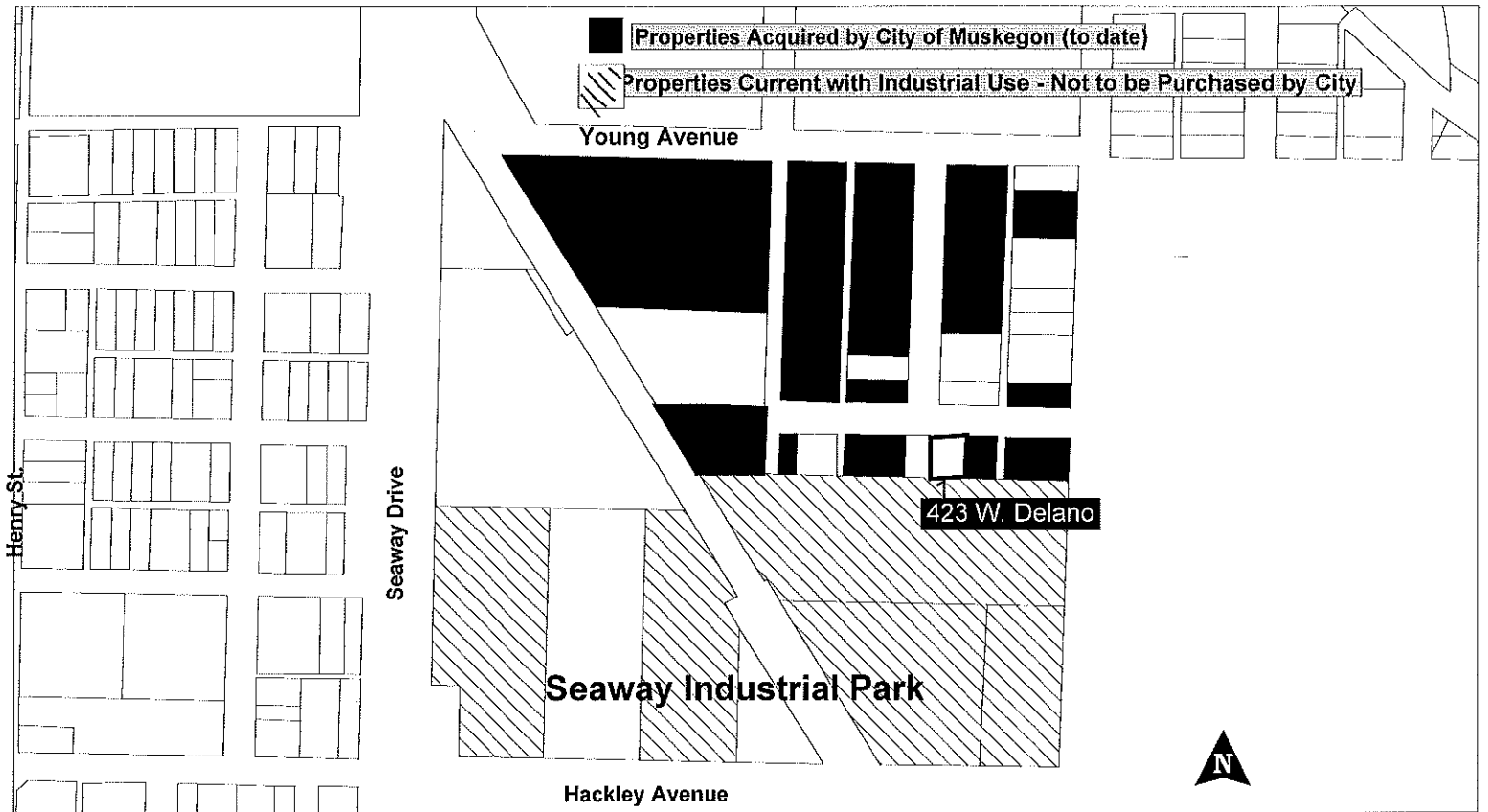
By Gail A. Kunding
Gail A. Kunding, Clerk

SELLER:

John H. Larson
(SS# 365-84-6191)

(SS# _____)

[Signature]
[Signature]



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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

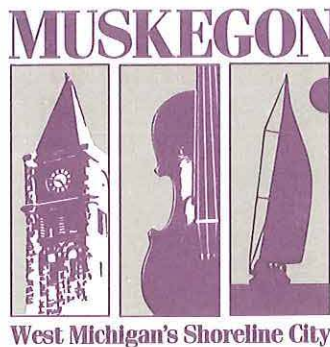
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



August 31, 2000

Mr. John Larson
423 W. Delano Avenue
Muskegon, MI 49444

RE: Acquisition of Property at 423 W. Delano Avenue

Dear Mr. Larson:

As discussed at our meeting on July 17, 2000, the following represents the terms agreed upon for the acquisition of your property located at 423 W. Delano Avenue.

1.	Purchase Price:	\$32,000
2.	Relocation Costs:	\$14,267
3.	Fixed Moving Costs:	<u>\$825</u>
	Total:	\$47,092

The City of Muskegon is also paying the closing costs associated with the purchase of your property in the amount of \$160. Please countersign this letter, in the space provide at the bottom of the page indicating your agreement with these terms.

If you have any comments or questions, please do not hesitate to contact me at (231) 724-6702.

Best Regards,

Matthew Dugener
Business Development Specialist

John H. Larson

By my signature I certify that I agree with the terms outlined in this letter.

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made 07-18-00, 2000, by and between John Larson and Single man, of 423 W Delano, Muskegon, Michigan 49444 ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. General Agreement and Description of Premises. Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property ("Premises"), in the City of Muskegon, Muskegon County, Michigan, specifically described as:

YOUNG : WILLIAMS ADDITION;
WEST 60 FT. OF LOTS 3 AND 4 BLOCK 4;
EAST 11 FT. OF WALKER ST. VACATED ADJ.

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. Purchase Price and Manner of Payment. The purchase price for the Premises shall be THIRTY-TWO THOUSAND (\$ 32,000) Dollars, payable in cash or city check to Buyer at Closing.

3. Taxes and Assessments. All taxes and assessments which are due and payable at the time of Closing shall be paid by the Seller prior to or at Closing. All taxes and special assessments which become due and payable after Closing shall be the responsibility of Buyer.

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, the Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or (otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If the Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be

Issued with Policy No.

SCHEDULE A

Amount \$32,000.00
Premium \$

Policy No. 411825
Order No.

Date: September 5, 2000 or the date of recording of the instrument(s) creating the estate or interest insured herein, whichever is later.

INSURED

City of Muskegon, a Municipal Corporation

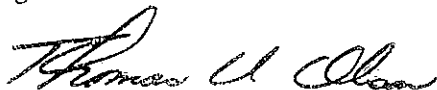
1. The estate or interest in the land described or referred to in this schedule covered by this policy is fee simple.
2. Title to the estate or interest covered by this policy at the date hereof is vested in:

City of Muskegon, a Municipal Corporation
3. The land referred to in this policy is situated in the City of Muskegon, County of Muskegon, State of Michigan, and is described as follows:

The West 60 feet of Lots 3 and 4, Block 4, Young and Williams Addition, according to the recorded Plat thereof in Liber 3 of Plats, on Page 39, including the East 11 feet of vacated Waalk's Street adjacent thereto.

TRANSNATION TITLE INSURANCE COMPANY

Countersigned:



By

Authorized Officer or Agent

SCHEDULE B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown of record.
2. Unrecorded water, mineral and oil rights, unrecorded easements and claims of easement, boundary line disputes not disclosed of record and any matters which would be disclosed by an accurate survey and inspection of the premises.
3. Mechanics' liens not of record.
4. The dower or homestead rights, if any, of the wife of any individual insured or of any individual shown herein to be a party in interest.
5. Building and use restrictions not appearing in the record chain of title, but omitting restrictions, if any, based on race, color, religion or national origin.

ksd

OWNER'S COVERAGE STATEMENT

Issued By

TRANSNATION TITLE INSURANCE COMPANY

Transnation

POLICY NUMBER

411825

This policy insures your title to the land described in Schedule A - if that land is a one-to-four family residential lot or condominium unit.

Your insurance, as described in this Coverage Statement, is effective on the Policy Date shown in Schedule A.

Your insurance is limited by the following:

- * Exclusion on page 2
- * Exceptions in Schedule B
- * Conditions on page 6

We insure you against actual loss resulting from:

- * any title risks covered by this Policy - up to the Policy Amount and
- * any costs, attorneys' fees and expenses we have to pay under this Policy

COMPANY'S DUTY TO DEFEND AGAINST COURT CASES

We will defend your title in any court case as to that part of the case that is based on a Covered Title Risk insured against by this Policy.

We will pay the costs, attorneys' fees, and expenses we incur in that defense.

We can end this duty to defend your title by exercising any of our options listed in Item 4 of the Conditions.

TRANSNATION TITLE INSURANCE COMPANY

Countersigned:

By



Authorized Officer or Agent

This Policy is not complete without Schedules A and B.

TRANSNATION TITLE INSURANCE CO
570 SEMINOLE ROAD, SUITE 102
MUSKEGON MI 49444

Date: September 5, 2000
Escrow Number: 411825

Property Address: 423 W. Delano
Muskegon, Michigan 49444

PURCHASER'S STATEMENT		
	DEBIT	CREDIT
Purchaser Price	\$ 32,000.00	\$
Rent Adjustment		
CLOSING FEES	150.00	
Recording Fees	10.00	
Sub Total	\$ 32,160.00	\$
Due from Purchaser		\$ 32,160.00
TOTALS	\$ 32,160.00	\$ 32,160.00

The undersigned Purchasers acknowledge Receipt of a copy of
this statement and agree to the correctness thereof, and
authorizes and ratifies the disbursement of the funds as stated
therein.

Purchaser(s) Signature(s):

City of Muskegon

BY

Tanjika A. Hale, Assistant Planner

TRANSACTION TITLE INSURANCE CO
570 SEMINOLE ROAD, SUITE 102
MUSKEGON MI 49444

Date: September 5, 2000
Escrow Number: 411825

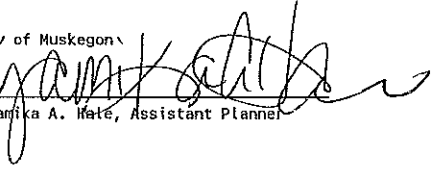
Property Address: 423 W. Delano
Muskegon, Michigan 49444

PURCHASER'S STATEMENT		
	DEBIT	CREDIT
Purchaser Price	\$ 32,000.00	\$
Rent Adjustment		
CLOSING FEES	150.00	
Recording Fees	10.00	
Sub Total	\$ 32,160.00	\$
Due from Purchaser		\$ 32,160.00
TOTALS	\$ 32,160.00	\$ 32,160.00

The undersigned Purchasers acknowledge Receipt of a copy of this statement and agree to the correctness thereof, and authorizes and ratifies the disbursement of the funds as stated therein.

Purchaser(s) Signature(s):

City of Muskegon\

BY 
Tanika A. Hale, Assistant Planner

PROPERTY TRANSFER AFFIDAVIT

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct taxable value. It must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property 423 W. Delano Muskegon, Michigan 49444	2. County Muskegon	4. Date of Transfer (or land contract was signed) 09/05/00
3. City/Township/Village of Real Estate ☒ City Muskegon ☐ Township ☐ Village	5. Purchase Price of Real Estate 9,32,000	
6. Property Identification Number (PIN) If you don't have a PIN, attach legal description. 61-24-895-004-0003-00		PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.
7. Seller's (Transferor) Name John Harold Larson	8. Buyer's (Transferee) Name and Mailing Address City of Muskegon Muskegon, MI 49440 933 Terrace	

Items 9 - 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See the back for a complete list.

9. Type of Transfer
☐ Land Contract ☐ Lease
☐ Deed ☐ Other (specify) _____

10. Is the transfer between related persons? ☐ Yes ☒ No	11. Amount of Down Payment
12. If you financed the purchase, did you pay market rate of interest? ☐ Yes ☒ No	13. Amount Financed (Borrowed)

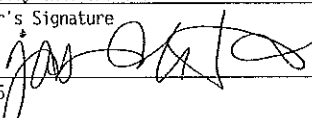
Exemptions

The Michigan Constitution limits how much a property's taxable value can increase while it is owned by the same person. Once the property is transferred, the taxable value must be adjusted by the assessor in the following year to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-m). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ transfer from one spouse to the other spouse
- ☐ change in ownership solely to exclude or include a spouse
- ☐ transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- ☐ transfer to effect the foreclosure or forfeiture of real property
- ☐ transfer by redemption from a tax sale
- ☐ transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ transfer resulting from a court order unless the order specifies a monetary payment
- ☐ transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- ☐ transfer to establish or release a security interest (collateral)
- ☐ transfer of real estate through normal public trading of stocks
- ☐ transfer between entities under common control or among members of an affiliated group
- ☐ transfer resulting from transactions that qualify as a tax-free reorganization
- ☐ other, specify: _____

Certification

I certify that the information above is true and complete to the best of my knowledge.

Owner's Signature 	Date 09/05/00	If signer is other than the owner, print name and title. Asst. Planner - City of Muskegon
--	------------------	--

ACKNOWLEDGEMENT OF HOMESTEAD EXEMPTION AFFIDAVIT
AND REQUEST TO RESCIND/WITHDRAW HOMESTEAD EXEMPTION
AND PROPERTY TRANSFER AFFIDAVIT

FILE # 411825

DATE: September 5th 2000

The undersigned acknowledges receipt of the Property Transfer Affidavit form (Michigan Department of Treasury form No. L-4260) as same is required by Public Act 415 of 1994 which imposes obligations on purchasers/transferees to file said form within 45 days of the date of transfer. The undersigned further acknowledges that Transnation Title Insurance Company is under no obligation to provide said form but does so as an accommodation to the undersigned. The undersigned assume(s) all liability relative to compliance with the Act and, accordingly, holds the Company harmless from and against any liability relative thereto.

Please check one of the following:

- ☐ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.
- ☒ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

The undersigned acknowledges receipt of the Homestead Exemption Affidavit form (Michigan Department of Treasury Form No. 2368) as same is required by Public Act 415 of 1994 which imposes obligations on purchasers/transferees to file said form within 45 days of the date of transfer. The undersigned further acknowledges that Transnation Title Insurance Company is under no obligation to provide said form but does so as an accommodation to the undersigned. The undersigned assume(s) all liability relative to compliance with the Act and, accordingly, holds the Company harmless from and against any liability relative thereto.

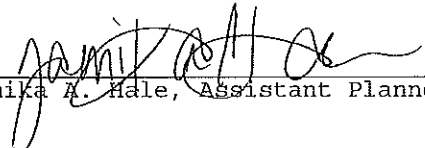
Please check one of the following:

- ☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.
- ☐ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

PURCHASER(S) :

City of Muskegon

BY


Tamika A. Hale, Assistant Planner

WARRANTY DEED

STATUTORY FORM FOR INDIVIDUALS

411825

Form No. M-960

KNOW ALL MEN BY THESE PRESENTS: That John Harold Larson, a single man
whose street number and post office address is 423 W. Delano
Muskegon, Michigan 49444
Convey and Warrant to City of Muskegon, a Municipal Corporation

whose street number and post office address is 423 W. Delano
933 Terrace

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

The West 60 feet of Lots 3 and 4, Block 4, Young and Williams Addition, according
to the recorded Plat thereof in Liber 3 of Plats, on Page 39, including the East 11
feet of vacated Waalk's Street adjacent thereto.
61-24-895-004-0003-00

More commonly known as: 423 W. Delano, Muskegon, Michigan 49444

AFFIX REVENUE STAMPS AFTER RECORDING

for the sum of ONE AND 00/100, (***\$1.00*) Dollars
subject to easements, use, building and other restrictions of record, if any;

Dated this 5th day of September, 2000

Signed and Sealed in presence of

Signed and Sealed:

Kimberly S Durnell
Sherry W. Woltz

John Harold Larson
John Harold Larson

STATE OF MICHIGAN }
COUNTY OF Muskegon } ss.

The foregoing instrument was acknowledged before me this 5th day of September, 2000
by John Harold Larson, a single man

KIMBERLY S. DURNELL
Notary Public, Muskegon County, MI

My Commission expires 6-8-2004 My Commission Expires 6-8-2004 Notary Public, _____ County, Michigan

County Treasurer's Certificate

City Treasurer's Certificate

After recording return to:
City of Muskegon
Muskegon, MI 49440
933 Terrace

Drafted By:
John Larson
423 W. Delano
Muskegon, MI 49444

TERMITE INSPECTION WAIVER

Date: September 5, 2000

RE: 411825

To: TRANSNATION TITLE INSURANCE CO
570 SEMINOLE ROAD, SUITE 102
MUSKEGON MI 49444

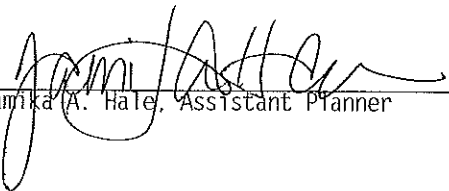
Property Address:
423 W. Delano
Muskegon, Michigan 49444
County: Muskegon

We, the undersigned, being the buyers and sellers of the above captioned property, herein acknowledge and certify that we have chosen to eliminate the requirement of a termite inspection for this property.

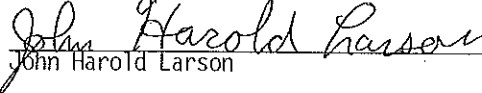
We herein agree to hold harmless Transnation Title Insurance Company and/or TRANSNATION TITLE INSURANCE CO, from any liability for loss or damage resulting from the fact that a termite inspection was not done at the time of closing of the above captioned property.

BUYER(S):

City of Muskegon

BY 
Tamika A. Hale, Assistant Planner

SELLER(S):


John Harold Larson

SURVEY WAIVER

Date: September 5, 2000

RE: 411825

To: TRANSNATION TITLE INSURANCE CO
570 SEMINOLE ROAD, SUITE 102
MUSKEGON MI 49444

Property Address:
423 W. Delano
Muskegon, Michigan 49444
County: Muskegon

We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

We have decided, completely of our own volition, not to obtain a survey and wish to complete the transaction without the recommended survey.

We hereby release TRANSNATION TITLE INSURANCE CO, its employees and/or agents, from any responsibility and/or liability concerning or pertaining to survey matters, including, but not limited to size of lot or land, location of boundary line, location of building and encroachments.

PURCHASER(S):

City of Muskegon

SELLER(S):

John Harold Larson
John Harold Larson

BY

Tamika A. Hale
Tamika A. Hale, Assistant Planner

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made 07-18-00, 2000, by and between John Larson and Single man, of 423 W Delano, Muskegon, Michigan 49444 ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. General Agreement and Description of Premises. Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property ("Premises"), in the City of Muskegon, Muskegon County, Michigan, specifically described as:

YOUNG : WILLIAMS ADDITION;
WEST 60 FT. OF LOTS 3 AND 4 BLOCK 4;
EAST 11 FT. OF WAALKES ST. VACATED ADJ.

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. Purchase Price and Manner of Payment. The purchase price for the Premises shall be THIRTY-TWO THOUSAND (\$ 32,000) Dollars, payable in cash or city check to Buyer at Closing.

3. Taxes and Assessments. All taxes and assessments which are due and payable at the time of Closing shall be paid by the Seller prior to or at Closing. All taxes and special assessments which become due and payable after Closing shall be the responsibility of Buyer.

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, the Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or (otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If the Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be

terminated at the Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which the Seller wishes to remove shall be removed on or before Closing. The parties are aware that the Buyer intends to demolish the house. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

6. Survey. Buyer, at its own expense, may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. Environmental Matters. Seller represents and warrants to Buyer as follows:

To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranties set forth in this paragraph. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. Condition of Premises and Examination by Buyer. NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT, HOWEVER, TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT; ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON.

9. Real Estate Commission. Seller shall be solely responsible for any real estate commission or expenses of a broker or real estate consultant retained, employed, or utilized by Seller. Seller agrees to indemnify and hold the Buyer harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

10. Closing. The closing date of this sale shall be on or before _____, 2000 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing.

11. Delivery of Deed. Seller shall execute and deliver a warranty deed to Buyer at Closing for the Premises.

12. Affidavit of Title. At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

13. Date of Possession. Possession of Premises is to be delivered to Buyer by Seller no later than _____.

14. Costs. Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing.

15. General Provisions.

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. Merger. It is understood and agreed that all understandings and agreements previously made between the Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

c. Governing Law. This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

d. Successors. All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

e. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

f. Survival of Representations and Warranties. The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale and continue until all liabilities of Buyer have been fully satisfied.

g. Modification of the Agreement. This Agreement shall not be amended except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

Shawnathill
Shawnathill

Linda Potter
Linda Potter

BUYER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kunding
Gail A. Kunding, Clerk

SELLER:

John H. Larson
(SS# 365-84-6191)

(SS# _____)

[Signature]
[Signature]

CLOSING AGREEMENT

Property Address: 423 W. Delano, Muskegon, Michigan 49444
Escrow No.: 411825

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, THAT I/we, as Seller(s), for valuable consideration, receipt of which is acknowledged, have bargained and sold and do grant and convey to the Buyer(s), in an "AS IS" condition with no warranty, either expressed or implied, the following goods and chattels:

ACCEPTING PROPERTY "AS IS"

Buyer(s) understand and acknowledge, that he/she (they) is/are buying the property in an "AS IS" condition and that neither the Seller(s) nor Realtor make any warranties as to the structure(s) located upon the land purchased or the condition thereof. We agree to hold harmless the listing and selling broker, and/or their agents and Transnation Title Insurance Company from any liability concerning this matter.

BUY AND SELL RESOLUTION

It is agreed, between the Buyer(s) and Seller(s) of this property that all contingencies and addendums to the Offer to Purchase thereto, have been met or are hereby resolved or removed to the satisfaction of the parties concerned. We agree to hold harmless the listing and selling broker, and/or their agents and Transnation Title Insurance Company from any liability concerning this matter.

SELLER'S AFFIDAVIT

The undersigned Seller(s) represent and warrant to the Buyer(s) and Transnation Title Insurance Company, that I/we have no knowledge on any proceedings instituted or taken by anyone which will result in a lien or special assessment upon the premises. That we have no knowledge of any delinquent taxes, special assessment, water bills, utility bills, furnished and financed insulation, or Homeowner's Association fees covering subject property, except as follows:

NONE

Seller(s) further agree that in the event it is determined there are unpaid fees for any of the above specified items for amounts which are due or become due prior to and including the date of closing or which become due after the date of closing, and which are payable prior to and including the date of closing or become payable after the date of closing, and which are the responsibility and obligation of Seller(s), that Seller(s) shall pay any and all amounts as so charged as their obligation and responsibility during the time they had possession of said property, and shall provide proof of payment of same to Transnation Title Insurance Company and Buyer(s) of said property.

Seller(s) further agree to pay any final water and/or sewer bills charged as their obligation and responsibility during the time they had possession of said property and shall hold harmless Transnation Title Insurance Company from any liability concerning this matter.

Seller(s) have not undertaken, within the past three (3) months, to have any work performed or materials furnished to the premises, which would give rise to any claim of a construction lien against the premises.

CLOSING AGREEMENT - continued

Property Address: 423 W. Delano, Muskegon, Michigan 49444
Escrow No.: 411825

The foregoing closing agreements are hereby accepted and approved.

Closing Date: September 5, 2000 Seller(s):

Kimberly S Dunne
Witness

John Harold Larson
John Harold Larson

Witness

Kimberly S Dunne
Witness

Buyer(s):

City of Muskegon

Witness

BY Tamika A. Hale
Tamika A. Hale, Assistant Planner

MUSKEGON REAL ESTATE BOARD
ADDENDUM TO BUY and SELL AGREEMENT

Date: September 5, 2000.

Office of Phone REALTOR, MUSKEGON, MI

1. Addendum to Buy Sell Agreement dated covering property at 423 W. Delano, Muskegon, Michigan 49444 and legally described as:

The West 60 feet of Lots 3 and 4, Block 4, Young and Williams Addition, according to the recorded Plat thereof in Liber 3 of Plats, on Page 39, including the East 11 feet of vacated Waalk's Street adjacent thereto.

2. This Addendum to be an integral part of attached Buy and Sell Agreement, which is amended as follows:

The date of close is to be September 5, 2000. Buyer is to pay the closing fee to Transnation Title.

3. RECEIPT IS ACKNOWLEDGED BY BUYER of a copy of this Agreement.

Kimberly S. Sumner
Witness

City of Muskegon

BY Tamika A. Hale
Tamika A. Hale, Assistant Planner

4. RECEIPT IS ACKNOWLEDGED BY SELLER of a copy of this Agreement.

Kimberly S. Sumner
Witness

John Harold Larson
John Harold Larson

Commission Meeting Date: August 8, 2000

Date: July 24, 2000
To: Honorable Mayor & City Commissioners
From: Planning & Economic Development
RE: Sale of Vacant Non-Buildable Lot in Marquette

SUMMARY OF REQUEST:

To approve the sale of the vacant lot designated as map number 24-31-21-203-010 to Mr. John Morrison of 1241 Adams Drive. The lot has 45 feet of frontage and will serve to "square off" (please refer to map) Mr. Morrison's property. The parcel is being offered to Mr. Morrison for \$100. The adjacent buildable 50-foot parcel will be sold to another Adams Drive resident who has agreed to pay market value for the lot.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2000-76(i)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A NON-BUILDABLE LOT IN MARQUETTE NEIGHBORHOOD FOR \$100.

WHEREAS, Mr. John Morrison has paid \$100 for the east 45 feet of map # 24-31-21-203-010, located on Adams;

WHEREAS, the sale would relieve the City of further maintenance costs;

WHEREAS, the sale is consistent with City policy regarding the disposition of non-buildable lots;

NOW THEREFORE BE IT RESOLVED, that the east 45 feet of map # 24-31-21-203-010 be sold to the above-mentioned buyer.

(Urban Renewal Plat No. 4 East 45 feet of Lot 789)

Adopted this 8th day of August, 2000

Ayes: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

Nays: None

Absent Benedict

By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
Gail Kunding, Clerk

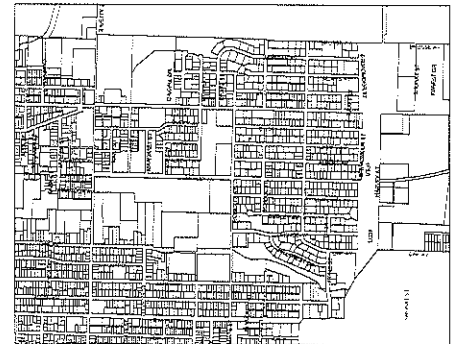
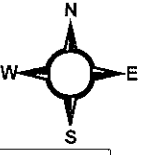
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 8, 2000.

By: Gail Kunding
Gail Kunding, Clerk

City-Owned Property Map

8/8/00



QUIT-CLAIM DEED

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

QUIT CLAIMS to **John Morrison and Genevieve Morrison, husband and wife of 2136 Garland**, Muskegon, MI 49441

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

Urban Renewal Plat No. 4 East 45 feet of Lot 789

for the sum of One hundred (\$100) Dollars.

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

Dated this 8th day of August 2000

Signed in the presence of:

JoAnn Krukowski
JOANN Krukowski
Linda S. Potter
Linda S. Potter

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 14th day of August 2000, by FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
G. Thomas Johnson
Parmenter O'Toole
P.O. Box 786
Muskegon, MI 49443-0786
Telephone: (231) 722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

When Recorded Return to: Grantee
Send Subsequent Tax Bills to: Grantee

Commission Meeting Date: August 8, 2000

Date: July 28, 2000

To: Honorable Mayor & City Commissioners

From: Planning & Economic Development *CB*

RE: Sale of Vacant Non-Buildable Lot in Nelson

SUMMARY OF REQUEST:

To approve the sale of the vacant lot designated as map number 24-31-21-251-007 to Ms. Laura L. Hammer of 718 Mills Avenue. The lot dimensions are 66 X 83 feet. The sale will allow a place for parking in the rear of the apartment complex adjacent to the vacant lot. Ms. Hammer has been advised that the parcel will have to be paved pursuant to the zoning ordinance for the parking. The parcel is being offered for \$100. There is no other interested adjacent property owner.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2000-76(j)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A NON-BUILDABLE LOT IN NELSON NEIGHBORHOOD FOR \$100.

WHEREAS, Mr. Laura L. Hammer has paid \$100 for map # 24-31-21-203-010, located on Fifth Street for Parking;

WHEREAS, Ms. Hammer has been advised that as the intended is for parking, the lot will have to paved pursuant to the zoning ordinance

WHEREAS, the sale would relieve the City of further maintenance costs;

WHEREAS, the sale is consistent with City policy regarding the disposition of non-buildable lots;

NOW THEREFORE BE IT RESOLVED, that map # 24-31-21-203-010 be sold to the above-mentioned buyer.

(Lot 13 Blk 348)

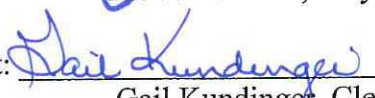
Adopted this 8th day of August, 2000

Ayes: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

Nays: None

Absent Benedict

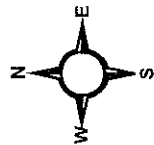
By: 
Fred J. Nielsen, Mayor

Attest: 
Gail Kunding, Clerk

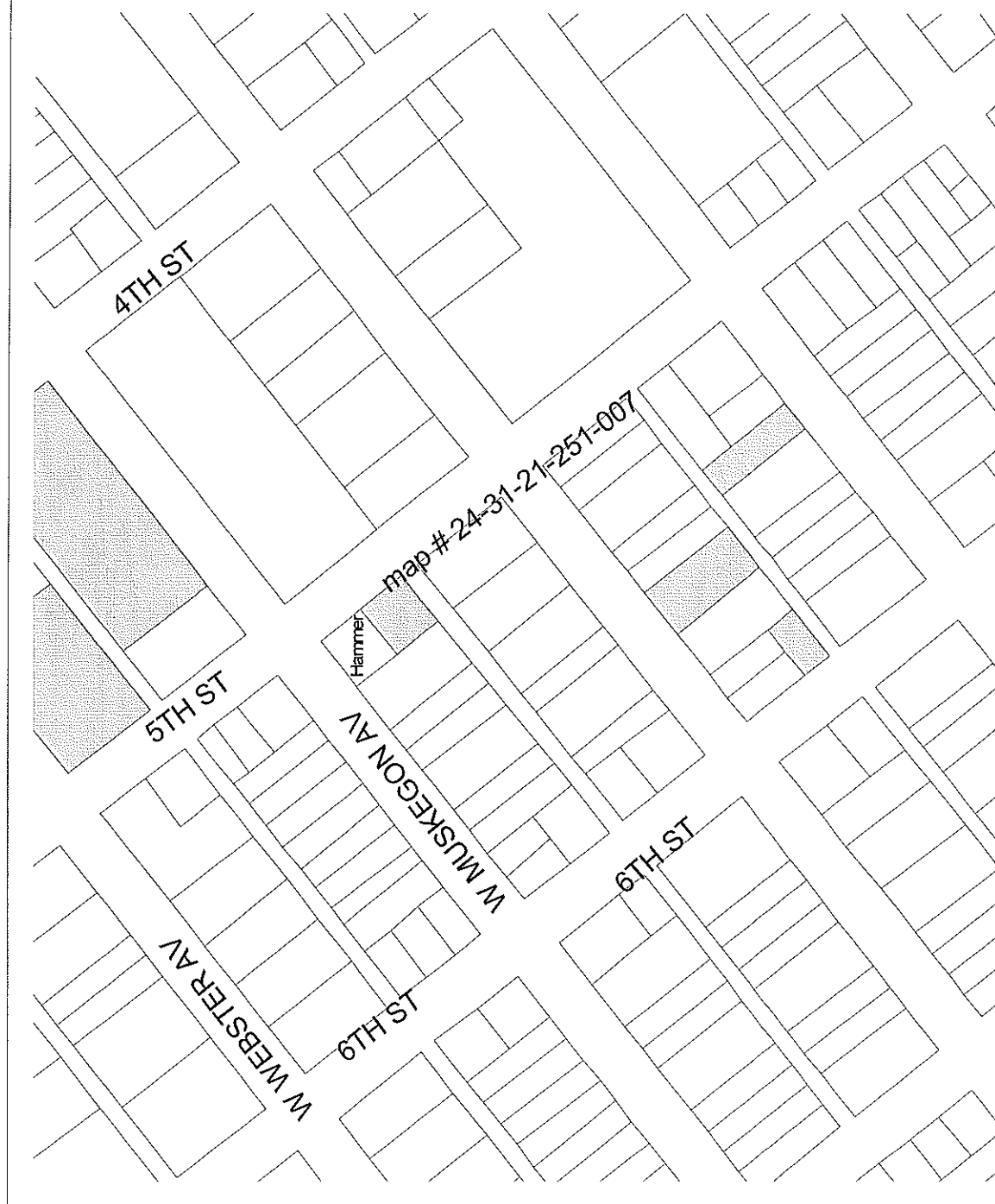
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 8, 2000.

By: 
Gail Kunding, Clerk



City-Owned Property Map
8/8/00



QUIT-CLAIM DEED

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

QUIT CLAIMS to **Laura Hammer** of **718 Mills**, North Muskegon, MI 49445

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

Lot 13 Blk 348

for the sum of One hundred (\$100) Dollars.

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

Dated this 8th day of August 2000

Signed in the presence of:

Jo Ann Krulowski
JO ANN KRULOWSKI;
Linda S. Potter
Linda S. Potter

CITY OF MUSKEGON
By Fred J. Nielsen
Fred J. Nielsen, Its Mayor
and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 14th day of August 2000, by FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
G. Thomas Johnson
Parmenter O'Toole
P.O. Box 786
Muskegon, MI 49443-0786
Telephone: (231) 722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

When Recorded Return to: Grantee
Send Subsequent Tax Bills to: Grantee

Commission Meeting Date: August 8, 2000

Date: July 28, 2000
To: Honorable Mayor & City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Vacant Buildable Lot in Marquette

SUMMARY OF REQUEST:

To approve the sale of the vacant buildable lot designated as map number 24-31-21-403-025 to Mr. Lawrence Baker of Artistic Builders. The subject parcel is located on Lawrence Avenue and has a total frontage of approximately 320 feet. Mr. Baker will build 3 single-family homes with not less than 1,600 square feet of living space (excluding the basements) and two-stall garages. The appraised value of the land is \$21,000 and Mr. Baker submitted the only bid of \$21,001.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The LRC recommended this sale at their June 20 meeting.

Resolution No. 2000-76(k)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT IN MARQUETTE NEIGHBORHOOD FOR \$21,001.

WHEREAS, Mr. Lawrence Baker has placed a \$200 earnest deposit for map # 24-31-21-403-025, located on Lawrence Avenue;

WHEREAS, Mr. Baker submitted the single bid for the construction of 3 single-family houses with not less than 1600 square feet and two stall garages;

WHEREAS, the LRC recommended the sale the property to Mr. Baker at their June 20 meeting;

WHEREAS, the sale would relieve the City of further maintenance costs;

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots;

NOW THEREFORE BE IT RESOLVED, # 24-31-21-403-025 be sold to the above-mentioned buyer for the construction of 3 single-family houses with not less than 1600 square feet and two stall garages.

(Urban Renewal Plat No. 1 All of Lots 124-127 and the West 56.8 feet of lot 128)

Adopted this 8th day of August, 2000

Ayes: Sieradzki, Spataro, ASlakson, Nielsen, Schweifler, Shepherd

Nays: None

Absent Benedict

By: Fred J. Nielsen
Fred J. Nielsen, Mayor

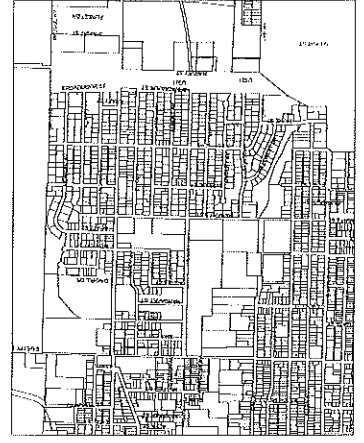
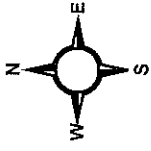
Attest: Gail Kunding
Gail Kunding, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on August 8, 2000.

By: Gail Kunding
Gail Kunding, Clerk

City-Owned Property Map
8/8/00



QUIT-CLAIM DEED

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

QUIT CLAIMS to Lawrence Baker of 835 Stevens, Muskegon, MI 49442, a married man.

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

Urban Renewal Plat No 1 All of lots 124-127 and the West 56.8 feet of lot 128

for the sum of Twenty-one thousand and one (\$21,001.00) Dollars.

PROVIDED, HOWEVER, Grantee, or his/her assigns, shall commence construction of two homes with not less than 1,600 square feet (excluding the basement) and two-stall garages on the premises herein conveyed within eighteen (18) months and a third home with the aforementioned amenities within 24 (twenty-four) months of the date of sale. In default of such construction, title to the premises herein conveyed shall revert to the City of Muskegon free and clear of any claim of Grantee or her assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or her assigns. "Commence construction" means 1) the issuance of a residential building permit by the City of Muskegon; and 2) in the sole opinion of the City of Muskegon's Director of Inspections, twenty-five (25%) percent completion of the dwelling described in the said building permit.

In the event of reversion of title of the above described premise, improvements made thereon shall become the property of the Grantor.

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

Dated this 8th day of August 2000

Signed in the presence of:

Jo Ann Krukowski
Jo Ann Krukowski
Linda S. Potter
Linda S. Potter

CITY OF MUSKEGON
By Fred J. Nielsen
Fred J. Nielsen, Its Mayor
and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 14th day of August 2000, by FRED J. NIELSEN and GAIL A. KUNDERGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
G. Thomas Johnson
Parmenter O'Toole
P.O. Box 786
Muskegon, MI 49443-0786
Telephone: (231) 722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

When Recorded Return to: Grantee
Send Subsequent Tax Bills to: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made **August 8, 2000** by and between the CITY OF MUSKEGON, a municipal corporation, with offices at 933 Terrace Street, Muskegon, Michigan 49440 ("Seller"), and **Lawrence Baker**, of **835 Stevens, Muskegon, MI 49442** ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, the real property located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

***Urban Renewal Plat No
1 Lots 124-127 & the W.
56.8 ft of Lot 128***

Subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be **Twenty-one thousand and one** Dollars (**\$21,001**) payable in cash or certified funds, to Seller at Closing.

3. **Taxes and Assessments.** All taxes and assessments which are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments which become due and payable after Closing shall be the responsibility of Buyer.

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owners title policy shall be paid by Seller.

9. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

10. **Closing.** The Closing date of this sale shall be on or before **October 8, 2000** – ("Closing"). The closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at Closing.

11. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises.

12. **Affidavit of Title.** At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

13. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of closing.

14. **Costs.** Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the deed to be delivered at Closing.

15. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine, or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e. **Successors.** All terms and conditions of this Agreement shall be Binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein, shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale and continue until all liabilities of Buyer have been fully satisfied.

h. **Modifications of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer/

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

SELLER: CITY OF MUSKEGON

Jo Ann Krukowski
JO ANN KRUKOWSKI

By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Linda S. Potter
Linda S. Potter

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

Lawrence Baker

BUYER: **LAWRENCE BAKER**

By: Lawrence Baker

It's: _____

Social Security No. 369 - 58 - 7827

Drafted by:
PARMENTER O'TOOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Ave, P.O. Box 786
Muskegon, Michigan 49443-0786



Transnation

570 SEMINOLE ROAD
SUITE 102
MUSKEGON, MI 49444

0164262

TRANSNATION LAND TITLE INSURANCE COMPANY

FILE NO. 411409

KD2 GROW ACCOUNT

No 164262 9-9/720

DATE 08/14/00

PAY TWENTY THOUSAND THREE HUNDRED FIFTY SEVEN AND 00/100
DOLLARS

\$ 20357.00



The City of Muskegon

TO
THE
ORDER
OF

VOID AFTER 90 DAYS
COMERICA BANK
MUSKEGON, MI 49441
720-11758

BY *Melinda Alder* AUTHORIZED SIGNATURE

BY _____ AUTHORIZED SIGNATURE

20443/20453

⑈ 164262 ⑈ ⑆072000096⑆ 1840353146⑈

DATE	DESCRIPTION	AMOUNT
Bank 5344	Check 164262	
Order No 411409	Property V/L	
411409		
Buyer Lawrence Baker	Seller City of Muskegon	
08/14/00	Net proceeds to seller(s)	20357.00
		\$20357.00

TRANSACTION TITLE INSURANCE CO
570 SEMINOLE ROAD, SUITE 102
MUSKEGON MI 49444

Date: August 14, 2000
Escrow Number: 411409

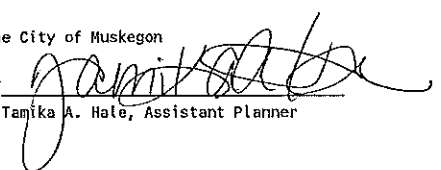
Property Address: V/L Lawrence
Muskegon, Michigan 49442

	SELLER'S STATEMENT	
	DEBIT	CREDIT
Purchase Price	\$	\$ 21,001.00
EXISTING LOAN		
Deposit of earnest money	200.00	
CLOSING FEES	250.00	
OWNERS PREMIUM	194.00	
Real Estate Commission		
Sub Total	\$ 644.00	\$ 21,001.00
Amount due Seller	\$ 20,357.00	
TOTALS	\$ 21,001.00	\$ 21,001.00

The undersigned Sellers acknowledge Receipt of a copy of this statement and agree to the correctness thereof, and ratifies the disbursement of the funds as stated therein.

Seller(s) Signature(s):

The City of Muskegon

BY 
Tamika A. Hale, Assistant Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

} SS

Title Commitment # 411409

That The City of Muskegon, a Municipal Corporation being first duly sworn on oath says that they are the true and lawful owner(s) of the premises located at:

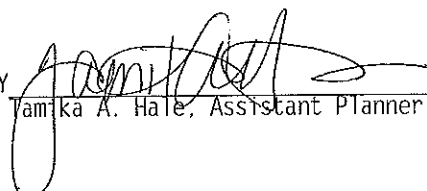
V/L Lawrence
Muskegon, Michigan 49442

AND

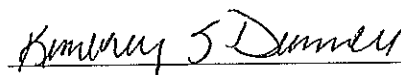
1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land contract, option, etc. other than the contract with the grantees in a certain deed of even date hereof.
3. That the parties in possession other than the affiant(s) are bonafide tenants only and have no other interest in the premises whatsoever.
4. That there are no judgments or liens against affiant(s), including income tax liens, adversely affecting the title to said property.
5. That there are no unpaid taxes, special assessments or water bills outstanding other than those shown on the closing statement.
6. That any overlooked, unknown, or misquoted taxes, special assessments, water bills etc. shall be immediately paid by affiant(s) as soon as informed of such.

Seller(s):

The City of Muskegon

BY 
Jamika A. Hale, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 14th day of August, 2000


Notary Public _____ County _____
My Commission Expires: _____

KIMBERLY S. DURNELL
Notary Public, Muskegon County, MI
My Commission Expires 6-8-2004

Date: August 8, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
ESCO Watermain, E. End of Barney to C.E. Easement

SUMMARY OF REQUEST:

The contract to construct a 12" watermain be awarded to Jackson Merkey Contractors, Inc. since they were the lowest, see bid tabulation, responsible bidder with a bid price of \$51,185.00. Furthermore, we respectfully request that this award be contingent upon reaching an agreement with ESCO Corporation.

FINANCIAL IMPACT:

The City would pay one-half of the total cost and ESCO would pay the other half. The anticipated total cost is \$51,185.00 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Jackson Merkey Contractors, Inc.

COMMITTEE RECOMMENDATION:

EAST END BARNEY TO CONSUMER ENERGY R.O.W.

[illegible]

Commission Meeting Date: August 8, 2000

Date: August 1, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Renaissance Zone Policy

SUMMARY OF REQUEST:

To approve the attached policy governing the expansion of existing or the creation of new sub-zones within the City of Muskegon's Renaissance Zone Program.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached policy.

COMMITTEE RECOMMENDATION:

The Legislative & Policy Committee at their regularly scheduled meeting on July 26, 2000 recommended approval.

**CITY OF MUSKEGON
DEVELOPMENT AGREEMENT POLICY**

2000-76(m)

**POLICY FOR EXPANDING EXISTING OR ESTABLISHING
NEW RENAISSANCE SUB-ZONES**

I. Background

In 1999, the Cities of Muskegon and Muskegon Heights were jointly designated as a Renaissance Zone. The City of Muskegon selected two areas of the city as sub-zones. The City of Muskegon Heights designated 4 sub-zones. These sub-zones are identified as development zones that are virtually tax-free for fifteen years. The goal of the program is to encourage investment and create jobs while re-utilizing vacant, contaminated, and underutilized properties in blighted portions of the community. As of the effective date of this policy, over \$25 million of private investment has been committed in the zone. The community (all taxing jurisdictions) is currently investing more than \$43,000 in forgiven taxes in both the City of Muskegon and the City of Muskegon Heights.

In 2000, the State of Michigan approved legislation, permitting the Muskegon/Muskegon Heights Renaissance Zone to apply to the Michigan Economic Development Corporation to expand existing zones contiguously and designate up to four new sub-zones. Application can be made quarterly to the Michigan Economic Development Corporation until December 31, 2002.

II. Goals

The City's goals in expanding the Renaissance Zone are:

1. To create jobs
2. To encourage private investment
3. To revitalize and reutilize vacant and underutilized properties
4. To provide development incentives in conjunction with building and site development requirements
5. To use the four new zones strategically in a way that maximizes goals one through four

III. Intent

The intent of this policy is to provide an opportunity for businesses and developers to submit proposals to the City for adding properties in Muskegon to the City's Renaissance Zone. Applications will be accepted to add parcels located contiguously to an existing sub-zone and to create new zones as permitted. Applications will be evaluated on the basis of the criteria identified in this policy. The new areas would become effective on January 1 of the year following their approval by the State. This policy identifies the requirement for concrete development commitments and no sub-zone shall be expanded or created for speculative purposes.

IV. Process

Proposal Content: All proposals must demonstrate that the project cannot reasonably be facilitated in an existing Renaissance Zone. It must identify the parcels being proposed for addition to the Zone or for inclusion in a new zone, the amount of real or personal property tax currently assessed to the site(s), and verify that the property meets the required number of threshold criteria (Section IX). Also, proposals should describe the use, amount of investment, jobs to be created/retained, detailed preliminary site plan and other pertinent information about the project.

Proposal Review: Proposals will be reviewed by the City's Renaissance Zone Committee (composed of City Staff) based on the extent to which the project addresses the evaluating factors cited in this policy. Recommendations will then be made to the City Commission, which on a case-by-case basis will review the capacity, if any, of the \$50,000 Revenue Investment Cap to absorb additional Renaissance Zone requests. Once approved by the City Commission, projects will be submitted to the Michigan Economic Development Corporation for final approval.

V. Tax Revenue Investment Cap

This policy establishes a cap of \$50,000 as the amount of City of Muskegon tax revenues to be invested in the City's Renaissance Zone program.

Projects will be evaluated on a case-by-case basis to determine whether the project is cap neutral or adds to or reduces available cap volume. Upon the completion of each project the available cap capacity will be adjusted accordingly.

FINAL

Cap capacity will be determined by analyzing the annual value of income tax receipts from new jobs created within the City's Renaissance Zone. The value will be used to calculate the available cap capacity as follows:

EXAMPLE:

\$50,000	Tax Revenue Investment Cap (Base Cap)
(minus)	
<u>\$8,200</u>	Existing Cap Capacity Utilized
\$41,800	Existing Cap Capacity (before Income Tax Factor)
(plus)	
<u>\$1,000</u>	Total 1999 Job Value (from new jobs created in Ren. Zone)
\$42,800	Total Remaining Cap Capacity

Where:

Base Cap	=	The cap of \$50,000 established by the City Commission
Utilized Cap Value	=	The estimated amount of actual property and income tax abated as of January 1999
Existing Cap Capacity	=	The difference between the Base Cap and the Utilized Cap Value
Job Value	=	The total number of jobs created by all projects in the City's Renaissance Zone multiplied by an estimated income tax value of \$300 per job
Remaining Cap Capacity	=	Amount of City public revenue remaining to be invested in Renaissance Program

VI. Development Agreement Parameters

Successful applicants will be required to enter into a development agreement with the City committing to the investment and/or job creation it has proposed and posting a performance bond or other guarantee of performance acceptable to the City. The development agreement will be drafted on a case by case basis but shall include, at a minimum, the following:

1. Jobs Created/Retained
2. Investment in Dollars
3. Site/Building Improvements
4. Other Conditions Deemed Necessary on a Case by Case Basis

VII. Site/Building Requirements

The Renaissance Zone Program is intended to provide incentives for the rehabilitation of vacant, obsolete, or otherwise underutilized property in the City of Muskegon. As such, any development agreement to expand or create a sub-zone will include improvements to project buildings and/or sites. The following areas of improvements will be considered:

1. Rehabilitation, demolition, construction or other means of structural improvements to the site including but not limited to historical/architectural detail (e.g. windows, building materials, etc.)
2. Landscaping/Screening Improvements
3. Interaction with Public Areas
4. Environmental Conditions (vegetation, rubbish, litter, toxic/hazardous substances, etc.)
5. Parking
6. Lighting
7. Vehicular/Pedestrian Access Management
8. Setbacks, Bulk, Height, and Area Considerations
9. Surrounding Area Settings (i.e. downtown, waterfront, industrial)
10. Utility Installation

VIII. Evaluation Factors

Proposals for adding parcels adjacent to an existing sub-zone areas or creating new zones which meet the threshold criteria (listed in Section 9) will be considered based upon the projects ability to achieve the following primary evaluation factors. If all of the primary factors cannot be met, the project will be considered ineligible. A project that meets the primary factors will then be further considered based on the extent to which a project addresses the following secondary evaluation factors. A project may not have to meet all of the secondary factors, however, these factors will provide a measure of the projects ability to meet the objectives of the Renaissance Zone program and will serve as critical input in any recommendation to expand existing or create new sub-zones.

Primary:

1. All applicants must demonstrate that projects cannot be reasonably facilitated in an existing Renaissance Zone.
2. Projects to be considered for designation must have full commitment from property owner(s), developers, and businesses.
3. Projects to be considered for designation must meet certain threshold criteria, depending on their location.

Secondary:

1. The amount of income tax to be generated by new jobs relative to the amount of local City taxes to be abated.
2. The amount of investment in buildings and equipment
3. The project allows a business to expand in the City, retains a significant number of jobs in the City, and/or will add jobs
4. The project includes other investment in neighborhood revitalization or public infrastructure improvements or utilizes other public and private financing tools to maximize redevelopment benefits
5. In the case of residential property, the extent to which the project provides incentives for housing that will create mixed use redevelopment (or develops downtown housing).
6. The amount of tax loss for all projects does not exceed the amount the City Commission identifies for support of Renaissance Zones
7. The extent to which designation may adversely affect DDA or other City financial/legal obligations
8. The project will enhance an area of the City and/or cause additional investment
9. The project will rehabilitate existing historical structures consistent with the Historic District Ordinance
10. If a project is industrial in nature, the extent to which the project is consistent with the State Certified Industrial Park Regulations
11. The project is consistent with City plans
12. Compliance with the following City ordinances and policies:
 - a) All applicants must be current with all taxes
 - b) All applicants must not be under written orders for violations of City ordinances
 - c) All applicants must not be under written orders for violations of City building codes
 - d) All applicants must be current with all City financial obligations including special assessments, and water/sewer fees

IX. Threshold Criteria

<u>Project Location</u>	<u>Number of Criteria That Must be Met</u>
⇒ Contiguous to Existing Zone (expansion of existing zone)	One
⇒ In the General Target Area But Not Contiguous with Existing Zone (new sub-zone designation)	Two
⇒ Outside the General Target Area (new sub-zone designation)	Three

Threshold Criteria

1. Property has been vacant or fifty percent of building(s) unoccupied, for at least one year.
2. Project will be a catalyst for a major development or for multiple redevelopment opportunities in the City
3. Property is a contaminated site or functionally obsolete, as defined by current Michigan law
4. Property shows other evidence of under-utilization or disinvestment
5. Project results in market rate housing in Central Business District

X. Other Conditions

The City reserves the right to not award Renaissance Zone status to any or all proposals, nor is it obligated to abate taxes to the limit of capacity available. It may also decide to exceed the cap, if it is deemed that the benefits of a project to the City warrant doing so. No property or proposal that is currently deemed properly utilized by the City will be considered for expansion of existing or creation of new sub-zones. Expansion of existing and creation of new Renaissance Zone designations are contingent on City Commission approval, and then must also be endorsed by the Michigan Economic Development Corporation and finally approved by the State of Michigan Administrative Board.

Adopted August 8, 2000.

Ayes: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

Nays: None

Absent: Benedict



Gail A. Kunding, City Clerk

Resolution No. 2000-76 (m)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING A POLICY FOR THE EXPANSION OF EXISTING OR
ESTABLISHMENT OF NEW SUB-ZONES WITHIN THE CITY'S RENAISSANCE ZONE
PROGRAM

WHEREAS, the City of Muskegon is committed to the economic development and
revitalization of the community; and

WHEREAS, the City Renaissance Zone Program is an important element of
community revitalization; and

WHEREAS, the City of Muskegon wishes to provide tax incentives to spur development
within the community; and

WHEREAS, the existing Renaissance sub-zones are nearly filled with new development.

NOW THEREFORE BE IT RESOLVED, that the Muskegon City Commission approves the
Policy for Expanding Existing or Establishing New Sub-Zones Within the City's
Renaissance Zone Program.

BE IT FURTHER RESOLVED, that the Muskegon City Commission directs staff to
form a Renaissance Zone Committee to make recommendations to the City
Commission regarding possible expansion or creation of sub-zones.

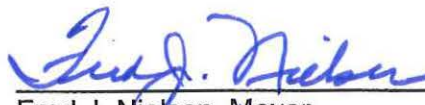
Adopted this 8th day of August 2000.

AYES: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

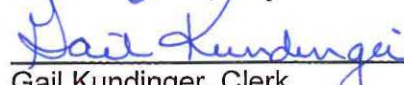
NAYS: None

ABSENT: Benedict

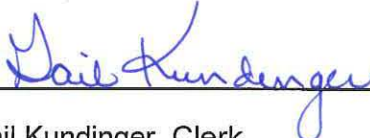
BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunding, Clerk

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, 2000.



Gail Kunderger, Clerk

Date: August 2, 2000

TO: Honorable Mayor and City Commissioners

FROM: Legislative Policy Committee
C/O Ken James, Affirmative Action Director

RE: CDBG – Citizen's District Council

Summary of Request:

To approve the recommendations of the Legislative Policy Committee to the CDBG – Citizen's District Council. The recommendations are:

- Allow the CDBG – Citizen District Council to a set regularly scheduled monthly meeting date instead of meeting upon demand,
- To eliminate a member of the Planning Commission as part of the composition of the CDBG – Citizen District Council.

Financial Impact:

NONE

Budget Action Required:

NONE

Staff Recommendation:

Staff recommends approval

Committee Recommendation:

The City Commission will decide this issue on 8/8/00

Date: August 1, 2000
To: Honorable Mayor and City Commission
From: Gail A. Kunding, City Clerk
RE: Resolutions terminating public & private utility easements in vacated streets and alleys.

SUMMARY OF REQUEST: To adopt the resolutions terminating public & private utility easements in vacated streets and alleys located in Blocks 556 and 557 in the City of Muskegon.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request. The resolutions presented here concern the easements that are still present in the streets and alleys, which have long since been vacated in the "Terrace Lots". "Terrace Lots" are across the street from the mall along Terrace between Western Avenue, Terrace Street, the present railroad and Shoreline Drive. Now it is necessary to terminate the utilities. The utilities involved have all been contacted and indicate that there are no live gas, electric or telephone lines in the former streets and alleys. In addition, there are some public sewer, water and storm sewer lines, which still need to be dealt with, and the utility companies have some private easements which they also appear willing to release. Therefore, as part of the process it is necessary that the city take action along with other releases and responses by the utility companies, to terminate these street and alley utility easements.

COMMITTEE RECOMMENDATION: No recommendation.

COPY

CITY OF MUSKEGON

NOTICE OF INTENT TO TERMINATE UTILITY EASEMENTS

TO: Michigan Consolidated Gas Company
Attn: Mr. Paul Larson
Mr. Tom Dahlman
2359 Olthoff Drive
Muskegon, MI 49444

PLEASE TAKE NOTICE that the City of Muskegon will consider the passage of the attached proposed resolution terminating public, public service and private easements in rights of way (streets and alleys) in the following parcel:

Blocks 556 and 557, Lot 1 and part of Lots 2 and 3 of Block 558, part of vacated Water Street and vacated Market Street, of the Revised Plat of the City of Muskegon as recorded in Liber 3 of Plats, Page 71, described as: Commencing at the South most corner of said Block 556 for point of beginning, thence North $62^{\circ}44'00''$ West along the Northeasterly line of Terrace Street as extended a distance of 1248.69 feet; thence Northwesterly along said Northeasterly line of Terrace Street as extended on the arc of a 302.48 foot radius curve to the left a distance of 80.01 feet to the Southerly right of way line of the C & O Railroad (the long chord of said curve bears North $70^{\circ}18'32''$ West 79.78 feet, the central angle of said curve is $15^{\circ}09'20''$); thence Northeasterly along said Southerly right of way line on the arc of a 715.00 foot radius curve to the right a distance of 150.10 feet (the long chord of said curve bears North $55^{\circ}32'54''$ East 149.83 feet, the central angle of said curve is $12^{\circ}01'40''$); thence Northeasterly along said Southerly right of way line on the arc of a 570.00 foot radius curve to the right a distance of 533.06 feet to the Northwesterly line of vacated Water Street (the long chord of said curve bears North $88^{\circ}22'02''$ East 513.84 feet, the central angle of said curve is $53^{\circ}34'57''$); thence South $50^{\circ}56'50''$ East 33.03 feet to the intersection of the two centerlines of said vacated Water Street; thence South $62^{\circ}44'00''$ East along the centerline of vacated Water Street 981.47 feet to the Northwesterly line of Western Avenue; thence South $56^{\circ}56'42''$ West along said Northwesterly line of Western Avenue 417.83 feet to point of beginning.

This parcel of land is located on the Northeasterly boundary of Terrace Street, between Western Avenue and Shoreline Drive in downtown Muskegon. The outer boundary of the parcel is roughly bounded by the CSX railroad tracks, and then vacated Water Street to its intersection with Western Avenue.

The resolution does not purport to affect or terminate any private easements or easements which are not in rights of way in streets or alleys.

Your response and comment are invited and anticipated concerning this proposed action of the City Commission of the City of Muskegon. The meeting at which the resolution will be considered will be at the following time and place:

Muskegon City Hall
933 Terrace Street
Muskegon, MI 49440

Date and time of the meeting: August 8, 2000 at 5:30 p.m.

The resolution is summarized as follows:

The city commission intends to terminate all public service and private utility rights and easements in the streets and alleys located in the above parcel, generally described as vacated Water Street, Market Street, and the alleys in Blocks 556, 557 and parts of Block 558. Part of Water Street is shown on some maps as "Pine Street," but this resolution concerns only that portion westerly of Western Avenue.

The City requests your release of these easements, since it appears that there are no live facilities owned or operated by your company in the streets or alleys of the property, and utility easements or franchise rights will be afforded or exist in new public streets or rights of way which will be constructed in the property.

This notice is given pursuant to the direction of the city manager.

CITY OF MUSKEGON

By _____
Gail A. Kunder, City Clerk

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. _____

A resolution terminating public and private utility easements in vacated streets and alleys located in Blocks 556 and 557, Revised Plat of the City of Muskegon.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The City of Muskegon vacated certain streets and alleys in the following area:

Blocks 556 and 557, Lot 1 and part of Lots 2 and 3 of Block 558, part of vacated Water Street and vacated Market Street, of the Revised Plat of the City of Muskegon as recorded in Liber 3 of Plats, Page 71, described as: Commencing at the South most corner of said Block 556 for point of beginning, thence North 62°44'00" West along the Northeasterly line of Terrace Street as extended a distance of 1248.69 feet; thence Northwesterly along said Northeasterly line of Terrace Street as extended on the arc of a 302.48 foot radius curve to the left a distance of 80.01 feet to the Southerly right of way line of the C & O Railroad (the long chord of said curve bears North 70°18'32" West 79.78 feet, the central angle of said curve is 15°09'20"); thence Northeasterly along said Southerly right of way line on the arc of a 715.00 foot radius curve to the right a distance of 150.10 feet (the long chord of said curve bears North 55°32'54" East 149.83 feet, the central angle of said curve is 12°01'40"); thence Northeasterly along said Southerly right of way line on the arc of a 570.00 foot radius curve to the right a distance of 533.06 feet to the Northwesterly line of vacated Water Street (the long chord of said curve bears North 88°22'02" East 513.84 feet, the central angle of said curve is 53°34'57"); thence South 50° 56'50" East 33.03 feet to the intersection of the two centerlines of said vacated Water Street; thence South 62°44'00" East along the centerline of vacated Water Street 981.47 feet to the Northwesterly line of Western Avenue; thence South 56°56' 42" West along said Northwesterly line of Western Avenue 417.83 feet to point of beginning.

Said vacations occurred at various times, including, without limitation, city resolutions recorded in the Muskegon County Register of Deeds as follows:

- (1) Resolution dated May 23, 1945, recorded at Liber 89 Page 575.
 - (2) Resolution dated July 11, 1945, recorded at Liber 89 Page 538.
 - (3) Resolution dated February 23, 1971, recorded at Liber 956 Page 557.
2. In all of the said resolutions the city reserved from the vacation of the streets and alleys, a continuing easement in the said street and alley areas for utility rights acquired by the city or by any public service utility in the city operating in, over and upon said portions of the streets and alleys thereby vacated.
 3. It has become necessary to terminate the said easement rights. Notice of the meeting at which this resolution would be considered has been given to all the private or public service utility companies including GTE or its successors, Consumers Energy Corporation, Michigan Consolidated Gas Company.
 4. That the city staff has considered the presence of public city utilities in the said easements and made determinations which are accounted for in this resolution.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. That as to all public service or privately owned utilities in the streets and alleys located in the above described lands, the said utility and easement rights are hereby terminated.
2. That as to all public sewer, water and storm sewer utilities in the said streets and alleys, the same are terminated with the following exceptions:
 - 2.1 The sanitary sewer easement found in former Water Street, running northerly from the north line of Terrace Street is retained, until such time as the sewer line located in the said easement is moved from the easement to a new right of way, easement, street or alley.
 - 2.2 The sanitary sewer line located in former Water Street along the northeasterly boundary of the above parcel shall be retained until said line can be moved to an alternative right of way easement, street or alley, or, in the alternative, may remain in the event they are located in City owned lands or they do not materially encroach on private lands.
 - 2.3 All public or private easements or utilities or public service utilities in the property above servicing Muskegon Mall.
3. That the termination of easements for private and public service utilities shall not include any requirement that the facilities located in the said easements be removed, as long as the said facilities are not "live."

4. This resolution does not purport to terminate easements granted to utility companies or utilized by the city which are not located in the vacated streets and alleys in the above parcel. Said separate easements shall be dealt with or resolved by the city in addition to the action taken by this resolution.

This resolution passed.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on _____, 2000. 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, City Clerk

PREPARED BY AND WHEN
RECORDED RETURN TO:
G. Thomas Johnson
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231/722-1621

COPY

CITY OF MUSKEGON

NOTICE OF INTENT TO TERMINATE UTILITY EASEMENTS

TO: Consumers Energy Company
Attn: Deborah A. Kile
Sue E. Rakowski
212 W. Michigan Avenue
Jackson, MI 49201-2236

PLEASE TAKE NOTICE that the City of Muskegon will consider the passage of the attached proposed resolution terminating public, public service and private easements in rights of way (streets and alleys) in the following parcel:

Blocks 556 and 557, Lot 1 and part of Lots 2 and 3 of Block 558, part of vacated Water Street and vacated Market Street, of the Revised Plat of the City of Muskegon as recorded in Liber 3 of Plats, Page 71, described as: Commencing at the South most corner of said Block 556 for point of beginning, thence North 62°44'00" West along the Northeasterly line of Terrace Street as extended a distance of 1248.69 feet; thence Northwesterly along said Northeasterly line of Terrace Street as extended on the arc of a 302.48 foot radius curve to the left a distance of 80.01 feet to the Southerly right of way line of the C & O Railroad (the long chord of said curve bears North 70°18'32" West 79.78 feet, the central angle of said curve is 15°09'20"); thence Northeasterly along said Southerly right of way line on the arc of a 715.00 foot radius curve to the right a distance of 150.10 feet (the long chord of said curve bears North 55°32'54" East 149.83 feet, the central angle of said curve is 12°01'40"); thence Northeasterly along said Southerly right of way line on the arc of a 570.00 foot radius curve to the right a distance of 533.06 feet to the Northwesterly line of vacated Water Street (the long chord of said curve bears North 88°22'02" East 513.84 feet, the central angle of said curve is 53°34'57"); thence South 50°56'50" East 33.03 feet to the intersection of the two centerlines of said vacated Water Street; thence South 62°44'00" East along the centerline of vacated Water Street 981.47 feet to the Northwesterly line of Western Avenue; thence South 56°56'42" West along said Northwesterly line of Western Avenue 417.83 feet to point of beginning.

This parcel of land is located on the Northeasterly boundary of Terrace Street, between Western Avenue and Shoreline Drive in downtown Muskegon. The outer boundary of the parcel is roughly bounded by the CSX railroad tracks, and then vacated Water Street to its intersection with Western Avenue.

The resolution does not purport to affect or terminate any private easements or easements which are not in rights of way in streets or alleys.

Your response and comment are invited and anticipated concerning this proposed action of the City Commission of the City of Muskegon. The meeting at which the resolution will be considered will be at the following time and place:

Muskegon City Hall
933 Terrace Street
Muskegon, MI 49440

Date and time of the meeting: August 8, 2000 at 5:30 p.m.

The resolution is summarized as follows:

The city commission intends to terminate all public service and private utility rights and easements in the streets and alleys located in the above parcel, generally described as vacated Water Street, Market Street, and the alleys in Blocks 556, 557 and parts of Block 558. Part of Water Street is shown on some maps as "Pine Street," but this resolution concerns only that portion westerly of Western Avenue.

The City requests your release of these easements, since it appears that there are no live facilities owned or operated by your company in the streets or alleys of the property, and utility easements or franchise rights will be afforded or exist in new public streets or rights of way which will be constructed in the property.

This notice is given pursuant to the direction of the city manager.

CITY OF MUSKEGON

By _____
Gail A. Kunding, City Clerk

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. _____

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 3. It has become necessary to terminate the said easement rights. Notice of the meeting at which this resolution would be considered has been given to all the private or public service utility companies including GTE or its successors, Consumers Energy Corporation, Michigan Consolidated Gas Company.
 4. That the city staff has considered the presence of public city utilities in the said easements and made determinations which are accounted for in this resolution.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. That as to all public service or privately owned utilities in the streets and alleys located in the above described lands, the said utility and easement rights are hereby terminated.
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This resolution passed.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on _____, 2000. 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, City Clerk

PREPARED BY AND WHEN
RECORDED RETURN TO:
G. Thomas Johnson
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231/722-1621

COPY

CITY OF MUSKEGON

NOTICE OF INTENT TO TERMINATE UTILITY EASEMENTS

TO: Ms. Mary Wiggers
GTE North
860 Terrace St.
Muskegon, MI 49440

PLEASE TAKE NOTICE that the City of Muskegon will consider the passage of the attached proposed resolution terminating public, public service and private easements in rights of way (streets and alleys) in the following parcel:

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This notice is given pursuant to the direction of the city manager.

CITY OF MUSKEGON

By _____
Gail A. Kunder, City Clerk

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

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This resolution passed.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on _____, 2000. 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, City Clerk

PREPARED BY AND WHEN
RECORDED RETURN TO:
G. Thomas Johnson
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231/722-1621

AGENDA ITEM

The city is in a lawsuit with MAC1, one of the entities developing the mall. It is necessary, in order to comply with a 1994 contract signed with the mall developer, that we terminate any easements in the property known as the "Terrace Lots," which are across the street from the mall along Terrace between Western Avenue, Terrace Street, the present railroad and Shoreline Drive.

The resolutions presented here concern the easements that are still present in the streets and alleys which have long since been vacated in the "Terrace Lots." Now it is necessary to terminate the utilities. The utilities involved have all been contacted and indicate that there are no live gas, electric or telephone lines in the former streets and alleys. In addition, there are some public sewer, water and storm sewer lines, which still need to be dealt with, and the utility companies have some private easements which they also appear willing to release.

Therefore, as part of the process it is necessary that the city take action along with other releases and responses by the utility companies, to terminate these street and alley utility easements.

law offices of

PARMENTER O'TOOLE

175 W. Apple Avenue • P.O. Box 786 • Muskegon, Michigan • 49443-0786
Phone 231.722.1621 • Fax 231.722.7866 or 728.2206

July 28, 2000

Ms. Gail A. Kunding
City Clerk
City of Muskegon
Muskegon, MI 49443-0536

Dear Gail:

I would appreciate your signing the enclosed Notices and returning them to me for immediate mailing to the utility companies. Enclosed are copies of the Resolution and Notices for your records.

Also enclosed is an Agenda Item.

Very truly yours,

G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com

GTJ/mmf

Enclosures

c: Mr. Bryon L. Mazade

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier

James R. Scheuerle
Keith L. McEvoy
Anna K. Urick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

AGENDA ITEM

CITY COMMISSION MEETING
August 8, 2000

*Needs
2nd Reading*

TO: Honorable Mayor and City Commissioners
FROM: Gail Kunding, City Clerk
DATE: August 1, 2000
SUBJECT: Seat Belt Ordinance – FIRST READING

SUMMARY OF REQUEST: To adopt the attached ordinance amending the City Code of Ordinances, Chapter 20, Section 20-6 amending the Uniform Traffic Code concerning mandatory safety belt usage.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

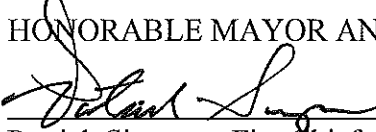
STAFF RECOMMENDATION: Adoption of the ordinance.

COMMITTEE RECOMMENDATION: None.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSION

FROM: 
Patrick Simpson, Fire Chief

DATE: July 31, 2000

SUBJ: **Request for Permission to Donate Engine #21 to Ahmeek Fire Department**

SUMMARY OF REQUEST:

The Fire Department is requesting City Commission permission to donate Engine #21 to Ahmeek Fire Department, Ahmeek, Michigan

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION

Staff recommends approval of donation of Engine #21 to Ahmeek Fire Department.

COMMITTEE RECOMMENDATION:

July 31, 2000

Honorable Mayor and City Commission
Through the City Manager

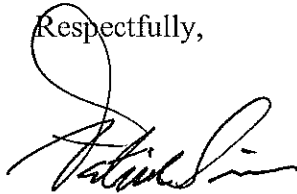
Dear Commissioners:

Engine #21, a 1974 American LaFrance 1500 gpm pumper, is going from reserve to surplus status with the delivery of the new 2000 American LaFrance 100' aerial. I would ask that this pumper be donated by the City of Muskegon to the Ahmeek Fire Department in Ahmeek, Michigan.

This pumper is 26 years old and has been run on 10's of thousands of calls in Muskegon. It has only salvage yard value for the City of Muskegon, but with some body work and mechanical work would serve Ahmeek for several years replacing a 1950's unit now in service.

This act of generosity on your part will better protect lives and property for citizens of Ahmeek for some time to come.

Respectfully,

A handwritten signature in black ink, appearing to read "Patrick Simpson". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping underline.

Patrick Simpson
Fire Chief

Ahmeek Volunteer Fire Department

Ahmeek, Michigan 49901



October 12, 1999

Patrick Simpson, Fire Chief
Muskegon Fire Department
75 W. Walton
Muskegon, MI 49940

Re: America La France
1974 Fire Truck

Dear Chief Simpson:

This is a written request to be placed on the list of departments interested in obtaining your 1974 fire truck, per our conversation. I can be reached at (906) 337-1890 or my e-mail address: tfspagnotti@portup.com. Thank you for your consideration in this matter.

Sincerely,

Tony Spagnotti

Tony Spagnotti
Fire Chief
Ahmeek Volunteer Fire Department

6498-
906-337-1627
1504

No Action
Taken

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Concurrence with Housing Board of Appeals
Finding and Order for Case # 99-24, aka, 1212
Jefferson

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1212 Jefferson is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

This property had a fire in the basement on 10/16/98, see attached report for damages and pictures. A police report was issued to the Inspections Dept on 2/13/99 and a Board up Letter was sent on 2/13/99.

A Notice and Order was sent out on 6/18/99. The case was discussed at the Housing Board of appeals on 8/5/99. An Audiotape of the meeting can be obtained in the Inspections Department.

According to the title search done in June of 99, County taxes are due for 1995, 1996, 1997, 1998, and 1999. Special assessment due to the City of Muskegon as well. Please see attached Title Search page for taxes and special assessments.

The estimated cost to repair the structure is: \$11,000.00

COMMITTEE RECOMMENDATION:

The Commission will consider this item at its meeting on July 11, 2000.

M P I R S - A

Incident Report

Fire Department Muskegon Fire Department			Date amend
Weather	Temp	Wind Dir and Velocity	Change Deleted

P D Ident 6110	Incident No. 3478	Exp 00	Mo. 10	Day 16	Year 98	Day Of Week 6 Friday	Alarm Time 08:59	Time Arrive 09:00	Time Clrd. 10:41	Sta. 1
Incident Location: No., Street, City 1212 Jefferson							Apt./Suite	Zip Code 49441	Census Tract 602	
Occupant: Last, First, Mi. Several						Phone () -	Contact Person			
Owner: Last, First, Mi. McMillan						Phone (616)722-1199	Address 838 W. Grand			
Type of Situation Found 11 Structure fire						Type of Action Taken 1 Extinguishment			Mutual Aid Recv Given	
Fixed Property Use 422 3-6 apartment units						Probable Act or Omission 54 Short circuit			Fire Dept Use E	
Method of Alarm from Public 7 911						Fire Dept. Use			1st Co. in 95	Shift 1
# Fire Serv Person Resp. to Incident Loc 14		Engines, Pumper Respond 3	Mini-Pumpers Respond	Aerials, Ladders Respond	Squads, Rescues Respond 2	Tankers Incl. Trailers	Grass Fire Rigs	Other F.D. Veh. 3		
# PERSONS INJURED		Fire Serv	1 Non-Fire Serv	# FATALITIES	Fire Serv	Non-Fire Serv	1 Pers Rscd			
General Property Use(Complex) 42 Apartment complex			Mobile Property Class 8 Mobile property type n/a			Equipment Involved in Ignition 98 No equipment involved				
Area Of Origin 40 Basement			Form Of Heat Causing Ignition 22 Arc-mech. damage			Type Of Material First Ignited 63 Sawn wood				
Form Of Material Ignited 17 Structural membr			Level Of Fire Origin 8 Below ground level			Method Of Extinguishment 6 Hose:precon. to hydr				
Building, Vehile or Other - Insurance Co. if known) None				Amount of Insurance 0.00		Est Property Value 0.00		Est Property Loss 15000.00		
Contents - Insurance Co. (if known) none				Amount of Insurance 0.00		Est Contents Value 0.00		Est Contents Loss 2500.00		
Number Of Stories 2 2 stories.		Construction Type 8 Unprotected wood frame		Extent Of Flame Damage 6 Structure of origin			Extent Of Smoke Damage 6 Structure of origin			
Type Auto. Extinguishment System 8 No system present				Extinguishment System Performance 8 No equipment present						
Detector Type 2 smoke-photoelectric prin.			Detector Power Supply 1 Battery only			Detector Performance 4 Not at origin-did not opr				
IF SMOKE SPREAD BEYOND ROOM OF ORIGIN		Type Material Gen. Most Smoke 97 Multiple types		Form Of Material Gen Most Smoke 97 Multiple forms			Avenue of Smoke Travel 8 No significant avenue			
IF MOBILE PROPERTY		Year	Make	Model	Vehicle Number			License Number		
IF EQUIPMENT INVOLVED		Year	Brand Name	Model	Serial Number					
No. of Gal. of Water Used		No. and Feet of Hose Booster		1-1/2"		2-1/2"		3-1/2"		Other
Kind No.Used		Kind No.Used		Kind No.Used		Kind No.Used		Kind No.Used		Kind No.Used
Kind No.Used		Kind No.Used		Kind No.Used		Kind No.Used		Kind No.Used		Kind No.Used
Name and Rank of Officer in Charge at Incident Dennis Duff, Battalion Chief				Person Making Report, If different from Officer in charge						

REMARKS

Muskegon Fire Department

For Incident: 3478 Exposure: 00 DATE: 10/16/98 TIME: 08:59

On 95 arrival smoke showing roof area vents.
On 91 arrival working fire stated. Occupants stated fire was in basement and everyone was outside except occupant front upstairs apartment. I ordered a primary search. Capt. Tim Rosema and F/F Pete Hughes entered front door going up to front apartment and rescuing occupant. (Marvin Carey) EMS personnel from Professional Amb. transported to Hackley Hosp. 24 crew backup rescue team. Second floor was laddered and ventilation set up. 71 & 45 entered through back door into basement extinguishing fire. All crews checked for extension and ventilated.
Origin of fire was in center basement area.
Fire Inspector M. Metcalf investigating.
Batt. Chief Dennis Duff

Investigation revealed that the fire started from the improper use of an extension cord to power a light fixture. The cord was plugged into an outlet at one end and wrapped around a structural member. From there the cord ran to the east and was utilized to provide power to a light fixture. There is evidence of electrical arcing along the cord where it was wrapped around the 2x4. It is the opinion of this investigator based on the evidence found at the scene and statements made by the tenants that the cord had lost its insulation and was arcing for a period of time. This caused pyrolysis to occur to the wood member and allowed it to ignite at a lower ignition temperature than would normally be required. Photographs were taken and the wire was gathered and will be stored in our evidence locker. This case is closed.

Robert B. Grabinski
Fire Marshal

Incident Report

MUSKEGON POLICE DEPARTMENT

99-003329-I

Incident No 99-003329-I	Date & Time Reported 02/13/1999 11:12	Offense: 99009 GENERAL NON-CRIMINAL	
Occurred From: 02/13/1999 11:12	Occurred Until: 02/13/1999 11:25	Incident Location 1212 JEFFERSON	
Current Disp CLOSED	Disposed To CLOSED PARKER	Municipality MUSKEGON	District 111
Disposition Date 02/13/1999	Juveniles Only? NO	TTY Sent? NO	Cancelled? TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / :
Officer Assigned 10429 ADDICOTT, MICHAEL B		Investigating Officer	

N
O
T
E
S
Assisting Ofcr C. Martinez Open Door

copy to Inspections

P	Name/Address/Phone	Description
	NO PERSONS	
	Description/Name/Comments	Make/Model/Stat
	NO PROPERTY	Serial No./Qty/Value
	Status/Plate Type/VIN	Reg/Evid/Value
	NO VEHICLES	Description
	Category	Description
	NO M.O. INFORMATION	

6793

INSPECTIONS

Continued

MUSKEGON POLICE DEPARTMENT

99-003329-I

Incident No 99-003329-I	Date & Time Reported 02/13/1999 11:12	Offense: 99009 GENERAL NON-CRIMINAL
----------------------------	--	--

N TAKEN FROM WORDPERFECT DOCUMENT 99003329.001

A Officers were dispatched to 1212 JEFFERSON. The door to the upper
R rear Apartment off the landing was unsecured. The house has boards
R covering the doors & windows due to a house fire.A
T We checked the interior. No one was located but the strong odor of
I rotting trash was overpowering. Garbage from a refrigerator was
V all over a kitchen. Litter was all about the apartments.E
We could not lock the door. Unknown who the owner of the property
is. Request a copy of this report be sent to Inspections - the
owner should be notified to again cover the door.

Cleared at 11:25A M. Addicott #61

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City
NOTICE AND ORDER

June 18, 1999

Michael DeWald
P. O. Box 741
Warsaw, In. 46580

Dear Property Owner:

Subject: 1212 Jefferson
N ½ Lot 2, Block 384

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

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616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

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Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718



West Michigan's Shoreline City

CITY OF MUSKEGON

**NOTICE OF HEARING ON
DANGEROUS AND UNSAFE CONDITIONS**

DATE: July 20, 1999

TO: Mike DeWald

SUBJECT: Dangerous Building Case #99-24 – 1212 Jefferson

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on August 5, 1999 at 5:30 p.m. at the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

The structure has been inspected by officials from the Neighborhood and Construction Services Department and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code which defines dangerous buildings.

At the hearing, the Neighborhood and Construction Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Neighborhood and Construction Services
City of Muskegon

For The Inspection Dept.
City of Muskegon

407274

FROM CITY ASSESSOR'S RECORDS

OWNER Donald McMillan, 1212 Jefferson Apt 2, Muskegon, MI
Michael DeWald, 836 W. Grand, Muskegon, MI 49441
PROPERTY 1212 Jefferson *See last page*
PLATE # 05812
DESCRIPTION North 1/2 of Lot 2, Block 384

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 1427

PAGE: 254

DATE OF DEED: October 2, 1987

GRANTOR: Mary Frances Cloetingh

GRANTEE: William G. Zimmerman

LIENS OR MORTGAGES: Land Contract - Liber 1472, Page 857
Memorandum of Land Contract - Liber 1621, Page 695

DATE: June 4, 1999 at 8:00 AM

Connie Johnson

ABSTRACTED BY:
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT Affecting land in Muskegon County, Michigan described as follows:

The North 1/2 of Lot 2, Block 384, Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 31-30-278-005

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1999 City taxes.

STATE AND COUNTY TAXES

1995 County tax due in the amount of \$1,049.33, plus penalties and interest.

1996 County tax due in the amount of \$1,034.29, plus penalties and interest.

1997 County tax due in the amount of \$1,121.58, plus penalties and interest.

1998 County tax due in the amount of \$1,004.44, plus penalties and interest.

SPECIAL ASSESSMENTS

City of Muskegon invoice due in the amount of \$240.00, plus penalties and interest.

City of Muskegon infraction(s) due in the amount of \$276.00, plus cost and penalties. Contact District Court for payoff.

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

File Number - 407274

Delinquent water usage due in the amount of \$331.15, plus penalties and interest.

TAX SALES

State Equalized Value \$18,900.00.
Taxable Value \$18,486.00.
Tax Code No. 24-0005812.

NOTE: No Homestead filed.

Connie Johnson

By

Connie L. Johnson

Date - June 4, 1999 at 8:00 AM

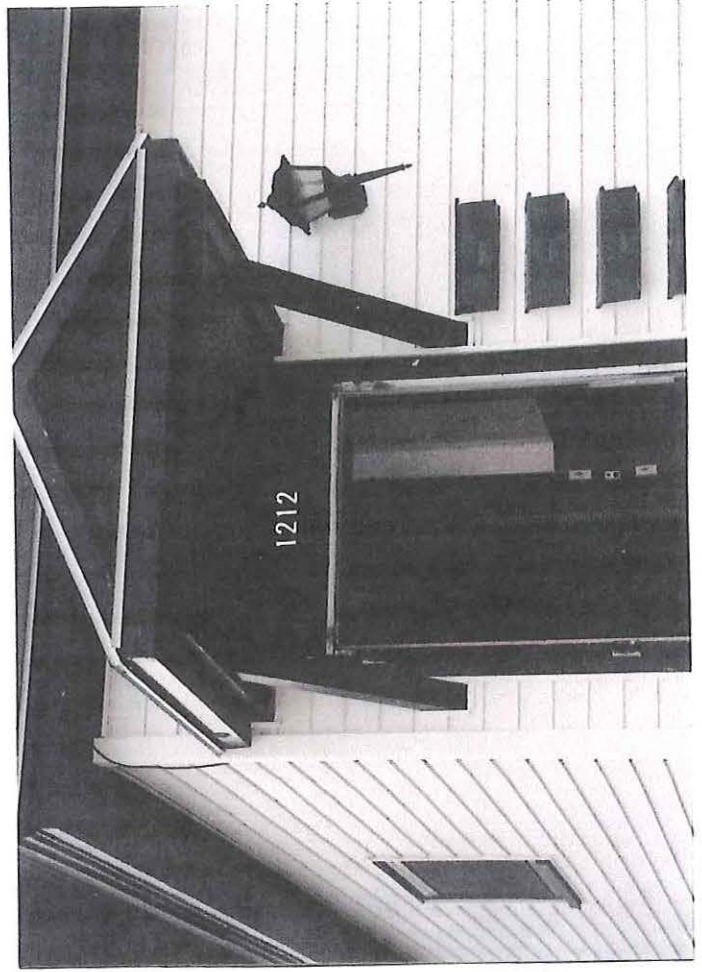
CLJ/dej

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information. Should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Insurance Company.

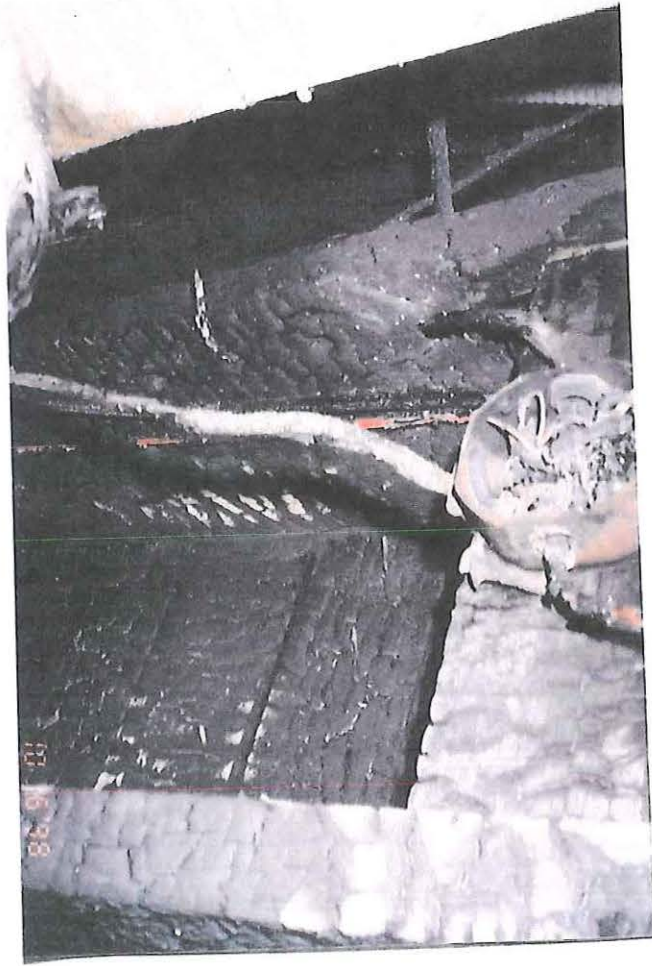
MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

Form No. M867.6

(Previous No. T814)

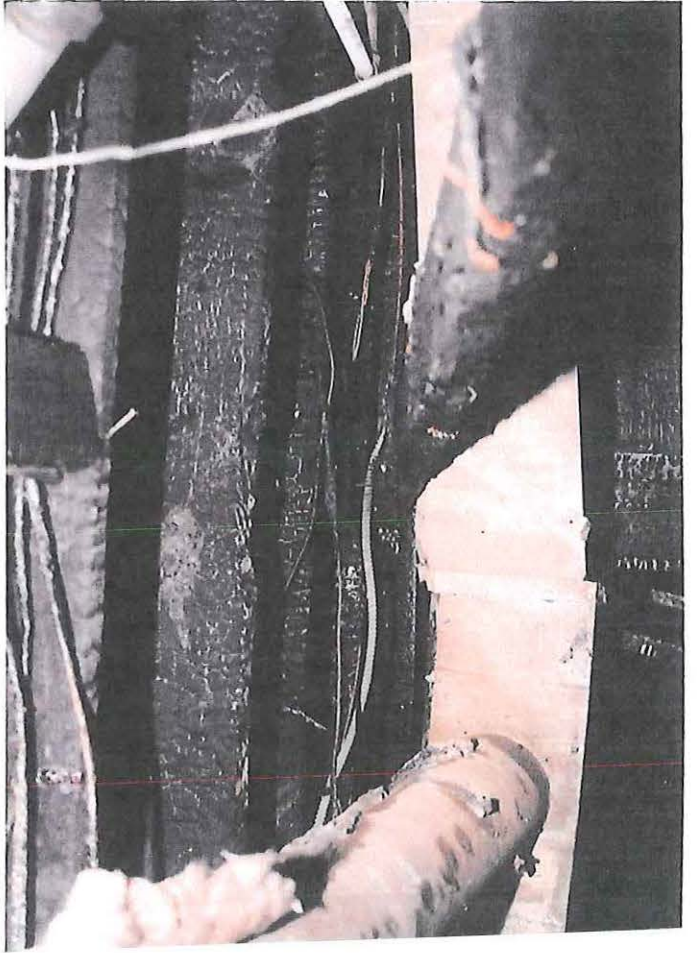


1212 Jefferson





1212 Jefferson



Date: August 1, 2000
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBS*
RE: Brownfield Redevelopment Plan- Fee Amendment

SUMMARY OF REQUEST: To amend the Master Fee Schedule to include the fee of \$2,500 for a Brownfield Redevelopment Plan Amendment for a Single-Business Tax Credit (SBT) and \$2,500 plus expenses for an Amendment that includes an SBT and a tax capture.

FINANCIAL IMPACT: The City will receive the fee for the amendment process. Currently, the City is financing these costs, which include City staff time, two public notices in the *Muskegon Chronicle*, letters mailed to taxing jurisdictions, and the costs associated with our Brownfield consultant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment to the Master Fee schedule for amendments to the Brownfield Plan.

COMMITTEE RECOMMENDATION: The City Commission Work Session will consider this at their August 7, 2000 meeting.

City of Muskegon
Brownfield Redevelopment Authority
Brownfield Plan Amendments
General Information & Procedures
DRAFT
July 27, 2000

What are the advantages of being included in the Muskegon Brownfield Plan?

Inclusion in the Brownfield Plan will enable your business to become eligible to claim 10% of the cost of your property improvements (demolition, construction, restoration, alteration, renovation, or improvement of buildings, and the addition of machinery, equipment, and fixtures) as a credit toward your Michigan Single Business Tax liability, up to a \$1,000,000 tax credit. This credit is subject to the approval of the State Treasurer.

Inclusion in the Brownfield Plan also provides the City with the option of using tax increment financing to reimburse you for "eligible activities". These may include:

- 1) Environmental Response Activities, including Baseline Environmental Assessments, Due Care Plans, and other response activities.
- 2) Demolition
- 3) Infrastructure Improvements
- 4) Site Preparation
- 5) Lead and Asbestos Abatement

Do you want to be in the City of Muskegon Brownfield Plan?

First, you need to ask yourself the following questions:

- 1) Does my business pay the Michigan Single Business Tax?
- 2) Is my site a "facility"? ("Facility" is defined by Part 201 of NREPA as property where the concentration of a hazardous substance in soil or groundwater exceeds the applicable Michigan Generic Cleanup Criteria.)
- 3) Is my property considered "Blighted"? Blighted is defined by P.A. 381 of 1996, as amended, as property that meets any of the following criteria:
 - a) Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance;
 - b) Is an attractive nuisance to children because of physical condition, use, or occupancy;
 - c) Is a fire hazard or is otherwise dangerous to the safety of persons or property;
 - d) Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
- 4) Is my property considered "Functionally Obsolete"? Functionally Obsolete is defined by P.A. 381 of 1996, as amended, as "unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property."

If you answer yes to any of the questions above, the following steps should be taken.

- 1) Contact the City of Muskegon Planning & Economic Development Department (Cathy Brubaker-Clarke, Director; 231-724-6702) to discuss your project. If the project is feasible (appropriate development, proper zoning, eligible according to the applicable statute, etc), you will be referred to our Brownfield Consultant.

- 2) Contact Muskegon's Brownfield Consultant to discuss project eligibility and feasibility from the company's standpoint (does it make sense for your company to pursue this incentive, or are other avenues more appropriate?)
- 3) Once the decision is made to proceed, you will work with both the consultant and the City of Muskegon to provide the appropriate documentation for the Plan amendment. The City and our consultant will determine whether the project is eligible for reimbursement of eligible activities through tax increment financing, is eligible for the Single Business Tax (SBT) Credit, or is eligible for both. If eligible for the tax-capture element of the Plan (i.e., if not within a current area of the City where taxes are being captured and the use of the property is appropriate for the area), the Brownfield Consultant and the City will determine what eligible activities may be reimbursed through tax increment financing. The amendment to the Brownfield Plan will be presented to the Brownfield Redevelopment Authority for approval, then to the City Commission for a public hearing.
- 4) If approved by the Muskegon City Commission, the Plan will be amended to include your property. The City will notify the County Assessor in order to make the necessary changes (if needed) to the property tax information.
- 5) It will be the company's responsibility to work with your accountant and the Michigan Department of Treasury to take advantage of the SBT Credit authorized by the Brownfield Authority Plan.
- 6) If eligible and approved for a tax capture on your property, it will be necessary for your company to pay the initial costs for environmental clean up and improvements to your property. The County Assessor will supervise the capture of taxes, which will be used to pay the company back for the eligible costs incurred.

Note. There is an administrative fee for inclusion in the Brownfield Plan. These costs include mailings to taxing jurisdictions, two publications in the *Muskegon Chronicle* announcing the public hearing and the consultant's expenses. **The fee for inclusion in the Brownfield Plan is \$2,500 if only a Single-Business Tax Credit is requested. If a tax-capture is involved, any costs that exceed the \$2,500 fee will be included in the tax-capture amount.**

AGENDA ITEM

CITY COMMISSION MEETING August 8, 2000

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Lee Slaughter, Assistant City Manager

DATE: August 1, 2000

RE: Video Taping of City Commission Meetings

SUMMARY OF REQUEST

The current contract with the vendor for Video Taping the City Commission meetings expires on August 18, 2000.

The City of Muskegon recently completed the bid process for this service for the next contract period, which is set at one-year with the option of extending for a second year at the agreement of both parties. The results of the bid process produced 3 bids:

Creative Video Productions – Grand Haven, MI. Cost: The bidder stated a per meeting cost of \$849 based on 26 meetings. However, the RFP stated 2 meetings per month at a contract duration of 12 months, which equals 24 meetings. This would bring the adjusted per meeting cost to \$919.75

P.A. Entertainment, Inc. – Muskegon Heights, MI. Cost: The bidder submitted a per meeting cost of \$800.00 with a lump sum bid for the year of \$24,000. However, this equals 30 meetings per year. As stated above, 2 meetings per month for 12 months equals 24 meetings. The adjusted per meeting cost for this bidder would be \$1000.00.

Advanced Video Presentations – North Muskegon, MI. Cost: The bidder submitted a per meeting cost of \$1170.00, which is a lump sum of \$28,080 for the year. This is based on the 24 meetings per year schedule.

Based on the specifications outlined in the RFP and the quality of the responses from the bidders, staff recommends awarding the contract to the highest bidder, Advanced Video Presentations. Attached, please find information further discussing the proposals and a copy of the original Request For Proposal that outlined the City's requirements for bidders. Copies of the video tapes submitted by each bidder along with their proposals are available in the City Manager's Office for your review.

FINANCIAL IMPACT

\$28,080

BUDGET ACTION REQUIRED

None at this time. Funds are currently budgeted for this contractual service.

STAFF RECOMMENDATION

To award the contract for video taping of City Commission meetings to Advanced Video Presentations at a cost of \$28,080 per year. Incidentally, it is worth mentioning that the lump sum on this company's first contract with the City of Muskegon was \$14,032 for 6 months; at a 12-month cost of \$28,064. This equates to a mere \$16.00 increase from the company's first bid to their current bid.

CITY OF MUSKEGON

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

THIS AGREEMENT is made and entered into August 21, 2000, by and between the **CITY OF MUSKEGON**, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan ("CITY"), and **ADVANCED VIDEO PRESENTATIONS, INC.**, a Michigan corporation of 2305 Ruddiman Drive, North Muskegon, Michigan 49445 ("CONTRACTOR"), with reference to the following facts:

A. On July 17, 2000, CONTRACTOR submitted a proposal for videotaping and production services for the City of Muskegon and to perform such other services as may be incidental thereto ("the Services").

B. On August 8, 2000, CITY approved CONTRACTOR's proposal for the Services for one year to commence on August 22, 2000.

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

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

2. **CONTRACT PRICE.** CITY agrees to pay, and CONTRACTOR agrees to accept, in full consideration for the faithful and complete performance of CONTRACTOR'S obligations under this Agreement, the sum of Twenty-eight Thousand Eighty (\$28,080.00) Dollars, the said lump sum price being based on a per meeting price of One Thousand, One Hundred Seventy (\$1,170.00) Dollars per City Commission meeting. Payments shall be made on a monthly basis.

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

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

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

5. **TERM AND COMMENCEMENT.** The term of this contract shall be August 22, 2000 to August 22, 2001. The CITY shall be under no obligation to renew this term. CONTRACTOR shall commence work on the City Commission meeting on August 22, 2000, and shall perform in accordance with the terms and conditions set forth in the attached exhibits.

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

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

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

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

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

and CONTRACTOR is again able to carry out its operation under this Agreement; or (3) terminate this Agreement. Any and all expenses incurred by CITY in such substituted performances may be deducted by CITY from the compensation due CONTRACTOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.3 Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the

following shall be "Additional Insured:" The CITY OF MUSKEGON, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof.

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

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

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

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

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

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

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

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

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

Ms. Lee J. Slaughter
Assistant City Manager
City Hall
933 Terrace Street

Muskegon, MI 49440
Phone: (231) 724-6724
Fax: (231)/722-1214

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

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

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

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

Signed in the presence of:

Linda Potter
Linda Potter

Gloria Coburn
Gloria Coburn

Leather Sandberg

Jan Stone

CITY OF MUSKEGON,
a Michigan municipal corporation

By Fred J. Nielsen
Fred J. Nielsen, Mayor

And Gail A. Kunderger
Gail A. Kunderger, Clerk

ADVANCED VIDEO PRESENTATIONS, INC.,
a Michigan corporation

By Andy Maciejewski
Andy Maciejewski, Vice-President

Commission Meeting Date: August 8, 2000

Date: July 21, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request for the Establishment of an
Industrial Development District - Hardwoods, Inc.

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Hardwoods, Inc. 1885 E. Laketon Avenue, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 1885 E. Laketon Avenue, Muskegon, Michigan. The project will result in the creation of 10 new jobs and \$506,400 in private investment.

FINANCIAL IMPACT:

Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing the Industrial Development District for Hardwoods, Inc.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2000-78(a)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING REQUEST
FOR ESTABLISHMENT OF INDUSTRIAL DEVELOPMENT DISTRICT
*HARDWOODS, INC.***

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City of Muskegon has the authority to establish an "Industrial Development District" within the City of Muskegon; and

WHEREAS, Hardwoods, Inc. 1885 E. Laketon Avenue, Muskegon, Michigan, has requested the City of Muskegon to establish an Industrial Development District on property located at 1885 E. Laketon Avenue, Muskegon, Muskegon hereinafter described; and

WHEREAS, Hardwoods, Inc. will locate production facilities within the Industrial Development District; and

WHEREAS, construction, acquisition, alterations, or installation of proposed machinery and equipment has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the Muskegon Chronicle and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, a public hearing on the establishment of an Industrial Development District was held on August 8, 2000, at the regular City Commission meeting at the Muskegon City Hall at which time all of the owners of real property within the proposed district, all residents and taxpayers of the City of Muskegon, and the affected taxing jurisdictions were afforded an opportunity to be heard thereon.

NOW THEREFORE BE IT RESOLVED THAT, the Muskegon City Commission deems it to be in the best interest of the City of Muskegon that the following described land situated in the City of Muskegon, Muskegon County, and the State of Michigan, to wit:

South 660 feet of the North 726 feet of the West 660 feet of the East 1/2 of the NW 1/4 of Section 34 T10N R16W, except that part lying Northerly of a line 50 feet Southerly of and parallel to the centerline of Laketon Avenue, except the W 342.5 feet thereof.

Be and here established as an Industrial Development District pursuant to the provisions of Act 198 of the Public Acts of 1974 to be known as **Hardwoods, Inc. Development District No. 2000-78(a)**

BE IT FURTHER RESOLVED that the Industrial Development District will be rescinded following the completion of capital acquisition and/or improvement activities.

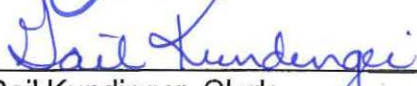
Resolution declared adopted.

Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler

Nays: None

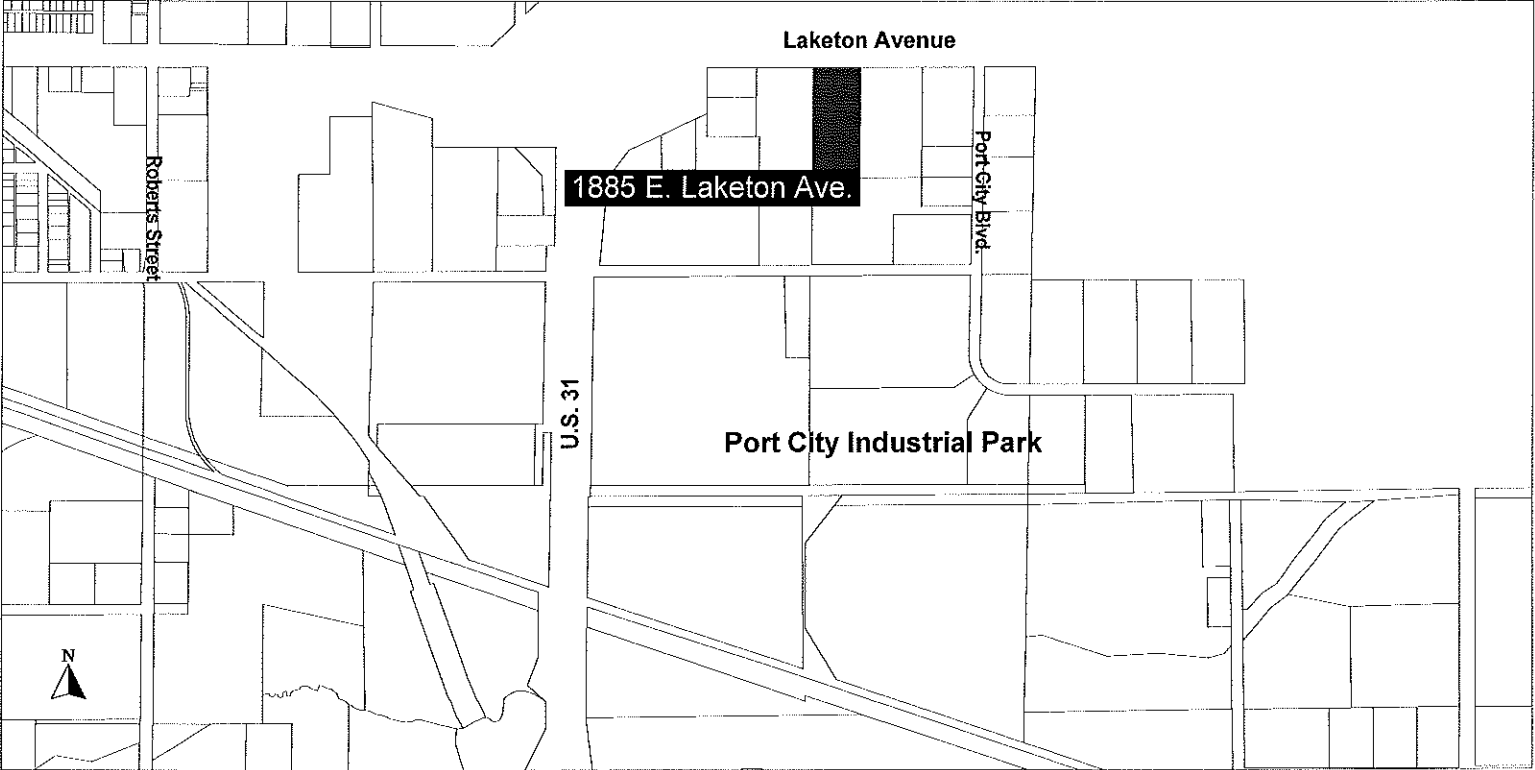
Absent: None

By: 
Fred Nielsen, Mayor

Attest: 
Gail Kunderger, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on August 8, 2000.


Gail Kunderger, Clerk



Commission Meeting Date: August 8, 2000

Date: July 21, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate - Hardwoods, Inc.**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Hardwoods, Inc., 1885 E. Laketon Avenue has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$506,400 in personal property. The project will result in the creation of 10 employment opportunities. Hardwoods, Inc. is a start up company with no current labor force.

FINANCIAL IMPACT:

The City will capture certain additional property and income taxes generated by the expansion.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of (8) years.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*HARDWOODS, INC.***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on August 8, 2000, this Commission by resolution established an Industrial Development District as requested by Hardwoods, Inc. 1885 E. Laketon Avenue, Muskegon, Michigan 49442; and

WHEREAS, Hardwoods, Inc. has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a 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 August 8, 2000, 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, installation of machinery and equipment had not begun earlier than six (6) months before July 21, 2000, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, 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 Hardwoods, Inc., for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

South 660 feet of the North 726 feet of the West 660 feet of the East 1/2 of the NW 1/4 of Section 34 T10N R16W, except that part lying Northerly of a line 50 feet Southerly of and parallel to the centerline of Laketon Avenue, except the W 342.5 feet thereof.

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of eight (8) years on personal property.

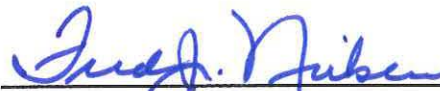
Adopted this 8th Day of August 2000

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd,
Sieradzki

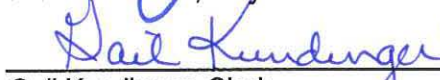
Nays: None

Absent: None

BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunding, Clerk

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, 2000.


Gail Kunding, Clerk



City of Muskegon Industrial Development District Summary Sheet

Company Summary:

Hardwoods, Inc. 1885 E. Laketon Avenue has requested the issuance of an Industrial Facilities Exemption Certificate. Hardwoods is installing \$506,400 in personal property and is creating 10 new employment opportunities within the City of Muskegon. Hardwoods is a newly formed company that will manufacture hardwood floors for application in class "A" freight trailers. Due to the fact that the company is creating 10 new employment opportunities, it is eligible for a two (2) year employment bonus in addition to the standard six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:

White	0
Minority	0
Total	0

Gender Characteristics:

Male	0
Female	0
Total	0

Total No. of Anticipated New Jobs: 10

Investment Information:

Real Property:	\$0
Personal Property	\$506,400
Total:	\$506,400

Property Tax Information: (Annual)

	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$13,672	\$2,557
Value of Abatement	\$6,836	\$1,279
Total New Taxes Collected	\$6,836	\$1,279

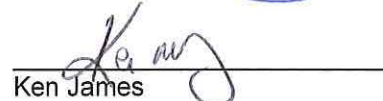
Income Tax Information: (Annual)

Total Additional Income Tax Generated: **\$1872**

Company Requirements:

Adopted Affirmative Action Policy	<u>Yes</u>	No
Meeting w/ City Affirmative Action Director	<u>Yes</u>	No
Signed Tax Abatement Contract	<u>Yes</u>	No
Taxes Paid In Full	<u>Yes</u>	No
Appropriate Zoning	<u>Yes</u>	No


Matthew Dugener
Business Development


Ken James
Affirmative Action

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. The application should be filed after the district is established and no later than (within) six months after the commencement of the project. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. (The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature		Application No.	
Date Received		Date Received	Written Agreement? ☐ YES ☐ NO

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) Hardwoods, Inc.		b. Standard Industrial Classification Code (Sec. 2(10)) Four Digit Code <u>2426</u>	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1270 Figge Road, Muskegon, MI 49445		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) 1885 E. Laketon Ave., Muskegon, MI 49442	(Attach Legal Description)	e. City/Twp./Village City of Muskegon	f. County Muskegon
2. Type of Approval Requested See attachment #1 for legal. ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ REHABILITATION (SEC. 3(1)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located Orchard View	
		a. School Code 61190	
4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.") <u>12</u>			
5. Explain Applicant's Principal Type of Business (Detailed description of operations) Hardwoods, Inc. will manufacture hardwood floors for applicaiton in Class "A" trailers within the U.S.A.			
6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.) "NA"			
b. Explain Degree and Type of Obsolescence Affecting Existing Facility. "NA"			
7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility This is a start-up company with new or rebuilt equipment. (Rebuilt equipment purchased out-of-state -- never been taxed in Michigan.)			
8. a. Cost of land improvements (Itemize) Excluding cost of land		\$ <u>0.00</u>	
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)		\$ <u>0.00</u>	
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)		\$ <u>506,000.00</u>	
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)		\$ <u>0.00</u>	
TOTAL PROJECT COST		\$ <u>506,400.00</u>	

Continue on Page 2

9. List Time Schedule for Start and Finish of Construction Stages and Equipment Installation. Project dates must be projected and completed within a two year period. (See Instructions, page 4, items 2 and 4.)

NOTICE AFTER DEC. 31, 1983: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before this application is filed. Estimate dates when applicable.

THIS SECTION MUST BE COMPLETED WITH ACTUAL DATES. (REFERENCE TO SEE ATTACHMENTS NOT ACCEPTABLE.)

	Begin (M/D/Y)	End (M/D/Y)
Real Property Improvements:	NA	NA
Personal Property Improvements:	8/10/00	12/01/00

- 10a. Are the Buildings Owned or Leased by the Operator of the Facility? ☐ OWNED ☒ LEASED (Attach copy of lease.)
- b. Is Applicant Liable for Payment of Ad Valorem Taxes on This Property? ☒ YES ☐ NO
- c. Are Machinery and Equipment, Furniture and Fixtures Owned or Leased by the Operator of this Facility? ☐ OWNED ☒ LEASED (Attach a copy of the lease.)

11. Will the Property for Which This Application is Filed be Included in an:

- a. State Enterprise Zone or State Renaissance Zone ☐ YES ☒ NO
- b. 307 Site Contaminated Property File Number _____ Clerk's Certification ☐ YES ☒ NO

12. If State Education Taxes are abated, attach Michigan Jobs Commission Letter of Commitment. NA

- a. Enter total number of employees at site prior to start of project. _____ 0
- b. Number of existing jobs that can be identified at this site that will be retained as a result of this project? _____ 0
- c. Number of new jobs at this site expected to be created within 2 years of project completion? _____ 10

13. Has the project caused or will it cause, a relocation of employment from one or more Michigan governmental units to the unit in which the project is or will be located?

- a. ☐ YES ☐ NO b. Number of Jobs Involved in Facility Relocation _____ Previous Location of Facility (City, Township, Village) _____
- d. Attach a certified copy of the resolution passed by the governmental unit from which employment is to be transferred consenting to the transfer of employment. Date resolution was adopted _____

14. Rehabilitation applications: Complete a, b and c. Attach assessor's statement of valuation for the entire plant rehabilitation district.

- | | | |
|--|---|------------------------------------|
| a. SEV of Real Property (Exclude Land) | b. SEV of Personal Property (Exclude Inventory) | c. Total SEV as of Dec. 31, 19____ |
| NA | | To be created |

15a. The Facility is Located in the following Type of District Established by the Local Governing Unit:

- ☒ INDUSTRIAL DEVELOPMENT DISTRICT
- ☐ PLANT REHABILITATION DISTRICT

b. Name of Governing Unit that Established District

City of Muskegon

c. Date District was Established

August 8, 2000

Attach certified copy of resolution and drawing of district.

NOTICE AFTER DEC. 31, 1983: Section 9(2)(b) provides that a written request (Date stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16a. Is This Application for a Speculative Building (Sec. 3(8))?

☒ NO - Go to 17 below ☐ YES - Complete b, c and d

- b. Name of Governmental Unit Which Passed Resolution to Establish a Speculative Building. _____ c. Date of Resolution (Attach copy) _____
- d. Date of Construction Commenced (See page 4, item 4) _____
- e. Attach a Certified statement from the building owner and assessor that the building has not been occupied since completion of construction. (See page 4, item 13.) ☐ Owner ☐ Assessor

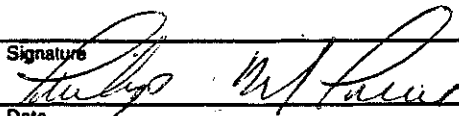
17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

NA

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all 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.

18. Name of Person to Contact for Further Information Philip M. Pierce	Title President	Phone 231/206-6632
Mailing Address 1270 Figge Road, Muskegon, MI 49445		
Type Name of Company Officer Philip M. Pierce	Signature 	
Title President	Date July 21, 2000	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken ☐ ABATEMENT APPROVED FOR _____ Years Ending December 30, _____ (not to exceed 12 years after project completion) There are circumstances in which the words "after completion" could extend the length of the exemption by 2 to 3 years. Please call the Property Tax Division at (517) 373-2408 if a further explanation is needed. ☐ DISAPPROVED	DOCUMENTS REQUIRED ☐ 1. Application plus attachments. (See inst. pg. 4, # 1-7) ☐ 2. Notice to the public prior to hearing to establish district. ☐ 3. Resolution establishing district. ☐ 4. Notice to taxing authorities prior to hearing to approve application. ☐ 5. List of taxing authorities notified. ☐ 6. Resolution approving application. ☐ 7. (a) Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. (b) Affidavit of Fees (Bulletin 3, 1/16/98). ☐ 8. 3222 (formerly T-1044A) (if applicable). ☐ 9. Speculative building resolution & affidavits.
	20. Name of Local Government Body

Attached hereto is a copy of the application and all documents required.

Signature of Clerk	Date	Phone
Clerk's Mailing Address	City	ZIP Code

State Tax Commission Rule Number 57:

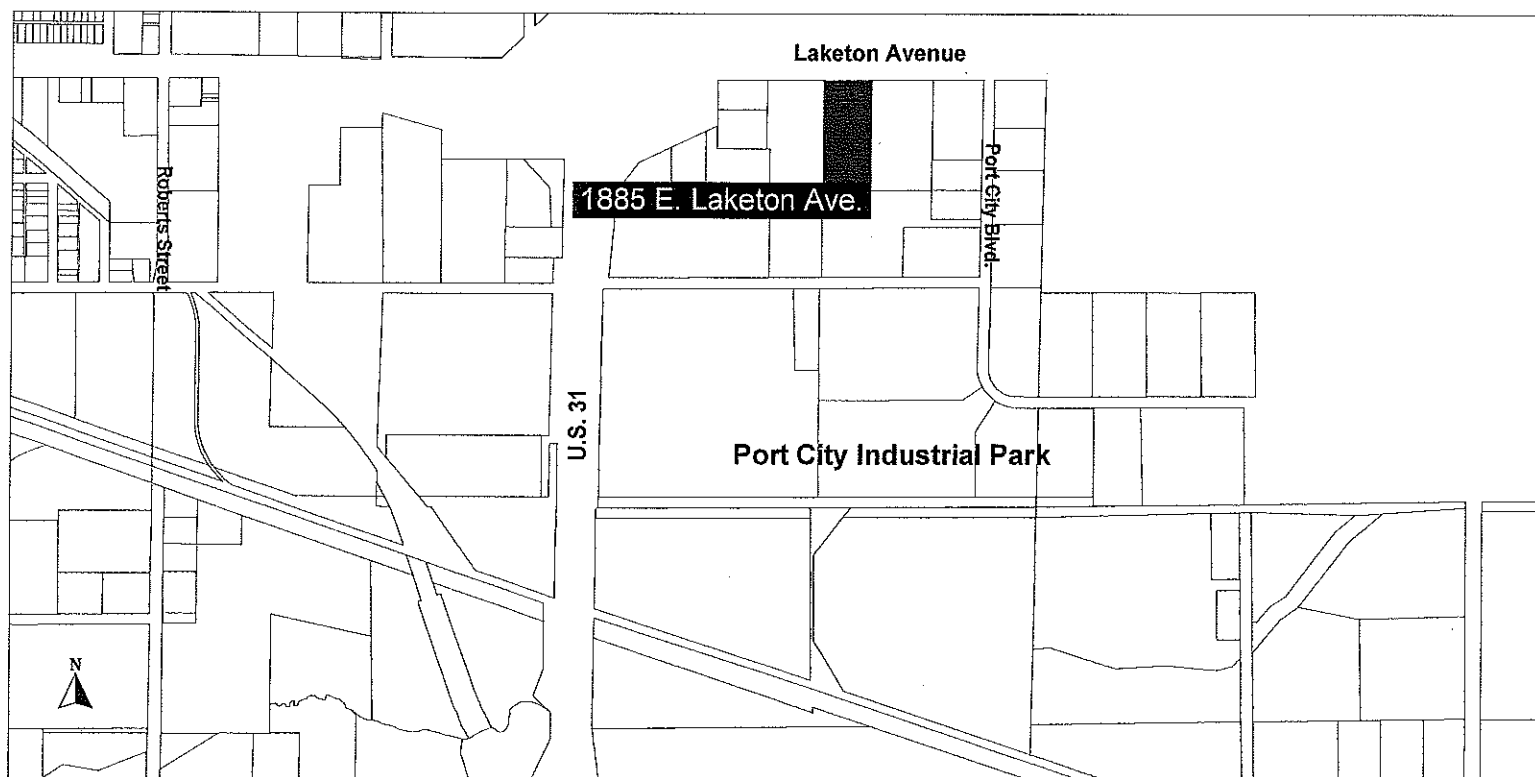
Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.

Applications received after October 31 will be acted upon in the following year.

Mail completed application and all attachments to:

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

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



Commission Meeting Date: August 8, 2000

Date: July 21, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate - American Coil Spring

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, American Coil Spring Company, 1041 E. Keating Avenue has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$2,861,600 in personal property. The project will result in the creation of 6 employment opportunities while retaining 22 jobs. American Coil Spring's current workforce is 145.

FINANCIAL IMPACT:

The City will capture certain additional property and income taxes generated by the expansion.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of (7) years.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
AMERICAN COIL SPRING**

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on December 23, 1975, this Commission by resolution established an Industrial Development District as requested by American Coil Spring Company, 1041 E. Keating Avenue, Muskegon, Michigan 49442; and

WHEREAS, American Coil Spring Company has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a 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 August 8, 2000, 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, installation of machinery and equipment had not begun earlier than six (6) months before July 20, 2000, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, 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 American Coil Spring Company, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

Commence at the NW corner SE 1/4 of NW 1/4 section 33 10 16 thence N 89 degrees 51 minutes E 214.8 feet thence S 0 degrees 48 minutes W 30 feet for POB; thence S 89 degrees 51 minutes E 610 feet; thence S 0 degrees 48 minutes W 729.1 feet; thence N 56 degrees 26 minutes W 23.9 feet; thence NWly 320 feet to a point 50 feet E of E line of R-O-W of MR&N Co.; thence 0 degrees 48 minutes E 302.8 feet to POB

- 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.

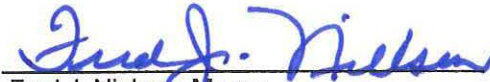
Adopted this 8th Day of August 2000

Ayes: Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

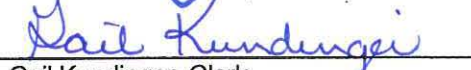
Nays: None

Absent: None

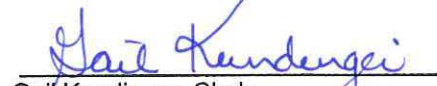
BY:


Fred J. Nielsen, Mayor

ATTEST:


Gail Kunderger, Clerk

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, 2000.


Gail Kunderger, Clerk



City of Muskegon Industrial Development District Summary Sheet

Company Summary:

American Coil Spring Company, 1041 E. Keating Avenue has requested the issuance of an Industrial Facilities Exemption Certificate. American Coil Spring is installing \$2,861,600 in personal property and is adding 6 new employees. American Coil Spring manufactures custom precision metal products such as coiled springs, flat springs, wire forms, and small stampings. This company has either met or exceeded all of their previous IFT goals. American Coil Spring has historically been a stable company and employer for the Muskegon area. Due to the fact that the company is adding 6 new employees, it is eligible for a one (1) year employment bonus in addition to the standard six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:

White	137
Minority	8
Total	145

Gender Characteristics:

Male	106
Female	39
Total	145

Total No. of Anticipated New Jobs: 6

Investment Information:

Real Property:	\$0
Personal Property	\$2,861,600
Total:	\$2,861,600

Property Tax Information: (Annual)

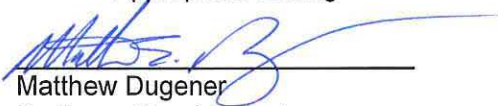
	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$77,263	\$14,451
Value of Abatement	\$38,632	\$7,226
Total New Taxes Collected	\$38,632	\$7,226

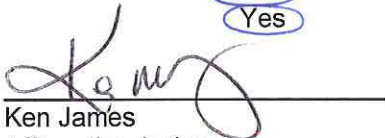
Income Tax Information: (Annual)

Total Additional Income Tax Generated: **\$1123**

Company Requirements:

Adopted Affirmative Action Policy	<u>Yes</u>	No
Meeting w/ City Affirmative Action Director	<u>Yes</u>	No
Signed Tax Abatement Contract	<u>Yes</u>	No
Taxes Paid In Full	<u>Yes</u>	No
Appropriate Zoning	<u>Yes</u>	No


Matthew Dugener
Business Development


Ken James
Affirmative Action

COPY

L-4380

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 198 of 1974, as amended. Section references on this form are to specific sections of the act that claim or require the data. Filing of this form is voluntary. The application should be filed after the district is established and no later than (within) six months after the commencement of the project. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: Read the instructions on page 4 before completing this application. File the original and four copies of this form and the required attachments (five complete sets) with the clerk of the local government unit. (The State Tax Commission requires four complete sets (one original and three copies)). One copy is retained by the clerk.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT Clerk must also complete sections 19 and 20, page 3.		THIS SECTION FOR USE BY THE OFFICE OF THE STATE TAX COMMISSION	
Signature		Application No.	
Date Received	Date Received	Written Agreement? ☐ YES ☐ NO	

Applicant, do not write above this line. Begin entries at 1 below.

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) American Coil Spring Company		b. Standard Industrial Classification Code (Sec. 2(10)) 3490	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1041 E. Keating Ave., P.O. Box 388, Muskegon, MI 49443-0388		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) (Attach Legal Description) 1041 E. Keating Ave., Muskegon, MI 49442-5996		e. City/Twp/Village Muskegon	f. County Muskegon
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ REHABILITATION (SEC. 3(1)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located Muskegon Public 4. How Many Years of Exemption Requested? 12	
5. Explain Applicant's Principal Type of Business (Detailed description of operations) Custom production of precision cold-formed metal products: coiled springs including compression, extension, torsion, double torsion, garter, and coil expanders; flat springs; wire forms; and small stampings. Some light assembly of components per customer requirements.			
6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.) NA			
b. Explain Degree and Type of Obsolescence Affecting Existing Facility. NA			
7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility Project includes personal property improvements. Personal property improvements include new CNC springmaking machinery and are estimated at \$2,861,600. The machinery is required to support significant new sales growth at key ACS accounts.			
a. Cost of land improvements (Itemize) Excluding cost of land		\$ a.	
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)		b.	
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)		c. 2,861,600	
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)		d.	
TOTAL PROJECT COST		\$ 2,861,600	

Continue on Page 2

9. List Time Schedule for Start and Finish of Construction Stages and Equipment Installation. Project dates must be projected and completed within a two year period. (See Instructions, page 4, items 2 and 4.)

NOTICE AFTER DEC. 31, 1983: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before this application is filed. Estimate dates when applicable.

THIS SECTION MUST BE COMPLETED WITH ACTUAL DATES. (REFERENCE TO SEE ATTACHMENTS NOT ACCEPTABLE.)

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements: 4/1/00

3/31/02

10a Are the Buildings Owned or Leased by the Operator of the Facility?

☐ OWNED☒ LEASED (Attach copy of lease.)

b. Is Applicant Liable for Payment of Ad Valorem Taxes on This Property?

☒ YES☐ NO

c. Are Machinery and Equipment, Furniture and Fixtures Owned or Leased by the Operator of this Facility?

☒ OWNED☐ LEASED (Attach a copy of the lease.)

11. Will the Property for Which This Application is Filed be Included in an:

a. Enterprise Zone or Empowerment Community

☐ YES☒ NO

b. 307 Site Contaminated Property

File Number

Clerk's Certification

☐ YES☒ NO

12. If State Education Taxes are abated, attach Michigan Jobs Commission Letter of Commitment.

NA

a. Enter total number of employees at site prior to start of project. 145

b. Number of existing jobs that can be identified at this site that will be retained as a result of this project? 22

c. Number of new jobs at this site expected to be created within 2 years of project completion? 6

13. Has the project caused or will it cause, a relocation of employment from one or more Michigan governmental units to the unit in which the project is or will be located?

a. ☐ YES☒ NO

b. Number of Jobs Involved in Facility Relocation

c. Previous Location of Facility (City, Township, Village)

d. Attach a certified copy of the resolution passed by the governmental unit from which employment is to be transferred consenting to the transfer of employment. Date resolution was adopted

14. Rehabilitation applications: Complete a, b and c. **Attach assessor's statement of valuation for the entire plant rehabilitation district**

a. SEV of Real Property (Exclude Land)

b. SEV of Personal Property (Exclude Inventory)

c. Total SEV

as of Dec. 31, 19

NA

15a The Facility is Located in the following Type of District Established by the Local Governing Unit:

☒ INDUSTRIAL DEVELOPMENT DISTRICT☐ PLANT REHABILITATION DISTRICT

b. Name of Governing Unit that Established District

City of Muskegon

c. Date District was Established

12/23/75

Attach certified copy of resolution and drawing of district.

NOTICE AFTER DEC. 31, 1983: Section 9(2)(b) provides that a written request (Date stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

16a. Is This Application for a Speculative Building (Sec. 3(8))?

☒ NO - Go to 17 below☐ YES - Complete b, c and d

b. Name of Governmental Unit Which Passed Resolution to Establish a Speculative Building.

c. Date of Resolution (Attach copy)

d. Date of Construction Commenced (See page 4, item 4)

e. Attach a Certified statement from the building owner and local governing unit that the building has not been occupied since completion of construction. (See page 4, item 13.)

☐ Owner☐ Assessor

17. Complete this section if application is for a replacement facility which will not be located on the same site or contiguous to the obsolete facility. The obsolete facility will be disposed of as follows:

NA

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all 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.

18. Name of Person to Contact for Further Information Timothy A. Zwit		Phone (231) 726-4021 Ext. 261
Mailing Address American Coil Spring Co., P.O. Box 388, Muskegon, MI 49443-0388		
Type Name of Company Officer Timothy A. Zwit	Signature <i>Timothy A. Zwit</i>	
Title Executive Vice President and General Mgr.	Date June 28, 2000	

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting application to the State Tax Commission

19. Action Taken	DOCUMENTS REQUIRED
☐ ABATEMENT APPROVED FOR _____ Years Ending December 30, _____ (not to exceed 12 years after project completion)	☐ 1. Application plus attachments. (See inst. pg. 4, # 1-7) ☐ 2. Notice to the public prior to hearing to establish district. ☐ 3. Resolution establishing district. ☐ 4. Notice to taxing authorities prior to hearing to approve application. ☐ 5. List of taxing authorities notified. ☐ 6. Resolution approving application. ☐ 7. Letter of Agreement (Signed by local unit and applicant) per P.A. 334 of 1993. ☐ 8. T-1044A (if applicable) ☐ 9. Speculative building resolution & affidavits
☐ DISAPPROVED	

20. Name of Local Government Body City of Muskegon	Date of Action on This Application
---	------------------------------------

Attached hereto is a copy of the application and all documents required.

Signature of Clerk	Date	Phone (231) 724-6705
Clerk's Mailing Address 933 Terrace Street	City Muskegon	ZIP Code 49440

State Tax Commission Rule Number 57:

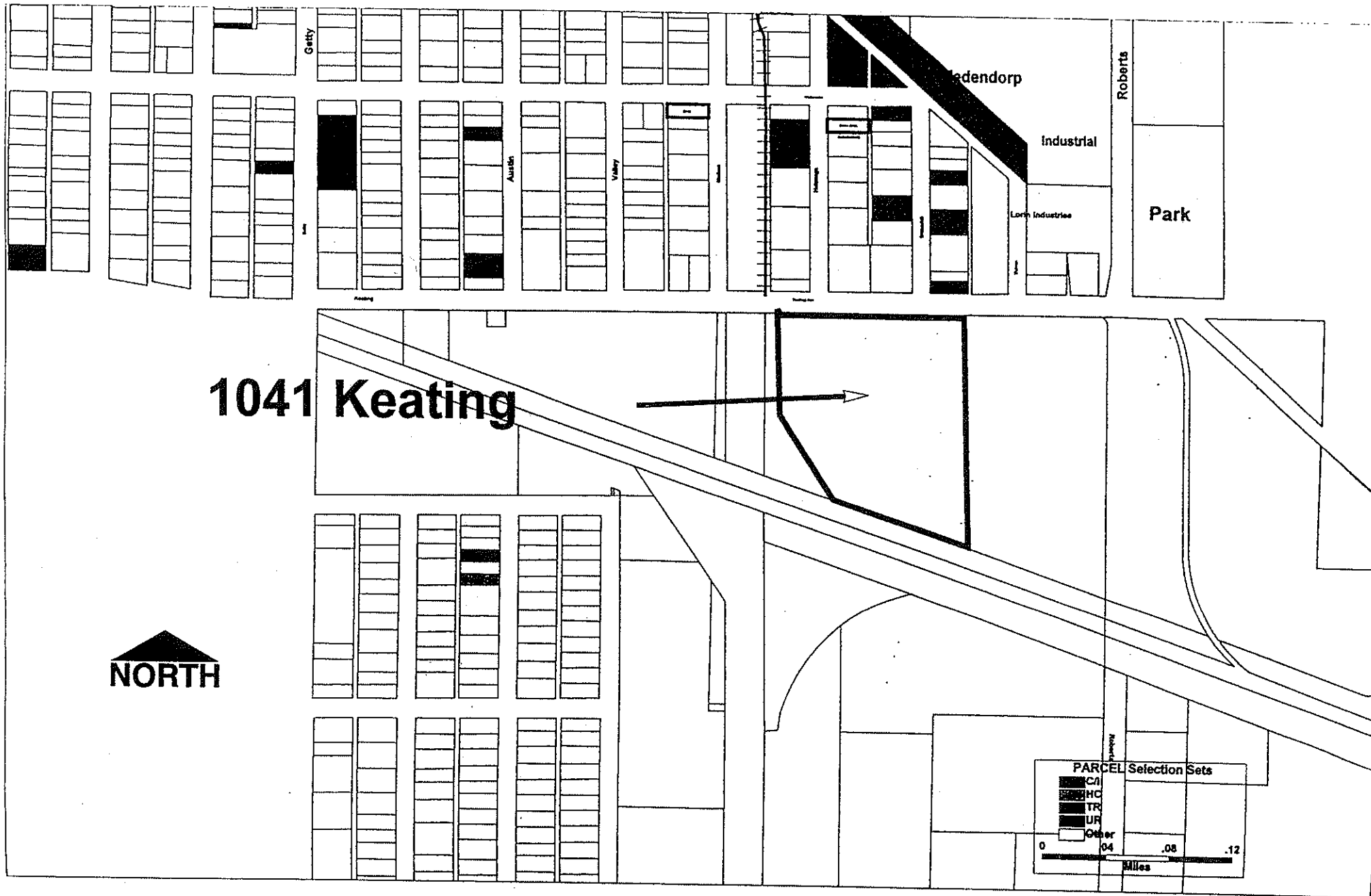
Complete applications approved by the local unit and received by the State Tax Commission by October 31 will be acted upon by December 31.

Applications received after October 31 will be acted upon in the following year.

Mail completed application and all attachments to:

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

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



Date: August 8, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Spreading of the Special Assessment Roll
Sidewalk Replacement Program for 1999 (Area W3)

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for the 1999 Sidewalk Replacement Program and to adopt the attached resolution confirming the special assessment Roll.

FINANCIAL IMPACT:

A total of \$524,990.06 will be assessed against 623 parcels.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

This request will be reviewed by the Committee of the Whole on their meeting of August 7, 2000.

CITY OF MUSKEGON

Resolution No. 2000-78(d)

Resolution Confirming Special Assessment Roll

for THE 1999 SIDEWALK REPLACEMENT PROGRAM

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the properties set forth in Exhibit A attached to this resolution on **March 23, 1999**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment which is paid in installments shall carry interest at the rate of **5.00%** per annum to be paid in addition to the principal payments on the special assessment.

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: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro,
Aslakson, Benedict

Nays: None

City of Muskegon

By Fred J. Nielsen
Fred J. Nielsen, Mayor

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **August 8, 2000**. 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, 2000**.

City of Muskegon

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

THE 1999 SIDEWALK REPLACEMENT PROGRAM
(Area W3)

MAYOR'S ENDORSEMENT AND WARRANT

I, FRED J. NIELSEN, 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: 
FRED J. NIELSEN

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT ON THE 28TH DAY OF JULY, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION OF ITS INTENTION TO CREATE THE FOLLOWING SPECIAL ASSESSMENT NUMBER AND TITLE:

H-1491 SIDEWALK REPLACEMENT PROGRAM FOR 1999

A COPY OF SAID RESOLUTION BEING ATTACHED HERETO; AND THAT A NOTICE OF HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON ON JULY 29, 2000. A COPY OF SAID NOTICE IS ATTACHED HERETO.

DEPONENT FURTHER SAYS THAT A LETTER OF NOTIFICATION WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTIES 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, WHICH SAID HEARING WAS TO BE HELD ON AUGUST 8, 2000. THIS DEPONENT SAYS THAT IN SO SERVING SAID NOTICES SHE CHECKED ALL OF THE ENVELOPES CONTAINING THE NOTICES AND DID DETERMINE THAT THERE WAS A PROPERLY ADDRESSED ENVELOPE FOR EACH PROPERTIES DESCRIPTION, AS SHOWN ON SAID TAX ASSESSMENT RECORDS, AND THAT BEFORE SEALING OF SAID ENVELOPES SHE DID DETERMINE THAT THERE WAS A PROPER NOTICE INSERTED IN EACH ENVELOPE AND THAT THE ENVELOPES WERE THEN SEALED AND DELIVERED TO THE UNITED STATES POST OFFICE IN THE CITY OF MUSKEGON OR DEPOSITED IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28th DAY OF JULY, 2000.

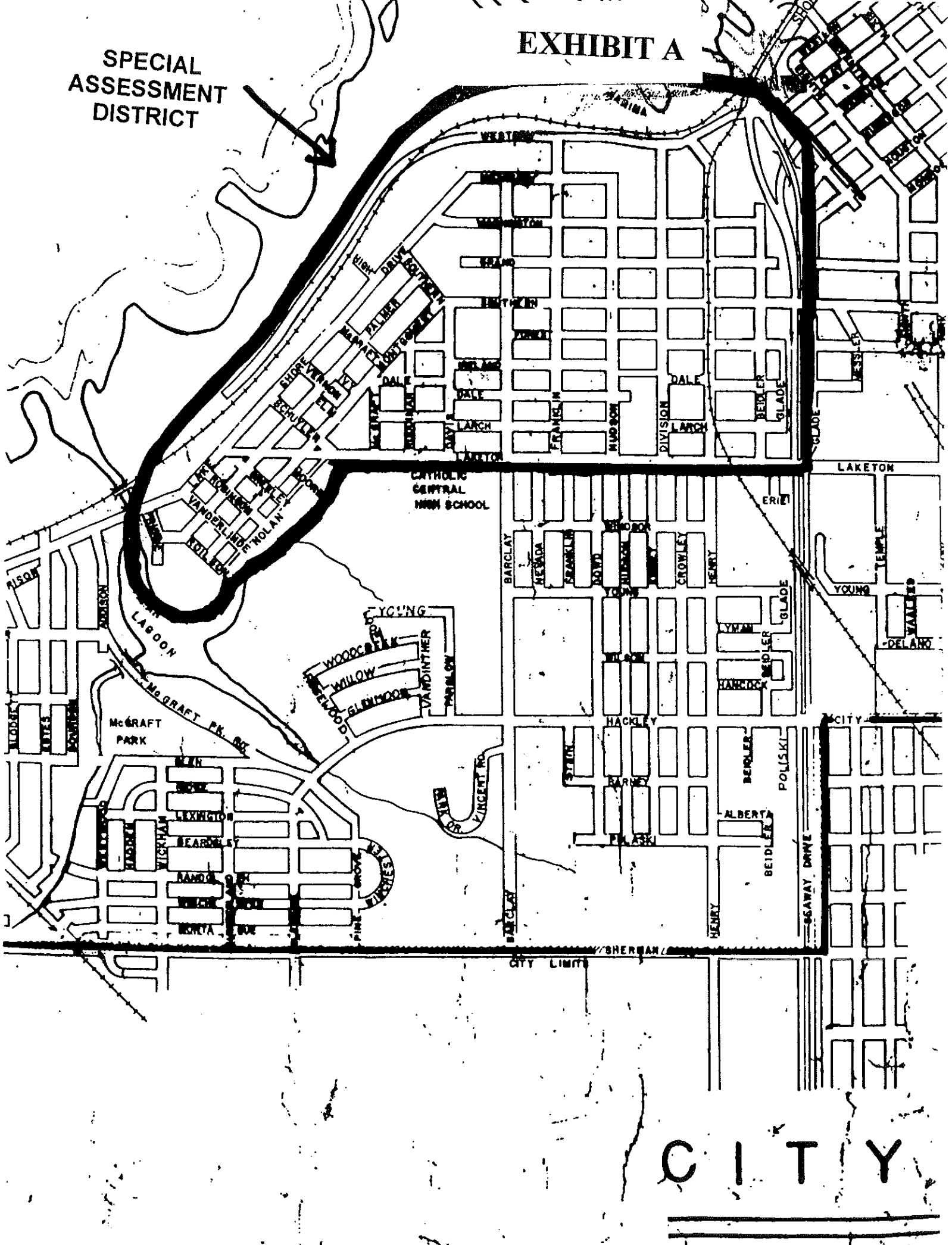
Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
14th DAY OF August, 2000.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-02

EXHIBIT A

SPECIAL
ASSESSMENT
DISTRICT



CITY

July 28, 2000

Property Parcel Number:

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

H-1491 Sidewalk Replacement Program for 1999

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, August 8, 2000 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED ON AUGUST 8, 2000, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

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

Assessment Period: Ten (10) Years

Interest Rate: 5.00%

First installment: _____

Due Date: October 9, 2000

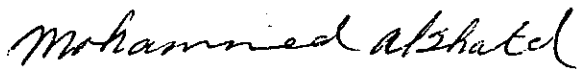
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If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

Sincerely,

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

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
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL**

SPECIAL ASSESSMENT DISTRICT:

SIDEWALK REPLACEMENT PROGRAM FOR 1999

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

THOSE PROPERTIES PREVIOUSLY IDENTIFIED AS HAVING SIDEWALK DEFICIENCIES IN WHICH THE OWNERS HAVE NOT COMPLETED THE REQUIRED IMPROVEMENTS IN THE FOLLOWING LOCATIONS: AREA W3 BOUNDED BY MUSKEGON LAKE, SEAWAY DRIVE, LAKETON AVENUE, NOLAN AVENUE, ROILSON STREET AND FRISBIE STREET;

PLEASE TAKE NOTICE that a hearing to confirm the special assessment district shall be held in the **City of Muskegon Commission Chambers on August 8, 2000 at 5:30 p.m.**

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

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

You are further notified that at the first hearing the City Commission determined that the special assessment district should be created, the improvement made, and the assessment levied. The purpose of this hearing is to hear objections to the assessment roll and to approve, reject, or correct the said roll.

Gail A. Kundering, City Clerk

Publish: **July 29, 2000**

ADA POLICY

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

Gail A. Kundering, City Clerk
933 Terrace Street, Muskegon, MI 49440
(616) 724-6705 of TDD (616) 724-6773

CITY OF MUSKEGON

Resolution No. 99-27(a)

Resolution At First Hearing Creating Special Assessment District
For **The 1999 Sidewalk Replacement Program**

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

RECITALS:

A hearing has been held on **March 23, 1999** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.

2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 23, 1999**, there were 2.58 % objections by the owners of the properties in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

2. The City Commission determines to proceed with the improvements as set forth in the engineer's survey, inspection, recommendation and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Sieradzki and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon actual work preformed.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 100% of the cost of the improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes, Commissioners Michalski, Nielsen, Pleimling, Shepherd, Sieradzki,
Benedict

Nays, None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on March 23, 1999. 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

SIDEWALK REPLACEMENT PROGRAM FOR 1999

SPECIAL ASSESSMENT DISTRICT

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements or have not obtained the required permits by May 1, 1999 to complete the work themselves

AREA W3 BOUNDED BY MUSKEGON LAKE, SEAWAY DRIVE, LAKETON AVENUE, NOLAN AVENUE, ROILSON STREET AND FRISBIE STREET

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

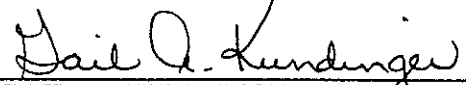
GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 23 RD DAY OF MARCH, 1999 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

THOSE PROPERTIES IDENTIFIED IN THE AREA LISTED BELOW AS HAVING SIDEWALK DEFICIENCIES IN WHICH THE OWNERS HAVE NOT COMPLETED THE REQUIRED IMPROVEMENTS OR HAVE NOT OBTAINED THE REQUIRED PERMITS BY MAY 1, 1999 TO COMPLETE THE WORK THEMSELVES.

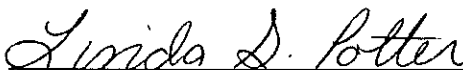
AREA W3 BOUNDED BY MUSKEGON LAKE, SEAWAY DRIVE,
LAKETON AVENUE, NOLAN AVENUE, ROILSON STREET,
AND FRISBIE STREET;

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON MARCH 13, 1999.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF MARCH, 1999.


GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
25th DAY OF March, 1999.


NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
Linda S. Potter
MY COMMISSION EXPIRES 9-25-02

RECEIVED

AUG 2 2000

City Clerks Office

Jeffrey D. Smith

1586 Jefferson St.

Muskegon, MI

49441-2457

Home (231) 726-3975 or (231) 722-4008

Work (231) 759-3330

July 31, 2000

Re: Sidewalk Replacement Program

Muskegon City Commission:

I would like to protest the assessment on parcel Number 24-205-487-0011-00, at 834 West Southern for several reasons.

1. The sidewalk in question was perfectly functional.
2. There were no complaints made by me, neighbors, tenants, or anyone other than the city, about the condition of the sidewalk that was replaced.
3. I have been in desperate financial shape for a year and a half. I am not in any position to take on new debts or make new promises.
4. The city's decision to replace my sidewalk is based on cosmetics as well as function, and any replacement that is made for cosmetic reasons should be the responsibility of those who feel a need for it. The city should not have an ability to bill me for optional expenses that do not relate to function or public safety.

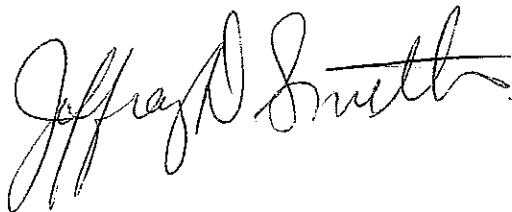
Jeffrey D. Smith

1586 Jefferson St.

Muskegon, MI

49441

or contact me by telephone at work: (616) 759 3330, between 11am and 7pm.



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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



July 28, 2000

POLLACK MICHAEL/MATTHEWS MICAH
747 W LARCH AVE
MUSKEGON, MI 49441

437

Property Parcel Number: 24-205-455-0006-00 (old parcel number: 24-31-30-355-007)
at 747 W LARCH AVE

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

H-1491 Sidewalk Replacement Program for 1999

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, August 8, 2000 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED ON AUGUST 8, 2000, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The total cost of the project will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$850.82 for the work performed. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5.00%
First installment: \$85.08
Due Date: October 9, 2000

object to
@ Sidewalk
assessment

Micah J Matthews

(231) 728-4118
Mike Pollack
(231) 206-3506

August 4, 2000

RECEIVED
CITY OF MUSKEGON

AUG 7 2000

ENGINEERING DEPT.

To whom it may concern:

I have an issue to raise with the sidewalk replacement project in front of my home. According to your records (attached), 62 sq. feet of sidewalk was replaced on my property. The sidewalk replacement was assessed prior to my taking occupancy in August, 1998. At that time, I had a driveway poured and some of the slated sidewalk blocks replaced at my expense. According to my records, observations and measurements, only 52 sq. feet of sidewalk was replaced by the city. Those 52 sq. feet @ \$5.11 per foot comes to \$265.72 not the \$316.82 for 62 sq. feet as stated. Please remeasure or reassess and adjust your paperwork to subtract \$51.10 for the added 10 sq. feet.

Sincerely yours,



Beth Rodewald
1771 Davis
Muskegon, MI 49441
Map # 24-30-25-387-009
Parcel # 24-205-513-0003-00

BRIAN BELLAMY

1329 Lakeshore Dr.
Muskegon, Michigan
49441-0536

231-755-8686

property parcel # 24-205-496-0008-00
H-1491 Sidewalk Replacement 1999

August 3, 2000

Muskegon Engineering Dept.
933 Terrace St.
p.o. box 536
Muskegon, Michigan
49443-0536

RECEIVED
CITY OF MUSKEGON

AUG 7 2000

ENGINEERING DEPT.

Dear Muskegon Engineering Dept.,

This letter is in response to the notice of the special assessment that I received regarding the sidewalk repairs. I would like to dispute that sidewalk assessment I received in the mail. Not only was I not notified of this procedure to which I am about to be billed a very high amount, I could have had it done by some-one I know, who is bonded, for much less than that price. I thought that a percentage of our tax money went to sidewalk replacement {as per attached City financial - report}. - {note highlighted area }. I pay city income tax, and I pay property tax that has gone up this year. I want a nice looking neighborhood, and I'm all for improvements, but I was unhappy with the work that was done even when I thought that the city was covering the cost. I had to dig out chunks of concrete in my yard, and re-landscape a pretty good section of my front yard that is just now coming around. I try hard to keep my property looking good, but it gets really frustrating to get tax hikes, and then also get these hidden surprises like this sidewalk assessment that I would assume a part of our taxes pay for. To my knowledge I wasn't even aware of my sidewalk being that bad in the first place.

sincerely,

Brian Bellamy.

I am writing this letter to protest my special assessment for the sidewalk replacement program. There are several reasons why I should not have to pay this assessment. First of all, I pay property taxes to the city and I pay taxes for working in the city and taxes for living in the city. Where does all this tax money go? It should go for things to improve the city, such as sidewalk improvements. Does this mean if you repave the road I live on I should expect a bill? Second, I have only lived at this address since May 26, 1998, therefore I am not responsible for the damage or "wear and tear" of the sidewalks. Third, the residents of the city did not choose or vote to have the sidewalks replaced. It was approved by the Muskegon City Commission and should be paid for by the city. As matter of fact, there were many city residents including myself at the City Council meeting in the summer of 1998 to protest the sidewalk assessment. The Council had to cut the discussion short because there were "other things to discuss". Fourth, I should not be held responsible for a sidewalk just because it is in front of my house. I can't stand by the new sidewalk that you expect me to pay for and stop people from using it. And if the sidewalk is mine then how come I was given a parking ticket for blocking the sidewalk that crosses my driveway?

I reside on a corner lot so it is like I am getting double penalized. Not only do I have twice as much sidewalk, but the city added some large sloped sidewalks that go down to the road. These pieces of sidewalk were not there before and I should not be expected to pay for them. If when everything is settled I am still billed for the sidewalks I will expect someone to come to my residence and show me and explain exactly what I am paying for. I am being billed for 152.50 square feet of sidewalk for a total of \$779.28. This seems awful high for the work that was done. It seems to me that the city could have gotten a better price than \$5.11 per square foot. Either the city got ripped off or they are making money from the residents for this project, which would be very wrong. I also don't like the payment options that the city offers. I personally will not be able to come up with an extra \$780 in 60 days. Because of this my bill will be added to my taxes for the next 10 years at 5% interest. The 5% interest sounds low, but for me to pay any interest on this money is ridiculous. It is not like I said "hey I want to borrow some money from the city to repair the sidewalks in front of my house". I appreciate you taking the time to read this letter and hope you will take it into consideration.

Thank You,
Corey Meyers
Corey Meyers
City Resident

RECEIVED
CITY OF MUSKEGON

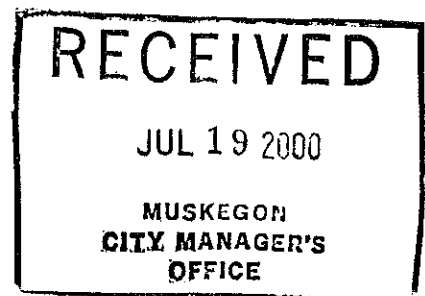
AUG 7 2000

ENGINEERING DEPT.

1453 Montgomery Ave.
Muskegon, MI 49441

July 18, 2000

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



ATTENTION: Mohammed Al-Shatel, P.E.

Dear Sir:

I am all for improving the City of Muskegon.

I do not feel the people who have sidewalks in front of their homes are being treated fairly. We are not asked if we want deteriorated sidewalks replaced - we are TOLD that they are going to be replaced, either by our private contractor or the City of Muskegon. Why, then, are some who do not have sidewalks ASKED if they want a sidewalk in front of their homes? Why aren't they TOLD there is going to be one?

A sidewalk has been installed a couple houses down from me on the same side of the street, but across the street there is no sidewalk. Also, on Madison Street just south of Evanston Ave. there is no sidewalk on the west side of the street.

Let's be consistent. I feel ALL property in the City of Muskegon should have sidewalks. Why should a person walk on sidewalks in part of a block and have to use the street in another part? It also presents a difficult situation for students as many go to school.

I am pleased to cooperate and pay for work done in front of my home, but I would appreciate a fair criteria for all.

Respectfully,
Kathryn M. Schuitema
Kathryn M. Schuitema
1138 E. Dale Avenue
Muskegon, MI 49442

Copies: Mayor Fred Nielsen ✓

City Manager Bryon Mazade

8 - 8 - 2000

Dear Sirs,

I am protesting this special assessment for the approach at my property at 890 W. Laketon Ave. I was not informed of the need to have this section of approach replaced. If I would have known I would have had it repaired by my own contractor at a much reduced price. My contractor gave me an approximate price of \$300 dollars.

I also question the measurements on the bill. I measure the actual approach as 18 ft. by 6.5 ft. or 13 sq. yds. Some concrete was poured to repaired the turning lane. The measurement on the bill must of added this extra concrete to the total. I do not believe I am responsible for the cost of road repair.

Thank You for time and consideration on this matter.

RECEIVED
CITY OF MUSKEGON

AUG 8 2000

ENGINEERING DEPT.

Sincerely,
Peter J. Madison
Peter J. Madison

SIDEWALK REPLACEMENT PROGRAM FOR 1999

DETAILS BY PARCEL

OLD PARCEL 611025481049
MAP NUMBER 24-30-25-481-049
NEW PARCEL 24-205-505-0013-09

CONCRETE DRIVE APPROACH	15.91	S YD @ \$ 28.00 / S YD	\$445.51
REMOVING CONCRETE DRIVE APPROACH	15.91	S YD @ \$10.00 / S YD	\$159.11
REMOVING CONCRETE CURB	0.00	L FT @ \$ 5.00 / L FT	\$0.00
EXCAVATION	0.00	C YD @ \$ 6.00 / C YD	\$0.00
BORROW FILL	0.00	C YD @ \$ 15.00 / S YD	\$0.00

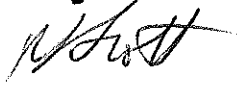
TOTAL FOR DRIVE APPROACH \$604.62

ENGINEERING FEES FOR DRIVE APPROACH \$54.11

CONCRETE SIDEWALK 0.00 S FT @ \$ 5.11/ S FT \$0.00

TOTAL \$658.74

658.74

Date: July 31, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Arena Contract Changes

SUMMARY OF REQUEST:

To decrease the payment to Arena Management Group to the 1999-2000 management fee and to increase the maintenance fee by \$.25.

FINANCIAL IMPACT:

Management fee drops from \$687,000 to \$667,000.

Maintenance fee will generate about \$40,000 in additional revenue

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

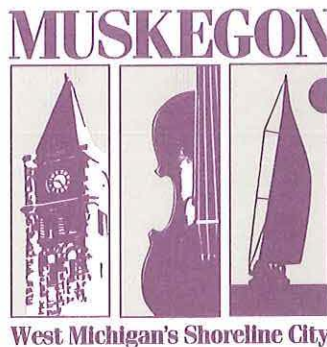
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

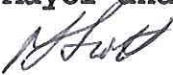
Water Billing Dept.
231/724-6718
FAX/724-6768

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



Date: July 31, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Arena Contract Changes

In an effort to reduce the general fund contribution to the arena, staff has negotiated two changes to the contract, which should increase revenue and decrease expenses.

Tony Lisman has volunteered to keep the management fee for operating the arena at the 1999-2000 fee of \$667,000, as compared to the contract price of \$687,000. This will be a net saving of \$20,000 to the general fund.

Further, we have agreed that we will increase the maintenance fee on all ticketed events by \$.25. This will make the fee \$.50. This should generate about \$40,000 in new revenues to the facility. This does include Fury tickets.

We continue to look at other ways of increasing revenues to the building and adding additional events.

I would ask that you approve in the two changes to the contract.

Thank you for your consideration.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Tony Kleibecker, Chief of Police
DATE: July 17, 2000
SUBJECT: FY 2000 Local Law Enforcement Block Grant

*No Action
Taken*

SUMMARY OF REQUEST:

Staff requests that the City Manager be authorized to negotiate an agreement with the County of Muskegon due to a Disparate Funding Certification and then submit the FY 2000 Local Law Enforcement Grant Application in the amount of up to \$ 141,599. This grant requires local cash match up to \$ 15,733. This would be the amount of match assuming no sharing with the County of Muskegon. The funds must be used for law enforcement purposes and may be used for personnel or equipment. The exact amount to be placed in each category has not yet been determined. The grant requires the establishment of an Advisory Board to make recommendations prior to the grant funds being released. However, it would be our intent to continue the funding of an information systems person as well as a record's division person that we began funding under a previous block grant. We would be looking at using the remainder of the funds for much needed equipment due to our increased staffing.

The exact amount the City of Muskegon would receive and the corresponding match will not be known until negotiations with the County are finalized. However, due to the entire system being online, the Bureau of Justice Assistance is only allowing 30 days from the time of the grant announcement until all negotiations, hearing and application are completed. Therefore, staff is asking for Commission Approval at this time.

FINANCIAL IMPACT:

\$141,599 maximum to be received from the U.S. Dept. of Justice
\$15,733 maximum required as a local cash match and must be placed in the same interest bearing account as the federal grant funds.

Note that the grant covers a 2-year period.

BUDGET ACTION REQUIRED:

A local cash match is required. If there were no sharing with the County the total match would be \$15,733. If there is sharing with the County of Muskegon, our required cash match would go down. This is a 10% cash match. These funds must be placed in the same interest bearing account as the federal grant funds and all interest earned must be spent on items allowable under the grant.

STAFF RECOMMENDATION:

Staff recommends authorizing the City Manager to negotiate an agreement with the County Administrator and to then submit the FY 2000 Local Law Enforcement Block Grant Application.

COMMITTEE RECOMMENDATION: