

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 25, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ PRESENTATIONS:
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Request for Encroachment Agreement – 550 W. Western Avenue (Amazon Building). ENGINEERING
 - c. Request for Encroachment Agreement – Quarterline @ Roblane (Baker College). ENGINEERING
 - d. SECOND READING: An Ordinance to Adopt the Michigan Vehicle Code. POLICE
 - e. FIRST READING: Zoning Ordinance Amendment to Allow Contractor's Offices with Associated Indoor Storage in the B-2, Convenience and Comparison Business District. PLANNING & ECONOMIC DEVELOPMENT
 - f. FIRST READING: Rezoning Request for Property Located at 2482 Harris Street. PLANNING & ECONOMIC DEVELOPMENT
 - g. Fireworks Display – Muskegon Summer Celebration. CITY CLERK
- ❑ PUBLIC HEARINGS:
 - a. Request to Establish an Obsolete Property District – Jore, LLC. PLANNING & ECONOMIC DEVELOPMENT

b. Request to Issue an Obsolete Property Certificate – Jore, LLC.
PLANNING & ECONOMIC DEVELOPMENT

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

a. Donation from the Viking Lodge. POLICE

h. Northside Water System. PUBLIC WORKS

i. County Refunding Bond. FINANCE

j. Alley Vacation in Block 397. PLANNING & ECONOMIC
DEVELOPMENT

❑ **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.)

❑ **CLOSED SESSION:** To Discuss Pending Litigation

❑ **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: June 25, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the City Commission Worksession that was held on Monday, May 13, and on Monday, June 10, 2002; the Special City Commission Meeting that was held on Friday, June 7, 2002; and the Regular Commission Meeting that was held on Tuesday, June 11, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 25, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City of Muskegon was held at the City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday June 25, 2002.

Mayor Warmington opened the meeting with a prayer from Pastor Gerald Wahr of the McGraft Memorial Congregational Church, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington; Vice-Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney Thomas Johnson and City Clerk Gail Kunding

2002-75 HONORS AND AWARDS:

Mayor Warmington presented to City Attorney Thomas Johnson a Certificate of Recognition for his distinguished service as City Attorney.

2002-76 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Worksession that was held on Monday, May 13, and on Monday, June 10, 2002; the Special City Commission Meeting that was held on Friday, June 7, 2002; and the Regular Commission Meeting that was held on Tuesday, June 11, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

b. Request for Encroachment Agreement – 550 W. Western Avenue (Amazon Building). ENGINEERING

SUMMARY OF REQUEST: Gough & Gough has submitted the encroachment agreement form requesting your permission to install a 5' by 30' double face wall

sign on the Western Ave. side of the building which would encroach onto the Western Ave. public right of way.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement to install the sign as per the Soils & Structures report.

COMMITTEE RECOMMENDATION:

c. Request for Encroachment Agreement – Quarterline @ Roblane (Baker College). ENGINEERING

SUMMARY OF REQUEST: Baker College has submitted the encroachment agreement form requesting your permission to install two 4" PVC conduits across Quarterline Street just north of Roblane.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement with supplemental conditions and compliance with required insurance coverage.

d. SECOND READING: An Ordinance to Adopt the Michigan Vehicle Code. POLICE

SUMMARY OF REQUEST: To adopt the Michigan Vehicle Code by reference.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the ordinance.

COMMITTEE RECOMMENDATION:

f. FIRST READING: Rezoning Request for Property Located at 2482 Harris Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by Eljon Realty, located at 2482 Harris St., from 1-2 General Industrial to B-4, General Business.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 6/13 meeting. The vote was unanimous, with M. Kleaveland and B. Smith absent.

g. Fireworks Display – Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Steve Franklin is requesting approval of a fireworks display permit for July 4th and 7th, for the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION : Approval contingent on inspection of the fireworks and approval of insurance.

Motion by Commissioner Spataro, second by Vice Mayor Buie to approve the Consent Agenda with removal of Item e.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spatro, Warmington, Buie

Nays: None.

MOTION PASSED

2002-77 ITEMS REMOVED FROM AGENDA:

- e. FIRST READING: Zoning Ordinance Amendment to Allow Contractor's Offices with Associated Indoor Storage in the B-2, Convenience and Comparison Business District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1100 (Principal Uses Permitted) and Section 1101 (Special Land Uses Permitted) of Article XI (B-2, Convenience and Comparison Business) of the City's Zoning Ordinance to allow contractor's offices with associated indoor storage.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add the proposed language in the article and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 6/13 meeting. The vote was unanimous, with B. Smith absent.

Motion by Commissioner Spataro, second by Commissioner Schweifler to recommend amendment of the Zoning Ordinance to add the proposed language in the article and sections as described.

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

Nays: None.

MOTION PASSED

2002-78 PUBLIC HEARINGS:

- a. Request to Establish an Obsolete Property District - Jore, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jore LLC, 144 Grand Avenue, N.E., Grand Rapids, Michigan, has requested

the establishment of an Obsolete Property District. The district would be located at 1987 – 1991 Lakeshore Drive (former Etterman's Grocery), Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 15-20 employment opportunities.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 1987 – 1991 Lakeshore Drive, Muskegon, MI.

COMMITTEE RECOMMENDATION: None.

The Public Hearing opened at 5:47pm to hear and consider any comments from the public. Comments were heard from owners Joe and Renee Booker of Jore LLC, 144 Grand Ave., NE of Grand Rapids MI.

Motion by Commissioner Schweifler, second by Commissioner Larson to close the Public Hearing at 5:55 and approve the resolution establishing an Obsolete Property District for 1987-1991 Lakeshore Drive, Muskegon, MI.

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

Nays: None

MOTION PASSED

b. Request to Issue an Obsolete Property Certificate – Jore, LLC. **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jore LLC, 144 Grand Avenue, N.E., Grand Rapids, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 1987-1991 Lakeshore Drive (former Etterman's Grocery), Muskegon MI. Total capital investment for this project is \$200,000. The project will result in the creation of 15-20 employment opportunities.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property District for 1987 – 1991 Lakeshore Drive, Muskegon, MI for a term of 6 years.

COMMITTEE RECOMMENDATION: None.

The Public Hearing opened at 5:56pm to hear and consider any comments from the public. No comments were heard from the public at this time.

Motion by Vice Mayor Buie, second by Commissioner Schweifler to close the Public Hearing at 5:58pm and to approve the resolution issuing an Obsolete Property District for 1987-1991 Lakeshore Drive, Muskegon, MI for a term of 6 years.

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

Nays: None

MOTION PASSED

2002-79 NEW BUSINESS:

a. Donation from the Viking Lodge. POLICE

SUMMARY OF REQUEST: The Viking Lodge of Muskegon has graciously offered to donate \$11,794 to the police department to purchase a Forensic Mapping System. This system is utilized for mapping accident and crime scenes and consists of four components. These components include (1) an electronic transit that documents evidence and points of evidence at a given scene; (2) a prism; (3) a data collector and (4) a software program which produces the final diagram. The KARA Company of Countryside, Illinois manufactures the Forensic Mapping System. This company is a sole provider.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATIONS: Forensic Mapping Solutions has been kind enough to loan us a system on a trial basis, for the last several months. Feedback from our traffic accident investigators and detectives has been very positive. Additionally, we have used diagrams produced by this system in a number of court cases. Our prosecutors and judges have been impressed with the quality of the diagrams. We are very grateful to the Viking Lodge for making this offer and certainly recommend its acceptance.

Motion by Commissioner Spataro, second by Commissioner Shepherd to accept the Viking Lodge donation of \$11,794.00 to the Police Department for the purchase of a Forensic Mapping System and to approve the Police Department to purchase this equipment.

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

Nays: None

MOTION PASSED

b. Northside Water System. PUBLIC WORKS

SUMMARY OF REQUEST: The current contract with the Northside Water System, executed in 1981, covers the Townships of Laketon, Dalton, Muskegon Township (north of the river), and the City of North Muskegon. This resolution would allow the Northside System to include property in Fruitland Township, the most likely customer being Michigan Adventure. This expansion does not increase the amount of flow reserved for the Northside System in our master plan.

FINANCIAL IMPACT: Increased metered water sales.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Commissioner Larson to approve the Admentment Resolution.

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

Nays: None

MOTION PASSED

c. County Refunding Bond. FINANCE

SUMMARY OF REQUEST: The County once again is trying to pass the refunding bond issue which was brought before you last year. The issue did not go forward due to the inability of all of the units to obtain Department of Treasury's approval to sell the bonds.

FINANCIAL IMPACT: There will be a substantial savings. The exact amount will not be known until the refunding is complete.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval

Motion by Commissioner Schweifler, second by Commissioner Larson to approve the County Refunding Bond.

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

Nays: None

MOTION PASSED

d. Alley Vacation in Block 397. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of a portion of the existing SW/NE alley in Block 397, bounded by Fourth St., Fifth St., Strong Ave., and Campus Ave.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENTDATION: Staff recommends vacation of the proposed portion of alley, with the condition that all City easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended denial of the request for vacation of the proposed portion of alley. The vote was:

Yes(Denial): Mazade, Warmington, Aslakson, Veltkamp

No: Stewart, Spataro, Sartorius

Absent: Smith, Kleaveland

Motion by Commissioner Shepherd, second by Vice Mayor Buie to approve vacation of the proposed portion of alley with the condition that all City easement rights be retained.

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

Nays: None

MOTION PASSED

2002-80 CLOSED SESSION: To Discuss Pending Litigation

Motion by Commissioner Spataro, second by Commissioner Gawron to go to closed Session at 6:36pm and discuss Pending Litigation.

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

Nays: None

MOTION PASSED

Motion by Commissioner Schweifler, second by Commissioner Gawron to go to open session at 7:24pm.

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

Nays: None

MOTION PASSED

Motion by Commissioner Spataro, second by Commissioner Gawron to authorize Council to continue with Pending Litigation.

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

Nays: None

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 7:26pm.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gail Kunderger".

Gail Kunderger, CMC/AEE

City Clerk

Date: June 25, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for Encroachment Agreement
550 W. Western Ave.

SUMMARY OF REQUEST:

Gough & Gough has submitted the attached encroachment agreement form requesting your permission to install a 5' by 30' double face wall sign on the Western Ave. side of the building which would encroach onto the Western Ave. public right of way.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement to install the sign as per the Soils & Structures report.

COMMITTEE RECOMMENDATION:

2002-76 (6)

CITY OF MUSKEGON

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 25th day of June 2002, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and GOUGH & GOUGH, INC. (hereinafter called LICENSEE).

RECITALS

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as

INSTALLATION OF ONE (1) 5' X 30' DOUBLE FACE WALL SIGN

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as:

[please insert a general description, and if required by the city, an accurate legal description]

550 W. WESTERN AVE. (AMAZON BUILDING), MUSKEGON, MI

3. The City is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under section 18-19 of the Code of Ordinances, but shall apply to any encroachment on public ways or property.

THEREFORE,

1. City does hereby grant unto LICENSEE the privilege of constructing, X installing, X maintaining, X repairing X performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term hereing stated. This

privilege shall be effective upon the issuance of an encroachment permit, which shall be issued only after approval of this agreement by the City Commission and delivery to the City of the required evidence of insurance coverages.

This grant is subject to the following special conditions: _____

2. That LICENSEE shall pay to the City for the privilege hereby granted the sum of One Hundred & 00/100 Dollars (\$ 100.-), such payment to be made upon the signing of this agreement to be dated as of the 25th day of June 2002, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, 2007 unless sooner terminated as hereinafter provided.

3. INDEMNIFICATION. The LICENSEE shall indemnify and save harmless said GRANTOR of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the city by any person, firm or corporation on account of or arising from the privilege hereby granted to LICENSEE or the activities of the LICENSEE related to the encroachment or this privilege. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any material constituting a prohibited or regulated substance under governmental law, rule, statute or regulation in force at any time, including future times.

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to City, and issued by companies acceptable to the City, licensed in the State of Michigan, naming City as an additional insured on any such policy. LICENSEE will file with

City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits to be required shall be as follows:

5. BONDING. Before this agreement/permit becomes valid, LICENSEE shall file with the city a bond conforming with the requirements of any ordinance, and shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked by the CITY at any time upon giving said LICENSEE _days of written notice of such cancellation and revocation.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the city _____ days prior to such surrender; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the City, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in a manner satisfactory to City and in default thereof shall be liable to City for any cost, damage or expense the City may sustain in such restoration.

8. That should said LICENSEE fail or refuse to conform to any of the conditions on its part to be performed hereunder, the privilege hereby granted shall immediately terminate and become null and void.

9. This agreement shall be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

Witnesses:

Linda Potter
Linda Potter

Margaret M. Platt
Margaret M. Platt

CITY OF MUSKEGON

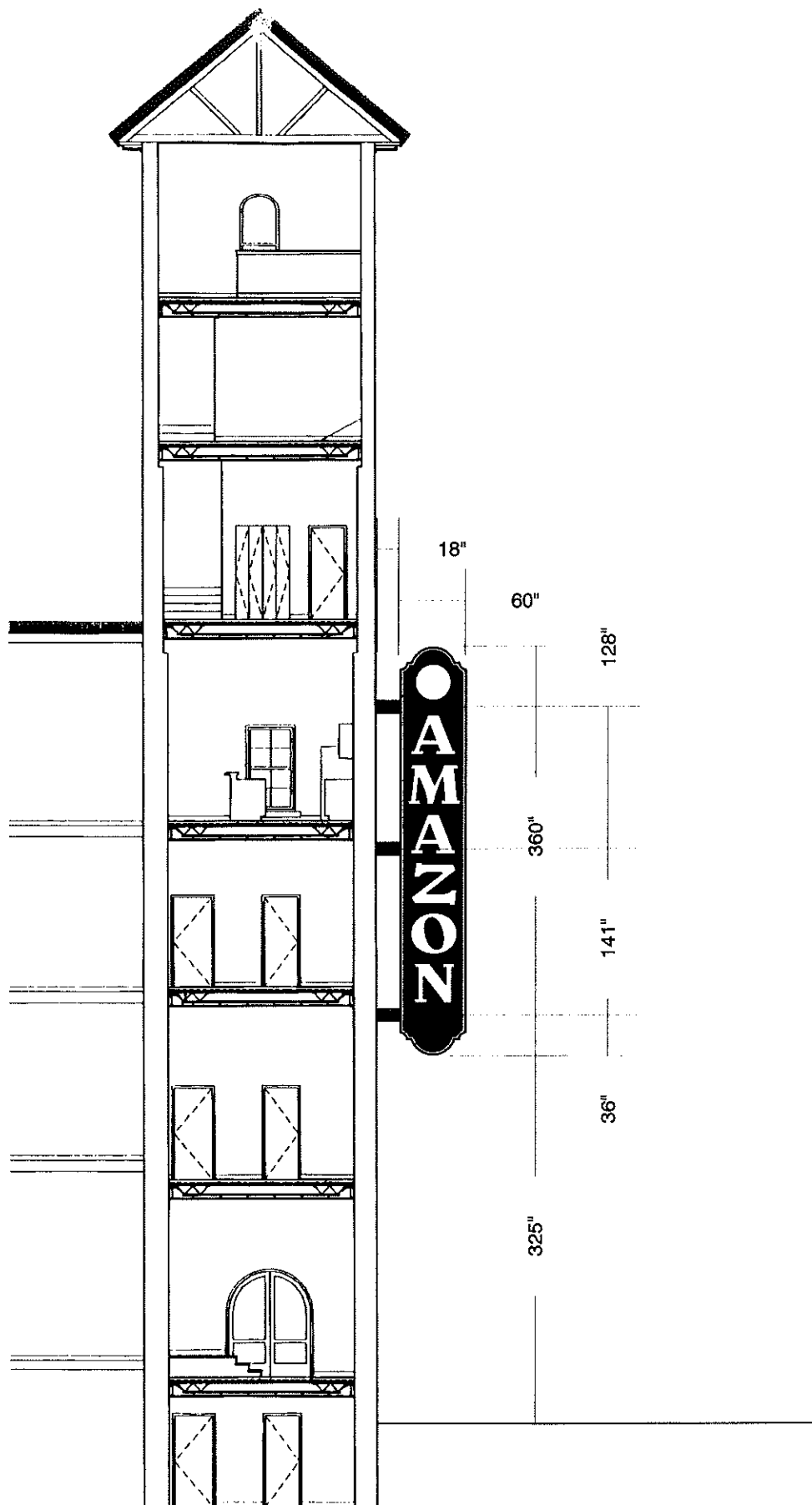
By [Signature]
Stephen J. Warrington Mayor

And Gail A. Kunderger
Gail A. Kunderger, Clerk

LICENSEE:

Cough & Cough

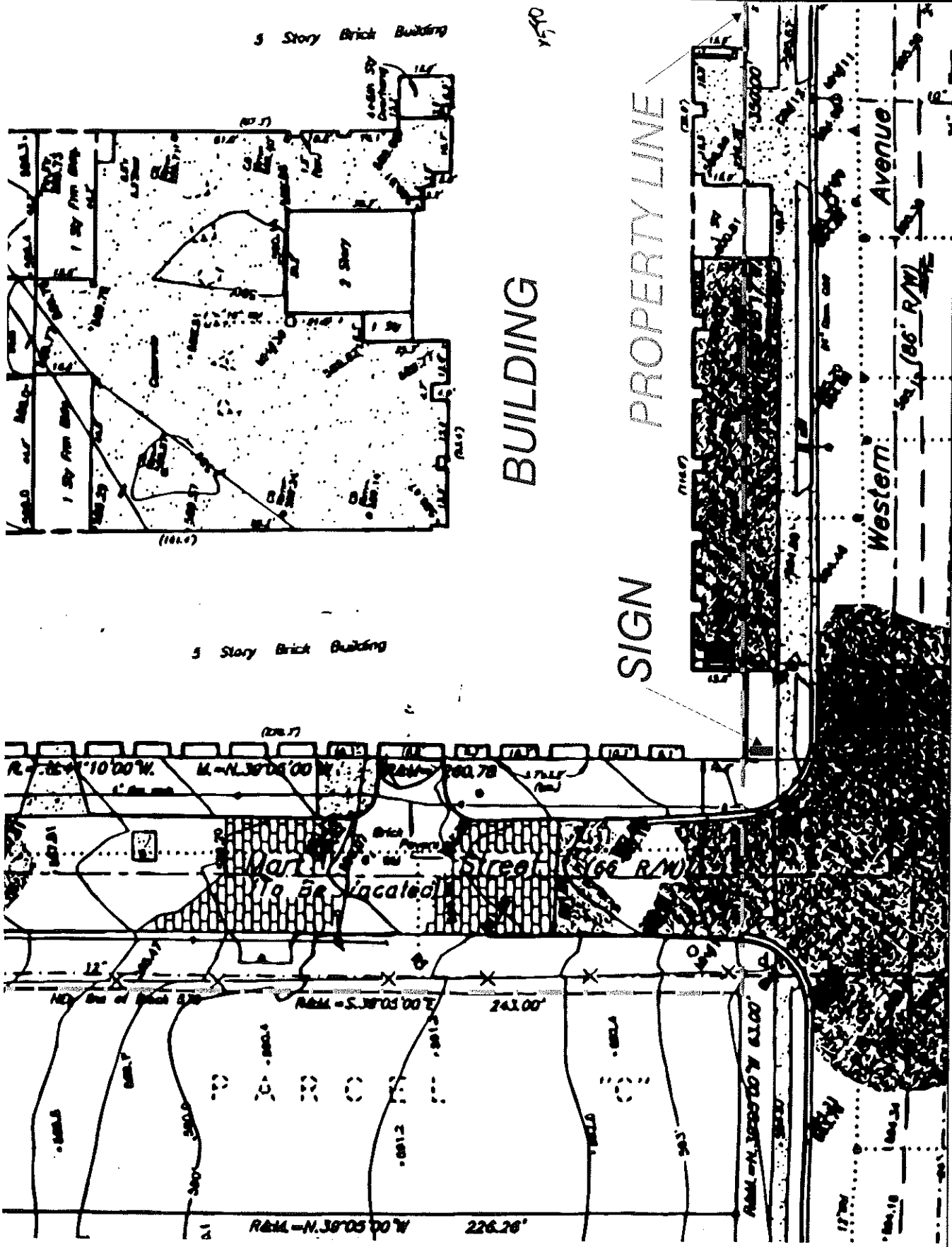
Bob Crandall
Project Manager
March 21-02



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Customer	Drawn By
Sign Description	Scale
Customer Signature	Date
Viewing Date	Drawing No.





Customer	Amazon Building	Drawn By	RGP
Sign Description		Scale	None
Customer Signature		Date	4/19/02
Viewing Date		Drawing No.	11392

This design represented herein is the property of Port City Sign Co. and is developed for your personal use in connection with the project proposed for you by Port City Sign Co. It is not to be shown to anyone outside your company, nor is to be used reproduced or copied in any way. This or any part of the design [excepting registered trademarks] remains the property of Port City Sign Co. and shall be returned to our office prior to production.

ROBERT B. CRANDALL 04-95
JOANNE H. CRANDALL
8601 TRAILBLAZER DR.
BYRON CENTER, MI 49315
PH. 616-455-3042

Visit us at www.53.com

3966

74-234/724

4-24-02

DATE

PAY TO
THE ORDER OF

CITY OF MUSKEGON

\$100.00

One Hundred & No/100



Fifth Third Bank
WESTERN MICHIGAN
GRAND RAPIDS, MICHIGAN

FIFTY-THREE

DOLLARS



Security
Features
Details on
Back.

FOR Amazon Sign

Robert B Crandall

⑆072402348⑆ 7680611857⑈ 3966

© HARLAND 2000

RECEIPT

DATE 5/2/02

NO.

8018

RECEIVED FROM

Bob Crandall

ADDRESS

8601 Trailblazer Dr.

Byron Center Mi 49315

\$100.00

FOR

Encroachment Permit

ACCOUNT

AMT. OF ACCOUNT		
AMT. PAID	100	00
BALANCE DUE		

☐ CASH

☒ CHECK

☐ MONEY
ORDER

3966

BY

E. Hoffman

©2001 REDIFORM® 81820

SOILS &
STRUCTURES INC.

6480 GRAND HAVEN ROAD
MUSKEGON, MI 49441

FACSIMILE TRANSMITTAL SHEET

TO: DAVE SEASTROM FROM: BILL HOHMEYER
COMPANY: PORT CITY SIGN CO. DATE: 4/24/01
FAX NUMBER: 231-733-4979 NO. OF PAGES INCLUDING COVER: 7
REGARDING: AMAZON BLDG.

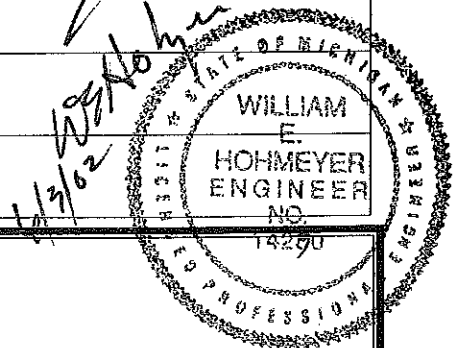
Comments:

I am suggesting a TS 6x6x $\frac{3}{8}$
because of the welding required.

Here is what I am suggesting
for your bracket.

Please call if you have a question.

Bill H



6480 GRAND HAVEN ROAD
MUSKEGON, MI 49441

231-798-4127
231-798-1383 / FAX

SOILS AND STRUCTURES, INC.

6480 Grand Haven Rd

Muskegon, MI 49441

(231) 798-4127

JOB PORT CITY NEON SIGN

SHEET NO. 1

OF

CALCULATED BY WEH.

DATE 11/26/01

CHECKED BY

DATE

SCALE

$$\text{AREA OF SIGN} = 5' \times 30' = 150 \text{ } \phi$$

WIND PRESSURE 30PSF

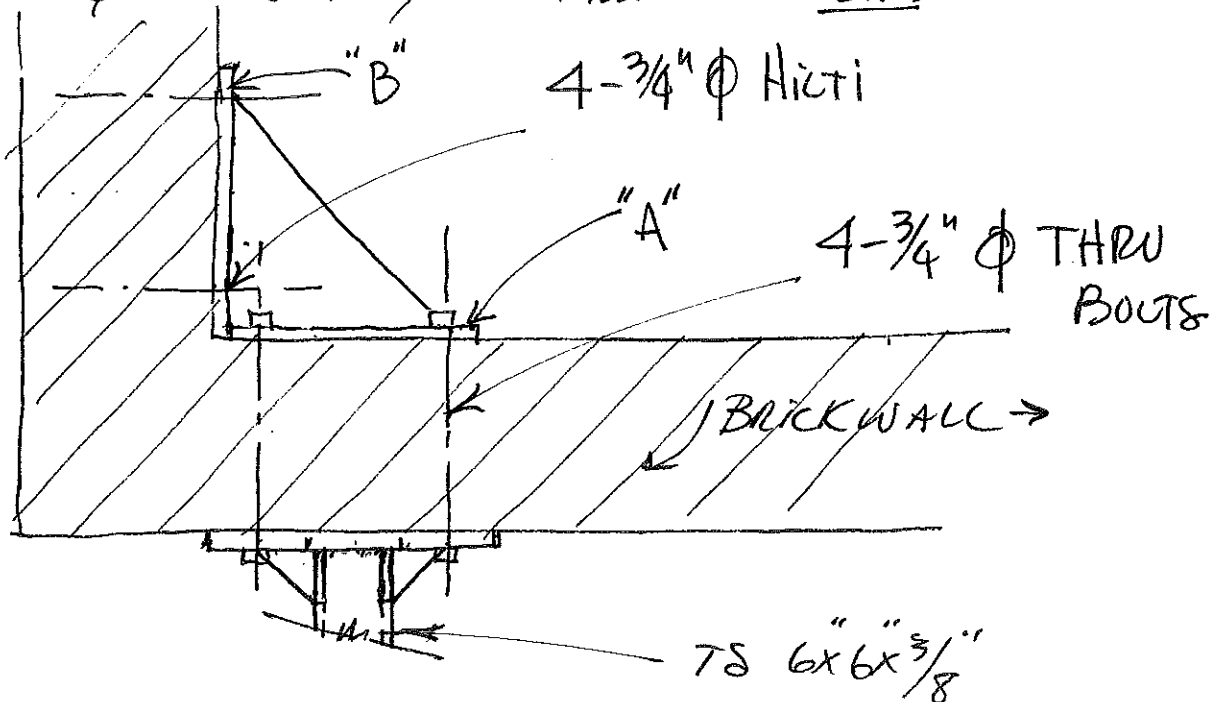
$$\text{TOTAL FORCE} = 30 \times 150 = 4500 \text{ } \#$$

$$\frac{4500}{3} = 1500 \text{ } \# / \text{BRACKET}$$

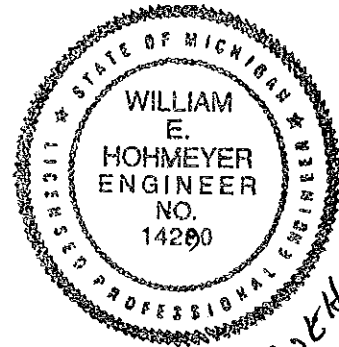
$$\text{MOMENT @ FACE OF PLATE} = 1500 \times (1.5' + 2.5') = 6000 \text{ } \# \cdot \text{ft.}$$

$$S_x \text{ REQ'D} = \frac{6000 \times 12}{46000 \times 6} = 2.61 \text{ } \text{in}^3$$

$$TS 6 \times 6 \times 1/4 = 9.95 \text{ } \text{in}^3 > 2.61 \text{ } \text{in}^3 \quad \text{O.K.}$$



SUGGEST 3/8 BECAUSE OF WELDS REQ'D



WEH 6/3/02

SOILS AND STRUCTURES, INC.

6480 Grand Haven Rd
Muskegon, MI 49441
(231) 798-4127

JOB Port City NEON Sign
SHEET NO. 2 OF 2
CALCULATED BY WEH DATE 11/29/01
CHECKED BY _____ DATE _____
SCALE _____

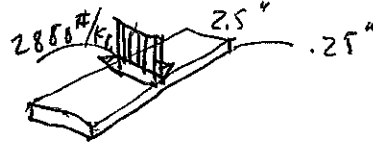
$$BM = 6000 \# \cdot Ft. \quad 12 \times \frac{6000}{2} = 5 \times T$$

$$T = 600 \# \times 12 = 7200 \#$$

ASSUME T SPREAD OVER 2.5"

$$T = \frac{7200}{2.5} = 2880 \#$$

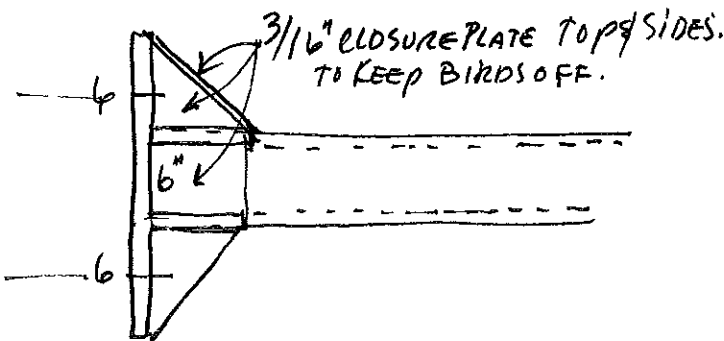
$$M = \frac{2880 \times 6}{4} = 4320 \# \cdot in$$



$$S_x = 2.5 \times \frac{.25^2}{6} = 0.026 in^3$$

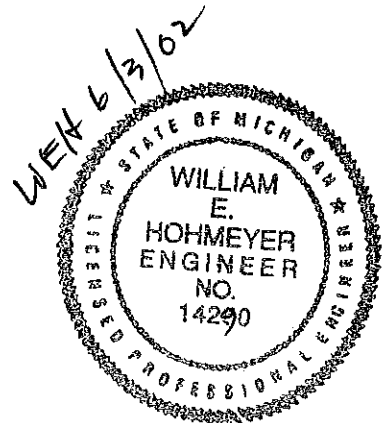
$$f_b = \frac{4320 \times 166,154 in^4}{.026} = 149,385 psi - N.G.$$

MOVE GUSSETS TO BE IN LINE W/ FACES.



$$S_x = .375 \times \frac{18^2}{6} = 20.25$$

$$f_b = \frac{(6000 \times 12) \times 4320}{20.25} = 1778 psi$$



SOILS AND STRUCTURES, INC.

6480 Grand Haven Rd

Muskegon, MI 49441

(231) 798-4127

JOB

Port City NEON SIGN

SHEET NO.

3

OF

CALCULATED BY

WST

DATE

4/29/01

CHECKED BY

DATE

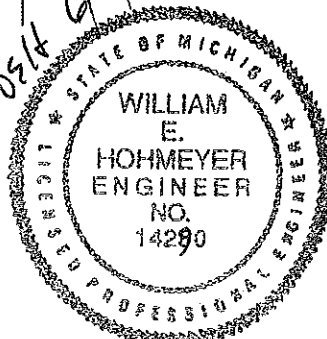
SCALE

3/8" GUSSET TYP.

TS 6x6x3/8

7/8" HOLE
FOR 3/4"
THRU BOLTS

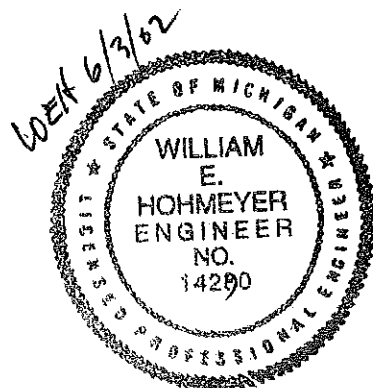
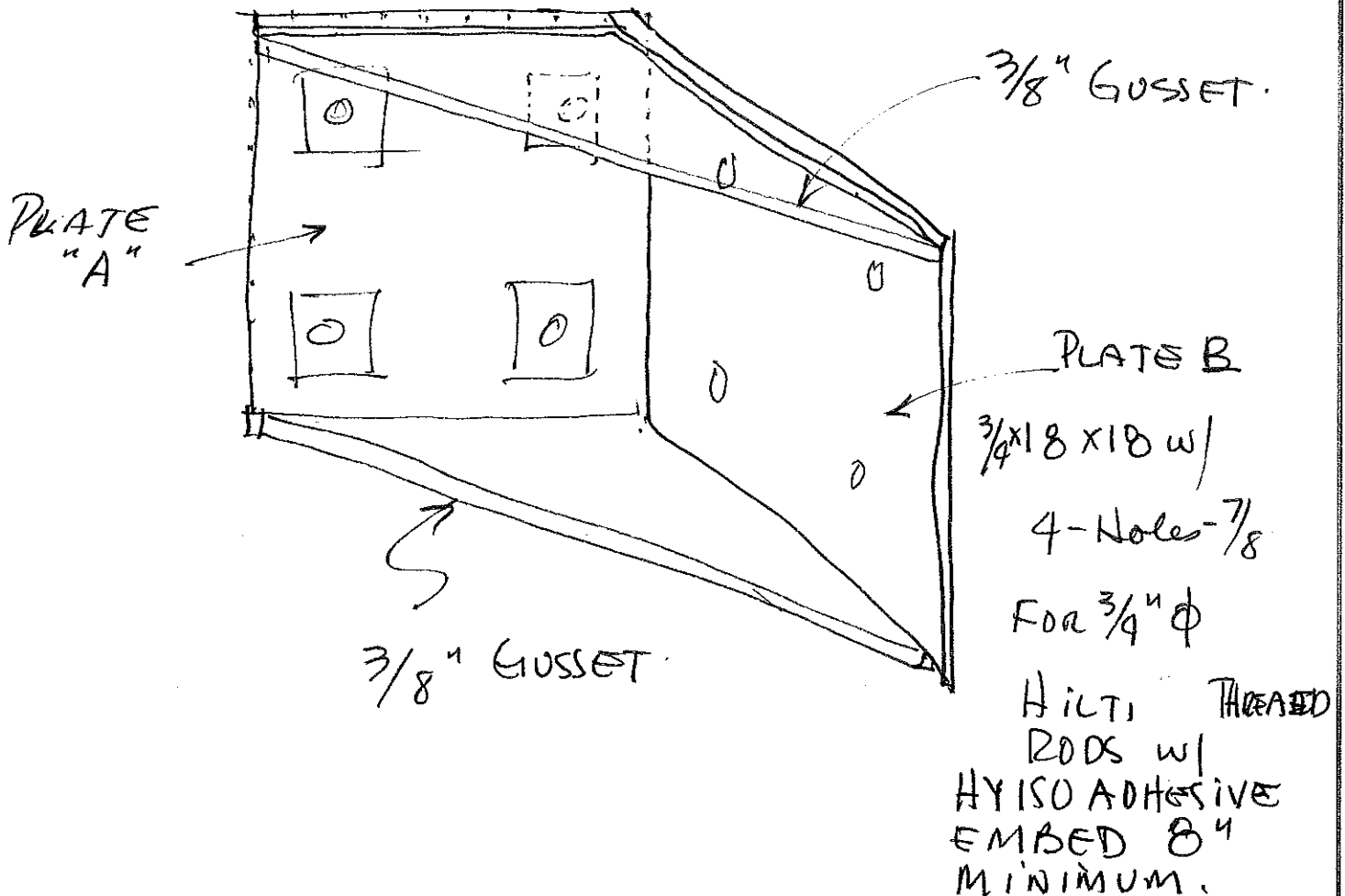
3/4 x 18 x 18 PLATE



SOILS AND STRUCTURES, INC.

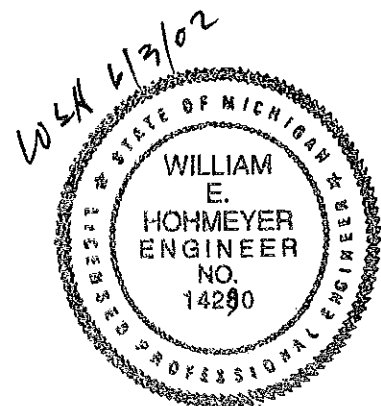
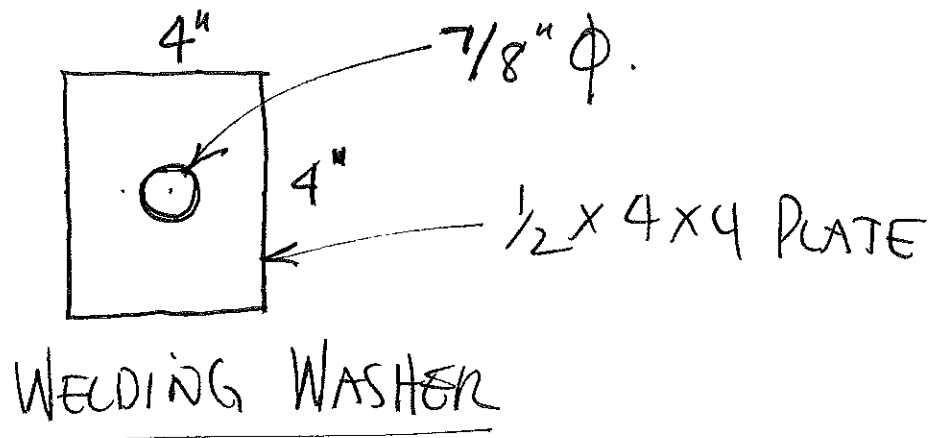
6480 Grand Haven Rd
Muskegon, MI 49441
(231) 798-4127

JOB P.C.N. Sign
SHEET NO. 4 OF
CALCULATED BY WA DATE 11/29
CHECKED BY DATE
SCALE



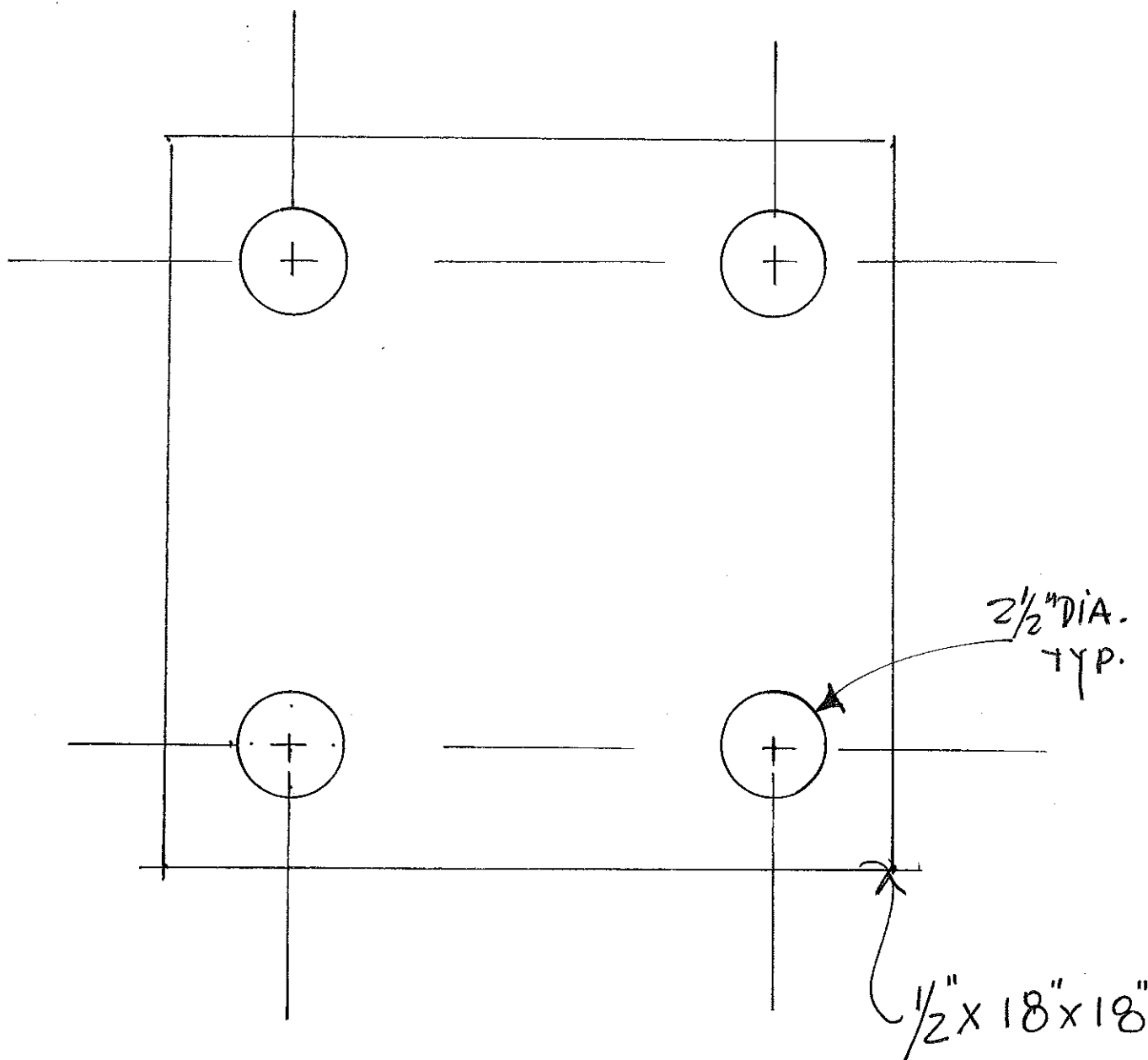
SOILS AND STRUCTURES, INC.
6480 Grand Haven Rd
Muskegon, MI 49441
(231) 798-4127

JOB P.C. N.S.
SHEET NO. 5 OF
CALCULATED BY WIT DATE 11/29
CHECKED BY DATE
SCALE

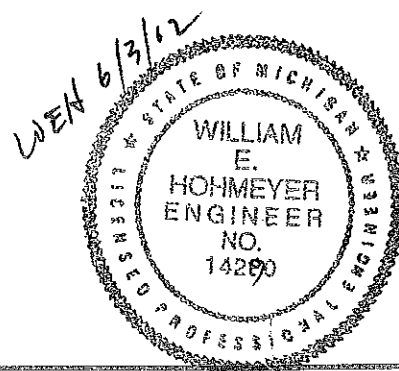


SOILS AND STRUCTURES, INC.
6480 Grand Haven Rd
Muskegon, MI 49441
(231) 798-4127

JOB P.C.N.S.
SHEET NO. 6 OF 6
CALCULATED BY WH DATE 11/29
CHECKED BY _____ DATE _____
SCALE _____



INSIDE PLATE. "A"



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

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

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

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

Civil Service
(231)724-6716
FAX: (231)724-4403

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MUSKEGON



West Michigan's Shoreline City

July 6, 2001

Mr. Gary Saterbak
Muskegon Redevelopment
1620 Country Club Road
Valparaiso, IN 46383

SUBJECT: SIGNS FOR THE AMAZON BUILDING
550 W. Western Avenue, Muskegon, MI

Dear Ms. Saterbak:

The Muskegon Historic District Commission has reviewed your application for the installation of projecting sign at above subject property on July 3, 2001. Please be informed that the following action has been taken:

PROJECTING SIGN: APPROVED

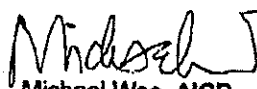
The HDC finds that the proposed sign is an added feature to help create the revival of Western Avenue. The sign shall be in accordance with the drawings and general specifications submitted to the HDC; any deviation from such shall require approval from the Commission before commencing work.

The projecting sign (60"x360") shall be installed perpendicular to the wall surface (south elevation) of the southwest tower of The Amazon Building; with the top of the sign not to exceed the parapet line of the main building. The materials, letter type, and method of illumination shall be the same as the rooftop signs (previously approved), namely:

- The letters shall be aluminum channel *without* the white acrylic faces.
- The letters shall be illuminated with subtle color red neon on white background.
- The sign frame shall be bordered with white neon.

If I could be of further assistance to you, please don't hesitate to call 231-724-6702.

Sincerely,


Michael Wee, AICP
HDC Liaison

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536
www.shorelinecity.com



GOUGH & GOUGH, INC.

April 23, 2001

Michael Wee
Historic District Commission Liason
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

FACSIMILE
(231) 724-6790

Dear Michael and members of the Historic District Commission,

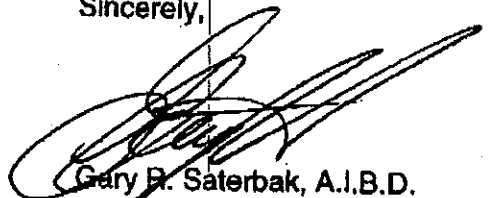
Enclosed please find materials relating to the revised proposal for projecting signage at the southwest tower of the Amazon building. Pursuant to our discussions, we are seeking to obtain Historic District Commission support for this proposal prior to proceeding with other approvals.

This proposal helps define the entrance to downtown, as well as the Western Ave business district. We believe this proposal addresses the Signage Policy of the Historic District Commission as follows

- Proposed placement does not conceal, disfigure, or otherwise violate any architectural features of the building.
- Sign will be proportioned in massiveness and scale to the building for which it is meant.

This signage is removable at anytime and will enhance the image of the property and the revitalization of surrounding properties. We are flexible as to the exact preferences on design and shape. Please see the attached drawings. We hereby request consideration at the next regularly scheduled HDC meeting on June 5, 2001. Thank you.

Sincerely,



Gary R. Saterbak, A.I.B.D.
Director of Project Development

□ 1620 Country Club Road, Suite D, Valparaiso, IN 46383
□ P.O. Box 1473, Valparaiso, IN 46384
Phone (219) 477-6883 Fax (219) 531-2179

AMAZON APTS

This design represented herein is the property of Port City Sign Co., and is developed for your particular use in connection with the project proposed for you by Port City Sign Co. It is not to be shown to anyone outside your company, nor is it to be used, reproduced or copied in any way. This or any part of the design (including registered trademarks) is the property of Port City Sign Co., and shall be returned to our office prior to production.

Customer	Drawn By
Sign Description	Scale
Customer Signature	Date
Viewing Date	Drawing No.



DISCUSSION RELATIVE TO THE HISTORIC DISTRICT COMMISSION POLICY

1. Proposed placement does not conceal, disfigure, or otherwise violate any architectural features of the building.
(HDC Signage Policy Sec. IV. I. 1. a.)
2. Sign will be proportioned in massiveness and scale to the building for which it is meant.
(HDC Signage Policy Sec. IV H.)
3. Sign will be visually compatible with the scale to the building for which it is meant.
(HDC Signage Policy Sec. IV I. 1. c.)
4. Sign is removable.
5. Aesthetically enhance the building.
6. Helps define the entrance to downtown.

SIGN DESCRIPTION

Projecting Sign Type:- "AMAZON" sign on South elevation:

One (1) 360" x 60" – "AMAZON", double face, channel letter display, per the attached art. The letters will be manufactured from white pre-finished aluminum, fastened to aluminum backs and sealed for weather protection. Letter faces will be fabricated from .125 clear acrylic over neon. The letters will be mounted to a fabricated aluminum background. The display will be mounted to the South elevation of the building as shown. (Area: 150 sq. ft.)

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE
11/05/2001

PRODUCER
Amicus Insurance Services, LLC
P.O. Box 3067
Munster, IN 46321-3067
Ph: 219-865-5210

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

INSURERS AFFORDING COVERAGE

INSURED
See Attached

INSURER A: American Equity Insurance Co.

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

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

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR ☐ GENT. AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO. SECT ☒ LOC	ACC190306	11/04/2001	11/04/2002	EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS		/ /	/ /	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
GARAGE LIABILITY ☐ ANY AUTO		/ /	/ /	AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
EXCESS LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE RETENTION \$		/ /	/ /	EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		/ /	/ /	WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
OTHER		/ /	/ /	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Property Name: Amazon Apartments-Liability at 330 W. Western Avenue, Muskegon, MI 49442,
Includes sign encroachment
Property Locations: Units 001-045, 100-145, 200-245, 300-345, 400-445
Certificate Holder Additional Insured

CERTIFICATE HOLDER ☒ ADDITIONAL INSURED; INSURER LETTER: A

CANCELLATION

City of Muskegon
993 Terrace

Muskegon

MI 49440-

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL REIMBURSE MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25-S (7/97)

INS025S (06/10)

ELECTRONIC LASER FORM, INC. (800)327-0545

© ACORD CORPORATION 1988

Page 1 of 2

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

Policy Note for General Liability: ACC190306

Amazon Apartments
550 W. Western Avenue
Muskegon, MI

Alliant TaxCredit Fund XIV, LP
Alliant Tax Credit XIV, Inc.
NCC Echo Company
Muskegon Redevelopment LP, a LDHA
Muskegon Redevelopment LLC
TV Development

Date: June 25, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request for Encroachment Agreement
Quarterline @ Roblane

SUMMARY OF REQUEST:

Baker College has submitted the attached encroachment agreement form requesting your permission to install two 4" PVC conduits across Quarterline Street just north of Roblane.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement with supplemental conditions and compliance with required insurance coverage.

COMMITTEE RECOMMENDATION:

2002-76 (c)

CITY OF MUSKEGON

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 24th day of May 2002, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and BAKER COLLEGE (hereinafter called LICENSEE).

RECITALS

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as S. Quarterline Street & Roblane Avenue 330 feet South of the centerline of Marquette Avenue or 18 feet North of the centerline of Roblane Avenue

(See attached drawings)

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as:

[please insert a general description, and if required by the city, an accurate legal description]

Place two four inch PVC Schedule 40 conduits under south Quarterline street using the boring method to place communication cables between the main campus and apartments along Roblane Avenue.

3. The City is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under section 18-19 of the Code of Ordinances, but shall apply to any encroachment on public ways or property.

THEREFORE,

1. City does hereby grant unto LICENSEE the privilege of X constructing, X installing, X maintaining, X repairing X performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term hereing stated. This

privilege shall be effective upon the issuance of an encroachment permit, which shall be issued only after approval of this agreement by the City Commission and delivery to the City of the required evidence of insurance coverages.

This grant is subject to the following special conditions: attached

supplemental conditions

2. That LICENSEE shall pay to the City for the privilege hereby granted the sum of One hundred Twenty-five Dollars (\$ 125⁰⁰), such payment to be made upon the signing of this agreement to be dated as of the 25th day of June 2002, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, 2007 unless sooner terminated as hereinafter provided.

3. INDEMNIFICATION. The LICENSEE shall indemnify and save harmless said GRANTOR of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the city by any person, firm or corporation on account of or arising from the privilege hereby granted to LICENSEE or the activities of the LICENSEE related to the encroachment or this privilege. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any material constituting a prohibited or regulated substance under governmental law, rule, statute or regulation in force at any time, including future times.

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to City, and issued by companies acceptable to the City, licensed in the State of Michigan, naming City as an additional insured on any such policy. LICENSEE will file with

City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits to be required shall be as follows:

5. BONDING. Before this agreement/permit becomes valid, LICENSEE shall file with the city a bond conforming with the requirements of any ordinance, and shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked by the CITY at any time upon giving said LICENSEE _days of written notice of such cancellation and revocation.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the city _____ days prior to such surrender; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the City, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in a manner satisfactory to City and in default thereof shall be liable to City for any cost, damage or expense the City may sustain in such restoration.

8. That should said LICENSEE fail or refuse to conform to any of the conditions on its part to be performed hereunder, the privilege hereby granted shall immediately terminate and become null and void.

9. This agreement shall be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

Witnesses:

Linda Potter
Linda Potter

Margaret M. Platt
Margaret M. Platt

Dan Boes

CITY OF MUSKEGON

By

Stephen J. Warmington, Mayor

And

Gail A. Kundinger
Gail A. Kundinger, Clerk

LICENSEE:

Baker College

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall, within a reasonable time, be fully responsible for the maintenance of the cables/conduits and any removal or relocation that becomes necessary to facilitate other public improvements within the right of way.
- 2- Grantee will be responsible for the maintenance and upkeep, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- If approved (by City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.
- 4- This system, if approved by commission, must be placed on the Miss Dig System as soon as installation is complete. Furthermore, this shall be the responsibility of the grantee.

COVERAGES

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

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

Liquor Liability Limit \$300,000 included under Package
Additional Insured: City of Muskegon

© ACORD CORPORATION 1988

ACORD

CERTIFICATE OF LIABILITY INSURANCE

CSR JC
BAKC001DATE (MM/DD/YY)
06/20/02

PRODUCER
Security First Insurance
G-3526 Miller Road
P.O. Box 7713
Flint MI 48507
Phone: 810-732-5800

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

INSURERS AFFORDING COVERAGE

INSURED

Baker College ETAL
ATTN: Mr. Jim Cummins
G-1050 W. Bristol Rd.
Flint MI 48507

INSURER A: Cincinnati Insurance Company
INSURER B: Commerce & Industry Insurance
INSURER C:
INSURER D:
INSURER E:

COVERAGES

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

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	CPP0723050	09/01/01	09/01/02	EACH OCCURRENCE	\$ 300,000
	☒ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$ 100,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person)	\$ 5,000
					PERSONAL & ADV INJURY	\$ 300,000
					GENERAL AGGREGATE	\$ unlimited
					PRODUCTS - COMP/OP AGG	\$ 600,000
					GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC	
A	AUTOMOBILE LIABILITY	CAP5448960	09/01/01	09/01/02	COMBINED SINGLE LIMIT (Ea accident)	\$ 500,000
	☒ ANY AUTO				BODILY INJURY (Per person)	\$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	☐ HIRED AUTOS					
☐ NON-OWNED AUTOS						
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	☐ ANY AUTO				OTHER THAN EA ACC AGG	\$
A	EXCESS LIABILITY	CCC4477305	09/01/01	09/01/02	EACH OCCURRENCE	\$ 20,000,000
	☐ OCCUR ☐ CLAIMS MADE				AGGREGATE	\$
	☐ DEDUCTIBLE					\$
	☐ RETENTION \$					\$
						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS	OTH-ER
	E.L. EACH ACCIDENT				\$	
	E.L. DISEASE - EA EMPLOYEE				\$	
	E.L. DISEASE - POLICY LIMIT				\$	
A	OTHER	B80502853	09/01/01	09/01/02	500,000	Ded:\$10,000
	Emp.Dishonesty					
B	Pollution	7514202	06/23/01	06/23/02	300,000	

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

Liquor Liability Limit \$300,000 included under Package

Additional Insured: City of Muskegon

CITY OF MUSKEGON

JUN 24 2002

CERTIFICATE HOLDER

Y

ADDITIONAL INSURED; INSURER LETTER: _____

CANCELLATION

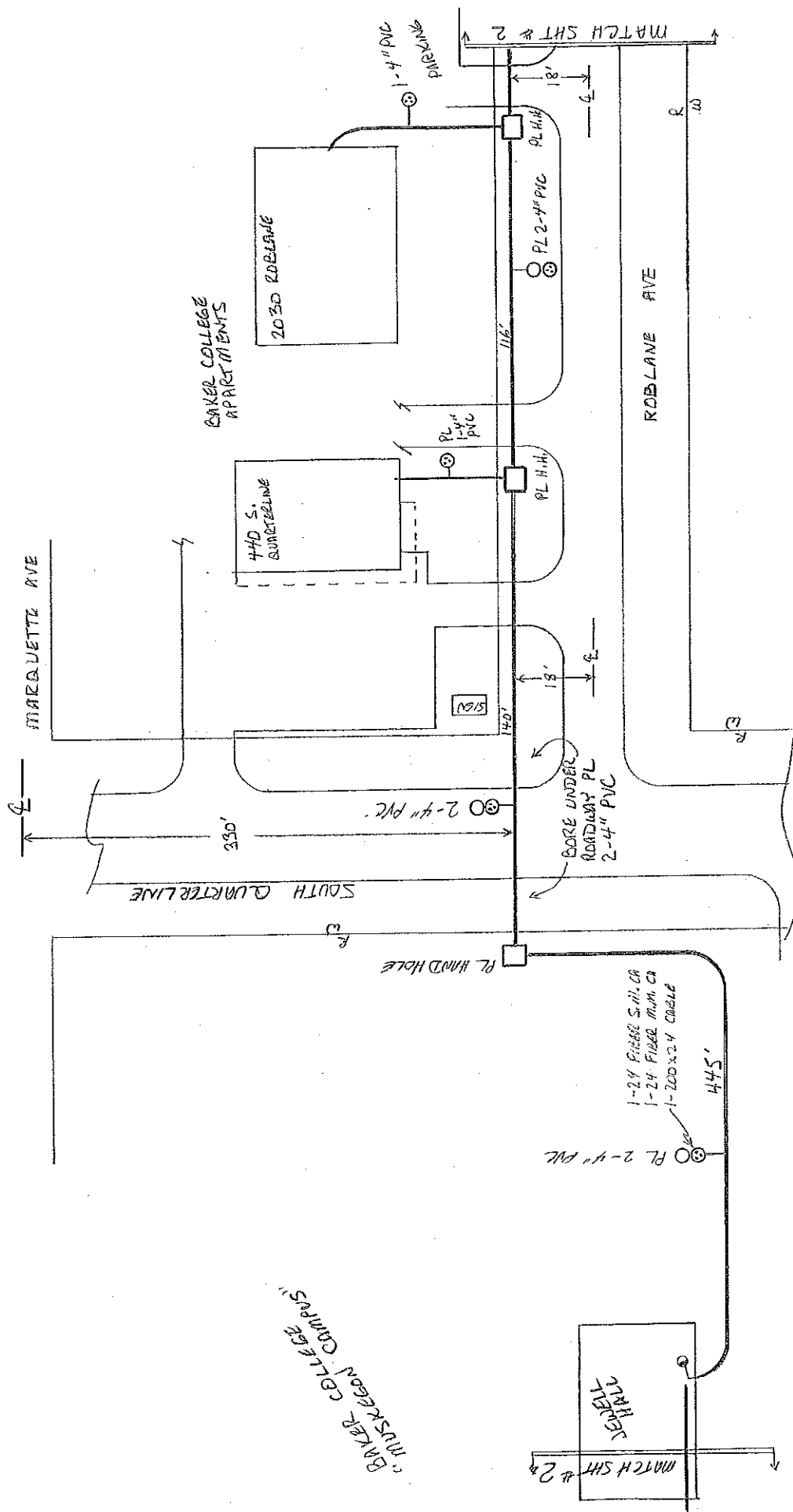
CITY117

City of Muskegon
ATTN: Mohamadd Al-Shatel
P.O. Box 536
Muskegon MI 49443-0536

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

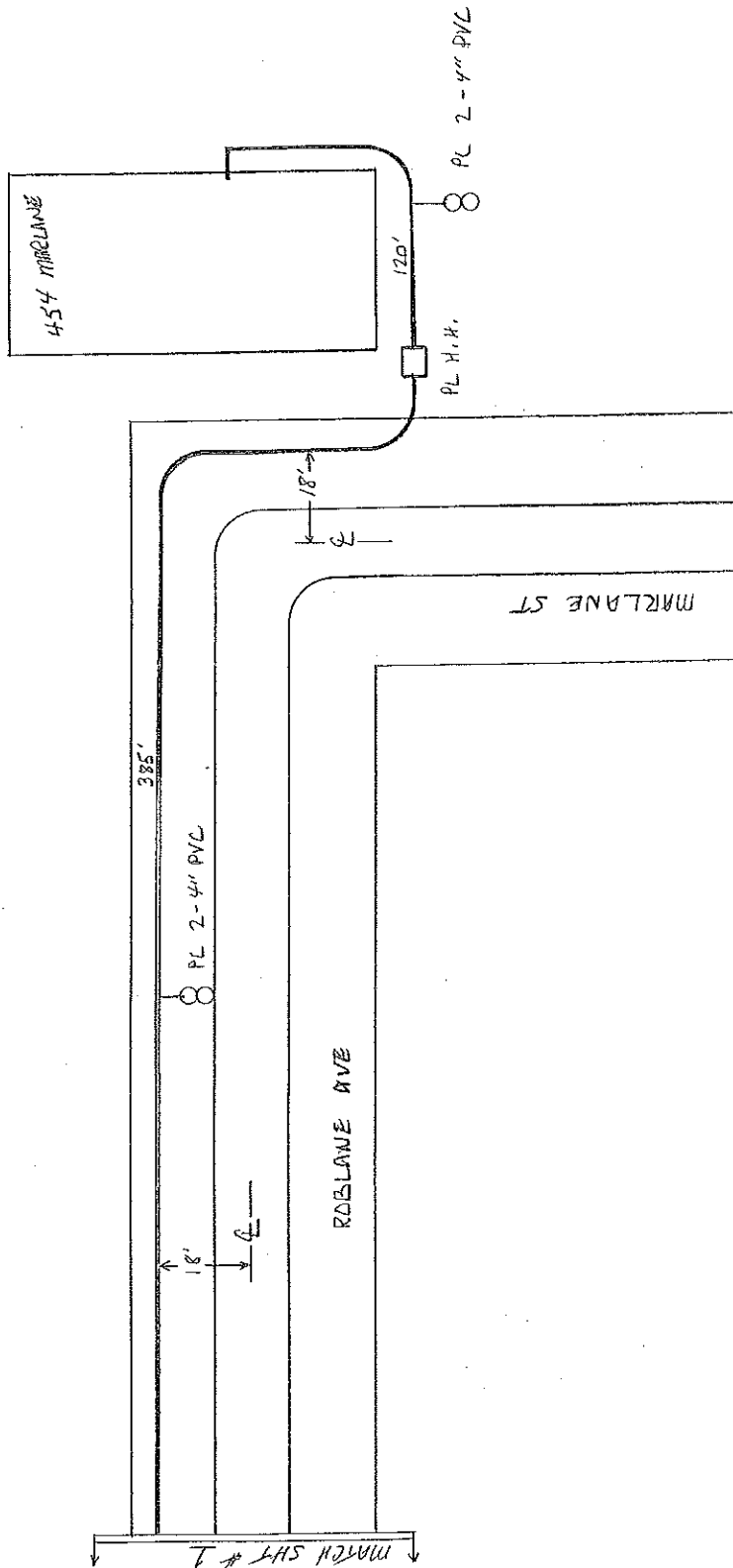
AUTHORIZED REPRESENTATIVE

Richard F. Williams

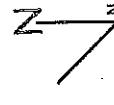


EXCHANGE		EXCH. #		WQ. #	
DATE DRAWN		ENGINEER		APPROVED	
SUBSURFACE		SURFACE		DROPS	
☒ FIRM ☒ SAND ☐ FLUID ☐ SOLID ROCK		☐ SOO ☒ BLTTP ☐ CONC ☒ GULSTN		EXPOSURE 	
TITLE:		PROJECT #		SCHEMATIC #	
PL. CONDUIT & CABLE BAKER COLLEGE		MUSKOGEE		DRAWING #	
CO. CITY OF MUSKOGEE		TWP. R. SEC.		1 OF 3	
22 JAN 16 W					





EXCHANGE		EXCH. #	W.O. #	SCHEMATIC #
DATE DRAWN		ENGINEER	APPROVED	TITLE
SUBSURFACE		PL CONDOR & CARLE BAKER CONCRETE		
SURFACE		CO. MUSKOGEE		
DROPS		CITY OF MUSKOGEE		
EXPOSURE		TWP. 22		
		R. 102		
		SEC. 3		
		DRAWING # 2 OF 3		





MUSKEGON CAMPUS - 1903 MARQUETTE AVE - MUSKEGON MI 49442-1490 - (231) 777-5233

Check No. 127645

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	INVOICE AMOUNT
052402	20020524	PERMIT TO RUN CABLE UNDER QUARTERLINE FOR PHONES 09045	100.00
TOTAL			\$100.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Muskegon Campus
1903 Marquette Ave
Muskegon MI 49442-1490
(231) 777-5233

13832
724

Check No. 127645

DATE	PAY THIS AMOUNT
2002/05/24	\$100.00

VOID AFTER 90 DAYS

PAY **ONE HUNDRED AND 00/100 DOLLARS

TO
THE
ORDER
OF

CITY OF MUSKEGON
933 TERRACE STREET
PO BOX 1905
MUSKEGON MI 49443-1905

Muskegon Commerce Bank
Muskegon Michigan 49444

BAKER COLLEGE

Beverly Savage

⑈ 127645⑈ ⑆072413832⑆ 10000993⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO SEE THE MARK WHEN CHECKING THE ENDORSEMENTS.



MUSKEGON CAMPUS - 1903 MARQUETTE AVE - MUSKEGON MI 49442-1490 - (231) 777-5233

Check No. 128128

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	INVOICE AMOUNT
062602	20020626	ENCROACHMENT FEE 5 YR 03070	25.00
TOTAL			\$25.00

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.



Muskegon Campus
1903 Marquette Ave
Muskegon MI 49442-1490
(231) 777-5233

13832
724

Check No. 128128

DATE	PAY THIS AMOUNT
2002/06/26	\$25.00

VOID AFTER 90 DAYS

PAY **TWENTY-FIVE AND 00/100 DOLLARS

TO
THE
ORDER
OF

CITY OF MUSKEGON
933 TERRACE STREET
PO BOX 1905
MUSKEGON MI 49443-1905

Muskegon Commerce Bank
Muskegon Michigan 49444

BAKER COLLEGE

Beverly Savage

⑈ 128128 ⑈ ⑆072413832⑆ 10000993⑈

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO SEE THE MARK WHEN CHECKING THE ENDORSEMENTS.

Date: June 11, 2002
To: Honorable Mayor and City Commission
From: City Clerk Gail Kunding
RE: An Ordinance to Adopt the Michigan Vehicle Code

SUMMARY OF REQUEST: To adopt the Michigan Vehicle Code by reference.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the ordinance.

PARMENTER O'TOOLE

Attorneys at Law

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

May 9, 2002

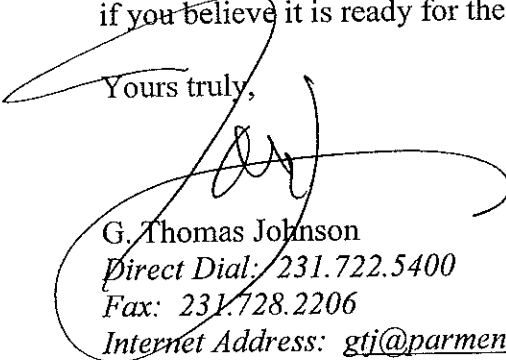
Tony Kleibecker, Police Chief
Muskegon Police Department
City Hall
Muskegon, MI

Re: Michigan Vehicle Code

Dear Tony:

Enclosed is a proposed Ordinance and Notice of Adoption for your review. Please let me know if you believe it is ready for the City Commission.

Yours truly,



G. Thomas Johnson
Direct Dial: 231.722.5400
Fax: 231.728.2206
Internet Address: gtj@parmenterlaw.com

GTJ/mh

Enclosures

cc: ✓ Ms. Gail A. Kunder (w/enclosures)

CITY OF MUSKEGON

Ordinance No. 2080

An ordinance to adopt by reference the Michigan Vehicle Code.

The City Commission of the City of Muskegon ordains:

Section 1. CODE ADOPTED.

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, is adopted by reference, and is incorporated in the Traffic Code and Ordinances of the City as authorized by statute. This adopting ordinance shall be included in the Code of Ordinances, together with the Uniform Traffic Code as previously adopted and amended by the City. At the time of the adoption of this Ordinance incorporating the Michigan Vehicle Code, no provisions of the Uniform Traffic Code and its amendments have been repealed, and they shall remain in force until further action by the City Commission.

Section 2. REFERENCES IN CODE.

The references in the Michigan Vehicle Code to "local authorities" shall mean the City of Muskegon.

Section 3. NOTICE TO BE PUBLISHED.

The City Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a supplementary notice stating the purpose of the Michigan Vehicle Code and of the fact that a complete copy of the Code is available to the public at the Office of the City Clerk for inspection.

Section 4. PENALTIES.

Unless otherwise authorized by statute, violations of the misdemeanor provisions of the said incorporated Michigan Vehicle Code shall be limited to fines not exceeding \$500, or imprisonment for up to 93 days, or both. Penalty provisions of the Michigan Vehicle Code in excess of the said maximums are not enforceable in the City in the absence of statutory authority. If said authority is given, the penalties provided in the Michigan Vehicle Code shall apply to the extent authorized by statute.

Any violation which the Michigan Vehicle Code states is a Civil Infraction shall be considered a Municipal Civil Infraction.

Section 5. WHEN EFFECTIVE.

The Michigan Vehicle Code will be effective in the City of Muskegon ten days after the publication of the Notice of Adoption of this Ordinance.

This Ordinance adopted.

Ayes Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie
Nays None

Adoption Date: June 25, 2002
Effective Date: July 12, 2002
First Reading: June 11, 2002
Second Reading: June 25, 2002
Publish: July 2, 2002

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25 day of such meeting a quorum was present and remained throughout, and that the original of said Ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Dated: June 25, 2002 Gail A. Kunderger
Gail A. Kunderger, City Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

INCORPORATION OF THE MICHIGAN VEHICLE CODE

TO: ALL INTERESTED PARTIES

Please take notice that on June 25, 2002, the City Commission of the City of Muskegon adopted an Ordinance adopting and incorporating the Michigan Vehicle Code as part of the City's Traffic Code.

Purpose of the Code. The Michigan Vehicle Code provides for the regulation of vehicles operated on the streets, highways, and other places open to the general public or generally accessible to vehicles. It further provides for penalties for violations. Other provisions of the Michigan Vehicle Code include licensing, registration, and control of drivers and chauffeurs, licensing of dealers, financial responsibility matters, imposition of taxes and assessments, collection of same as well as license fees. Reference is made to the Code itself for provisions not directly relevant to the City's traffic and license enforcement responsibilities.

Penalties for Violations – Misdemeanors. Except if allowed by statute, all violations of the incorporated Michigan Vehicle Code prosecuted under the City's ordinance shall be punished by a fine of up to \$500 or up to 93 days imprisonment, or both.

Penalties for Civil Infractions. In the event the Michigan Vehicle Code provides that a violation is a Civil Infraction, the fine shall be levied in accordance with the schedule of Civil Infraction Penalties adopted by the Court or the City.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk, City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: July 2, 2002

By _____
Gail A. Kunding, Its Clerk

Commission Meeting Date: June 25, 2002

Date: June 14, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for property located at 2482 Harris St.

SUMMARY OF REQUEST:

Request to rezone property owned by Eljon Realty, located at 2482 Harris St., from I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

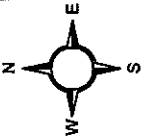
STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

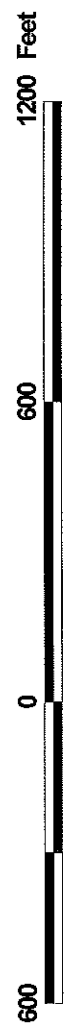
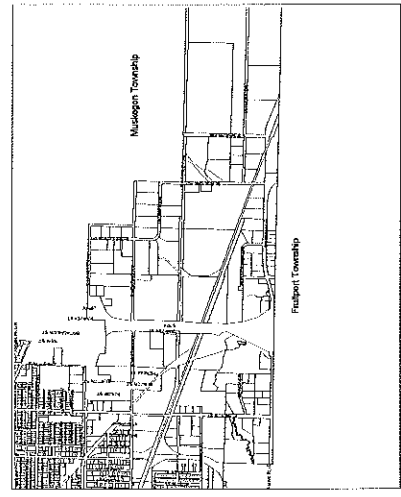
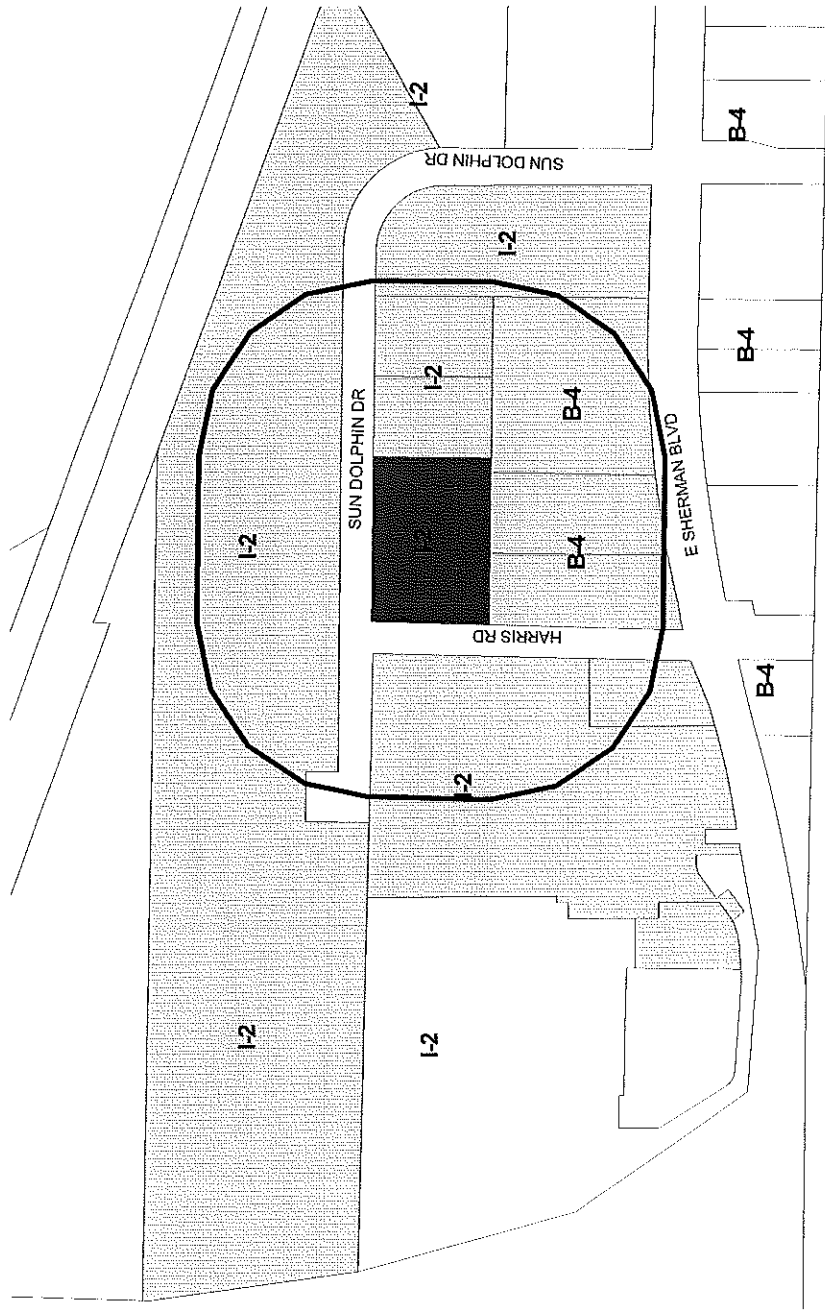
The Planning Commission recommended approval of the request at their 6/13 meeting. The vote was unanimous, with M. Kleaveland and B. Smith absent.

**City of Muskegon
Planning Commission
Case # 2002-21**



■ = Subject Property(ies)
○ = Notice Area

B-4 General Business
I-2 General Industrial



**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

June 13, 2002

Hearing; Case 2002-21: Request to rezone the property at 2482 Harris St. from I-2, General Industrial to B-4, General Business, by Eljon Realty.

BACKGROUND

Applicant: Eljon Realty

Address/Location of Subject Property: 2482 Harris St.

Current Zoning: I-2, General Industrial

Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject property is located on Harris St., just off of Sherman Blvd., east of the Target commercial development. This parcel is also part of the certified Port City Industrial Park and is currently zoned I-2, General Industrial.
2. Across the street from the subject property is the eastern edge of a large retail development, which lies partially within the City of Muskegon, but mostly within Fruitport Township. This development contains Sam's Club, Wal-Mart, ABC Warehouse, as well as many other retail stores and several restaurants.
3. Several properties in this area have recently been rezoned from I-2 to B-4. The Future Land Use Map of the City's Master Plan was recently amended to show this area as "Commercial".
4. The subject property was formerly the site for Home Acres. It currently contains a wholesaling business, which provides hydraulic hoses and fittings. Although this business has a retail component, it is more appropriate in an industrial zoning district. If the property is rezoned, this business would be considered nonconforming in the B-4 district.
5. The Future Land Use Map shows the subject property to be "Commercial".
6. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to retain the industrial orientation of Sub-Area 1. Accordingly, the rezoning of land for additional non-industrial use shall be discouraged, provided however, parcels located along Sherman Boulevard and Laketon Avenue may be used for non-industrial purposes which are ancillary to the area's industrial focus. Such uses include, but are not limited to, financial institutions, health/fitness clubs, office supply stores, computer sales and servicing, employment centers, and other uses with the potential to serve local industrial needs.

- ◆ At the extreme southwest corner of the sub-area, near the Sherman Boulevard and US-31 intersection, one finds a new regional retail strip center anchored by a Target department/variety store. Other uses include retail outlets specializing in electronics, computers, and pet supplies and a family style restaurant... Along Sherman, east of the retail center, lie a combination of industrial and service facilities. Service uses include a financial institution and tennis/fitness club.
7. Sub-Area Issues:
 - ◆ There is likely to be continued demand to convert industrial properties along Sherman Boulevard to non-industrial (retail or service sector) use.
 - ◆ As the level of retail traffic grows, conflicts with industrial park traffic are likely to increase.
 8. The Master Plan recommends for this sub-area:
 - ◆ Maintain the sub-area's industrial focus.
 - ◆ Along Sherman Boulevard and Laketon Avenue maintain the current industrial zoning status to restrict conversion of industrial property to uses considered inconsistent with the area's land use focus.
 9. Although the subject property is located in a Certified Business Park, the legislation regarding these parks has recently changed. Formerly called "Certified Industrial Parks", it used to not be possible to change from industrial zoning for any parcels in an existing certified park without losing the industrial park certification. However this has changed, and it is now possible to rezone parcels within a certified park to commercial zoning without losing the park's certification.
 10. By changing the zoning of any parcels located within the Certified Business Park, it would no longer be possible for the existing LDFA to capture any tax increments for those particular properties. However, the LDFA in the Port City Industrial Park is not currently capturing any tax increments, and it is not likely that it will in the near future.
 11. The applicant has stated that they are seeking the rezoning "due to area transition from industrial to commercial and Master Plan changes we are making this request to conform to market changes and inquiries".
 12. Staff has received two phone calls regarding this case. The first was from Kelly Stayhower, who owns adjacent property. She had questions about the potential future use on the subject property. The second caller did not leave a name or address but had questions about what uses are allowed in the B-4 district.

ORDINANCE EXCERPTS

ARTICLE XV - I-2 GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects may be felt to some degree by

surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial District uses, the manufacturing, processing and compounding of semifinished or finished products from raw materials.

SECTION 1500: PRINCIPAL USES PERMITTED

In an I-2 General Industrial District, buildings and land may be used for one (1) or more of the following specified uses, unless otherwise provided in this Article.

1. Any Principal Use Permitted in the I-1 District, subject to the requirements of this District.
2. Primary metal industries, including foundries, smelting and refining of metal or alloys, rolling and extruding plants.
3. Chemical plants whose manufacturing process produce products which are not hazardous materials as defined in the Fire Code.
4. Paper and pulp manufacturing.
5. Power generating plants.
6. Junk yards and scrap metal processing.
7. Rubber manufacturing or the remanufacturing of rubber products.
8. Uses similar to the above principal uses.
9. Non-accessory signs provided that the signs conform to Section 2308(1) of this Code.

SECTION 1501: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted as a special land use if it is found to meet the standards outlined in Section 2332 of this Ordinance, subject to applicable conditions imposed by Ordinance or other reasonable conditions imposed by the Planning Commission:

1. Any use with outside storage of aggregate, sand or other soil, or raw materials used in a manufacturing process such as brick, tile manufacturing plants, asphalt and cement batch plants.
2. Gasoline storage facilities.
3. Bulk storage or the production of acetylene, natural gas, and oxygen or other highly explosive or toxic gases. The storage of such gases for use in a production process or of an industry, business, or health care facility shall not be considered bulk storage.
4. Chemical plants whose manufacturing process produce products which are hazardous materials as defined in the Fire Code.
5. Uses similar to the above Special Land uses.

SECTION 1502: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1503: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.
2. Bus passenger stations.
3. Stores selling second hand merchandise.
4. Funeral homes.
5. Automobile car wash, when completely enclosed in a building.
6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:...
7. Self service laundry and dry cleaning establishments.
8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.
9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
10. Theaters, when completely enclosed.
11. Banks, with or without drive-in facilities.
12. Restaurants and cocktails lounges.
13. Motels and hotels.
14. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.
15. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.
16. Principal Use as permitted in B-2 Districts.
17. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
18. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following...
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:..
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following:..
5. Outdoor theaters subject to the following conditions:...
6. Private clubs, lodges, social and similar facilities.
7. Churches and other facilities normally incidental thereto subject to the following conditions:...
8. Commercial Kennels [amended 5/96]
9. Mini Storage (warehouse facilities) [amended 10/98]...
10. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.
11. Uses similar to the above Special Land Uses Permitted.
12. Non-accessory signs provided that the signs conform to Section 2308 (1) (f) of this code.

SECTION 1302: PLANNED UNIT DEVELOPMENTS [amended 10/98]

...

SECTION 1303: AREA AND BULK REQUIREMENTS [amended 4/00]

...

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City.**
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas.**

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2081

**An ordinance to amend the zoning map of the City to provide for a zone change for certain property
from I-2 "General Industrial" to B-4 "General Business"**

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from I-2 "General Industrial" to B-4 "General Business":

THAT PART OF S 1/2 OF SW 1/4 SEC 34 T10N R16W DESC AS FOLLOWS: COM AT S 1/4 COR OF SD SEC, TH S 89 DEG 34 MIN 26 SEC W ALG S LINE OF SD SEC 1382.0 FT TH N 0 DEG 46 MIN 26 SEC E PAR TO N & S 1/4 LINE OF SD SEC 900.0 FT TH N 89 DEG 34 MIN 26 SEC E PAR TO S LINE OF SD SEC 66.0 FT FOR POB, TH CONT N 89 DEG 34 MIN 26 SEC E 348.5 FT TH S 0 DEG 46 MIN 26 SEC W PAR TO SD N & S 1/4 LINE 250.0 FT, TH S 89 DEG 34 MIN 26 SEC W 348.5 FT, TH N 0 DEG 46 MIN 26 SEC E 250.0 FT TO POB, TOGETHER WITH PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER PROP COMMONLY KNOWN AS HARRIS DRIVE AND SUNDOLPHIN DRIVE

This ordinance adopted:

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

Nayes: None

Adoption Date: June 25, 2002

Effective Date: July 12, 2002

First Reading: June 25, 2002

Second Reading: N/A

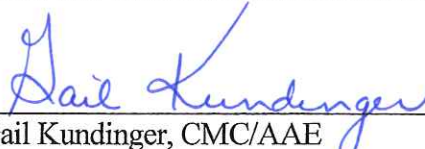
CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of 2482 Harris St. from I-2 to B-4)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of June, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: June 25, 2002.



Gail Kunderinger, CMC/AAE
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on June 25, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from I-2 "General Industrial" to B-4 "General Business"

THAT PART OF S 1/2 OF SW 1/4 SEC 34 T10N R16W DESC AS FOLLOWS: COM AT S 1/4 COR OF SD SEC, TH S 89 DEG 34 MIN 26 SEC W ALG S LINE OF SD SEC 1382.0 FT TH N 0 DEG 46 MIN 26 SEC E PAR TO N & S 1/4 LINE OF SD SEC 900.0 FT TH N 89 DEG 34 MIN 26 SEC E PAR TO S LINE OF SD SEC 66.0 FT FOR POB, TH CONT N 89 DEG 34 MIN 26 SEC E 348.5 FT TH S 0 DEG 46 MIN 26 SEC W PAR TO SD N & S 1/4 LINE 250.0 FT, TH S 89 DEG 34 MIN 26 SEC W 348.5 FT, TH N 0 DEG 46 MIN 26 SEC E 250.0 FT TO POB, TOGETHER WITH PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER PROP COMMONLY KNOWN AS HARRIS DRIVE AND SUNDOLPHIN DRIVE

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published July 2, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Date: June 25, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Summer Celebration

SUMMARY OF REQUEST: Steve Franklin is requesting approval of a fireworks display permit for July 4th and 7th, for the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance.

FM-32(12-00)

APPLICATION FOR FIREWORKS DISPLAY PERMIT Act 358, P.A. 1968

DATE OF APPLICATION

6-30-02

1. TYPE OF DISPLAY:

☒ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

Steven R. Franklin

ADDRESS

3500 S. Getty

AGE: Must be 21 or over

IF A CORPORATION: Name of President

Summit Pyrotechnics

ADDRESS

3500 S. Getty

3. PYROTECHNIC OPERATOR

NAME

Steve Franklin

ADDRESS

AGE: Must be 21 or over

EXPERIENCE:

NUMBER OF YEARS

15 years

NUMBER OF DISPLAYS

200+

WHERE

ME. OH. ILL. IN. N.Y. D.C. S.D. ND. Miss. Pa. Md.

NAMES OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

Barge - Muskegon Lake N. of Heritage Landing

DATE

7-4-02

7-7-02

TIME

10:20pm

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

20-12"

20-10"

70-8"

600-6"

500-5"

800-4"

1800-3"

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

Trucked to site day of show.

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE
(to be set by municipality) \$

B. BONDING CORPORATION OR INSURANCE COMPANY: NAME

ADDRESS

RECEIVED

JUN 06 2002

City Clerks Office

2002-76(g)

PERMIT
FOR FIREWORKS DISPLAY

Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO: Summit Pyrotechnics

NAME Steven R. Franklin

ADDRESS 3500 S. Getty

AGE

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Muskegon Summer Celebration

ADDRESS

NUMBER & TYPES OF FIREWORKS:

20 - 12" 600 - 6" 1800 - 3"

20 - 10" 500 - 5"

70 - 8" 800 - 4"

DISPLAY: Barge - Muskegon Lake

EXACT LOCATION

North of Heritage Landing

CITY, VILLAGE, TOWNSHIP

City of Muskegon

DATE

7-4-02 & 7-7-02

TIME

10:20 p.m.

BOND OR INSURANCE FILED:

☒ YES ☐ NO

AMOUNT \$1,000,000.

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the CITY

(city, village, township)

of

MUSKEGON

(name of city, village, township)

on the 25th day of June, 2002

Steve Warmington, Mayor

(signature & position of council, commission or board representative)

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

06/25/2002

PRODUCER (952)593-7400 FAX (952)593-7444

Dalliff Inc. Insurance

6465 Wayzata Blvd. Ste. 850

Saint Louis Park, MN 55426

John Allen

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

INSURERS AFFORDING COVERAGE

INSURED Summit Pyrotechnics Inc.

2866 Vandenberg Road

Muskegon, MI 49444

INSURER A: Landmark American Insurance Co

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

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

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC	FER004100	06/01/2002	06/01/2003	EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 50,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY EA ACC \$ AGG \$
EXCESS LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
WORKERS COMPENSATION AND EMPLOYERS LIABILITY				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
OTHER				

DESCRIPTION OF OPERATIONS/LOCATION/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENTS/SPECIAL PROVISIONS

the City of Muskegon & all elected & appointed, all employees & volunteers, all board commissions or authorities & their board members, employees & volunteer, County of Muskegon, Muskegon Summer Celebration West Michigan Dock & Market Corp. are named as Additional Insureds with respect to 7/4/02 & 7/7/02 Rain Date: 7/5/02 & 7/8/02) Pyrotechnic Display on a barge at Muskegon Lake.

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER

CANCELLATION

City of Muskegon

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

AUTHORIZED REPRESENTATIVE

John Allen/JHEINT

John S. Allen

RECORD 25-5 (7/97)

RECORD CORPORATION 1988

Commission Meeting Date: June 25, 2002

Date: June 14, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Zoning Ordinance Amendment to allow contractor's offices with associated indoor storage in the B-2, Convenience and Comparison Business District

SUMMARY OF REQUEST:

Request to amend Section 1100 (Principal Uses Permitted) and Section 1101 (Special Land Uses Permitted) of Article XI (B-2, Convenience and Comparison Business) of the City's Zoning Ordinance to allow contractor's offices with associated indoor storage.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add the proposed language in the article and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 6/13 meeting. The vote was unanimous, with B. Smith absent.

**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

June 13, 2002

Hearing; Case 2002-24: Request to amend the zoning ordinance to allow contractor's offices with indoor storage in the B-2, Convenience & Comparison Business District, by the Northshore Construction Company, Inc.

BACKGROUND

Contractor's offices, as a use, are not specifically mentioned anywhere in the Zoning Ordinance. Historically, staff has treated them as a retail office use, and they have been permitted to locate in business districts. One issue which is unique to contractor's offices, versus other types of office uses, is the associated storage required by contractors at their facilities. The nature of the use requires that materials be stored on site to be taken to various job locations.

Staff has treated the storage issue in two different ways, depending on the type of storage. Indoor storage of non-hazardous materials is a permitted use in the B-4 district. Therefore, staff has permitted contractor's offices with associated indoor storage in this district. However, outdoor storage is not permitted in any business district, so staff has determined that any such storage by a contractor's office would require industrial zoning (which does permit outdoor storage), although the contractor's office itself could remain in a business zone.

The applicant's property is located at 1700 Lakeshore Dr., and is zoned B-2, Convenience and Comparison Business. This zoning district allows office uses, but does not allow storage of any type (whether indoor or outdoor). The applicant does have an indoor storage facility on their site and does associated maintenance work, which staff has classified as a nonconforming use in the B-2 zoning district. As a nonconforming use, they are permitted to operate there, under certain conditions (see ordinance language below).

The applicant would like to add on to the storage portion of their building. Although the Zoning Ordinance does allow a nonconforming use to expand up to 30%, with Planning Commission approval, they are looking to expand more than 30%, and would also like to become a conforming use in their zoning district. Therefore, they are requesting that the ordinance be amended to allow contractor's offices, with associated indoor storage, in the B-2 district.

ORDINANCE LANGUAGE

SECTION 2201: CONTINUANCE OF NONCONFORMING USES OR STRUCTURES

The use of any building, structure, and land or premises as lawfully existing at the time of enactment of this ordinance or at the time of any such amendment, although such use does not conform with the provisions of this ordinance or subsequent amendment, may continue indefinitely subject to the provisions of this section.

1. Special uses permitted by this ordinance shall not be deemed nonconforming uses.
2. **Changes of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises may be made, provided that there is no change in the nature or character of the nonconforming use.**
3. The use of a nonconforming building or structure may be changed to any use which is a principal use in the district where such nonconforming use is first permitted.

SECTION 2202: ELIMINATION OF NONCONFORMING USES OR STRUCTURE

1. **A nonconforming use of land, building or structure which has ceased for a period exceeding two years or has been changed to a conforming use may not again be devoted to a nonconforming use.** When such nonconforming use is made more conforming than the use which previously existed, it may continue even though it does not totally conform to all provisions of this Ordinance.

SECTION 2203: RESTORATION AND REPAIR

1. Repair and maintenance work may be performed as required to keep a nonconforming building or structure in a sound condition.
2. In the event any nonconforming building, structure or buildings and structures constituting a use is damaged by fire, wind, civil disobedience, or an Act of God or the public enemy, it may be rebuilt or restored, provided the cost of such structural alteration or structural **repairs shall not exceed fifty (50) percent of the replacement cost** of such building or structure or buildings and structures constituting a use prior to such rebuilding or restoration.

SECTION 2204: EXTENSION, ENLARGEMENT, AND MOVING

A nonconforming use shall not be enlarged or extended, except when authorized by the Planning Commission, after Public Hearing as required for Special Uses. **A building containing a nonconforming use may be enlarged to an extent not exceeding thirty (30) percent of the total floor area of the existing building devoted to a nonconforming use at the time of enactment of the Ordinance from which this chapter is derived, or at the time of its amendment making a use nonconforming.**

The Planning Commission shall be authorized to determine the amount of enlargement of any use, building, or structure, consistent with the intent of this article and the other provisions of this chapter with respect to any adjoining premises, which would occupy ground space suitable and otherwise available for meeting the off-street parking, yard, or other requirements of this chapter. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the off-street parking spaces, yard, and other open spaces provided, are made to conform to all the regulations of the district in which such building or structure is to be located.

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with

consumers, and all goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise provided by this Ordinance and specifically approved by the City.

SECTION 1100: PRINCIPAL USES PERMITTED

In a B-2 Convenience and Comparison Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies commodities such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
2. Personal service establishments such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, banks and savings and loan offices, pharmacist and laboratories, or any service establishment of an office-showroom or workshop nature of an electrician, decorator, dressmaker, tailor, shoemaker, baker, printer, upholsterer, appliance repair, photographic reproduction, and similar establishments that require a retail character no more objectionable than the aforementioned.
3. Restaurants, or other places serving food.
4. Professional offices of doctors, lawyers, dentists, chiropractors, architects, engineers, accountants, and similar or allied professions. Offices may be permitted for similar or allied professions. Offices may be permitted for applied technology, light technological research, research and development facilities with laboratories, but no industrially oriented production facilities shall be permitted.
5. Office buildings for any of the following types of occupations: executive, administrative and professional.
6. Post offices and other governmental office buildings.
7. Newspaper offices and printing offices.
8. Private clubs, lodge halls, social, and similar organizations, including assembly or rental halls.
9. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-2 District are met.
10. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
11. Uses similar to the above Principal Uses Permitted.

SECTION 1101: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when no external changes are made to the buildings or properties.

1. Automobile service stations for the sale of gasoline, oil, tires, muffler tune up, not including major repair such as engine rebuilding, undercoating, and similar industrially oriented activities, and subject further to the following:

...

2. Banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.
3. Business in the character of a drive-in restaurant, or open front store, subject to the following:
...
4. Churches and other facilities normally incidental thereto subject to the following conditions:
...
5. Hotels, motels, sleeping inns and other facilities normally incidental thereto subject to the following conditions:
...
6. Stores selling second hand merchandise, subject to the following: [amended 12/01]
...
6. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
7. Uses similar to the above Special Land Uses Permitted.
8. Self-serve, coin operated, automobile car wash, enclosed in a building.

SECTION 1102: PLANNED UNIT DEVELOPMENTS

...

SECTION 1103: AREA AND BULK REQUIREMENTS [amended 4/00]

...

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2082

An ordinance to amend Section 1100 (Principal Uses Permitted) and Section 1101 (Special Land Uses Permitted) of Article XI (B-2, Convenience and Comparison Business) of the City's Zoning Ordinance to allow contractor's offices with associated indoor storage.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 1100 (Principal Uses Permitted) of Article XI (B-2, Convenience and Comparison Business) of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following:

9. Contractor's offices, with associated indoor storage.
- a. All associated storage must be contained within a structure, and such structure dedicated to storage shall not exceed five thousand (5,000) square feet in size.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.

Section 1101 (Special Land Uses Permitted) of Article XI (B-2, Convenience and Comparison Business) of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following:

8. Contractor's offices, with associated indoor storage of over five thousand (5,000) square feet in size.
- a. All associated storage must be contained within a structure.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.

This ordinance adopted:

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

Nays: None

Adoption Date: June 25, 2002

Effective Date: July 12, 2002

First Reading: June 25, 2002

Second Reading: N/A

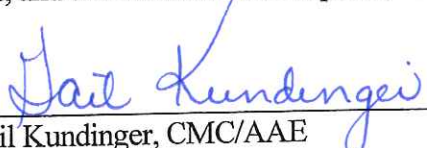
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of June, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: June 25, 2002.



Gail Kunding, CMC/AAE
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on June 25, 2002, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1100 (Principal Uses Permitted) of Article XI (B-2, Convenience and Comparison Business) of the City's Zoning Ordinance, to add the following:

10. Contractor's offices, with associated indoor storage.
- a. All associated storage must be contained within a structure, and such structure dedicated to storage shall not exceed five thousand (5,000) square feet in size.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.

Section 1101 (Special Land Uses Permitted) of Article XI (B-2, Convenience and Comparison Business) of the City's Zoning Ordinance was also amended to add the following:

9. Contractor's offices, with associated indoor storage.
- a. All associated storage must be contained within a structure.
 - b. No toxic, hazardous or noxious materials shall be stored on the site.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published July 2, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Commission Meeting Date: June 25, 2001

Date: June 12, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to Establish an Obsolete Property District – Jore, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jore LLC, 144 Grand Avenue, N.E., Grand Rapids, Michigan, has requested the establishment of an Obsolete Property District. The district would be located at 1987-1991 Lakeshore Drive (former Etterman's Grocery), Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 15-20 employment opportunities.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for 1987 - 1991 Lakeshore Drive, Muskegon, MI.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2002-78(a)

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

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Jore, L.L.C., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on June 25, 2002, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on June 25, 2002, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, Jore, L.L.C., is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for twelve (12) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will

be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by June 25, 2003, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Jore, L.L.C., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of twelve (12) years;
- 2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
- 3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

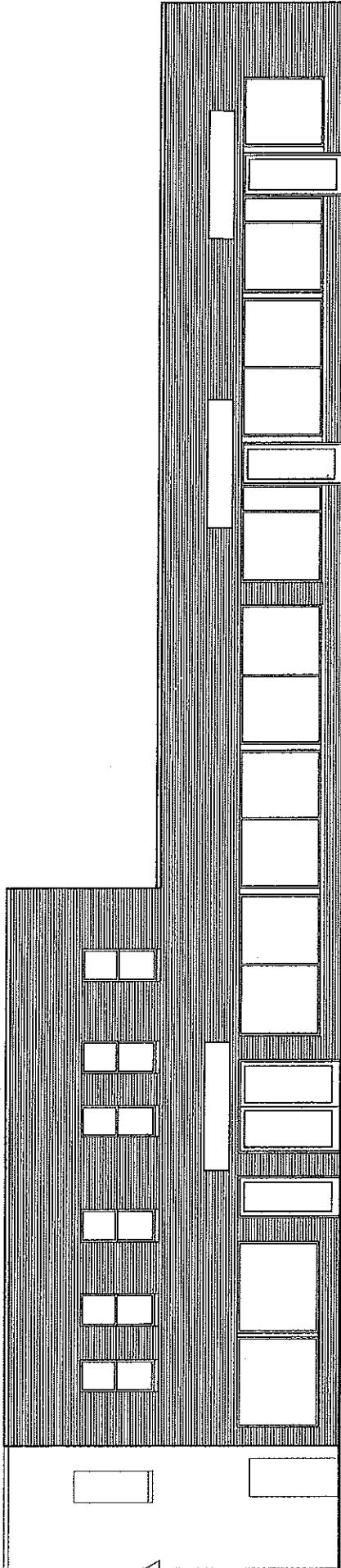
By Gail A. Kundinger
Gail A. Kundinger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on June 25, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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



WEST ELEVATION
SCALE 1/8" = 1'-0"

1987-1991 Lake Shore Drive Muskegon, Michigan



Cox
Medendorp
Olson
Architects Incorporated

Tel. 616-949-4004
Fax 616-949-3202
4000 Grand Blvd SE, Grand Rapids, MI 49506

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

Assessor/Equalization
(231)724-6708
FAX: (231)724-6181

Cemetery Department
(231)724-6783
FAX: (231)726-6617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

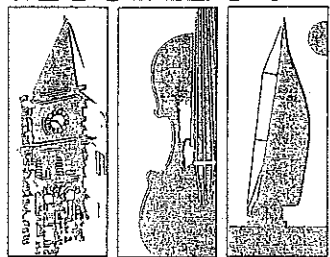
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

June 4, 2002

Joe and Renee/Jore, L.L.C.
144 Grand Avenue, N.E.
Grand Rapids, MI 49508

RE: Application for an Obsolete Property Exemption Certificate

To Whom It May Concern:

An application for an "Obsolete Property Exemption Certificate" as provided by Public Act 146 of the Michigan Public Acts of 2000, has been filed by *Jore, LLC, 144 Grand Avenue, N.E., Grand Rapids, MI 49508.*

A public hearing regarding the issuance of an Obsolete Property Exemption Certificate has been set for *Tuesday, June 25, 2002*, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, MI, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be by obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Joe & Renee/Jore LLC
144 Grand Ave NE
Grand Rapids MI
49508*

2. Article Number (Copy from service label)

1000 0520 0014 3707 9070

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

Renee B. Jore

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Agent
☐ Addressee
☐ Yes
☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

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

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

Cemetery Department
(231)724-6785
FAX: (231)726-3617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

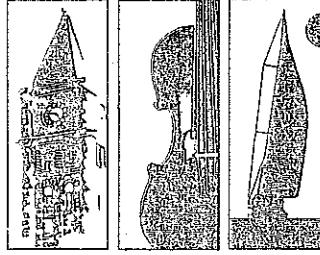
Public Works Dept.
(231)724-4100
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Treasurer's Office
(231)724-6720
FAX: (231)724-6768

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

Water Filtration
(231)724-4106
FAX: (231)755-3290

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

June 4, 2002

Muskegon County Commission
990 Terrace Street
Muskegon, MI 49442

RE: Application for an Obsolete Property Exemption Certificate

To Whom It May Concern:

An application for an "Obsolete Property Exemption Certificate" as provided by Public Act 146 of the Michigan Public Acts of 2000, has been filed by *Jore, LLC, 144 Grand Avenue, N.E., Grand Rapids, MI 49508.*

A public hearing regarding the issuance of an Obsolete Property Exemption Certificate has been set for *Tuesday, June 25, 2002*, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, MI, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Information concerning the application can be by obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna C. Anguilm

Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Musk County Commission
990 Terrace St.
Musk MI 49442*

2. Article Number (Copy from service label)

7000 0500 0014 37079117

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. KAREC *6/5/02*

C. Signature

X C. KAREC ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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

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

Cemetery Department
(231)724-6783
FAX: (231)726-3617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

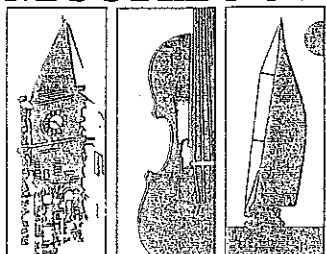
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

June 4, 2002

Muskegon Intermediate School District
630 Harvey Street
Muskegon, MI 49442

RE: Application for an Obsolete Property Exemption Certificate

To Whom It May Concern:

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Information concerning the application can be by obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm

Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Muskegon Int School Dist
630 Harvey
MUSK MI 49442

2. Article Number (Copy from service label)

7000 0520 0014 37079100

COMPLETE THIS SECTION ON DELIVERY

- | | |
|---|-----------------------------------|
| A. Received by (Please Print Clearly)
<i>D. Ross</i> | B. Date of Delivery
<i>6-5</i> |
| C. Signature
<i>X D. Ross</i> | |
| ☐ Agent
☐ Addressee | |
| D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No | |

3. Service Type

- | | |
|--|---|
| ☒ Certified Mail | ☐ Express Mail |
| ☐ Registered | ☐ Return Receipt for Merchandise |
| ☐ Insured Mail | ☐ C.O.D. |

4. Restricted Delivery? (Extra Fee)

☐ Yes

City of Muskegon

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-3181

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

City Manager
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Civil Service
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FAX: (231)724-6768

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Leisure Services
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FAX: (231)724-1196

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Planning/Zoning
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FAX: (231)724-6790

Police Department
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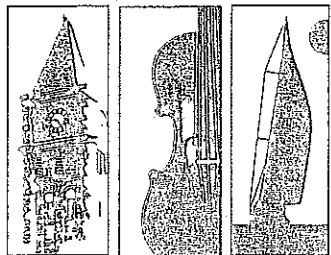
Public Works Dept.
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Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

June 4, 2002

Muskegon Community College
Board of Trustees
221 S. Quarterline Road
Muskegon, MI 49442

RE: Application for an Obsolete Property Exemption Certificate

To Whom It May Concern:

An application for an "Obsolete Property Exemption Certificate" as provided by Public Act 146 of the Michigan Public Acts of 2000, has been filed by *Jore, LLC, 144 Grand Avenue, N.E., Grand Rapids, MI 49508.*

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Information concerning the application can be by obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm
Assistant Planner

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

*Muskegon Community College
Board of Trustees
221 S. Quarterline
Muskegon MI 49442*

2. Article Number (Copy from service label)

7000 0520 0014 3707 9094

COMPLETE THIS SECTION ON DELIVERY

- | | |
|---|--------------------------------------|
| A. Received by (Please Print Clearly)
<i>Colleen Morse</i> | B. Date of Delivery
<i>6.5.02</i> |
| C. Signature
<i>X</i> <i>Lonna Anguilm</i> ☒ Agent ☐ Addressee | |
| D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No | |

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

Affirmative Action
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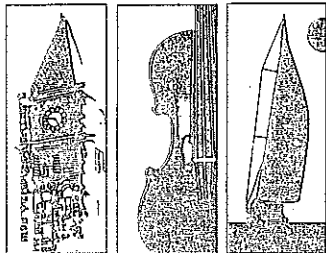
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MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

June 4, 2002

Muskegon Public Schools
Administrative Office
340 W. Webster Avenue
Muskegon, MI 49440

RE: Application for an Obsolete Property Exemption Certificate

To Whom It May Concern:

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Information concerning the application can be by obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,

Lonna Anguilm

Lonna Anguilm
Assistant Planner

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1. Article Addressed to:

Muskegon Public Schools
Administrative Office
340 W Webster
Muskegon MI
49440

2. Article Number (Copy from service label)

7000 0520 0014 3707 9087

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Danielle Potts

6/5/02

C. Signature

X DPotts

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
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4. Restricted Delivery? (Extra Fee)

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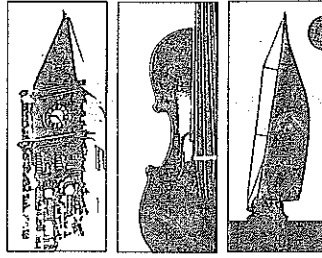
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Water Filtration
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FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

CERTIFIED/RETURN RECEIPT

June 4, 2002

City of Muskegon
Assessor's Office
933 Terrace Street
Muskegon, MI 49440

RE: Application for an Obsolete Property Exemption Certificate

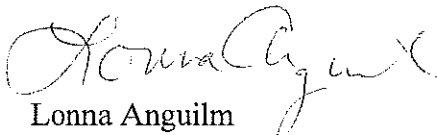
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Information concerning the application can be by obtained by calling the City of Muskegon at (231) 724-6702.

Sincerely,


Lonna Anguilm
Assistant Planner

*Received
J. Jore*

Commission Meeting Date: June 25, 2001

Date: June 12, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to Issue an Obsolete Property Certificate – Jore, LLC

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jore LLC, 144 Grand Avenue, N.E., Grand Rapids, Michigan, has requested the issuance of an Obsolete Property Certificate for the property located at 1987-1991 Lakeshore Drive (former Etterman's Grocery), Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 15-20 employment opportunities.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution issuing an Obsolete Property District for 19987 - 1991 Lakeshore Drive, Muskegon, MI for a term of 6 years.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2002-78(b)

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

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Jore, L.L.C., to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on June 25, 2002, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said exceedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on June 25, 2002, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, Jore, L.L.C., is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for six (6) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will

be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by June 25, 2003, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Jore, L.L.C., for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of six (6) years;
- 2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
- 3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kundginger
Gail A. Kundginger, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on June 25, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

CITY COMMISSION MEETING
Tuesday June 25, 2002

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Chief of Police



DATE: June 11, 2002

SUBJECT: Donation from the Viking Lodge

SUMMARY OF REQUEST:

The Viking Lodge of Muskegon has graciously offered to donate \$11,794 to the police department to purchase a Forensic Mapping System. This system is utilized for mapping accident and crime scenes and consists of four components. These components include (1) an electronic transit that documents evidence and points of evidence at a given scene; (2) a prism; (3) a data collector and (4) a software program which produces the final diagram. The KARA Company of Countryside, Illinois manufactures the Forensic Mapping System. This company is a sole provider.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATIONS:

Forensic Mapping Solutions has been kind enough to loan us a system, on a trial basis, for the last several months. Feedback from our traffic accident investigators and detectives has been very positive. Additionally, we have used diagrams produced by this system in a number of court cases. Our prosecutors and judges have been impressed with the quality of the diagrams. We are very grateful to the Viking Lodge for making this offer and certainly recommend its acceptance.

Date: April 8, 2002
To: Honorable Mayor and City Commission
From: Department of Public Works
Re: Amend Northside Water Agreement

SUMMARY OF REQUEST:

Amend the agreement with the County of Muskegon dated October 7, 1981, for operation of the Northside Water System to add in Fruitland Township to the existing townships of Laketon, Muskegon, Dalton, and the City of North Muskegon.

(See attached Amendment Resolution.)

FINANCIAL IMPACT:

Increased metered water sales.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve attached resolution.

COMMITTEE RECOMMENDATION:

MEMORANDUM

TO: Bryon Mazade, City Manager
FROM: Robert H. Kuhn, Director of Public Works
DATE: June 7, 2002
RE: Northside Water System

The current contract with the Northside Water System, executed in 1981, covers the Townships of Laketon, Dalton, Muskegon Township (north of the river), and the City of North Muskegon.

This resolution would allow the Northside System to include property in Fruitland Township, the most like customer being Michigan Adventure.

This expansion does NOT increase the amount of flow reserved for the Northside System in our master plan.

RHK/rsh

WATER PURCHASE CONTRACT

AMENDMENT NUMBER ONE

This Amendment Number One is to contract for the sale and purchase of water which was entered into as of the 7th day of October, 1981, by and between the City of Muskegon, hereinafter referred to as the "Seller" and the County of Muskegon, hereinafter referred to as the "Purchaser". The purpose of this Amendment Number One is to amend the Agreement as hereafter provided.

- A. Seller and Purchaser hereby agree that Section B(2) of the October 7th, 1981 Water Purchase Contract shall and is hereby amended to provide as follows:
- "2. Water purchase is for purposes of supplying water to the areas as generally presented in an "Engineering Report on the Muskegon County Northside Water System" by Moore and Bruggink, Consulting Engineers, January 1980, and subsequent engineering studies. Purchased water shall not be supplied outside of the areas of Dalton, Laketon, Muskegon, and Fruitland Townships and the City of North Muskegon without the express written consent of the Seller or by an amendment to this Contract."
- B. Seller and Purchaser hereby agree that Section B(1) of the October 7, 1981 Water Purchase Contract shall and is hereby amended to provide as follows, with the addition of this sentence:
- (1a) "Bulk rate" is defined as all charges and fees applied to the Seller's wholesale customers.
- C. All other terms and conditions as set forth in the October 7th, 1981 Water Purchase Contract shall remain in full force and effect.

SELLER:


By: Stephen Warmington, Mayor
City of Muskegon

PURCHASER:


By: Louis McMurray, Chairman
Board of Public Works

Date: June 25, 2002
To: Honorable Mayor and City Commissioners
From: Tim Paul, Finance Director
RE: County Refunding Bond

SUMMARY OF REQUEST: The County once again is trying to pass the refunding bond issue which was brought before you last year. The issue did not go forward due to the inability of all of the units to obtain Department of Treasury's approval to sell the bonds.

FINANCIAL IMPACT: There will be a substantial savings. The exact amount will not be known until the refunding is complete.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery _____ C. Signature <u>Charles J. Genthner</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below: _____	
1. Article Addressed to: <u>Mr. Joel L Piell</u> <u>Miller, Canfield, Paddock Stone</u> <u>50 West Jefferson Ave. Ste 250</u> <u>Detroit MI 48226</u>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label) <u>W00-0520-0613 9683 9913</u>			

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
7000 0520 0013 9683 9913 <table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Postage</td> <td style="width: 40%;">\$</td> </tr> <tr> <td>Certified Fee</td> <td></td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 5.34</td> </tr> </table>		Postage	\$	Certified Fee		Return Receipt Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 5.34
Postage	\$										
Certified Fee											
Return Receipt Fee (Endorsement Required)											
Restricted Delivery Fee (Endorsement Required)											
Total Postage & Fees	\$ 5.34										
Postmark Here											
Recipient's Name (Please Print Clearly) (To be completed by mailer) <u>Mr. Joel L Piell</u> Street, Apt. No.; or PO Box No. <u>150 West Jefferson Ave. Ste 250</u> City, State, ZIP+4 <u>Detroit MI 48226</u>											
PS Form 3800, February 2000 See Reverse for Instructions											

Stauder, BARCH & ASSOCIATES, Inc.

PUBLIC FINANCIAL CONSULTANTS

Since 1968

Richard W. Barch
President

Kari L. McDonald-Blanchett
Vice-President

June 13, 2002

Mr. Timothy Paul
Muskegon City
933 Terrace Street
Muskegon, MI 49443-0536

RE: Not to exceed \$8,000,000 County of Muskegon, State of Michigan, Muskegon County Wastewater Management System Number One Refunding Bonds (General Obligation Limited Tax)

Dear Tim:

As you may be aware, we now have to issue the bonds under the Revised Municipal Finance Act (Act 34). This act allows bonds to be issued without prior Michigan Department of Treasury approval **ONLY** if **ALL** of the units of government which are pledging for the payment of the bonds have been designated "qualified" status by the State.

Since not all of the units are qualified, we now have to file new long form applications with the State, along with any qualification statements which have not yet been submitted to the State. Additionally, new authorizing documents will need to be adopted by each local unit, as the previous one was authorized under the old Municipal Finance Act (Act 202) which is no longer valid.

Accordingly, we are enclosing an original (for signature) and one copy (for your files) of the following documents:

1. Municipal Finance Qualifying Statement (as the State shows you have not yet filed the same). Please verify the data which has been entered by our firm, have the Manager sign the form, and forward the document to the State at the address at the top of the Statement **AS SOON AS POSSIBLE, as it is due by June 30, 2002.**
2. Application for State Treasurer's Approval to Issue Long-Term Securities.

Upon adoption of the authorizing resolution to be provided by Joel Piell, please sign the Long-Term Securities Application and return the same, along with a signed copy of the resolution, **BY PRIORITY MAIL**, to:

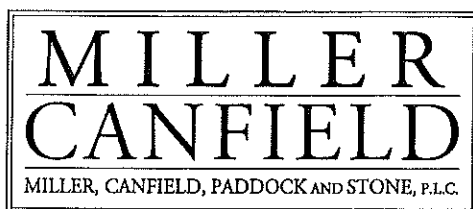
Mr. Joel L. Piell
Miller, Canfield, Paddock & Stone
150 West Jefferson Ave., Ste. 2500
Detroit, MI 48226

*Done
mailed
7-3-02
gk*

Bond Counsel will coordinate the filing with the appropriate personnel in the Department of Treasury. In the meantime, should you have any question or require additional information, please call.

Founded in 1852
by Sidney Davy Miller

150
YEARS
1852-2002



MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, N.Y.
Washington, D.C.
CANADA: Windsor, ON
POLAND: Gdynia
Katowice • Warsaw

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

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

AFFILIATED OFFICE:
Pensacola, FL

June 6, 2002

To the Attached
Distribution List

Ladies and Gentlemen:

I am informed that the County wishes to again pursue the refunding bond issue which was attempted last year. As you may recall, the issue did not go forward due to the inability of all of the units to obtain Department of Treasury's approval to sell the bonds. I understand that that problem has been corrected. However, in the interim, the Municipal Finance Act has been substantially revised by the adoption of Act 34 of the Public Acts of 2001, which necessitates that we reinstitute the process.

I am therefore sending each of you several copies of a resolution approving the Refunding Contract, the Refunding Contract and several sets of signature pages. The Contract is substantially identical to the form of the Contract previously adopted by each of the local units with a change in Act references from Act 202 of the Public Acts of 1943, as amended, to Act 34 of the Public Acts of 2001. May I ask that you calendar this resolution at your next available meeting and assuming the resolution is adopted, have the Contract executed by the Mayor in the case of the cities, and by the Supervisor in the case of the Townships, and yourselves.

Please return to me at least two certified copies of the resolution authorizing the execution of the Contract and two sets of signature pages for the Contract.

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

To the Attached
Distribution List

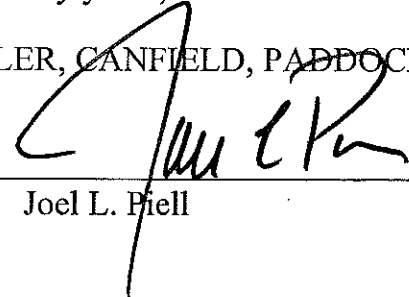
-2-

June 6, 2002

Thank you very much for your cooperation in this matter. Should you have any questions concerning this, please contact Tim Westman at the County or the undersigned.

Very truly yours,

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

By: 

Joel L. Piell

Enclosures

cc: Kari L. McDonald Blanchett
Mr. Timothy Westman

DELIB:2326892.1\063688-00037

DISTRIBUTION LIST

Muskegon County Refunding Bonds

Gail A. Kunding City Clerk City of Muskegon 933 Terrace St. PO Box 536 Muskegon, MI 49443-0536	Ms. Carol Hulka Clerk Fruitport Charter Township 6543 Airline Road Fruitport, Michigan 49415-9704
Mr. Dennis Atchison Clerk, Township of Whitehall 7644 Durham Road Whitehall, MI 49461	Ms. Lynne Fuller Clerk, City of Norton Shores Norton Shores City Hall 4814 Henry St Norton Shores, MI 49441-5499
Mr. James E. Nielsen Clerk, Muskegon Charter Township 1990 East Apple Ave Muskegon, MI 49442	Ms. Ann Marie Cummings City Clerk City of North Muskegon 1502 Ruddiman Dr North Muskegon, MI 49445-3098
Ms. Dorothy Harjer Clerk, City of Roosevelt Park 900 Oakridge Road Muskegon, MI 49441	Betty Ivory City Clerk City of Muskegon Heights 2724 Peck St. Muskegon Heights, MI 49444-2087
Ms. Melinda O'Connell City Clerk City of Montague 8778 Ferry St Montague, MI 49437-1285	Mr. Edward J. Weessies Clerk, Laketon Township 2735 West Giles Road PO Box 5037 Muskegon, Michigan 49445-0037
Ms. Mary Ellen Sherwood Clerk, Dalton Township 1616 Riley Thompson Road Muskegon, Michigan 49445	Ms. Joan J. Raap Clerk, Township of Egelston 5428 Apple Avenue Muskegon, MI 49442
Ms. Karen Helmlinger Clerk, City of Whitehall 405 E. Colby Street Whitehall, MI 49461	

RESOLUTION REGARDING REFUNDING BONDS

2002-79(c)

WHEREAS, Act 34, Public Acts of Michigan, 2001, the Revised Municipal Finance Act ("Act 34"), permits the County of Muskegon (the "County") to refund all or part of the funded indebtedness of the County; and

WHEREAS, under the provisions of Act 185, Public Acts of Michigan, 1957, as amended ("Act 185") and pursuant to Contracts with the City of Muskegon (the "Local Unit"), the County has heretofore issued its Muskegon County Wastewater Management System - Number One, 1989 Series Bonds (Limited Tax General Obligation) and Muskegon County Wastewater Management System - Number One, 1992 Series (together the "Outstanding Bonds") to finance a wastewater management system (the "System") to service the Local Unit and other municipalities in the County; and

WHEREAS, the Local Unit has determined that it is in the best interest of the Local Unit to cause the refunding of the Outstanding Bonds that are presently outstanding; and

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

1. This City Commission tentatively determines to proceed with the refunding of the Outstanding Bonds and the issuance of the proposed refunding bonds.
2. The Local Unit's Chief Administrative Officer is hereby directed to:
 - (a) If applicable, prepare and submit an application to the Michigan Department of Treasury for its approval of the issuance of the proposed refunding bonds.
 - (b) Approve the circulation of a preliminary and a final official statement describing the proposed refunding bonds.
 - (c) Do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the proposed refunding bonds subject to a subsequent resolution of this Board.
3. It is hereby requested that the State Treasurer waive any requirement for a good faith check in connection with the sale of the proposed refunding bonds and waive the requirements of a public sale respecting said proposed refunding bonds.
4. The County shall be responsible for securing any municipal bond ratings required hereby, provided the cost of such ratings will be defrayed from the proceeds of bonds or from

funds of the Local Unit or other benefitted Local Units.

5. The Refunding Contract providing for such refunding between the County, by and through its Board of Public Works, and the Local Unit is hereby approved, and the Mayor and Clerk are authorized and directed to execute the said Contract for and on behalf of the Local Unit.

6. The Local Unit does hereby ratify and confirm its covenant in the aforesaid Contract to levy ad valorem taxes against all taxable property in the Local Unit to the extent permitted by law and necessary to meet the obligations of the Local Unit thereunder, and does further indicate its purpose and intent to make such a levy annually as necessary to meet the Local Unit's obligations under the aforesaid Contract.

7. Said Contract shall become binding and effective upon the approval thereof by resolution of the Board of Commissioners of the County and execution thereof by the County by its Board of Public Works.

8. The Local Unit covenants it shall comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission regarding continuing disclosure, as shall be more fully set forth in a disclosure resolution.

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

10. This resolution shall become effective immediately upon its passage.

AYES: Buie, Gawron, Larson, Schweifler, Shepehrd, Spataro, Warmington

NAYS: None

RESOLUTION DECLARED ADOPTED.

Gail A. Kunder
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, State of Michigan, at a regular meeting held on the 25th day of June, 2002, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that minutes of the meeting were kept and will be or have been made available as required by said Act.



City Clerk

DELIB:2263396.1\063688-00037

REFUNDING CONTRACT

2002-79(c)

THIS CONTRACT, made and entered into as of this 1st day of August, 2002 (the "Refunding Contract"), by and among the COUNTY OF MUSKEGON, a Michigan county corporation (the "County"), by its Board of Public Works (the "Board"), under the provisions of Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), and Act 185, Public Acts of Michigan, 1957, as amended ("Act 185") (Act 34 and Act 185 together the "Acts"), and the CITIES OF MONTAGUE, MUSKEGON, MUSKEGON HEIGHTS, NORTH MUSKEGON, NORTON SHORES, ROOSEVELT PARK AND WHITEHALL, THE CHARTER TOWNSHIPS OF FRUITPORT AND MUSKEGON AND THE TOWNSHIPS OF DALTON, EGELSTON, LAKETON AND WHITEHALL, each a Michigan public corporation, located in the County (the "Local Units").

WITNESSETH:

WHEREAS, the County has previously established within the Local Unit the Muskegon County Wastewater Management System - Number One (the "System") as authorized by Act 185; and

WHEREAS, the duly established Department of Public Works of the County, with the Board as its directing agency, was designated to administer the System under the provisions of Act 185 for and on behalf of the County, with all the rights, powers and duties as specified in Act 185; and

WHEREAS, the Local Units and the County through the Board did under Act 185 enter into a certain contract, as amended (the "Contract"), for the payment of constructing and

financing of certain improvements to the System; and

WHEREAS, bonds have been issued pursuant to Contracts, denominated Muskegon County Wastewater Management System - Number One, 1989 Series Bonds (Limited Tax General Obligation) and Muskegon County Wastewater Management System – Number One, 1992 Series Bonds (together the “Prior Bonds”), in the original aggregate authorized amount of \$25,300,000; and

WHEREAS, the County and the Local Units have been advised that conditions in the bond market have now improved to the point that the Bonds could be refunded at a considerable savings; and

WHEREAS, it is the determination and judgment of the County, the Board and the Local Units that the Bonds should be refunded to secure for the Local Units the interest savings anticipated and thereby permit the operation of the System in a more economical fashion for the benefit of the users of the System and the taxpayers of the Local Units; and

WHEREAS, the execution of this contract (the “Refunding Contract”) is necessary in order to implement a refunding program;

NOW, THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

1. The County, the Board and the Local Units hereby approve and confirm the refunding of the currently callable outstanding Bonds under the provisions of the Acts in the manner provided by and pursuant to this Refunding Contract.
2. The County will issue a single series of refunding bonds (the “Refunding Bonds”) in the total principal amount of not to exceed \$8,000,000 in order to pay all or a part of the costs

of refunding the Bonds. All costs of retiring the Bonds and of issuing the Refunding Bonds, including payment of the principal of and interest on the Bonds, underwriting discount, bond and other printing, administrative, legal expenses, credit enhancement costs, rating fees, trustee and paying agent, registrar and escrow agent, if any, fees and all related expenses shall be paid from the proceeds of sale of the Refunding Bonds or from cash amounts to be made available to pay such costs.

3. To carry out and accomplish the refunding in accordance with the provisions of Michigan law, the County and the Board shall take the following steps:

(a) The County will enter into an agreement to accomplish the refunding with an underwriter or underwriters (the "Purchaser") to be selected by the Board.

(b) The Board will submit to the Board of Commissioners of the County a resolution providing for the issuance of the Refunding Bonds in the aggregate principal amount of not to exceed \$8,000,000 (the "Refunding Bond Resolution"). The Refunding Bonds shall mature serially, as authorized by law, and will be issued in anticipation of the debt service installment payments required to be made by the Local Units as provided in the Contract and as hereinafter provided in this Refunding Contract and will be secured primarily by the contractual obligations of the Local Units to pay said installments when due, including interest. After due adoption of the Refunding Bond Resolution, the Board will take all legal procedures and steps necessary to effectuate the sale and delivery of the Refunding Bonds.

(c) The Board, upon receipt of proceeds of sale of the Refunding Bonds, will comply with all provisions and requirements of law, the Refunding Bond Resolution and

this Refunding Contract relative to the disposition and use of the proceeds of sale thereof.

(d) The County will use Refunding Bonds proceeds to refund the Prior Bonds, and shall not make any investments or take any other actions which would cause the Refunding Bonds herein authorized to be constituted as arbitrage bonds pursuant to any applicable federal statutes or regulations.

4. The full principal amount of the Refunding Bonds shall be charged to, and paid by, the Local Units to the Board in annual principal installments, together with interest and other expenses as herein provided and as provided in the Contracts entered into in connection with the issuance of the Prior Bonds. It is understood and agreed that the Refunding Bonds of the County will be issued in anticipation of such payments by the Local Unit.

It is agreed that the Local Units shall pay to the Board, one month prior to the annual maturity date of principal amounts of the Refunding Bonds, such principal amount, and in addition, one month prior to each interest payment date on the Refunding Bonds, as accrued interest on the principal installments remaining unpaid, an amount sufficient to pay all interest due on the next succeeding interest payment date. From time to time as the Board is billed by the registrar/transfer/paying agent for the Refunding Bonds for their services, and as other costs and expenses accrue to the Board from handling of the payments made by the Local Units or from other action taken in connection with the Refunding Bonds, the Board shall notify the Local Units of the amount of such fees, costs and expenses, and the Local Units shall, within thirty (30) days from such notification, remit to the Board sufficient funds to pay such amounts. The Local Units shall pay to the County additional sums, if any, due and owing on the Refunding Bonds at such times and in such manner as shall be required by the terms of the

Refunding Bonds.

The Refunding Bonds are redeemable prior to maturity at the times, in the manner and at the prices specified in the Refunding Bonds. The Local Units shall have the right to prepay the installments due under this Refunding Contract and thereby request that the Board cause redemption of all or part of the Refunding Bonds as provided in the Refunding Bonds. The Board shall cause such notice or notices of redemption to be made at the times and in the manner prescribed in the Refunding Bonds. Notwithstanding the foregoing, the obligation of the Local Units to make payments of principal and interest and premium for the Refunding Bonds shall continue hereunder until the Refunding Bonds are paid in full.

The Board shall, within thirty (30) days after the delivery of the Refunding Bonds, furnish the Local Units with a complete schedule of said installments and the interest thereon and due dates and shall also, at least thirty (30) days prior to each due date, advise the Local Units, in writing, of the exact amount due on said date. The failure to give such notice shall not, however, excuse the Local Units from making required payments when due under the provisions hereof.

If any installment payment as herein provided is not paid when due, the amount so not paid shall be subject to a penalty in addition to interest of one per cent (1%) thereof for each month or fraction thereof that the same remains unpaid after the due date.

5. The Local Units, pursuant to authorization of Section 12 of Act 185, hereby irrevocably pledge their full faith and credit for the prompt and timely payment of their respective obligations pledged for payment of the Refunding Bonds as expressed in the Contract and this Refunding Contract. Pursuant to such pledge, if other funds are not available, each

Local Unit shall be required to pay such amounts from any of its general funds as a first budget obligation and shall each year levy an ad valorem tax on all the taxable property in the Local Unit in an amount which, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay its allocable obligations under this Refunding Contract becoming due before the time of the following year's tax collections, such annual levy shall be limited as to rate or amount as provided by law and be in amount sufficient to pay such obligation under the Refunding Contract. The herein stated contractual commitments of the Local Units are expressly recognized as being for the purpose of providing funds to meet the respective contractual obligations of the Local Units in anticipation of which the Refunding Bonds hereinbefore referred to are issued. Nothing herein contained shall be construed to prevent the Local Units from using any, or any combination of, the means and methods provided in paragraph 2, Section 12 of Act 185 for the purpose of providing funds to meet its obligations under this Refunding Contract, and if at the time of making the annual tax levy there shall be other funds on hand earmarked and set aside for the payment of the contractual obligations due prior to the next tax collection period, then such annual tax levy may be reduced by such amount.

The Local Units hereby acknowledge that they will use funds from all sources legally permitted by Act 185 for payment of the installments under this Refunding Contract.

6. Additional moneys over and above any of the payments specified in this Refunding Contract may be prepaid as provided in the Contract and other provisions of this Refunding Contract.

7. In the event that any Local Unit shall fail for any reason to pay to the Board at the

times specified the amounts required to be paid by the provisions of this Refunding Contract, the Board shall immediately give notice of such default and the amount thereof, in writing, to the Local Unit Treasurer, the County Treasurer of the County, the Treasurer of the State of Michigan, and such other officials charged with disbursement to the Local Unit of funds returned by the State and now or hereafter under Act 185 available for pledge as provided in this paragraph and in Section 17 of Act 185, and if such default is not corrected within ten (10) days after such notification, the State Treasurer, or other appropriate official charged with disbursement to such Local Unit of the aforesaid funds, is, by these presents, specifically authorized by the Local Unit, to the extent permitted by law, to withhold from its respective aforesaid funds the maximum amount necessary to cure any deficit it may incur and to pay said sums so withheld to the Board, to apply on its obligations in default as herein set forth. Any such moneys so withheld and paid shall be considered to have been paid to the Local Unit within the meaning of the Michigan Constitution and statutes, the purpose of this provision being to voluntarily pledge and authorize the use of said funds owing to such Local Unit to meet any of its past-due obligations due under the provisions of this Refunding Contract. In addition to the foregoing, the Board shall have all other rights and remedies provided by law to enforce the obligations of the Local Units to make their payments in the manner and at the times required by this Refunding Contract. The Local Units will not take any action to reduce the right of the County to receive the aforesaid state-returned moneys in the event of default.

8. All provisions of the Contract not inconsistent herewith, and particularly all covenants relative to the payment of and security for the Bonds made by the Local Units therein shall remain in full force and effect and shall apply with equal effect to the Refunding Bonds

authorized hereby, it being understood that upon issuance of the Refunding Bonds, the Bonds will be redeemed by purchase and the Refunding Bonds shall be substituted therefor and shall be outstanding in their place and stead.

9. Nothing herein contained shall in any way be construed to prevent additional financing under the provisions of Act 185 or any other law for the purpose of constructing all or any portion of additional necessary water or sanitary sewage improvements in the Local Unit.

10. The obligations and undertakings of each of the parties to this Refunding Contract shall be conditioned upon the successful accomplishment of the proposed refunding, and therefore if for any reason whatsoever the Refunding Bonds are not issued, then this Refunding Contract shall be considered void and of no force and effect; provided, however, that in such event, all costs and expenses shall be paid by the Local Units in accordance with existing commitments to the County, and the County shall not be obligated for such costs and expenses.

11. The Board and the Local Units each recognize that the owners from time to time of the Refunding Bonds will have contractual rights in this Refunding Contract, and it is therefore covenanted and agreed by each of the Board and the Local Units that so long as any of the Refunding Bonds shall remain outstanding and unpaid, the provisions of this Refunding Contract shall not be subject to any alteration or revision which would in any manner materially affect either the security of the Refunding Bonds or the prompt payment of principal of or interest thereon. The Local Units and the Board further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Refunding Contract promptly at all times and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the Refunding Bonds, the security therefor, or the prompt

payment of principal of and interest thereon. It is hereby declared that the terms of this Refunding Contract insofar as they pertain to the security of the Refunding Bonds shall be deemed to be for the benefit of the owners of the Refunding Bonds.

12. This Refunding Contract shall remain in full force and effect for a period of thirty (30) years from the date hereof, or until such lesser time as the Refunding Bonds issued by the County are paid, at which time this Refunding Contract shall be terminated, and the provisions of the Contract relative to disposition of the System shall be carried out. In any event, the obligations of the Local Units to make the payments required hereunder shall be terminated at such time as all of the Refunding Bonds are paid in full by the Local Units, together with all interest and penalties and other obligations hereunder.

13. This Refunding Contract shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

14. This Refunding Contract shall become effective upon approval by the legislative body of each of the Local Units, by the Board of Public Works of the County and by the Board of Commissioners of the County and when duly executed by the Mayor or Supervisor and Clerk of each of the Local Units and the Chairman and Secretary of the Board of Public Works for and on behalf of the County. This Refunding Contract may be executed in several counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the date and year first above written.

COUNTY OF MUSKEGON
By the Board of Public Works

By _____
Chairman

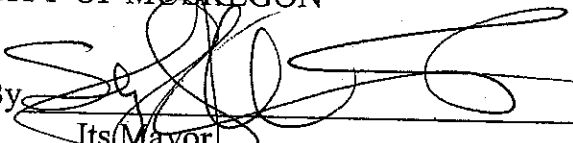
By _____
Secretary

CITY OF MONTAGUE

By _____
Its Mayor

By _____
Its City Clerk

CITY OF MUSKEGON

By  _____
Its Mayor

By  _____
Its City Clerk

CITY OF MUSKEGON HEIGHTS

By _____
Its Mayor

By _____
Its City Clerk

CITY OF NORTH MUSKEGON

By _____
Its Mayor

By _____
Its City Clerk

CITY OF NORTON SHORES

By _____
Its Mayor

By _____
Its City Clerk

CITY OF ROOSEVELT PARK

By _____
Its Mayor

By _____
Its City Clerk

CITY OF WHITEHALL

By _____
Its Mayor

By _____
Its City Clerk

MUSKEGON CHARTER TOWNSHIP

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF DALTON

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF EGELSTON

By _____
Its Supervisor

By _____
Its Township Clerk

FRUITPORT CHARTER TOWNSHIP

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF LAKETON

By _____
Its Supervisor

By _____
Its Township Clerk

TOWNSHIP OF WHITEHALL

By _____
Its Supervisor

By _____
Its Township Clerk

DELIB:2263333.2\063688-00037

This form is issued under the authority of P.A. 34 of 2001. If your municipality does not have qualified status, you must file this form to apply for approval of the State Treasurer before Long term Municipal Securities can be issued.

Application for State Treasurer's Approval to Issue Long-Term Securities

INSTRUCTIONS: Complete all parts of this application. The Department of Treasury may request additional information.

FILE WITH: Local Audit & Finance Division, Michigan Department of Treasury, P.O. Box 30728, Lansing, MI 48909-8228.

Direct questions to (517) 373-0660 or email to TREAS_LAFD@michigan.gov

The municipality identified below applies for permission to issue securities under authority of the statutes(s) and resolution as follows:

- ☒ P.A. 34 of 2001, as amended
☒ Act 185, P.A. 1957, as amended

Date Resolution Was Adopted

June 25, 2002

Legal Name of Municipality City of Muskegon	Legal Classification Home Rule City	County (ies) Muskegon
Title of Security Wastewater Management System No. One Refunding Bonds		
Amount of Security Not to Exceed \$8,000,000	Date of Security To Be Determined	
Chief Administrative Officer - Person Bryon Mazade, Manager City of Muskegon	Address and Telephone No. 933 Terrace Street Muskegon, MI 49443-0536 phone: (231) 724-6724 fax: (231) 724-6790	
Bond Counsel - Person and Firm Joel L. Piell Miller, Canfield, Paddock & Stone	Address and Telephone No. 150 W. Jefferson, Suite 2500 Detroit, MI 48226 phone: (313) 963-7518 fax: (313) 496-7500	
Local Attorney - Person and Firm Mr. G. Thomas Johnson Parmenter, O'Toole	Address and Telephone No. 175 W. Apple Avenue, PO Box 786 Muskegon, MI 49443-0786 phone: 231-722-1621 fax: 231-728-2206	
Financial Consultant - Person and Firm Kari L. McDonald-Blanchett Stauder, Barch & Associates, Inc.	Address and Telephone No. 3989 Research Park Drive Ann Arbor, MI 48108 phone: (734) 668-6688 fax: (734) 668-6723	
Underwriter - Person and Firm Thomas M. Enright Fahnestock & Co., Inc.	Address and Telephone No. 300 River Place Suite 4000 Detroit, MI 48207 phone: (313) 566-2340 fax: (313) 259-7952	
Engineer or Architect - Person and Firm Not Applicable	Address and Telephone No. phone: fax:	

CERTIFICATION: I the undersigned, certify that this application and the attachments were authorized by the governing body of this municipality and that they are complete and accurate in all respects. I further certify that the funds on hand (if any) listed on page 4 of this application are on hand and available for use on this project.

Chief Administrative Officer Name and Title (Typed or Printed)

Bryon Mazade, Manager

Chief Administrative Officer's Signature



Date

7-3-02

City of Muskegon

Purpose

The Bonds are being issued for the purpose of refinancing all or a portion of the County's wastewater bonds dated 9/1/89 and 9/1/92.

Maturity Schedule

See Attached

Interest	First Interest Payment	Interest Payments
To Be Determined	To Be Determined	January 1 and July 1
Optional Securities (To be determined)		
Securities maturing 20____ / _____ are non callable.		
Securities maturing 20____ / _____ are callable on any interest payment date on or after _____		
at par and accrued interest, plus a premium ranging from _____ % to _____ % in _____ order.		

SECURITY

Full Faith and Credit Pledge

- ☐ Unlimited Tax Full Faith and Credit Pledge
☒ Limited Tax Full Faith and Credit Pledge
☐ No Full Faith and Credit Pledge

Authorized by a Vote?

☒ NO
☐ YES - Date of Election: _____

Votes For: _____

Votes Against: _____

Spoiled Ballots: _____

Sources of Revenues

- ☒ Rates and Charges
☐ Taxes
☐ Special Assessments
☐ Michigan Transportation Fund Revenues
☐ Other (Specify) _____

Additional Security

TAX INFORMATION

Fiscal Year	Date Taxes are Due	Date Taxes Delinquent
Jan. 1 to Dec. 31	Dec. 1	1-Mar
Maximum authorized statutory, constitutional or charter tax levy.....	13.00	mills (incl 3.00 sanitation)
Maximum estimated annual millage requirement for this issue.....	N/A	mills
Date of first levy for this issue (if tax supported).....	N/A	

Tax Collection History for Last Four Completed Fiscal Years

Fiscal Year Ending	Tax Levy	Collections to Date Delinquent	Percentage
2001	\$5,972,391	\$5,121,566	85.75%
2000	\$5,744,998	\$4,962,354	86.38%
1999	\$5,616,259	\$4,940,909	87.98%
1998	\$5,477,700	\$4,802,123	87.67%

MUNICIPAL MILLAGE RATES

for 2001	Operating	Debt	Other
	7.0000	0.0000	3.0972

This municipality is in compliance with the provisions of Article IX, Section 6, of the Michigan Constitution of 1963 ☒ Yes ☐ No

SEV INFORMATION

Breakdown of 2002 State Equalized Valuation			STATE EQUALIZED VALUATION	CURRENT YEAR 2002	\$747,264,050
Industrial	\$110,440,500	14.78%		PRIOR YEAR 2001	\$733,128,800
Commercial	\$152,324,900	20.38%		PRIOR YEAR 2000	\$647,683,400
Utility	\$0	0.00%	TAXABLE VALUE	CURRENT YEAR 2002	\$635,929,227
Agricultural	\$173,600	0.02%		PRIOR YEAR 2001	\$631,680,652
Residential	\$358,727,850	48.01%		PRIOR YEAR 2000	\$582,165,998
Other (Personal)	\$125,597,200	16.81%	POPULATION	CENSUS Current (2000)	40,105
TOTAL	\$747,264,050	100.00%		CENSUS 1990	40,283
				CENSUS 1980	40,823
			SEV PER CAPITA	Current Year	\$18,632.69

DEBT INFORMATION

You must attach the following lists unless the Department of Treasury waives the requirement for this detail:

1. All outstanding securities or debt with no full faith and credit pledge. Include title and date of issue and the amount outstanding.
2. All outstanding securities or debt with either a limited or unlimited full faith and credit pledge. Include title, date and type of issue, and the amount supported by taxes.
3. All outstanding securities or debt with either a limited or unlimited full faith and credit pledge that has been issued by an overlapping municipality. Include the name of the issuing municipality, the amount outstanding, the share applicable to your municipality, the net tax supported amount outstanding and the share applicable to your municipality.
4. All projects currently being planned for future indebtedness. Include an estimate of the amount of indebtedness to be incurred.

REPAYMENT SCHEDULE

Attach a schedule of revenues available for repayment of the proposed and outstanding securities and indicate coverage. Include operation and maintenance expenses and reserve requirements (when applicable) in addition to principal and interest requirements. Begin with one year of actual revenues and expenses. Revenue supported securities need only project for a 7 to 10 year period. In lieu of this schedule, voted general obligation securities may submit a principal and interest schedule.

10 LARGEST PROPERTY TAXPAYERS

Name	2001 Taxable Value
1. Consumer Powers Co	1. \$71,105,612
2. Sappi/S.D. Warren Co	2. 51,387,241
3. Anglo American Clays	3. 15,005,200
4. MichCon	4. 9,889,104
5. Brunswick Corporation	5. 7,491,320
6. UNC Johnson Technology	6. 6,833,062
7. Lorin Industries	7. 6,271,976
8. Terrace Partners LLC	8. 5,726,634
9. Esco Co. Ltd. Partnerships	9. 4,637,263
10. ADAC Plastics	10. 4,378,531

10 LARGEST EMPLOYERS AND EMPLOYMENT DATA

Name	Number of Employees (year??)
1. Mercy General Health Partners	1. 1,300
2. Hackley Hospital	2. 1,000
3. Sappi/S.D. Warren Company	4. 740
4. County of Muskegon	8. 650
5. UNC Johnson Technology	3. 550
6. Muskegon Public Schools	5. 550
7. Holland Neway	7. 550
8. ADAC Plastics	6. 480
9. Brunswick Corporation	9. 400
10. Verizon	10. 350

Local unemployment rate for the most recently available month

Mar-02

11.20%

Unemployment rate for the preceding month (NOT seasonally adjusted)

Feb-02

11.00%

ESTIMATED COSTS

Project Category	Estimated Costs
Construction cost (materials and labor)	See Attachment
Equipment	
Site Acquisition and development	
Architect or engineering (including survey, design, inspection, etc..)	
Issuance Costs	
Capitalized Interest (_____ months at _____ %)	
Other Costs	
Contingencies	
Total Project Costs	
Less: Funds on Hand	
Grants	
Other	
BALANCE: Amount of the security	

Municipal Bond & Maturity Report

City

MUSKEGON # 1725

Kind: AUTH	Dated: 4/12/88	Tax Designation:	First Coupon:	Cusip ID: 627788
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Purpose: PARKING FACILITY, LT
 Paying Agent: COMERICA BANK
 Term:
 Credit Enh:

Note: NEGOTIATED

Call: 12/1/98 @ 102%; 99 @ 101

Date	Rate	Cusip	MUS
12/1/2002	7.30	AK8	135
Total Bond:			135

MUSKEGON # 2077

Kind: AUTH	Dated: 8/30/90	Tax Designation:	First Coupon:	Cusip ID: 627798
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Purpose: DDA, LT
 Paying Agent: OLD KENT BANK
 Term:
 Credit Enh:

Note: SERIES A-1

NEGOTIATED

Call: 6/1/00 @ 102; 01 @ 101; 02 @ 100

Date	Rate	Cusip	MUS
6/1/2003	9.75		95
6/1/2004	9.75		105
6/1/2005	9.75		115
6/1/2006	9.75		130
6/1/2007	9.75		140
6/1/2008	9.75		155
6/1/2009	9.75		170
6/1/2010	9.75		190
6/1/2011	9.75		210
6/1/2012	9.75		230
6/1/2013	9.75		255
6/1/2014	9.75		280
6/1/2015	9.75		310
6/1/2016	9.75		340
6/1/2017	9.75		375
6/1/2018	9.75	AB7	415
Total Bond:			3,515

MUSKEGON # 2078

Kind: AUTH	Dated: 8/30/90	Tax Designation:	First Coupon:	Cusip ID:
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Purpose: DDA, LT
 Paying Agent: OLD KENT BANK
 Term:
 Credit Enh:

Note: SERIES D-1

NEGOTIATED

Call: 6/1/00 @ 103; 01 @ 102; 02 @ 101; 03 @ 100

Date	Rate	Cusip	MUS
6/1/2003	8.45		50
6/1/2004	8.45		55
6/1/2005	8.45		60
6/1/2006	8.45		65
6/1/2007	8.45		70
6/1/2008	8.45		75
6/1/2009	8.45		85
6/1/2010	8.45		1,180
Total Bond:			1,640

MUSKEGON # 2335

Municipal Bond & Maturity Report

MUSKEGON # 2335 Continued

Kind: SAGO	Dated: 7/1/92	Tax Designation: QTE	First Coupon:	Cusip ID: 627780
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Purpose: WATER, SEWER & STREET, LT

Note:

Paying Agent: FIRST OF AMERICA BANK

Term:

Call: NON-OPTIONAL

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
10/1/2002	6.00	KW8	175
Total Bond:			175

MUSKEGON # 2530

Kind: MTF	Dated: 6/1/93	Tax Designation: QTE	First Coupon: 12/1/93	Cusip ID: 627780
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Purpose: LT

Note:

Paying Agent: FIRST OF AMERICA BANK

Term:

Call: 6/1/99 @ 101; 02 @ 100.5; 05 @ 100

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
6/1/2003	4.75	LG2	300
6/1/2004	5.00	LH0	325
6/1/2005	5.00	LJ6	350
6/1/2006	5.00	LK3	375
6/1/2007	4.63	LL1	400
6/1/2008	4.25	LM9	400
Total Bond:			2,150

MUSKEGON # 2574

Kind: REV	Dated: 10/1/93	Tax Designation: QTE	First Coupon: 5/1/94	Cusip ID: 627882
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Purpose: WATER

Note:

Paying Agent: FIRST OF AMERICA BANK

02/11 ESCROWED TO 5/1/2001 IN U.S.GOV'T'S

Term:

Call: 5/1/01 @ 101

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
5/1/2003	4.90	AJ2	0
5/1/2004	5.00	AK9	0
5/1/2005	5.13	AL7	0
5/1/2006	5.25	AM5	0
5/1/2007	5.30	AN3	0
5/1/2008	5.40	AP8	0
5/1/2009	5.40	AQ6	0
5/1/2010	5.50	AR4	0
5/1/2011	5.50	AS2	0
5/1/2012	4.50	AT0	450
5/1/2013	4.50	AU7	450
Total Bond:			900

MUSKEGON # 2755

Municipal Bond & Maturity Report

MUSKEGON # 2755 Continued

Kind: AUTH	Dated: 12/1/94	Tax Designation: QTE	First Coupon: 6/1/95	Cusip ID: 627780
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Purpose: LDFA, LT

Note:

Paying Agent: FIRST OF AMERICA BANK

Call: 6/1/01 @ 101; 03 @ 100.5; 06 @ 100

Term:

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
6/1/2003	6.00	LW7	100
6/1/2004	6.00	LX5	100
6/1/2005	6.00	LY3	125
6/1/2006	6.00	LZ0	125
6/1/2007	6.00	MA4	125
6/1/2008	5.50	MB2	125
6/1/2009	5.50	MC0	125
Total Bond:			825

MUSKEGON # 2942

Kind: AUTH	Dated: 1/1/96	Tax Designation: QTE	First Coupon: 6/1/96	Cusip ID: 627788
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Purpose: CITY HALL, LT

Note:

Paying Agent: FIRST OF AMERICA BANK

Call: NON - OPTIONAL

Term:

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
12/1/2002	4.00	AS1	185
12/1/2003	4.20	AT9	195
12/1/2004	4.30	AU6	205
Total Bond:			585

MUSKEGON # 2943

Kind: SAGO	Dated: 1/1/96	Tax Designation: QTE	First Coupon: 12/1/96	Cusip ID: 627780
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Purpose: SIDEWALK, LT

Note:

Paying Agent: FIRST OF AMERICA BANK

Call: NON - OPTIONAL

Term:

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
12/1/2002	4.00	MK2	130
12/1/2003	4.20	ML0	120
12/1/2004	4.30	MM8	65
12/1/2005	4.40	MN6	25
Total Bond:			340

MUSKEGON # 3259

Kind: MTF	Dated: 11/1/97	Tax Designation: QTE	First Coupon: 6/1/98	Cusip ID: 627780
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Purpose: LTGO

Note:

Paying Agent: BOOK ENTRY (FIRST OF AMERICA BANK)

Call: NON - OPTIONAL

Term:

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
12/1/2002	4.00	MT3	190
12/1/2003	4.05	MU0	200
12/1/2004	4.10	MV8	205
12/1/2005	4.15	MW6	215
12/1/2006	4.20	MX4	230
12/1/2007	4.25	MY2	240
Total Bond:			1,280

Municipal Bond & Maturity Report

MUSKEGON # 3364

Kind: SAGO **Dated:** 10/1/98 **Tax Designation:** QTE **First Coupon:** 4/1/99 **Cusip ID:** 627780

Purpose: IMPROVEMENTS, LT

Note:

Paying Agent: BOOK ENTRY (FIRST OF AMERICA BANK)

Call: NON - OPTIONAL

Term: 5/1/2008 (08/09)

Credit Enh:

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
4/1/2003	3.85	ND7	170
4/1/2004	3.90	NE5	165
4/1/2005	3.95	NF2	165
4/1/2006	4.00	NG0	165
4/1/2007	4.00	NH8	130
4/1/2008	4.00	NJ4	95
4/1/2009	4.00	NK1	60
Total Bond:			950

MUSKEGON # 3442

Kind: REV **Dated:** 3/2/99 **Tax Designation:** QTE **First Coupon:** 5/1/99 **Cusip ID:** 627882

Purpose: WATER REVENUE & REFUNDING

Note: REFUNDS 10/1/93 (02/11)

Paying Agent: BOOK ENTRY (NATIONAL CITY BANK)

NEGOTIATED

Call: 5/1/2009 @ 100

Term: 2019 (18-19)

Credit Enh: FSA

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
5/1/2003	3.75	AZ6	405
5/1/2004	3.85	BA0	420
5/1/2005	3.95	BB8	435
5/1/2006	4.05	BC6	455
5/1/2007	4.05	BD4	470
5/1/2008	4.05	BE2	490
5/1/2009	4.10	BF9	510
5/1/2010	4.20	BG7	535
5/1/2011	4.30	BH5	555
5/1/2012	4.35	BJ1	130
5/1/2013	4.40	BK8	155
5/1/2014	4.50	BL6	635
5/1/2015	4.55	BM4	665
5/1/2016	4.60	BN2	695
5/1/2017	4.65	BP7	730
5/1/2018	4.75		765
5/1/2019	4.75	BR3	800
Total Bond:			8,850

MUSKEGON # 3726

Kind: SAGO **Dated:** 12/1/00 **Tax Designation:** QTE **First Coupon:** 4/1/01 **Cusip ID:** 627780

Purpose: Public Improvements, LT

Note:

Paying Agent: Book Entry (National City Bank of MI/IL)

Call: Non-optional

Term:

Credit Enh: none

<u>Date</u>	<u>Rate</u>	<u>Cusip</u>	<u>MUS</u>
4/1/2003	4.50	NN5	85
4/1/2004	4.55	NP0	90
4/1/2005	4.60	NQ8	85
4/1/2006	4.65	NR6	85
4/1/2007	4.70	NS4	90
4/1/2008	4.80	NT2	85
4/1/2009	4.90	NU9	85
4/1/2010	5.00	NV7	70
Total Bond:			675

Municipal Bond & Maturity Report

MUSKEGON # 3832

Kind: AUTH Dated: 9/1/01 Tax Designation: QTE First Coupon: 12/1/01 Cusip ID:

Purpose: DDA, LT

Paying Agent: Book Entry (Fifth Third Bank)

Term: 18(17/18)

Credit Enh: MBIA

Note: Negotiated

Refunds 8/30/90 (Ser. A-1 and D-1)

Call: 6/1/11 @ 100

Date	Rate	Cusip	MUS
6/1/2003	4.00		170
6/1/2004	4.00		180
6/1/2005	4.00		185
6/1/2006	4.00		200
6/1/2007	4.00		200
6/1/2008	4.00		210
6/1/2009	4.20		220
6/1/2010	4.25		230
6/1/2011	4.35		240
6/1/2012	4.45		245
6/1/2013	4.55		260
6/1/2014	4.65		270
6/1/2015	4.75		280
6/1/2016	4.85		300
6/1/2017	5.00		315
6/1/2018	5.00		335
Total Bond:			3,840

Municipality Indirect Debt Report

City 6/30/2002

<u>Kind</u>	<u>Dated</u>	<u>Purpose</u>	Share of County <u>Issued Bonds</u>	Share of Multi-Authority <u>Issued Bonds</u>	<u>Total</u>
MUS - MUSKEGON					
GO	9/1/89	Wastewater #1, 1989 Series, LT	3,540,600	0	3,540,600
GO	9/1/92	Wastewater, Management #1, 1992 Ser., LT	774,330	0	774,330
GO	5/1/96	Wastewater #1 Refunding, LT	3,982,073	0	3,982,073
MUSKEGON Totals			8,297,003	0	8,297,003

Municipality Overlapping Debt Report

City - MUSKEGON as of 6/30/2002

Population: 40,105

2001	631,680,652	Taxable Value
2000	582,165,998	Taxable Value
1999	554,036,458	Taxable Value
1998	521,653,700	Taxable Value
1997	524,662,835	Taxable Value
1996	497,934,912	Taxable Value

<u>%</u>	<u>Municipality</u>	<u>Net Tax Supported Debt</u>	<u>Share</u>
<u>School District</u>			
95.34	MUSKEGON	40,562,337	38,672,132
28.89	ORCHARD VIEW	0	0
13.15	REETHS PUFFER	72,620,140	9,549,548
<u>County</u>			
19.47	MUSKEGON	27,980,000	5,447,706
<u>Intermediate School District</u>			
19.31	MUSKEGON I/S/D	0	0
<u>Community College</u>			
19.47	MUSKEGON COMMUNITY COLLEGE	0	0
MUSKEGON Net Overlapping Debt			53,669,387

SOURCES AND USES OF FUNDS

**County of Muskegon, State of Michigan
Wastewater Refunding Bonds, Series 2002
Combined Debt Service**

Dated Date 11/01/2002
Delivery Date 11/01/2002

Sources:	02REF89	02REF92	Total
Bond Proceeds:			
Par Amount	6,325,000.00	1,265,000.00	7,590,000.00
	6,325,000.00	1,265,000.00	7,590,000.00
Uses:	02REF89	02REF92	Total
Refunding Escrow Deposits:			
Cash Deposit	0.76	0.47	1.23
SLG Purchases	6,215,153.00	1,220,381.00	7,435,534.00
	6,215,153.76	1,220,381.47	7,435,535.23
Delivery Date Expenses:			
Cost of Issuance	61,042.50	19,175.00	80,217.50
Underwriter's Discount	28,462.50	5,692.50	34,155.00
Bond Insurance	20,000.00	20,000.00	40,000.00
	109,505.00	44,867.50	154,372.50
Other Uses of Funds:			
Additional Proceeds	341.24	-248.97	92.27
	6,325,000.00	1,265,000.00	7,590,000.00

BOND DEBT SERVICE

**County of Muskegon, State of Michigan
Wastewater Refunding Bonds, Series 2002
Refunding of Callable 1989 Wastewater Bonds
(AMT)**

Dated Date 11/01/2002
Delivery Date 11/01/2002

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
11/01/2002					
01/01/2003			40,895.42	40,895.42	
07/01/2003	135,000	2.300%	122,686.25	257,686.25	298,581.67
01/01/2004			121,133.75	121,133.75	
07/01/2004	60,000	2.850%	121,133.75	181,133.75	302,267.50
01/01/2005			120,278.75	120,278.75	
07/01/2005	60,000	3.350%	120,278.75	180,278.75	300,557.50
01/01/2006			119,273.75	119,273.75	
07/01/2006	2,060,000	3.650%	119,273.75	2,179,273.75	2,298,547.50
01/01/2007			81,678.75	81,678.75	
07/01/2007	2,025,000	3.950%	81,678.75	2,106,678.75	2,188,357.50
01/01/2008			41,685.00	41,685.00	
07/01/2008	1,985,000	4.200%	41,685.00	2,026,685.00	2,068,370.00
	6,325,000		1,131,681.67	7,456,681.67	7,456,681.67

Note: Rates as of 6/5/2002

SAVINGS

**County of Muskegon, State of Michigan
Wastewater Refunding Bonds, Series 2002
Refunding of Callable 1989 Wastewater Bonds
(AMT)**

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 11/01/2002 @ 4.0586820%
12/31/2003	345,000.00	298,581.67	46,418.33	47,791.55
12/31/2004	345,000.00	302,267.50	42,732.50	40,939.40
12/31/2005	345,000.00	300,557.50	44,442.50	40,878.89
12/31/2006	2,345,000.00	2,298,547.50	46,452.50	41,021.17
12/31/2007	2,230,000.00	2,188,357.50	41,642.50	35,083.12
12/31/2008	2,115,000.00	2,068,370.00	46,630.00	37,390.39
	7,725,000.00	7,456,681.67	268,318.33	243,104.52

Savings Summary

Dated Date	11/01/2002
Delivery Date	11/01/2002
PV of savings from cash flow	243,104.52
Plus: Refunding funds on hand	341.24
Net PV Savings	243,445.76

PRIOR BOND DEBT SERVICE

**County of Muskegon, State of Michigan
Wastewater Refunding Bonds, Series 2002
Refunding of Callable 1989 Wastewater Bonds
(AMT)**

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
11/01/2002					
01/01/2003			172,500	172,500	
07/01/2003			172,500	172,500	345,000
01/01/2004			172,500	172,500	
07/01/2004			172,500	172,500	345,000
01/01/2005			172,500	172,500	
07/01/2005			172,500	172,500	345,000
01/01/2006			172,500	172,500	
07/01/2006	2,000,000	5.750%	172,500	2,172,500	2,345,000
01/01/2007			115,000	115,000	
07/01/2007	2,000,000	5.750%	115,000	2,115,000	2,230,000
01/01/2008			57,500	57,500	
07/01/2008	2,000,000	5.750%	57,500	2,057,500	2,115,000
	6,000,000		1,725,000	7,725,000	7,725,000

BOND DEBT SERVICE

County of Muskegon, State of Michigan Wastewater Refunding Bonds, Series 2002 Refunding of Callable 1992 Wastewater Bonds (AMT)

Dated Date 11/01/2002
Delivery Date 11/01/2002

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
11/01/2002					
01/01/2003			7,096.67	7,096.67	
07/01/2003	215,000	2.300%	21,290.00	236,290.00	243,386.67
01/01/2004			18,817.50	18,817.50	
07/01/2004	220,000	2.850%	18,817.50	238,817.50	257,635.00
01/01/2005			15,682.50	15,682.50	
07/01/2005	215,000	3.350%	15,682.50	230,682.50	246,365.00
01/01/2006			12,081.25	12,081.25	
07/01/2006	210,000	3.650%	12,081.25	222,081.25	234,162.50
01/01/2007			8,248.75	8,248.75	
07/01/2007	205,000	3.950%	8,248.75	213,248.75	221,497.50
01/01/2008			4,200.00	4,200.00	
07/01/2008	200,000	4.200%	4,200.00	204,200.00	208,400.00
	1,265,000		146,446.67	1,411,446.67	1,411,446.67

Note: Rates as of 6/5/2002

SAVINGS

County of Muskegon, State of Michigan Wastewater Refunding Bonds, Series 2002 Refunding of Callable 1992 Wastewater Bonds (AMT)

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 11/01/2002 @ 4.0586820%
12/31/2003	249,075.00	243,386.67	5,688.33	6,129.52
12/31/2004	263,400.00	257,635.00	5,765.00	5,636.07
12/31/2005	251,000.00	246,365.00	4,635.00	4,343.04
12/31/2006	238,400.00	234,162.50	4,237.50	3,781.68
12/31/2007	225,600.00	221,497.50	4,102.50	3,477.63
12/31/2008	212,800.00	208,400.00	4,400.00	3,539.59
	1,440,275.00	1,411,446.67	28,828.33	26,907.53

Savings Summary

Dated Date	11/01/2002
Delivery Date	11/01/2002
PV of savings from cash flow	26,907.53
Plus: Refunding funds on hand	-248.97
Net PV Savings	26,658.56

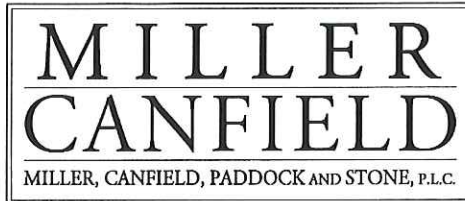
PRIOR BOND DEBT SERVICE

**County of Muskegon, State of Michigan
Wastewater Refunding Bonds, Series 2002
Refunding of Callable 1992 Wastewater Bonds
(AMT)**

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
11/01/2002					
01/01/2003			37,037.50	37,037.50	
07/01/2003	175,000	6.100%	37,037.50	212,037.50	249,075
01/01/2004			31,700.00	31,700.00	
07/01/2004	200,000	6.200%	31,700.00	231,700.00	263,400
01/01/2005			25,500.00	25,500.00	
07/01/2005	200,000	6.300%	25,500.00	225,500.00	251,000
01/01/2006			19,200.00	19,200.00	
07/01/2006	200,000	6.400%	19,200.00	219,200.00	238,400
01/01/2007			12,800.00	12,800.00	
07/01/2007	200,000	6.400%	12,800.00	212,800.00	225,600
01/01/2008			6,400.00	6,400.00	
07/01/2008	200,000	6.400%	6,400.00	206,400.00	212,800
	1,175,000		265,275.00	1,440,275.00	1,440,275

Founded in 1852
by Sidney Davy Miller

150
YEARS
1852-2002



MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, N.Y.
Washington, D.C.
CANADA: Windsor, ON
POLAND: Gdynia
Katowice • Warsaw

AFFILIATED OFFICE:
Pensacola, FL

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

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

July 9, 2002

Ms. Gail A. Kundering
City Clerk
City of Muskegon
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Dear Gail:

I am writing this letter to acknowledge receipt of the application and resolution for the County refunding bonds. I will still need the executed signature pages for the contract and I would ask you to send this along to me.

Very truly yours,

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

By: _____

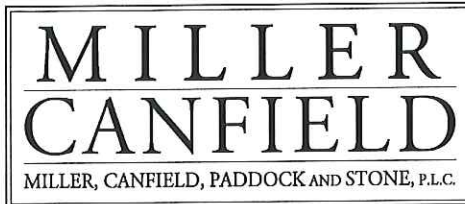
Joel L. Piell

*Ant
7-15-02
JP*

Founded in 1852
by Sidney Davy Miller

150
YEARS
1852-2002

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Katowice • Warsaw

AFFILIATED OFFICE:
Pensacola, FL

July 23, 2002

Ms. Linda Potter
Deputy Clerk
City of Muskegon
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Dear Linda:

Just a note to acknowledge receipt of your mailing of the Muskegon County Refunding Bond Contract signature pages. Thank you for sending this along to me.

Very truly yours,

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

By: _____
Joel L. Piell

DELIB:2338111.1\063688-00037

Commission Meeting Date: June 25, 2002

Date: June 14, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Alley Vacation in Block 397

SUMMARY OF REQUEST:

Request for vacation of a portion of the existing SW/NE alley in Block 397, bounded by Fourth St., Fifth St., Strong Ave., and Campus Ave.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the proposed portion of alley, with the condition that all City easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended denial of the request for vacation of the proposed portion of alley. The vote was:

Yes (Denial):	Mazade, Warmington, Aslakson, Veltkamp
No:	Stewart, Spataro, Sartorius
Absent:	Smith, Kleaveland

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

June 13, 2002

Hearing; Case 2002-22: Request for vacation of a portion of the existing SW/NE alley in Block 397 (bounded by Fourth St., Fifth St., Strong Ave., and Campus Ave.), by Elton Williams.

BACKGROUND

Block 397 contains two alleys, in a 'T' configuration. One alley bisects the block from Strong to Campus and the other dead-ends into it from Fifth St. The alley off of Fifth St. is the subject of this request. The applicant lives on Fifth St., adjacent to the alley, and would like to block the alley off in order to keep traffic from using the alleys as a thru-way. He is requesting that the alley be vacated along his property line - from Fifth St., to the rear property line of 1384 Fifth St. He understands that if approved, the portion of alley will be split between himself and the adjacent property owner on the other side of the alley. The remaining portions of alley in the block would remain open and public.

The Fire Marshal has no objection to the proposed alley vacation. The Department of Public Works has stated that there are no City-owned utilities in this portion of alley, and therefore they have no objections to the vacation. Staff has received no phone calls or letters from the public on this case.

CITY OF MUSKEGON

RESOLUTION #2002-79(d)

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate a portion of the existing SW/NE alley in Block 397 (bounded by Fourth St., Fifth St., Strong Ave., and Campus Ave), from Fifth St., up to the rear property line of parcel #24-205-397-0009-00; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2002 to consider the petition and subsequently recommended denial of the vacation; and

WHEREAS, due notice had been given of said hearing as well as the June 25, 2002 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the alley;

BE IT FURTHER RESOLVED that the City Commission does hereby declare the existing east/west alley vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of alley hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

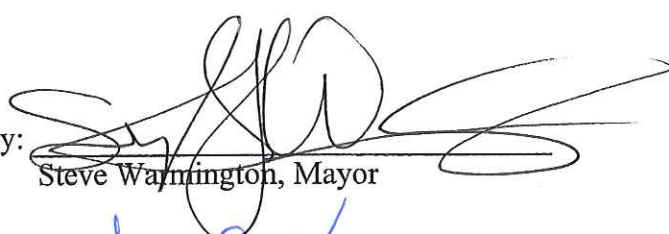
BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Adopted this 25th day of June, 2002.

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

Nays: None

Absent: None

By: 

Steve Warmington, Mayor

Attest: 

Gail A. Kunderger, Clerk

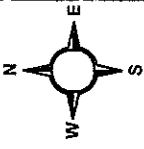
CERTIFICATION (Vacation of partial alley in Block 397)

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 June 25, 2002.



Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

**City of Muskegon
Planning Commission
Case # 2002-22**



 = Subject Portion of Alley
 = Notice Area

