

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 25, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

ROLL CALL:

HONORS AND AWARDS

CONSENT AGENDA:

- a. Approval of Minutes. CITY CLERK
- b. Dock Boxes for Hartshorn Marina LEISURE SERVICES
- c. Alexander Trail Property Purchase LEISURE SERVICES
- d. Purchase of 72" Riding Lawn Mower for Cemetery LEISURE SERVICES
- e. First Reading - General Employees' Pension Ordinance Change
FINANCE
- f. Aggregates, Highway Maintenance Materials and Concrete.
DEPARTMENT OF PUBLIC WORKS
- g. Budgeted Vehicle Replacement DEPARTMENT OF PUBLIC WORKS
- h. Video Systems DEPARTMENT OF PUBLIC WORKS
- i. City Commission Vision, Value and Mission Statements, Prioritized
List of Projects and Programs for 2003 - 2004 ASSISTANT CITY
MANAGER
- j. Consideration of Bids - Davis St., Laketon Ave.to Southern Ave.
ENGINEERING

PUBLIC HEARINGS:

- a. Request for an Industrial Facilities Exemption Certificate - Adac
Plastics, Inc. PLANNING AND ECONOMIC DEVELOPMENT
- b. 2003-2004 CDBG/HOME Recommendation and City Commission
Preliminary Decision COMMUNITY AND NEIGHBORHOOD SERVICES
- c. Create a Special Assessment District - Thompson, Edgewater to
Plum ENGINEERING
- d. Create a Special Assessment District - Moon, Lakeshore to
Harrison. ENGINEERING

- e. Create a Special Assessment District – Mann, Lakeshore to Harrison
ENGINEERING
- f. Create a Special Assessment District – Clifford, Lakeshore to Miner
ENGINEERING
- g. Create a Special Assessment District – Edgewater, Thompson to Wilcox ENGINEERING

NEW BUSINESS:

- a. Resolution of Commitment and Cooperation from the City of Muskegon for the Mainstreet Program. PLANNING & ECONOMIC DEVELOPMENT
- b. Sale of Buildable Vacant Lot on Muskegon Ave.- 354 W. Muskegon
PLANNING & ECONOMIC DEVELOPMENT
- c. Sale of Buildable Vacant Lot on Muskegon Ave. – 362 W. Muskegon PLANNING & ECONOMIC DEVELOPMENT
- d. First Reading - Rezoning Request for Property Located at 808 Oak Ave. (NE Corner of Oak Ave. and Getty St.) PLANNING AND ECONOMIC DEVELOPMENT
- e. Norlight Permit Under METRO Act ENGINEERING AND ADMINISTRATION
- f. Concurrence with the Housing Board of Appeals Notice and Order to Demolish INSPECTIONS
 - 1. 1968 Leahy (Garage only)
 - 2. 465 Adams (Garage only)
 - 3. 1129 Sanford
 - 4. 477 McLaughlin
 - 5. 1166 W. Grand
- g. Cross-Lake Ferry Architectural & Engineering Services CITY MANAGER

2003-26 a)

Date: March 25, 2003
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, March 10, 2003; and the Regular Commission Meeting that was held on Tuesday, March 11, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 25, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, March 25, 2003.

Mayor Warmington opened the meeting with a prayer from Pastor Miriam Bush of Covenant Community 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 John Schrier and City Clerk Gail Kunding

HONORS AND AWARDS

Mayor Warmington presented a Certificate of Recognition to Coach Mike Ayers and the Muskegon Community College Hawk Hockey Team.

2003-26 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, March 10, 2003; and the Regular Commission Meeting that was held on Tuesday, March 11, 2003.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

b. Dock Boxes for Hartshorn Marina LEISURE SERVICES

SUMMARY OF REQUEST: To approve the purchase of 40 dock boxes at Hartshorn Marina to replace the old boxes that were deteriorating.

FINANCIAL IMPACT: The total cost of the dock boxes, plus shipping is \$9,060.

BUDGET ACTION REQUIRED: To be paid for out of the Marina Fund.

STAFF RECOMMENDATION: Approve.

c. Alexander Trail Property Purchase LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the purchase of property from Dave Alexander for construction of the trail behind the filtration plant.

FINANCIAL IMPACT: \$5,000 to come from the Golf Course Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve.

d. Purchase of 72" Riding Lawn Mower for Cemetery LEISURE SERVICES

SUMMARY OF REQUEST: To purchase a new 72" riding mower for the Cemetery Department to replace an older mower.

FINANCIAL IMPACT: \$12,675.57

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

**e. First Reading - General Employees' Pension Ordinance Change
FINANCE**

SUMMARY OF REQUEST: Previously, the City Commission approved a set of 2003 salary and benefit changes for non-union employees. One of the changes was to allow retiring employees a new benefit option of receiving a lump-sum payment of their contributions of retirement. This payment is actuarially neutral to the plan since the lump-sum payment is offset by lower monthly benefit payments to the retiree. The benefit is the same as one currently available to police and fire retirees. This request is to modify the General Employees' pension ordinance to reflect this previously approved change.

FINANCIAL IMPACT: Cost of ordinance publication.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the pension ordinance amendment.

**f. Aggregates, Highway Maintenance Materials and Concrete.
DEPARTMENT OF PUBLIC WORKS**

STAFF RECOMMENDATION: Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc.

Award bid to supply bituminous asphalt product to Asphalt Paving, Inc.

Award bid to supply sylvax-patching material to Rieth-Riley Construction Co., Inc.

Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company.

Award bid to supply road slag to Verplank Trucking Company.

Award bid to supply concrete to Consumers Concrete Inc., contingent upon product availability, timely deliveries, and prices as quoted.

FINANCIAL IMPACT: \$151,394 based on 2002 quantities at 2003 quotes.

BUDGET ACTION REQUIRED: None; monies appropriated in several budgets.

STAFF RECOMMENDATION: Approve.

g. Budgeted Vehicle Replacement DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one sewer inspection truck.

FINANCIAL IMPACT: Total Cost \$99,214.75.

BUDGET ACTION REQUIRED: None. There was \$176,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one sewer inspection truck from UEMSI.

h. Video Systems DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase new video systems for police cruisers.

FINANCIAL IMPACT: Cost per unit \$5825.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of new video systems for police cruisers.

Motion by Vice Mayor Buie, second by Commissioner Schweifler to approve the Consent Agenda as read, minus items i and j

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

Nays: None

2003-27 ITEMS REMOVED FROM CONSENT AGENDA

i. City Commission Vision, Value and Mission Statements, Prioritized List of Projects and Programs for 2003 - 2004 ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To approve the document outlining the Commission Vision, Value and Mission Statements. Also, to approve the Prioritized List of Projects/Programs as identified by the Commission at their February 20, 2003, Strategic Planning session.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Recommend approval.

Motion by Commissioner Spataro, second by Commissioner Larson to approve the Commission Vision, Value and Mission Statements and the Prioritized List of Projects/Programs for 2003-2004.

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

Nays: None

MOTION PASSED

j. Consideration of Bids - Davis St., Laketon Ave. to Southern Ave. ENGINEERING

SUMMARY OF REQUEST: The Davis St., Laketon Ave. to Southern Ave. contract be awarded to Asphalt Paving, Inc. of Muskegon, MI. Asphalt Paving inc. was the lowest, responsible bidder with a bid price of \$119,021.32.

FINANCIAL IMPACT: The construction cost of \$119,021.32 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Asphalt Paving, Inc.

Motion by Commissioner Larson, second by Commissioner Spataro to approve the contract for Davis St., Laketon Ave. to Southern Ave. to Asphalt Paving of Muskegon MI.

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

Nays: None

MOTION PASSED

2003-28 PUBLIC HEARINGS:

a. Request for an Industrial Facilities Exemption Certificate - Adac Plastics, Inc. PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Adac Plastics, Inc., 1801 Keating Ave., Muskegon, Michigan, has requested the issuance of an Industrial Facilities Exemption Certificate. The total capital investment for this project is \$2,876,776 in personal property and will create 25 new employment opportunities. This request qualifies Adac Plastics, inc. for a 9-year exemption personal property. Adac Plastics current workforce is 235.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of nine (9) years for personal property.

The Public Hearing was opened at 5:53pm to hear any comments from the public. No comments were heard.

Motion by Commissioner Larson, second by Commissioner Gawron to close the Public Hearing at 5:56pm and to approve the resolution granting Adac Plastics, Inc. an Industrial Facilities Exemption Certificate for a term of nine (9) years for personal property.

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

Nays: None

MOTION PASSED

b. 2003-2004 CDBG/HOME Recommendation and City Commission Preliminary Decision COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing concerning the CDBG/HOME 2003-2004 recommendation, submitted by both the administration and the Citizen's District Council.

The public hearing is to obtain comments from the public in reference to the 2003-2004 CDBG/HOME allocation funding which is designated to be \$1,217,000 and \$340,111 respectively, excluding any program income and reprogrammed funding.

The Commission is also asked to make their preliminary decision on what items should be funded and at what amounts.

The City Commission will be asked to make their final decision on April 8, 2003.

FINANCIAL IMPACT: The 2003-2004 allocations will be based on the Commission decision.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To conduct the public hearing and to make preliminary allocation decision.

COMMITTEE RECOMMENDATION: The Citizen's District Council recommendations are

included with the recommendations submitted by the administration.

The Public Hearing was opened at 5:57pm to hear comments from the public. No comments were heard.

Motion by Commissioner Spataro, second by Vice Mayor Buie to close the Public Hearing at 6:02pm and make the preliminary allocation decision on the 2003-2004 CDBG/HOME.

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

Nays: None

MOTION PASSED

c. Create a Special Assessment District - Thompson, Edgewater to Plum ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Thompson St., Edgewater to Plum, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing was opened at 6:03 to hear comments from the public. Comments in opposition to the special assessment were heard from Colleen Thorn of 3263 Thompson, Rick Pesta of 3235 Edgewater, Sue Wilkinson of 3317 Thompson, Cindy DeVries of 1867 Cherry St., Amy Roland of 3235 Edgewater and Sue Boland of 3269 Thompson.

Motion by Commission Spataro, second by Commissioner Larson to close the Public Hearing at 6:35 and to not create a special assessment district for Thompson, Edgewater to Plum.

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

Nays: None

MOTION PASSES

*Commissioner Spataro requested staff to see if the street funding money can be allocated to another street.

d. Create a Special Assessment District - Moon, Lakeshore to Harrison. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Moon St., Lakeshore to Harrison project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing was opened at 6:36pm to hear comments from the public. No comments were heard.

Motion by Commissioner Larson, second by Commissioner Schweifler to close the Public Hearing at 6:58pm and to approve the special assessment of the Moon St., Lakeshore to Harrison project and to create the special assessment district and appoint two Commissioners to the Board of Assessors, and to ask the Engineer to look into creating a roll curb and check into the price of cement versus asphalt. Mayor Warmington and Commissioner Larson are appointed to the Board of Assessors.

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

Nays: None

MOTION PASSED

**e. Create a Special Assessment District - Mann, Lakeshore to Harrison
ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Mann St., Lakeshore to Harrison project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing was opened at 6:47pm to hear comments from the public. Mayor Warmington owns property on Mann and asked to be excused due to conflict of interest. Comments in favor were heard from Charles Hall of 2074 Mann St., and Joe Booker of 1987 - 1991 Lakeshore Dr.

Motion by Commissioner Shepherd, second by Commissioner Schweifler to close the Public Hearing at 6:58pm and to approve the special assessment of the Mann St., Lakeshore to Harrison project and to create the special assessment district and appoint Commissioners Gawron and Schweifler to the Board of Assessors.

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

Nays: None

Excused: Warmington

MOTION PASSED

**f. Create a Special Assessment District - Clifford, Lakeshore to Miner
ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Clifford, Lakeshore to Miner project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing was opened at 6:59 to hear comments from the public. Comments in favor were heard from James Trombley of 2223 Clifford, and Edward Dion of 2226 Clifford.

Motion by Commissioner Schweifler, second by Commissioner Spataro to close the public hearing at 7:10pm and to approve the special assessment of the Clifford, Lakeshore to Miner project, and to create the special assessment district and appoint Commissioner Schweifler and Mayor Warmington to the Board of Assessors.

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

Nays: None

MOTION PASSED

g. Create a Special Assessment District - Edgewater, Thompson to Wilcox ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Edgewater, Thompson to Wilcox project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing was opened at 7:11pm to hear comments from the public. A comment in opposition was heard from Steve Schiller of 1828 Edgewater.

Motion by Commissioner Schweifler, second by Commissioner Spataro to close the Public Hearing at 7:15pm.

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

Nays: None

MOTION PASSED

Motion by Commissioner Larson, second by Commissioner Schweifler to not create a special assessment of the Edgewater, Thompson to Wilcox project.

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

Nays: None

MOTION PASSED

2003-29 NEW BUSINESS:

a. Resolution of Commitment and Cooperation from the City of Muskegon for the Mainstreet Program. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Neighborhood Investment Corporation (NIC) currently has a local Mainstreet designation. Funding has come from both the Downtown Arts and Entertainment District and NIC. The opportunity is now available to apply for a State Mainstreet designation. This would allow for direct training and other benefits from the National Trust for Historic Preservation Mainstreet program. NIC will be making application to the State for this designation. The resolution lends the commitment and cooperation of the City of Muskegon in this effort.

FINANCIAL IMPACT: No direct impact, although the City would commit to in-kind services through the Planning and Economic Development staff (e.g., mapping, printing).

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Schweifler, second by Commissioner Shepherd to approve the resolution of the commitment and cooperation of the City of Muskegon for the Mainstreet Program.

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

Nays: None

MOTION PASSED

b. Sale of Buildable Vacant Lot on Muskegon Ave.- 354 W. Muskegon PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 354 W. Muskegon (designated as parcel number 24-205-336-0012-00) described as LOT 12 & THE NORTHERLY 13.75' OF LOT 11, BLOCK 336, OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON to Theresa L. Moyer, of 2183 Larue Street, Muskegon, MI 49441. The lot is 79.5 X 132 ft. and is being offered to Theresa L. Moyer for \$1,000. She plans to move a home from 341 Bauer to this vacant land. The value of the lot was set at \$1,000 by the Historic Home Infill Program.

FINANCIAL IMPACT: The sale of this lot for the moving of a home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Spataro, second by Vice Mayor Buie to approve the resolution for sale of vacant buildable lot at 354 W. Muskegon to Theresa L. Moyer of 2183 Larue St., Muskegon, MI 49441, and authorize both the Mayor and Clerk to sign said resolution.

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

Nays: None

MOTION PASSED

**c. Sale of Buildable Vacant Lot on Muskegon Ave. - 362 W. Muskegon
PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 362 W. Muskegon (designated as parcel number 24-205-336-0011-00) described as THE SOUTHERLY 52.25' OF LOT 11 & THE NORTHERLY 27.5' OF LOT 10, BLOCK 336, OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON to Millie Ortiz, and husband Kenneth Richardson, of 1158 Walnut Grove, Muskegon, MI 49441. The lot is 79.5 X 132 ft. and is being offered to Millie Ortiz and husband Kenneth Richardson for \$1,000. She plans to move a home from 1077 Pine Street to this vacant land. The value of the lot was set at \$1,000 by the Historic Home Infill Program.

FINANCIAL IMPACT: The sale of this lot for the moving of a home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the resolution for purchase of vacant buildable lot at 362 W. Muskegon to Millie Ortiz and husband Kenneth Richardson of 1158 Walnut Grove, Muskegon, MI 49441 for \$1,000, and to authorize the Mayor and Clerk to sign said resolution.

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

Nays: None

MOTION PASSED

d. First Reading - Rezoning Request for Property Located at 808 Oak Ave. (NE Corner of Oak Ave. and Getty St. PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 808 Oak Ave., at the NE corner of Oak Ave. and Getty St., from R-1, Single-Family Residential to RM-1, Low Density Multiple-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 3/13 meeting. The vote was unanimous.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Planning Commission and deny the request for rezoning property located at 808 Oak Ave. from R-1, Single-Family to RM-1, Low Density Multiple-Family Residential.

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

Nays: None

MOTION PASSED

e. Norlight Permit Under METRO Act ENGINEERING AND ADMINISTRATION

SUMMARY OF REQUEST: Authorize the Mayor to sign the permit application submitted by Norlight Telecommunications. Submittal of the permit application is in response to the City opting into the newly adopted METRO Act. It is further requested that approval be conditioned upon Norlight retaining active satisfactory liability insurance consistent with the terms of the Act and City policy.

FINANCIAL IMPACT: None. The City will no longer be able to collect annual permit fee, but rather it will receive its share of payments made to the State consistent with the terms of the Act.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the permit and sign the documents.

Motion by Vice Mayor Buie, second by Commissioner Schweifler to approve the permit application submitted by Norlight Telecommunications conditioned upon Norlight retaining active satisfactory liability insurance consistent with the terms of the METRO Act and City policy and have the Mayor sign.

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

Nays: None

MOTION PASSED

f. Concurrence with the Housing Board of Appeals Notice and Order to Demolish INSPECTIONS

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structures located at **1968 Leahy (Garage), 465 Adams (Garage), 1129 Sanford, 477 McLaughlin, and 1166 W. Grand** are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days.

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

1. 1968 Leahy (Garage only)

CASE # & PROJECT ADDRESS: 02-068 - 1968 Leahy (Garage only)

LOCATION AND OWNERSHIP: This structure is located on Leahy between Holbrook and Keating. It is owned by Idell Sheard.

STAFF CORRESPONDENCE: This structure was written as a dangerous building when it was reported open 9/11/02. A notice and order to repair or remove was issued 9/26/02. On 12/5/02 the HBA declared the garage dangerous and substandard. Mr. Sheard was at that meeting and stated he would demolish the garage. As of this date no demolition permit has been pulled.

OWNER CONTACT: None

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

BUDGET ACTION REQUIRED: None

SEV: \$24,400

ESTIMATED COST OF REPAIRS: \$1,500

STAFF RECOMMENDATION: To concur with the Housing board of Appeals decision to demolish.

2. 465 Adams (Garage only)

Due to an error in notification of the owner, this case is being brought back to you for consideration.

CASE # & PROJECT ADDRESS: #02-055-465 Adams (Garage)

LOCATION AND OWNERSHIP: This structure is located on Adams between Marshall and Wood Street. It is owned by Timothy Hatcher.

STAFF CORRESPONDENCE: This structure was written as a dangerous building when it was reported open 9/11/02. A Notice and Order to repair or remove, was issued 9/26/02. On 11/7/02 the HBA declared the garage dangerous and substandard. There has been no contact from the current owner.

OWNER CONTACT: None

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

BUDGET ACTION REQUIRED: None

SEV: \$1,500

ESTIMATED COST OF REPAIRS: \$3,000

STAFF RECOMMENDATION: To concur with the Housing board of Appeals decision to demolish.

3. 1129 Sanford

Staff has requested to have 1129 Sanford removed from the Agenda and have tabled until a time decided on by discretion of Department Head.

4. 477 McLaughlin

CASE # & PROJECT ADDRESS: 02-40 - 477 McLaughlin

LOCATION AND OWNERSHIP: This structure is located on McLaughlin between Williams and Chestnut. It is owned by Judy Irish.

STAFF CORRESPONDENCE: This structure was abandoned and vacant for more than six months. A dangerous building inspection was conducted 8/7/02. On 9/11/02 a notice and order to repair or demolish was issued. The City has had the structure boarded three times. The property was sold at a state auction in September 2002 and was purchased by Judy Irish who lives in Ravenna, MI. Her intentions were to rehab the house and use it as a rental, but after seeing the extent of required repairs, she decided not to put that much money into the house. She tried to sell it, but couldn't. An interior inspection was conducted on 12/6/02 and the HBA ordered it demolished on 2/6/03. The owner was at the meeting, but there has been no further contact.

OWNER CONTACT: The new owner brought proof of purchase in to Inspection Department October 2002 and has cooperated with staff on allowing access for interior inspection.

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

BUDGET ACTION REQUIRED: None

SEV: \$14,300 (2003)

ESTIMATED COST OF REPAIRS: \$20,000

STAFF RECOMMENDATION: To concur with the Housing board of Appeals decision to demolish.

4, 1166 W. Grand

Staff has requested to have 1169 W. Grand removed from the Agenda and have tabled until at time decided on by discretion of Department Head.

Motion by Commissioner Schweifler, second by Commissioner Larson to table 1129 Sanford and 1166 W. Grand from the Agenda and have these items brought back to the Commission at the discretion of the Department Head.

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

Nays: None

MOTION PASSED

Motion by Commissioner Schweifler, second by Commissioner Larson to concur with findings of the Housing Board of Appeals decision that the structures at 465 Adams (Garage only), 477 McLaughlin and 1968 Leahy (Garage only) be demolished and direct administration to obtain bids for the demolitions and have the Mayor and City Clerk execute a contract for demolitions with the lowest responsible bidder.

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

Nays: None

MOTION PASSED

**g. Cross-Lake Ferry Architectural & Engineering Services CITY
MANAGER**

SUMMARY OF REQUEST: To approve an agreement with Hooker/DeJong Architects & Engineers for architectural and engineering services for the Cross-lake Ferry Project.

FINANCIAL IMPACT: The cost is estimated at \$77,000 or less based on the terms of the agreement and the estimated capital cost of the project.

BUDGET ACTION REQUIRED: Funds will come from the City's Revolving Loan Fund for this project.

STAFF RECOMMENDATION: To approve the agreement with Hooker/DeJong Architects & Engineers.

Motion by Commissioner Schweifler, second by Vice Mayor Buie to approve the agreement with Hooker/DeJong Architects & Engineers contingent upon approval of the City Attorney on the terms and conditions of the agreement.

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

Nays: None

Absent: Shepherd

MOTION PASSED

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:57pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail Kunding". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Gail Kunding, MMC

2003-26 b)

Date: March 17, 2003
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen 
RE: Dock Boxes for Hartshorn Marina

SUMMARY OF REQUEST:

To approve the purchase of 40 dock boxes at Hartshorn Marina to replace the old boxes that were deteriorating.

FINANCIAL IMPACT:

The total cost of the dock boxes, plus shipping is \$9,060.

BUDGET ACTION REQUIRED:

To be paid for out of the marina fund.

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

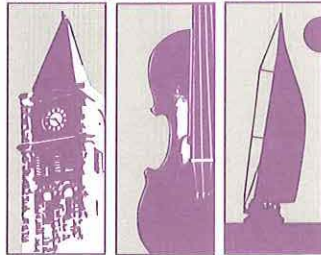
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: March 17, 2003
To: Honorable Mayor and City Commissioners
From: Melissa Jacobsen 
Re: Dock Boxes for Hartshorn Marina

I am requesting your approval for the purchase of 40 dock boxes at Hartshorn Marina. The old ones were removed last year for construction, and due to their age need to be replaced. The bottoms have rusted out, and they are basically unusable.

The bids are as follows:

Dock Boxes Unlimited	\$8,760
Noron Industries	\$9,060
Cheyenne Mfg.	\$9,713

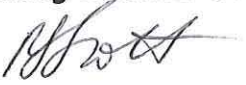
I am requesting the dock boxes be purchased from Noron Industries (even though they are the second low bidder) because that is where the dock boxes for the East side of the marina were purchased last year. It would be nice to have them all the same. The difference between them and the low bidder is \$300.

Thank you for your consideration.

Dock Boxes for Hartshorn Marina
BID PROPOSAL
March 19, 2003

ITEM	Noron Industries, Inc 650 Hoague Rd. Manistee, MI 49660	Cheyenne Mfg Inc PO Box 25 Brush Prairie, WA 98606	Dock Boxes Unlimited Inc. 2307 Creekside Circle North Irving, TX 75063
40 Dock Boxes			
LUMP SUM PRICE OF	\$9,060.00	\$9,712.83	\$8,760.00

2003-26 c)

Date: March 17, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Alexander Property Purchase

SUMMARY OF REQUEST:

To authorize the purchase of property from Dave Alexander for construction of the trail behind the filtration plant

FINANCIAL IMPACT:

\$5,000 to come from the Golf Course Fund

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

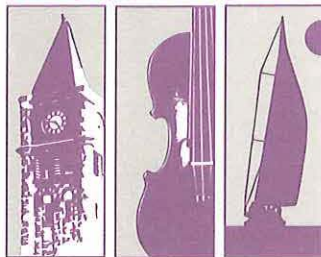
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: March 17, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Alexander Property Purchase

In order to complete the trail from Beachwood Park to Lakeshore Dr. behind the filtration plant, property needs to be purchased from Dave Alexander. Staff has met with Mr. Alexander and we have agreed to a price and the conditions of the purchase. The draft agreement is attached.

As a part of the agreement, the city will be doing some landscaping on the property that we purchase and we will sign the property to try to keep people from entering the private property. The Alexander's do not want a fence put up. The purchase is necessary as the State denied our request to put the trail within the existing easement and we could not go onto the Filtration plant property because of their future improvements.

I am requesting that you authorize staff to complete the purchase of the property so that the trail can be completed this spring. Funding for the purchase will come from the Golf Course fund.

Thank you for your consideration.

PARMENTER O'TOOLE

Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1821 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

March 26, 2003

Thomas H. Thornhill
Lague, Newman & Irish
600 Terrace Plaza
P.O. Box 389
Muskegon, MI 49443-0389

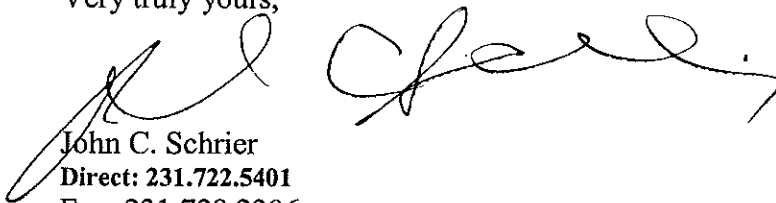
Re: David and Margaret Alexander and City of Muskegon

Dear Mr. Thornhill:

Enclosed please find fully executed Real Estate Purchase Agreement involving the above-referenced parties.

Someone on behalf of the City of Muskegon will be contacting Mr. Alexander in the near future to schedule closing. If you have any questions or concerns, please feel free to contact me.

Very truly yours,



John C. Schrier

Direct: 231.722.5401

Fax: 231.728.2206

E-Mail Address: jcs@parmenterlaw.com

Enclosure

c: Ric Scott
✓ Gail A. Kunding, MMC
Deborah Steenhagen

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made MARCH 25, 2003, by and between **David Alexander and Margaret C. Alexander**, husband and wife, of 167 W. Dale, Muskegon, Michigan (ASeller), and the **CITY OF MUSKEGON**, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon ("Premises") specifically described as:

See attached Exhibit A

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Five Thousand and no/100 Dollars (\$5,000.00) payable in cash or by City check to Seller at closing.

3. **Easement.** Buyer and Seller agree that Seller shall retain an easement across the premises, at a mutually convenient location, for the installation of underground utilities to service a house to be located at a mutually agreeable location.

4. **Taxes and Assessments.** All taxes and assessments, which are due and payable at the time of closing, shall be paid by Seller prior to or at closing. All taxes and special assessments which become due and payable after closing shall be the responsibility of Buyer; **provided**, because the Premises is part of a larger property, the parties agree that Seller shall pay in full all taxes due in 2002, including those billed on December 1, 2002.

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

6. **Personal Property and Fixtures.** All personal property and fixtures, which Seller wishes to remove, shall be removed on or before closing. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

7. **Survey.** Buyer has obtained a survey and is satisfied with same, provided no change has been made to the property since the date of the survey.

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

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

b. Seller has not disposed of any hazardous or toxic substances on or in the Premises, but the premises may have been characterized as part of a "facility" under Michigan law. The Premises may constitute a facility because of historic fill materials in or in the vicinity of the Premises. Seller is unaware of any plume of contaminated groundwater in or affecting the Premises.

c. To the best of Seller's knowledge, the Premises does not include any "underground storage tank," as that term is defined by state or federal law.

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

9. **Condition of Premises and Examination by Buyer.** SUBJECT TO THE ABOVE REPRESENTATIONS, NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, TAKING INTO ACCOUNT THE REPRESENTATIONS OF SELLER.

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

11. **Closing.** The closing date of this sale shall be on or before May 2, 2003 ("closing"). The closing shall be conducted at Transnation Title Company, Muskegon, Michigan. If necessary, the parties shall execute an IRS closing report at the closing.

12. **Delivery of Deed.** Seller shall execute and deliver a warranty deed to Buyer at closing for the Premises.

13. **Affidavit of Title.** At closing, Seller shall deliver to Buyer an executed Affidavit of Title.

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

15. **Costs.** Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear and convey marketable title to the extent required by this Agreement or by the title insurance company. Buyer shall pay for the cost of recording the warranty deed to be delivered at closing and the title company fees for closing.

16. **City Post-Closing Obligations.** City is acquiring the property to be used in conjunction with a bicycle path going through a residential area. As such, City agrees to the following:

- a. **Improvements of Bike Path.** The City will make the bike path improvements consistent with the plans designed by MC Smith dated November 5, 2002, which is attached as Exhibit B. No improvements will be made prior to the issuance of necessary Michigan Department of Environmental Quality permits.
- b. **Improvements of Surrounding Areas.** As to the remainder of the property acquired from Seller, City will plant dune grass, vegetation, evergreen shrubs, and post signs attempting to encourage separation of the users of the bike path from the residences pursuant to the plan attached as Exhibit C.
- c. **Maintenance.** City will maintain the bike path. City will maintain the remainder of the property acquired such that the vegetation, excluding shrubs and trees, will be maintained at no higher than three (3) feet.

17. **General Provisions.**

- a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.
- b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.
- c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.
- d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.
- e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their heirs, executors, administrators, officers, directors, employees, agents, representatives, successors, and assigns.
- f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

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

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

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

WITNESSES:

SELLER:

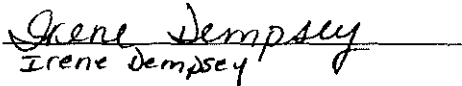


David Alexander

TID Number: 681-74-8360

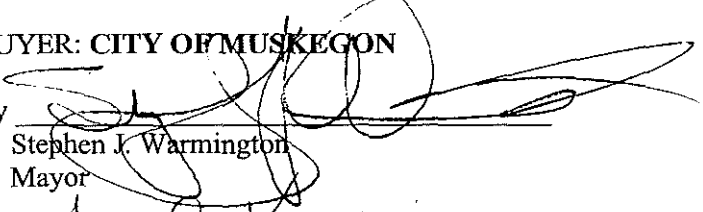


Margaret C. Alexander

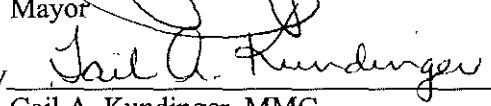

Irene Dempsey

BUYER: CITY OF MUSKEGON

By


Stephen J. Warmington
Mayor

By


Gail A. Kunder, MMC
Clerk

Drafted by and after recording return to:
PARMENTER O'TOOLE
John C. Schrier
175 W. Apple Ave
Muskegon, Michigan 49443-0786

EXHIBIT A
Property Description

That part of Outlot "A" lying within the recorded plat of Lake Michigan Park Subdivision No. 1, as recorded in Liber 9 of Plats, Page 40, City of Muskegon, Muskegon County, Michigan, described as: Beginning at the Southwest corner of said Outlot "A"; thence North $13^{\circ}56'$ West along the Westerly line of said Outlot "A" 35.18 feet; thence South $68^{\circ}29'33''$ East to the South line of said Outlot "A" 93.14 feet; thence West along said South line 78.19 feet to the point of beginning; subject to the reservation by Grantors of an easement upon, over and under the above described premises for the placement, maintenance, repair and replacement of public and private utilities to serve Grantors' adjoining property.

EXHIBIT B
MC Smith Bike Path Design

EXHIBIT C
Site Plan for Surrounding Area

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made March 25, 2003, by and between **David Alexander** and Margaret C. Alexander, husband and wife, of 167 W. Dale, Muskegon, Michigan (☛ Seller ☚), and the **CITY OF MUSKEGON**, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon ("Premises") specifically described as:

See attached Exhibit A

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Five Thousand and no/100 Dollars (\$5,000.00) payable in cash or by City check to Seller at closing.

3. **Easement.** Buyer and Seller agree that Seller shall retain an easement across the premises, at a mutually convenient location, for the installation of underground utilities to service a house to be located at a mutually agreeable location.

4. **Taxes and Assessments.** All taxes and assessments, which are due and payable at the time of closing, shall be paid by Seller prior to or at closing. All taxes and special assessments which become due and payable after closing shall be the responsibility of Buyer; **provided**, because the Premises is part of a larger property, the parties agree that Seller shall pay in full all taxes due in 2002, including those billed on December 1, 2002.

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

6. **Personal Property and Fixtures.** All personal property and fixtures, which Seller wishes to remove, shall be removed on or before closing. Any personal property which is left on the Premises shall be the property of Buyer who may dispose of same.

7. **Survey.** Buyer has obtained a survey and is satisfied with same, provided no change has been made to the property since the date of the survey.

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

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

b. Seller has not disposed of any hazardous or toxic substances on or in the Premises, but the premises may have been characterized as part of a "facility" under Michigan law. The Premises may constitute a facility because of historic fill materials in or in the vicinity of the Premises. Seller is unaware of any plume of contaminated groundwater in or affecting the Premises.

c. To the best of Seller's knowledge, the Premises does not include any "underground storage tank," as that term is defined by state or federal law.

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

9. **Condition of Premises and Examination by Buyer.** SUBJECT TO THE ABOVE REPRESENTATIONS, NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, TAKING INTO ACCOUNT THE REPRESENTATIONS OF SELLER.

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

11. **Closing.** The closing date of this sale shall be on or before May 2, 2003 ("closing"). The closing shall be conducted at Transnation Title Company, Muskegon, Michigan. If necessary, the parties shall execute an IRS closing report at the closing.

12. **Delivery of Deed.** Seller shall execute and deliver a warranty deed to Buyer at closing for the Premises.

13. **Affidavit of Title.** At closing, Seller shall deliver to Buyer an executed Affidavit of Title.

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

15. **Costs.** Seller shall be responsible to pay the Michigan transfer tax in the amount required by law. Seller shall be responsible to pay for the recording of any instrument which must be recorded to clear and convey marketable title to the extent required by this Agreement or by the title insurance company. Buyer shall pay for the cost of recording the warranty deed to be delivered at closing and the title company fees for closing.

16. **City Post-Closing Obligations.** City is acquiring the property to be used in conjunction with a bicycle path going through a residential area. As such, City agrees to the following:

- a. **Improvements of Bike Path.** The City will make the bike path improvements consistent with the plans designed by MC Smith dated November 5, 2002, which is attached as Exhibit B. No improvements will be made prior to the issuance of necessary Michigan Department of Environmental Quality permits.
- b. **Improvements of Surrounding Areas.** As to the remainder of the property acquired from Seller, City will plant dune grass, vegetation, evergreen shrubs, and post signs attempting to encourage separation of the users of the bike path from the residences pursuant to the plan attached as Exhibit C.
- c. **Maintenance.** City will maintain the bike path. City will maintain the remainder of the property acquired such that the vegetation, excluding shrubs and trees, will be maintained at no higher than three (3) feet.

17. **General Provisions.**

- a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.
- b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.
- c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.
- d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.
- e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their heirs, executors, administrators, officers, directors, employees, agents, representatives, successors, and assigns.
- f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

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

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

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

WITNESSES:

SELLER:

David Alexander

TID Number: _____

Margaret C. Alexander

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

BUYER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington
Mayor

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

Drafted by and after recording return to:
PARMENTER O'TOOLE
John C. Schrier
175 W. Apple Ave
Muskegon, Michigan 49443-0786

EXHIBIT A
Property Description

That part of Outlot "A" lying within the recorded plat of Lake Michigan Park Subdivision No. 1, as recorded in Liber 9 of Plats, Page 40, City of Muskegon, Muskegon County, Michigan, described as: Beginning at the Southwest corner of said Outlot "A"; thence North $13^{\circ}56'$ West along the Westerly line of said Outlot "A" 35.18 feet; thence South $68^{\circ}29'33''$ East to the South line of said Outlot "A" 93.14 feet; thence West along said South line 78.19 feet to the point of beginning.

EXHIBIT B
MC Smith Bike Path Design

EXHIBIT C
Site Plan for Surrounding Area

Date	Drawn	Job Number
12/06/02	tdb	2900103

P.O. Box 410
Allendale, MI 49401

Phone (616) 895-7190
Fax (616) 895-7191



Scale 1" = 40'

= Concrete

D = Description dimension

M = Measured dimension

P = Platted dimension

● = Set iron stake

○ = Found iron stake

Description: That part of Outlot "A", lying within the recorded plat of Lake Michigan Park Subdivision No. 1, as recorded in Liber 9 of Plats, Page 40, City of Muskegon, Muskegon County, Michigan, described as: Beginning at the Southwest corner of said Outlot "A"; thence North $13^{\circ}56'$ West along the Westerly line of said Outlot "A" 35.18 feet; thence South $68^{\circ}29'33''$ East to the South line of said Outlot "A" 93.14 feet; thence West along said South line 78.19 feet to the Point of Beginning.

OUTLOT "A"

N $13^{\circ}56'$ W
181.72'

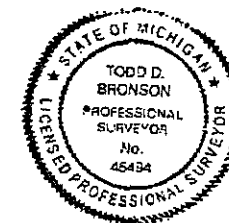
35.18'

S $68^{\circ}29'33''$ E
93.14'

78.19'

West 280.5'

SW Corner
Outlot "A"



By:

Todd D. Bronson
Licensed Professional Surveyor No. 45494

2003-26 d)

Date: March 18, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott *RS*
RE: 72" Lawn Mower Purchase

SUMMARY OF REQUEST:

To purchase a new 72" riding lawn mower for the Cemetery Department to replace an older mower

FINANCIAL IMPACT:

\$12,675.57

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

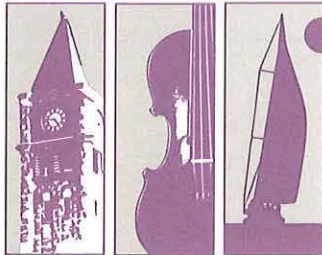
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

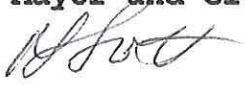
MUSKEGON



West Michigan's Shoreline City

Date: March 18, 2003

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: 72" Lawn Mower Purchase

The 72" riding lawn mower used in the Cemetery Department is old and in need of replacement. Staff has demoed several mowers, but would like to stay with the current mower, a 72" 345 Groundsmaster Toro riding mower. This is the mower that has been used in both the Parks and Cemeteries for many years.

Under the state-purchasing contract, we can purchase the mower for \$12,675.57. The other mower under consideration was the John Deere mower, but it would cost mower \$13,000.

I would ask that the commission authorize the purchase of the Toro Groundsmaster for \$12,675.57 from Spartan Distributors under the State-purchasing contract. Spartan Distributors is located in Sparta, Michigan. They are the sole source for Toro equipment on this side of the state.

Thank you for your consideration.

Date: March 25, 2003

2003-26 e)

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: General Employees' Pension Ordinance Change

SUMMARY OF REQUEST: Previously, the City Commission approved a set of 2003 salary and benefit changes for non-union employees. One of the changes was to allow retiring employees a new benefit option of receiving a lump-sum payment of their contributions at retirement. This payment is actuarially neutral to the plan since the lump-sum payment is offset by lower monthly benefit payments to the retiree. The benefit is the same as one currently available to police and fire retirees. This request is to modify the General Employees' pension ordinance to reflect this previously approved change.

FINANCIAL IMPACT: Cost of ordinance publication.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the attached pension ordinance amendment.

COMMITTEE RECOMMENDATION: There is no committee recommendation for this item.

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

March 6, 2003

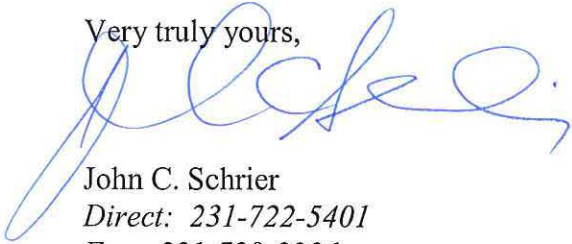
Mr. Timothy Paul
Finance Director
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, MI 49443-0536

Re: **City of Muskegon –
General Employees Retirement System**

Dear Mr. Paul:

Enclosed is a proposed Ordinance to present to the City Commission in two weeks in the above-referenced matter.

Very truly yours,



John C. Schrier
Direct: 231-722-5401
Fax: 231-728-2206
E-mail Address: jcs@parmenterlaw.com

jey

Enclosure

City of Muskegon
Muskegon County, Michigan

ORDINANCE NO. 2100

The City Commission of the City of Muskegon hereby ORDAINS:

Chapter 62 of the Code of Ordinances of the City of Muskegon concerning the General Employees Retirement System is amended, as follows:

1. Section 62-102 shall be amended to read, as follows:

Refund of Member's Accumulated Contributions:

(a) Except as otherwise provided in this ordinance, a person who ceases to be a member for any reason except retirement or death, prior to satisfying the age and service requirements for retirement provided in section 5.1, shall be paid his/her accumulated contributions upon written request filed with the Board of Trustees. Employees covered by the collective bargaining agreement between the City of Muskegon and the City of Muskegon Clerical/Technical Employees, who have not become vested, shall be entitled to interest on his/her contributions at the rate of 5% per year, if the employee withdraws the member's accumulated contributions.

(b) If a person dies and no pension becomes or will become payable by the retirement system on account of the death, the deceased person's accumulated contributions shall be paid to such person or persons as the deceased person shall have nominated by written designation duly executed and filed with the Board of Trustees. If there be no such designated person surviving the deceased person, the accumulated contributions shall be paid to the deceased person's estate.

(c) In the event a retirant and his option A or option B beneficiary, if any, die before they have been paid an aggregate amount to pension equal to his accumulated contributions standing to his credit in the reserve for employee contributions at the time of his retirement, the difference between his accumulated contributions and the aggregate amount of pension paid shall be paid to such person or persons as he shall have nominated by written designations duly executed and filed with the board. If there be no such designated person surviving the retirant and his option A or option B beneficiary such difference shall be paid to the legal representative of the last to die of the retirant and his option A or option B beneficiary.

(d) Payment of accumulated contributions, as provided in this section, may be made in a single sum or installments, according to such rules as the Board of Trustees may, from time-to-time, adopt.

2. Section 62-166 shall be amended to read as follows:

Optional Form of Payment:

Section 62-166. A retiring person may elect to be paid under one of the following optional forms of payment in lieu of the level straight life form of payment. The election must be in writing and filed with the board of trustees prior to the date retirement is effective. Payment will be made under the level straight life form of payment if a timely election of an optional form of payment is not made. The amount of pension under option A and option B shall be the actuarial equivalent of the amount of pension under the level straight life form of payment.

Option A—100% Survivor Pension: Under option A a retirant shall be paid a reduced pension for life with the provision that upon the retirant's death the reduced pension shall be continued throughout the future lifetime of and paid to such person, having an insurable interest in the retirant's life, as the retirant shall have nominated by written designation duly executed and filed with the board of trustees at the time of election of the optional form of payment.

Option B—50% Survivor Pension: Under option B a retirant shall be paid a reduced pension for life with the provision that upon the retirant's death one-half of the reduced pension shall be continued throughout the future lifetime of and paid to such person, having an insurable interest in the retirant's life, as the retirant shall have nominated by written designation duly executed and filed with the board of trustees at the time of election of the optional form of payment.

Option C—Social Security Coordinated Pension: Under option C a retirant shall be paid an increased pension to attainment of age sixty-five (65) years and a reduced pension thereafter. The increased pension paid to attainment of age sixty-five (65) years shall approximate the sum of the reduced pension payable thereafter and the retirant's estimated social security primary insurance amount.

Option D—Pension For Ten Years Certain and Life Thereafter: Under option E, a retirant shall receive a reduced pension payable throughout his life with the provision that if he dies before he has received one hundred twenty (120) monthly pension payments the payments shall be continued for the remainder of the period of one hundred twenty (120) months to such person or persons as the retirant shall have nominated by written designation duly executed and filed with the board of trustees. If there be no such person or persons surviving the said retirant such remaining monthly pension payments shall be paid to the retirant's legal representative.

Option E—Annuity Withdrawal for Non-Union Employees. Effective January 1, 2003, a non-union member, who retires pursuant to Section 5.1, Section 5.2 or Section 5.3 of the General Employees Retirement System Ordinance, may elect to be paid a refund of all or part of the accumulated contributions standing to the member's credit in the reserve for employee contributions at the effective date of retirement. A member who terminates

City employment with a pension, payable pursuant to Section 5.3 of the General Employees Retirement System Ordinance, may elect to be paid a refund of all or part of the member's accumulated contributions on the effective date of retirement. Provided, however, that any member who withdraws accumulated contributions prior to the effective date of retirement shall forfeit any right to a pension. Upon election of this refund provision, the retiree's straight life pension shall be reduced by an amount, which is actuarial equivalent to the refunded accumulated contributions. The actuarial equivalent amount shall be computed on the basis of the mortality table, adopted by the Board of Trustees, and the interest rate, published monthly by the Pension Benefit Guaranty Corporation for use in converting a series of monthly annuity payments into a lump sum value in effect at the date of retirement. The retiring member may elect, pursuant to Section 7.1, option (a) or (b) in conjunction with the refund provision of this paragraph.

This ordinance adopted:

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spatarc
Nays: None

Adoption Date: March 25, 2003

Effective Date: April 10, 2003

First Reading: March 25, 2003

Second Reading: _____

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, MMC
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 March, 2003, 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: March 25, 2003



Gail A. Kunding, MMC
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**

TO: ALL PERSONS INTERESTED

Please take notice that on March 25, 2003, the City Commission of the City of Muskegon adopted amendments to Appendix B of the Muskegon City Code concerning the General Employees Retirement System, summarized as follows:

1. Section 62-102 shall be amended to clarify payment methods on employee contributions for non-vested employees.
2. Section 62-166 shall be amended to permit a withdrawal of contributions by non-union employees with a corresponding decrease of monthly pension benefits.

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 (10) days from the date of this publication.

CITY OF MUSKEGON

Published March 31, 2003

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

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

AGENDA ITEM NO. 2003-268)

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: March 19, 2003
SUBJECT: Aggregates, Highway Maintenance Materials and Concrete

SUMMARY OF REQUEST:

Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer, Inc.

Award bid to supply bituminous asphalt product to Asphalt Paving, Inc.

Award bid to supply sylvax-patching material to Rieth-Riley Construction Co., Inc.

Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company.

Award bid to supply road slag to Verplank Trucking Company.

Award bid to supply concrete to Consumers Concrete Inc., contingent upon product availability, timely deliveries, and prices as quoted.

FINANCIAL IMPACT:

\$151,394 based on 2002 quantities at 2003 quotes.

BUDGET ACTION REQUIRED:

None; monies appropriated in several budgets.

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

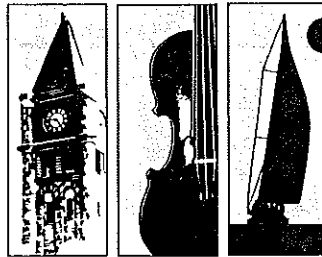
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

To: The City Commission Through The City Manager
From: Robert H. Kuhn, Public Works Director
Date: March 19, 2003
Subject: 2003 Aggregates, Highway Maintenance Materials, and Concrete

Requests for bids to provide road maintenance materials were solicited in *The Chronicle* and from known vendors. It is recommended that the vendor in bold print supply Public Works with product as needed in 2003. Moneys have been appropriated for these purchases.

85,000 gallons Calcium Chloride 38% (road brine) (\$0.39 in 2002)

Liquid Dustlayer, Inc.	\$0.39 per gallon, spread
Adams Trucking, Pentwater	\$0.60 per gallon, spread
Adams Trucking, Pentwater	\$0.55 per gallon, stored

15,000 gallons Calcium Chloride 32% (winter salting) (\$0.34 in 2002)

Liquid Dustlayer Inc.	\$0.32 per gallon, stored
------------------------------	----------------------------------

200 ton Bituminous Asphalt 4:12, Base (\$35.00 in 2002)

Asphalt Paving, Inc.	\$35.00 per ton, picked up
-----------------------------	-----------------------------------

1,000 ton Bituminous Asphalt 4:12, Top (\$35.00 in 2002)

Asphalt Paving, Inc.	\$35.00 per ton, picked up
-----------------------------	-----------------------------------

15,000 gallons Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion) (\$0.78 in 2002)

No bid

500 ton Sylvax Patching Material, UPM-CP-7 (\$58.75 in 2002)

Rieth-Riley Construction Co.	\$58.00 per ton, delivered
Asphalt Paving, Inc.	\$62.75 per ton, delivered

500 ton H1 Limestone Chip Blend (\$9.88 in 2001)

Verplank Trucking Co.	\$10.34 per ton, delivered
Stoneco Muskegon Dock	\$10.89 per ton, delivered
Stoneco Muskegon Dock	\$9.69 per ton, picked up

500 ton H2 Limestone Chip Blend (\$9.88 in 2001)

Verplank Trucking Co.	\$11.86 per ton, delivered
------------------------------	-----------------------------------

Department of Public Works & Utilities, 1350 E. Keating Street, Muskegon, MI 49441

www.shorelinecity.com

2003 Aggregates, Highway Maintenance Materials, and Concrete

Page 2

March 19, 2003

9,000 ton Road Slag 22-A Natural (\$8.65 in 2002)

Verplank Trucking Co.	\$8.94 per ton, delivered
Meekhof's Lakeside Dock	\$9.45 per ton, delivered
Stoneco Muskegon Dock	\$9.89, delivered

Concrete mix as needed (7 Sack Mix \$65.76* in 2002)

Consumers Concrete	\$64.00 per cubic yard, 7 Sack Mix, delivered*
High Grade Concrete Prod.	\$75.18 per cubic yard, 7 Sack Mix, delivered
Port City Redi-Mix	\$74.00 per cubic yard, 7 Sack Mix, delivered

*Contingent upon product availability, timely deliveries, and prices as quoted.

Year 2002 Purchases

Calcium Chloride 38% (road brine)

Year 2002 purchase	81,127 gal X \$0.39 = \$31,640
Year 2003 bid	81,127 gal X \$0.39 = \$31,640

Calcium Chloride 32% (road brine)

Year 2002 purchase	9,039 gal X \$0.34 = \$3,073
Year 2003 bid	9,039 gal X \$0.32 = \$2,892

200 ton Bituminous Asphalt 4:12, Base

Year 2002 grand total	154.73 ton = \$5,393
Year 2002 purchase	131.62 ton X \$35.00 = \$4,607
Year 2002 purchase	23.11 ton X \$34.00 = \$786
Year 2003 bid	154.73 ton X \$35.00 = \$5,416

1,000 ton Bituminous Asphalt 4:12, Top

Year 2002 purchase	419.36 ton X \$35.00 = \$14,678
Year 2003 bid	419.36 ton X \$35.00 = \$14,678

15,000 gallons Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion)

Year 2002 grand total	8,925 gal = \$4,261
Year 2002 purchase	0 gal X \$0.78
Year 2002 purchase	7,448.50 gal X \$0.471 = \$3,508 (from MCRC)
Year 2002 purchase	1,476.92 gal X \$0.510 = \$753 from MCRC)
Year 2003 bid	none; can purchased from Muskegon County Road Commission

2003 Aggregates, Highway Maintenance Materials, and Concrete
Page 3
March 19, 2003

500 ton Sylvax Patching Material, UPM-CP-7

Year 2002 purchase 201.12 ton X \$58.75 = \$11,816
Year 2003 bid 201.12 ton X \$58.00 = \$11,665

500 ton H1 Limestone Chip Blend

Year 2002 purchase 0 ton X \$9.88
Year 2003 bid 500 ton X \$10.34 = \$5,170

500 ton H2 Limestone Chip Blend

Year 2002 purchase 0 ton X \$9.88 = \$0
Year 2003 bid 500 ton X \$11.86 = \$5,930

9,000 ton Road Slag 22-A Natural

Year 2002 purchase 3,688.81 ton X \$8.65 = \$31,908
Year 2003 bid 3,688.81 ton X \$8.94 = \$32,978

Concrete mix as needed (various densities utilized; 7 Sack Mix predominate)

Year 2002 grand total 558.75 yd 7 Sack Mix = \$43,974
Year 2002 purchase 32.00 yd 7 Sack Mix X \$65.76* = \$2,104
Year 2002 purchase 2.00 yd 7 Sack Mix X \$76.00 = \$152.00
Year 2002 purchase 524.75 yd 7 Sack Mix X \$79.50 = \$41,718
Year 2003 bid 558.75 yd 7 Sack Mix X \$64.00* = \$35,760

*Contingent upon product availability, timely deliveries, and prices as quoted.

pmb

2003-26 g)

Date: 03/14/03
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase one sewer inspection truck.

FINANCIAL IMPACT: Total Cost \$99,214.75.

BUDGET ACTION REQUIRED: None. There was \$176,000 budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one sewer inspection truck from UEMSI.

Memorandum

To: Robert Kuhn
From: Brett Kraley
Date: 03/11/03
Re: Pipeline Inspection Truck

The Equipment Division has been evaluating pipeline inspection equipment for the past several months looking for a replacement for our 1993 model. The Sewer Department spent several days operating each of the four leading camera manufacturer's equipment. After comparing cost and functionality, we have decided on equipment from U.E.S.M.I.

The responsible bidders for this purchase were Pearpoint Inc. from Thousand Palms California, Aries Industries from Sussex Wisconsin, Cues from Orlando Florida, and U.E.S.M.I from Menomonee Wisconsin. (See Attachment)

I recommend that we purchase the truck from U.E.M.S.I as they have proven to have the highest quality equipment at the lowest cost to the city.

APPROVED: _____
DATE: _____

Equipment Purchase - 2003

[illegible]

[illegible]

2008-26 h)

Date: 03/17/03
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor DPW
RE: Video Systems

SUMMARY OF REQUEST: Approval to purchase new video systems for police cruisers.

FINANCIAL IMPACT: Cost per unit \$5825.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of new video systems for police cruisers.

Memorandum

To: Robert Kuhn
From: Brett Kraley
Date: 03/11/03
Re: Video Systems

The in-car video systems that we are currently using have begun costing us a great deal of time and money to keep operational. These systems have been in service for a full six years of continuous 24-hour operation and are in need of replacing. We would like to begin replacing these units with state-of-the-art Digital Eyewitness system from Kustom Signal. These units will interface with the radar and siren configuration we are currently using, saving us time and money.

The only responsible vendor for this purchase is Kustom Signal from Lenexa, Kansas. The Michigan State Police are switching over to the same systems and are currently in negotiations with Kustom Signal to get these systems on the State of Michigan Purchasing contract. I have a letter from Kustom Signal that guarantees us this pricing regardless of when we make our purchase. I expect we will need to purchase five new systems this year and the remaining fifteen as needed for the next two years.

Therefore, I recommend that we begin the process of replacing our current video systems with the Digital Eyewitness system from Kustom Signal.

[Faint, illegible signature]

MUSKEGON POLICE DEPARTMENT

Office of the Chief

MEMORANDUM

TO: Mr. Brett Kraley
Department of Public Works

FROM: Anthony L. Kleibecker
Chief of Police

DATE: March 18, 2003

SUBJECT: In-car Video Cameras

As you are well aware, we have been having increasing problems with the video systems in our police cruisers. It is apparent to us that the primary reason for this is the age of the systems. Most of the video systems are in the five-plus year range and quite simply, are wearing out.

We have previously discussed digital technology. During the Michigan Chief's Winter Conference, Kustom Systems had on display a digital system. I am aware that this system is being field tested in Westland and that the results to date have been positive. The digital system offers a number of features that would be of benefit to us. These include better video and audio quality, the ability to use a compact disc, and greater storage capacity. The ability to use a compact disc would aid us with weather-related problems and greatly reduce the cost of purchasing videotapes. From our research, this system seems to be the answer to our current technical problems and will save us money in the long run.

If you have any questions or would like to discuss this further, please don't hesitate to contact me. Thank you.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING 3/19/03

To: Honorable Mayor and City Commissioners 2003.27 i)
From: Lee J. Slaughter, Assistant City Manager
Date: March 19, 2003
Re: City Commission Vision, Value and Mission Statements
Prioritized List of Projects and Programs for 2003 - 2004

SUMMARY OF REQUEST

To approve the attached document outlining the Commission Vision, Value and Mission Statements. Also, to approve the attached Prioritized List of Projects/Programs as identified by the Commission at their February 20, 2003, Strategic Planning session.

FINANCIAL IMPACT

None at this time.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Recommend approval.

VISION

**MUSKEGON, THE PREMIER SHORELINE CITY OF
WEST MICHIGAN.**

VALUES

**PROVIDE ALL SERVICES IN A PROFESSIONAL,
ETHICAL, COURTEOUS AND COST-EFFECTIVE
MANNER.**

MISSION

**TO IMPROVE THE QUALITY OF LIFE FOR THE CITIZENS
OF MUSKEGON THROUGH STEWARDSHIP OF RESOURCES,
EXCELLENT SERVICE AND LEADERSHIP FOR THE
GREATER COMMUNITY.**

- **Take Leadership Responsibility for Improving Race Relations and Diversity.**
- **Foster Opportunities for City Youth.**
- **Promote Economic Stability, diverse Economic Growth, and Redevelopment.**
- **Sustain the Natural, Cultural, and Recreational Resources of the Community.**
- **Foster Strong Ties Among Governments & Community Agencies.**
- **Develop and Maintain City Infrastructure and Facilities.**
- **Maintain and Enhance the Neighborhoods of the City.**

**CITY COMMISSION
MAJOR PROJECTS/PROGRAMS
PRIORITIZED LIST (2003-2004)**

10 DOTS

- BLIGHT FIGHT

4 DOTS

- DOWNTOWN DEVELOPMENT
- CONSUMERS ENERGY PROPERTY DEVELOPMENT- SPORTS COMPLEX
- FISHERMAN'S LANDING SWAP
- FARMER'S MARKET –RELOCATION

3 DOTS

- IMAGE (PERCEIVED)
- SMARTZONE/MUSKEGON LAKEFRONT LLC
- CROSS LAKE FERRY
- WATER MAINS/SEWERS/STREETS
- MALL REDEVELOPMENT
- SEAWAY INDUSTRIAL PARK

2 DOTS

- YOUTH ISSUES
- USER-FRIENDLY CITY HALL & SERVICES (FRONT LINE STAFF DEVELOPMENT)
- EMPLOYEE RELATIONS
- SINGLE-FAMILY HOUSING DEV. – QUALITY HOUSING
- CITY/SCHOOL PARTNERSHIP – JOB DEV.

1 DOT

- SHORELINE DRIVE
- LAKESHORE PATHWAY
- WESTERN AVENUE REDEVELOPMENT

0 DOTS

- GIS IMAGING – INFORMATION SYSTEMS
- GETTY STREET DEVELOPMENT
- HARTSHORN MARINA IMPROVEMNT
- COMMUNITY RELATIONS/PUBLIC RELA.
- NEW CENTRAL FIRE STATION
- COMMUNITY CENTER(S)
- REGIONAL COOPERATION
- STREET/SPECIAL ASSESSMENT
- STORM WATER UTILITY SYSTEM
- PARKING RAMP
- HIST. RESTORATION PRESERVATION
- MUSKEGON AREA PLAN
- MARQUETTE & GETTY

Date: March 25, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Davis St. Laketon Ave. to Southern Ave.

SUMMARY OF REQUEST:

The Davis St., Laketon Ave. to Southern Ave. contract be awarded to Asphalt Paving, Inc. of Muskegon, MI. Asphalt Paving, Inc. was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$119,021.32.

FINANCIAL IMPACT:

The construction cost of \$119,021.32 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Asphalt Paving, Inc.

COMMITTEE RECOMMENDATION:

**H-1563, S-580 DAVIS ST., LAKETON AVE. TO SOUTHERN AVE.
BID TABULATION 03/18/03**

CONTRACTOR ADDRESS CITY/ST/ZIP				KAMMINGA & ROODVOETS 3435 BROADMOOR SE GRAND RAPIDS, MI 49512		ASPHALT PAVING, INC 100 E SHERMAN BLVD MUSKEGON, MI 49444		PRINCE BRIDGE & MARINE PO BOX 510 GRAND HAVEN, MI 49417	
	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	ADJUST MANHOLE CASTING	17	EACH	\$350.00	\$5,950.00	\$460.00	\$7,820.00	\$600.00	\$10,200.00
2	ADJUST WATER VALVE CASTING	6	EACH	\$330.00	\$1,980.00	\$450.00	\$2,700.00	\$175.00	\$1,050.00
3	AGGREGATE BASE COURSE, 22A 6" COMPACTED	151	SQ. YD.	\$6.00	\$906.00	\$6.00	\$906.00	\$12.00	\$1,812.00
4	AGGREGATE PREPRATORY WORK	15.91	STA.	\$1,000.00	\$15,910.00	\$350.00	\$5,568.50	\$950.00	\$15,114.50
5	BIT LEVELING MIX 3C @ 165#/ S YD	542	TON	\$43.00	\$23,306.00	\$40.19	\$21,782.98	\$42.25	\$22,899.50
6	BIT TOP MIX 4C POLYMER MOD. ASPHALT @ 220#/ S YD	757	TON	\$44.00	\$33,308.00	\$46.62	\$35,291.34	\$43.60	\$33,005.20
7	CONCRETE CURB AND GUTTER F-4 MOD.	10	LIN. FT.	\$15.00	\$150.00	\$30.00	\$300.00	\$25.00	\$250.00
8	CONCRETE SIDEWALK, 4"	325	SQ. FT.	\$2.25	\$731.25	\$3.00	\$975.00	\$3.50	\$1,137.50
9	MANHOLE CASTING E.J. # 1000 OR EQUAL	16	EACH	\$400.00	\$6,400.00	\$450.00	\$7,200.00	\$350.00	\$5,600.00
10	MANHOLE (DROP) 4' DIA. 10' TO 16' DEEP	1	EACH	\$2,000.00	\$2,000.00	\$2,400.00	\$2,400.00	\$2,500.00	\$2,500.00
11	PAVEMENT MARKING WATERBORNE 4" YELLOW	400	LIN.FT.	\$1.00	\$400.00	\$3.00	\$1,200.00	\$1.00	\$400.00
12	REMOVING BIT SURFACE 2.5" TO 3.5" BY COLD MILLING	15.91	STA.	\$650.00	\$10,341.50	\$655.00	\$10,421.05	\$625.00	\$9,943.75
13	REMOVING CONCRETE CURB	72	LIN.FT.	\$5.00	\$360.00	\$9.60	\$691.20	\$10.00	\$720.00
14	REMOVING CONCRETE CURB & GUTTER	10	LIN.FT.	\$5.00	\$50.00	\$9.80	\$98.00	\$15.00	\$150.00
15	REMOVING CONCRETE SIDEWALK	305	SQ.FT.	\$2.00	\$610.00	\$3.05	\$930.25	\$10.00	\$3,050.00
16	REMOVING SANITARY MANHOLE	1	EACH	\$300.00	\$300.00	\$600.00	\$600.00	\$1,500.00	\$1,500.00
17	SAND REFILL	400	C YD	\$7.00	\$2,800.00	\$7.25	\$2,900.00	\$8.00	\$3,200.00
18	SANITARY SEWER REPAIR SDR 35 10" PVC.	73	LIN. FT.	\$125.00	\$9,125.00	\$47.00	\$3,431.00	\$55.00	\$4,015.00
19	SANITARY SEWER REPAIR SDR 35 6" PVC	20	LIN. FT.	\$100.00	\$2,000.00	\$44.00	\$880.00	\$30.00	\$600.00
20	SANITARY SEWER REPAIR SDR 35 8" PVC.	41	LIN. FT.	\$105.00	\$4,305.00	\$46.00	\$1,886.00	\$35.00	\$1,435.00
21	SANITARY SEWER WYE 10"X6" SDR 35	1	EACH	\$225.00	\$225.00	\$195.00	\$195.00	\$370.00	\$370.00
22	SANITARY SEWER WYE 8"X6" SDR 35	1	EACH	\$215.00	\$215.00	\$195.00	\$195.00	\$310.00	\$310.00
23	TAFFIC CONTROL	1	LUMP		\$0.00	\$10,650.00	\$10,650.00	\$4,000.00	\$4,000.00
		TOTALS			\$121,372.75		\$119,021.32		\$123,262.45

Commission Meeting Date: March 25, 2003

2003-28a)

Date: March 17, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate – Adac Plastics, Inc.**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Adac Plastics, Inc., 1801 Keating Avenue, Muskegon, Michigan, has requested the issuance of an Industrial Facilities Exemption Certificate. The total capital investment for this project is \$2,876,776 in personal property and will create 25 new employment opportunities. This request qualifies Adac Plastics, Inc. for a 9-year exemption personal property. Adac Plastics current workforce is 235.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of nine (9) years for personal property.

COMMITTEE RECOMMENDATION:

None



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

ADAC PLASTICS, INC., an existing manufacturing company located at 1801 Keating Avenue, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. The company is a manufacturer of engineered products, primarily for the automotive industry. Due to the fact that the company is investing \$2,876,776, in personal property and is creating 25 new employment opportunities, it is eligible for a nine (9) year exemption for personal property.

Employment Information:

Racial Characteristics:		
White	155	(66%)
Minority	80	(34%)
Total	235	

Gender Characteristics:		
Male	85	(36%)
Female	150	(64%)
Total	235	

Total No. of Anticipated New Jobs: 25

Investment Information:

Real Property:	\$-0-
Personal Property	\$2,876,776
Total:	\$2,876,776

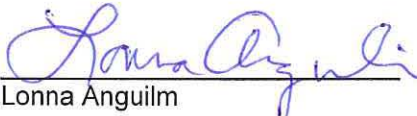
Property Tax Information (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	\$81,413	\$14,384
Value of Abatement	\$40,706	\$ 7,192
Total New Taxes Collected	\$40,706	\$ 7,192

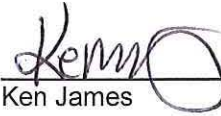
Income Tax Information: (Annual)

Total Additional Income Tax Generated: **\$6,240**

Company Requirements:

Adopted Affirmative Action Policy	☒ Yes	☐ No
Meeting w/ City Affirmative Action Director	☒ Yes	☐ No
Signed Tax Abatement Contract	☒ Yes	☐ No
Taxes Paid In Full	☒ Yes	☐ No
Zoning Conflicts	☐ Yes	☒ No


Lonna Anguilm
Assistant Planner


Ken James
Affirmative Action Director

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

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

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

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

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

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) ADAC PLASTICS, INC.		b. Standard Industrial Classification Code (Sec. 2(10)) Four Digit Code ☒ 3 0 8 9	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 5920 TAHOE DRIVE SE PO BOX 888375 GRAND RAPIDS, MI 49588-8375		First time applicants attach copy of Worker's Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) (Attach Legal Description) 1801 KEATING AVE MUSKEGON, MI 49442		e. City/Twp./Village CITY OF MUSKEGON	f. County MUSKEGON
2. Type of Approval Requested ☒ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ REHABILITATION (SEC. 3(1)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located ORCHARD VIEW a. School Code 61010	
4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.")		9 PERSONAL	

5. Explain Applicant's Principal Type of Business (Detailed description of operations)

Adac Plastics, Inc. is a manufacturer of engineered products, primarily for the automotive industry.

6a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development.)

N/A

b. Explain Degree and Type of Obsolescence Affecting Existing Facility.

N/A

7. Describe Project for Which Exemption is Sought (Type of Improvements to Land, Building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility

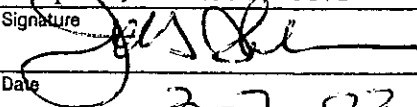
New molding and assembly equipment for new contractual requirements.
This facility molds, paints and assembles door handle assemblies for the automotive market.

8. a. Cost of land improvements (Itemize) Excluding cost of land	\$ a.
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)	b.
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)	c. 2,876,776
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)	d.
TOTAL PROJECT COST	\$ 2,876,776

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

18. Name of Person to Contact for Further Information William Powers	Title Mgr. Treasury Functions	Phone (616) 957-0520 Ext. 5529
Mailing Address 5920 Tahoe Drive SE PO Box 888375 Grand Rapids, MI 49588-8375		
Type Name of Company Officer John Shape	Signature 	
Title SECRETARY TREASURER	Date 3-7-03	

LOCAL GOVERNMENT ACTION

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

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

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

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

State Tax Commission Rule Number 57:

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

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

Mail completed application and all attachments to:

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

*Information contained in this application and supporting documentation may be subject to review by the public if a Freedom of Information Request is filed.

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

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

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

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

Begin (M/D/Y)

End (M/D/Y)

Real Property Improvements:

Personal Property Improvements:

12/6/02

12/5/03

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

☐ OWNED☒ LEASED (Attach copy of lease.)

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

☒ YES☐ NO

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

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

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

a. State Enterprise Zone or State Renaissance Zone

Clerk's Certification

☐ YES☒ NO

b. 307 Site Contaminated Property

File Number

☐ YES☒ NO

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

a. Enter total number of employees at site prior to start of project. 259

b. Number of existing jobs that can be identified at this site that will be retained as a result of this project? 259

c. Number of new jobs at this site expected to be created within 2 years of project completion? 25

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

a. ☐ YES☒ NO

b. Number of Jobs Involved in Facility Relocation

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

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

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

a. SEV of Real Property (Exclude Land)

b. SEV of Personal Property (Exclude Inventory)

c. Total SEV

as of Dec. 31, 19

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

☒ INDUSTRIAL DEVELOPMENT DISTRICT☐ PLANT REHABILITATION DISTRICT

b. Name of Governing Unit that Established District

CITY OF MUSKEGON

c. Date District was Established

2/25/97

Attach certified copy of resolution and drawing of district.

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

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

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

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

c. Date of Resolution (Attach copy)

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

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

☐ Owner☐ Assessor

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

MUSKEGON CITY COMMISSION

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

ADAC PLASTICS, INC.

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on February 25, 1997, this Commission by resolution established an Industrial Development District as requested by Adac Plastics, Inc., 1801 Keating Avenue, Muskegon, Michigan 49442; and

WHEREAS, Adac Plastics, Inc. has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on March 10, 2003, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment had not begun earlier than six (6) months before March 25, 2003, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

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

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

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

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

See Attachment A

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of nine (9) years on personal property.

Adopted this 25th Day of March 2003

Ayes: 7

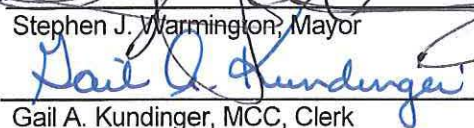
Nays: 0

Absent: 0

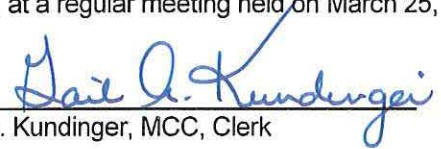
BY:


Stephen J. Warmington, Mayor

ATTEST:


Gail A. Kunderger, MCC, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on March 25, 2003.


Gail A. Kunderger, MCC, Clerk



WESTSHORE ENGINEERING & SURVEYING, INC.

CERTIFICATE OF SURVEY

FOR: ADAC

ATTACHMENT #1

PARCEL "A"

PART OF LOT 15, PLAT OF PORT CITY INDUSTRIAL CENTER, AS RECORDED IN LIBER 18 OF PLATS, PAGES 31-33, MUSKEGON COUNTY RECORDS, CITY OF MUSKEGON, COUNTY OF MUSKEGON, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 15 FOR THE POINT OF BEGINNING:

THENCE SOUTH 01 DEGREES 10 MINUTES 38 SECONDS WEST, RECORDED AS (SOUTH 01 DEGREES 12 MINUTES 30 SECONDS WEST) ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 435.00 FEET;

THENCE SOUTH 86 DEGREES 57 MINUTES 07 SECONDS WEST, A DISTANCE OF 430.32 FEET;

THENCE NORTH 87 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 532.92 FEET TO

THE WEST LINE OF SAID LOT 15;

THENCE NORTH 01 DEGREES 01 MINUTES 46 SECONDS EAST, RECORDED AS (NORTH 01 DEGREES

03 MINUTES 06 SECONDS EAST) A DISTANCE OF 441.18 FEET TO THE NORTH LINE OF SAID LOT 15;

THENCE SOUTH 89 DEGREES 42 MINUTES 20 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF

963.22 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 9.93 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS OR RESERVATIONS OF RECORD OR APPARENT THEREOF.

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT
Act 198 Public Acts of 1974

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

Recitals:

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

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

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

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

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

NOW THEREFORE THE PARTIES AGREE:

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

- 1.1 That 50% percent of the promised new jobs shall be in place with full-time employees on or before August, 2003, and 50% percent of the said jobs shall be in place with full time employees on or before March, 2004. Finally, 100% of the jobs shall be filled and in existence with full-time employees by a date no

later than two (2) years from the date of the granting of the certificate by the State Tax Commission, **subject to the provisions of section 3.4 of this agreement.**

- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$ 2.9M in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.
- 1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

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

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

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

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

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

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

3.5 The bankruptcy or insolvency of the Company.

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

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

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

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

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

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

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

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

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

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

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

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

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

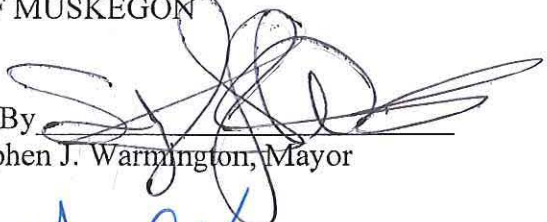
5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

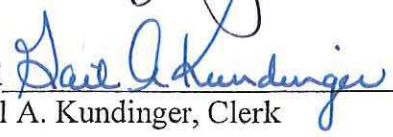
6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

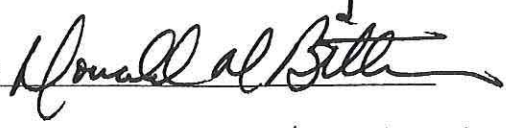
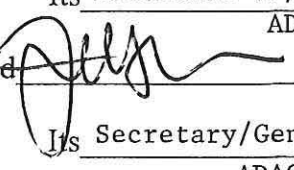
8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company an Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

and 
Gail A. Kunderinger, Clerk

ADAC PLASTICS

By 
Its Executive VP/Managing Director
ADAC Door Components
and 
Its Secretary/General Counsel
ADAC Plastics, Inc.

Commission Meeting Date: March 25, 2003

Date: March 18, 2003

2003-286)

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Public Hearing concerning 2003 – 2004
CDBG/HOME recommendation and City
Commission Preliminary decision.**

SUMMARY OF REQUEST: To conduct a public hearing concerning the CDBG/HOME 2003-2004 recommendation, submitted by both the administration and the Citizen's District Council.

The public hearing is to obtain comments from the public in reference to the 2003-2004 CDBG/HOME allocation funding which is designated to be \$1,217,000 and \$340,111 respectively, excluding any program income and reprogrammed funding.

The Commission is also asked to make their preliminary decision on what items should be funded and at what amounts.

The City Commission will be asked to make their final decision on April 8, 2003.

FINANCIAL IMPACT: The 2003-2004 allocations will be based on the Commission decision.

BUDGET ACTION REQUIRED: None at this time

STAFF RECOMMENDATION: To conduct the public hearing and to make preliminary allocation decision.

COMMITTEE RECOMMENDATION: The Citizen's District Council recommendations are included with the recommendations submitted by the administration.

2003 - 2004 CDBG / HOME ACTIVITY

Organization Name/Program Title		Amount Requested	Administration Recommendation	Citizen District Council Recommendation	City Commission Preliminary Recommendation	City Commission Final Decision
1	West MI Veterans <i>Veterans Assistance</i>	5,000	5,000	5,000		
2	American Red Cross <i>Senior Transportation</i>	5,000	5,000	5,000		
3	Western MI Legal Services <i>Counseling/Legal Education</i>	38,504	10,500	10,500		
4	Volunteer Muskegon <i>Mapping</i>	5,000	5,000	5,000		
5	Volunteer Muskegon <i>Keep Kids In School</i>	5,000	5,000	5,000		
6	HealthCARE <i>Health screening to low-income</i>	6,887	6,887	6,887		
7	Muskegon Community Health Project <i>"Miles for Smile Dental Services"</i>	5,000	5,000	5,000		
8	Pioneer Resources <i>Rec & Leisure for Develop Disabilities</i>	8,580	0	0		
9	Family Service Center <i>DAD'S Program</i>	15,000	8,500	8,500		
10	Bishop Daycare & Learning Center <i>Education Program Expense</i>	25,000	0	0		
11	Youth Outreach <i>Purchase of Building</i>	79,900	0	0		
12	Inspections <i>Demolition</i>	155,000	90,000	90,000		
13	Community and Neighborhood Services <i>Administration</i>	185,000	172,500	172,500		

Organization Name/Program Title		Amount Requested	Administration Recommendation	Citizen District Council Recommendation	City Commission Preliminary Recommendation	City Commission Final Decision
14	Community and Neighborhood Services <i>Vinyl Siding Program</i>	165,000	165,000	155,000		
15	Community and Neighborhood Services <i>Emergency Repair Program</i>	190,000	185,000	185,000		
16	Community and Neighborhood Services <i>Rehab Service Deliver Program</i>	115,000	115,000	115,000		
17	Planning/DPW <i>Lot Clean up</i>	50,000	40,000	40,000		
18	Community and Economic Development <i>Code Enforcement</i>	45,000	45,000	45,000		
19	Community and Economic Development <i>Facade</i>	50,000	30,000	30,000		
20	Finance <i>Repayment of Shoreline Dr. Bond Project</i>	245,000	245,000	245,000		
21	Depart of Public Works <i>Senior Transit</i>	60,211	50,000	50,000		
23	Engineering / CNS <i>Sidewalk Assessment Relief</i>	50,000	48,500	48,500		
24	Engineering / CNS <i>Street Assessment Relief</i>	80,000	70,000	70,000		
25	Leisure Services <i>General/Inner-City Recreation</i>	77,000	70,000	70,000		
26	CNS/Fire <i>Operation "Save Lives"</i>	3,500	0	0		
Total CDBG Request/Recommendations		1,669,582	1,366,887	1,366,887		
Total CDBG Allocation		1,217,000	1,217,000	1,217,000		
Program Income/Reprogram		150,000	150,000	150,000		
Total		1,367,000	1,367,000	1,367,000		
Allocated/Request Difference		\$ (452,582)	113	113		

Organization Name/Program Title		Amount Requested	Administration Recommendation	Citizen District Council Recommendation	City Commission Preliminary Recommendation	City Commission Final Decision
1	Neighborhood Investment Corp. <i>Housing Rehab, Neighborhood Imp.</i>	130,350	85,000	85,000		
2	Bethany <i>Housing Rehabilitation</i>	73,000	55,000	55,000		
3	Habitat for Humanity <i>Acquisition</i>	35,000	25,000	25,000		
4	Community and Neighborhood Services <i>Tax-Reverted Infill</i>	80,000	60,000	60,000		
5	Community and Neighborhood Services <i>Tax-reverted Rehabilitation</i>	60,000	50,000	50,000		
8	Community and Neighborhood Services <i>Demolition</i>	10,000	10,000	10,000		
9	Community and Neighborhood Services <i>HOME Administration</i>	57,000	57,000	57,000		
Total Amt of HOME Request		445,350	342,000	342,000		
HOME Allocation		320,000	340,111	340,111		
Reprogram Funds			20,000	20,000		
Total Amt Home Available		320,000	360,111	360,111		
Total Amt Difference		<u>\$ (125,350)</u>	18,111	18,111		

Date: March 25, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Thompson St., Edgewater to Plum

2003-28c)

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Thompson St., Edgewater to Plum**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For **Thompson St., from Edgewater to Plum**

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

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were _____% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners _____ and _____ and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **24.22%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 25, 2003**. 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, Clerk

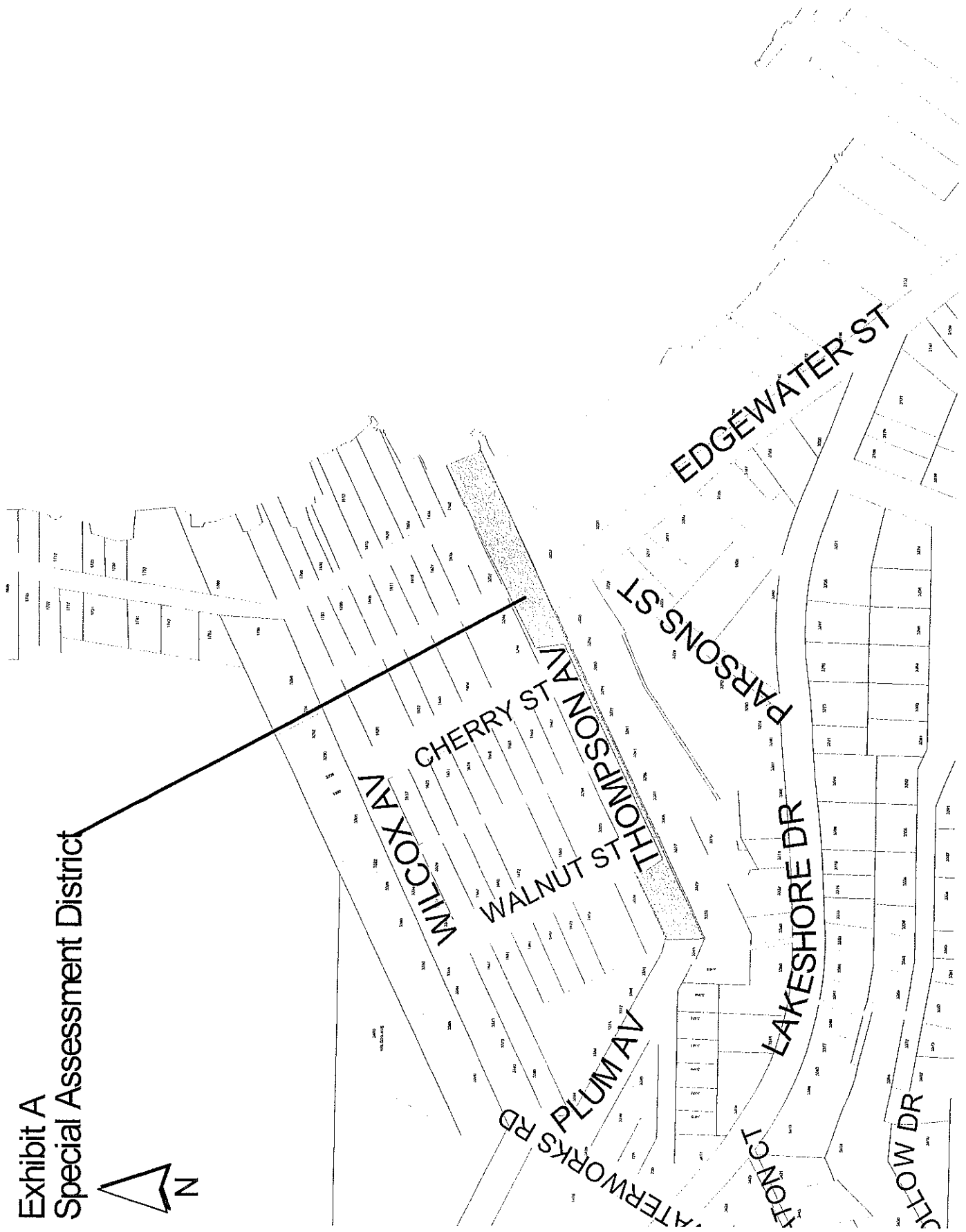
EXHIBIT A

Thompson St., Edgewater to Plum

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Thompson St.,
Edgewater to Plum**

Exhibit A
Special Assessment District



ENGINEERING FEASIBILITY STUDY

For

Thompson St., Edgewater to Plum

The proposed reconstruction of Thompson between Edgewater & Plum was initiated by the City due to the conditions its in. The existing conditions of that section of roadway, we feel, is beyond salvaging. The proposed improvements consists of complete removal of the asphalt including curbs & gutters and using asphalt pavement along with gravel base to construct a new section with curbs & gutters.

The proposed improvements will address at least two of the established goals, and they are;

- Improve the City's infrastructure
- enhance the appearance of that area.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$200,000 with the length of the project being approximately 1000 lineal feet or 1364.47 of assessable footage. This translates into an estimated improvement cost of \$146 per assessable foot. The assessment figure will be at a cost not to exceed a \$35.50 per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

March 11, 2003

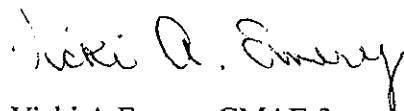
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Thompson Avenue between Plum Street and Edgewater Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 11, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.50 for the paving of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$36.49. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

MARCH 14, 2003

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441 1

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

THOMPSON, EDGEWATER TO PLUM

The proposed special assessment district will be located as follows:

All parcels abutting Thompson, Edgewater to Plum

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 25, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Estimated Costs

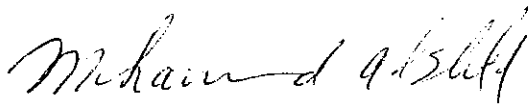
The total estimated cost of the street portion of the project is \$200,000.00 of which approximately 24.22% (\$48,438.69) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
STREET H-1553
THOMPSON, EDGEWATER TO PLUM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25,2003

Project Title: THOMPSON, EDGEWATER TO PLUM
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	61.5 Feet
Estimated Front Foot Cost:	\$35.50 per Foot
ESTIMATED TOTAL COST	\$2,183.25

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
PART OF LOTS 1 & 2
DESC AS
COM ON NWLY LN LOT 2

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Clifford St., Miner Ave. to Lakeshore Drive
Edgewater St., Thompson Ave. to Wilcox
Mann St., Lakeshore Drive to Harrison Ave.
Moon St., Lakeshore Drive to Harrison Ave.
and
Thompson Ave., Plum to Edgewater St.**

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

- **All parcels abutting Clifford St. from Miner Ave. to Lakeshore Drive**
- **All parcels abutting Edgewater St. from Thompson Ave. to Wilcox**
- **All parcels abutting Mann St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Moon St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Thompson Ave. from Plum to Edgewater St.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 25, 2003 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **March 15, 2003**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1553

RECONSTRUCTION

HEARING DATE

MARCH 25, 2003

THOMPSON, EDGEWATER TO PLUM

24-205-721-0002-00	PESTA RICK J	ASSESSABLE FEET:	61.5
	3235 EDGEWATER ST	COST PER FOOT:	\$35.50
@ 3235.0	EDGEWATER MUSKEGON MI	ESTIMATED P.O. COST:	\$2,183.25

24-205-721-0003-00	HOLMBERG JOHN E	ASSESSABLE FEET:	45
	1035 E HILE RD	COST PER FOOT:	\$35.50
@ 3259.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,597.50

24-205-721-0004-00	THORN COLLEEN	ASSESSABLE FEET:	50
	3263 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3263.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00

24-205-721-0005-00	BOHLAND SUZANNE	ASSESSABLE FEET:	50
	3269 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3269.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00

24-205-721-0006-00	FRASIER DAVID/THERESA	ASSESSABLE FEET:	50
	3277 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3277.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00

24-205-721-0007-00	HOFFMAN KRISTOPHER J/FRAN	ASSESSABLE FEET:	50
	3281 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3281.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00

THOMPSON, EDGEWATER TO PLUM

24-205-721-0008-00	KOHLER JERRY/SARA L 15712 LONG VIEW @ 3291.0 THOMPSON SPRING LAKE MI	ASSESSABLE FEET: 50 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$1,775.00
24-205-721-0009-00	PAGE LOREN E/GRETCHEN 3328 WILCOX @ 3295.0 THOMPSON MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$1,775.00
24-205-721-0010-00	VANBROCKLIN D/FILIP T 8353 WEATHERFORD AVE @ 3301.0 THOMPSON BROOKSVILLE FL	ASSESSABLE FEET: 43 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$1,526.50
24-205-721-0011-00	PAGE LOREN E/GRETCHEN A 3328 WILCOX @ 3305.0 THOMPSON MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$1,775.00
24-205-722-0001-00	MUSKEGON YACHT CLUB 3198 EDGEWATER ST @ 3220.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 40 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$1,420.00
24-205-723-0001-00	MUSKEGON YACHT CLUB 3198 EDGEWATER ST @ 3232.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 75.57 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,682.74
24-205-725-0007-00	ZACHARIASON HAROLD 1835 EDGEWATER ST @ 1835.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 71 COST PER FOOT: \$35.50 <u>ESTIMATED P.O. COST:</u> \$2,520.50

THOMPSON, EDGEWATER TO PLUM

24-205-725-0008-00	SCHAUB RODNEY B/MARGARET	ASSESSABLE FEET:	66
@ 3232.0 THOMPSON	3232 THOMPSON AVE	COST PER FOOT:	\$35.50
MUSKEGON MI		ESTIMATED P.O. COST:	\$2,343.00
24-205-725-0009-00	BACKSTROM ARTHUR W/MYRA	ASSESSABLE FEET:	50
@ 3244.0 THOMPSON	3244 THOMPSON AVE	COST PER FOOT:	\$35.50
MUSKEGON MI		ESTIMATED P.O. COST:	\$1,775.00
24-205-725-0010-00	REICHERT BARBARA	ASSESSABLE FEET:	100
@ 3256.0 THOMPSON	3256 THOMPSON AVE	COST PER FOOT:	\$35.50
MUSKEGON MI		ESTIMATED P.O. COST:	\$3,550.00
24-205-728-0008-00	DEVRIES KENNETH/CYNTHIA	ASSESSABLE FEET:	75
@ 1867.0 CHERRY ST	1867 CHERRY ST	COST PER FOOT:	\$35.50
MUSKEGON MI		ESTIMATED P.O. COST:	\$2,662.50
24-205-728-0009-00	UNITED PENTECOSTAL CHURC	ASSESSABLE FEET:	100
@ 3320.0 THOMPSON	3320 THOMPSON AVE	COST PER FOOT:	\$35.50
MUSKEGON MI		ESTIMATED P.O. COST:	\$3,550.00
24-205-728-0009-10	BLAKE TOM/SUSAN	ASSESSABLE FEET:	50
@ 3296.0 THOMPSON	3222 PARK PLACE	COST PER FOOT:	\$35.50
MUSKEGON MI		ESTIMATED P.O. COST:	\$1,775.00
24-205-729-0010-00	POOL GERARD N TRUST	ASSESSABLE FEET:	82
@ 3324.0 THOMPSON	3324 THOMPSON AVE	COST PER FOOT:	\$35.50
MUSKEGON MI		ESTIMATED P.O. COST:	\$2,911.00

RECONSTRUCTION

HEARING DATE

MARCH 25,2003

THOMPSON, EDGEWATER TO PLUM

24-506-001-0001-00	TJAPKES SUE A	ASSESSABLE FEET:	79.4
	3317 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3317.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$2,818.70

24-506-001-0003-00	TUTTLE CHERYL E	ASSESSABLE FEET:	76
	3329 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3329.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$2,698.00

SUM OF ASSESSABLE FOOTAGE:	<u>1364.47</u>	SUM OF ESTIMATED P.O. COST:	<u>\$48,438.69</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	22.00		

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Thompson, Edgewater to Plum

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14th DAY OF MARCH, 2003.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2003.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25, 2003

Project Title: THOMPSON, EDGEWATER TO PLUM

Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

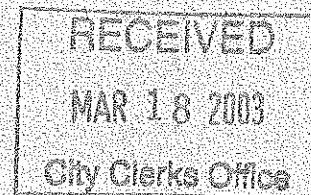
Property Address: 3263 THOMPSON AVE

Parcel Number 24-205-721-0004-00

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$35.50 per Foot

ESTIMATED TOTAL COST \$1,775.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
LOT 4

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Colleen Thorn

CoOwner/Spouse

Signature

Colleen Thorn

Signature

Address

3263 Thompson

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **3305 THOMPSON AVE**

Parcel Number **24-205-721-0011-00**

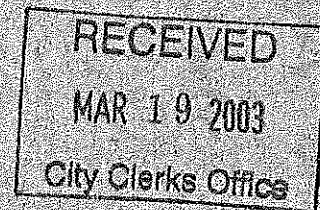
Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$1,775.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
LOT 11
& WLY 7 FT OF LOT 10



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

**LOREN
(LARRY) PAGE**

CoOwner/Spouse

GRETCHEN PAGE

Signature

Loren Page

Signature

Gretchen Page

Address

3328 WILCOX

Address

3328 WILCOX

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**
Project Description **RECONSTRUCTION**

INSTRUCTIONS

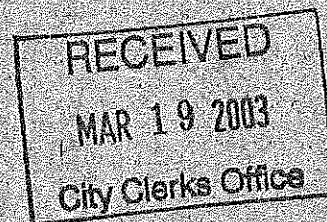
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: **3269 THOMPSON AVE**
Parcel Number **24-205-721-0005-00**
Assessable Frontage: **50** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$1,775.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
LOT 5



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Suzanne Spelard

CoOwner/Spouse

Signature

Suzanne Spelard

Signature

Address

3269 Thompson Ave

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **3295 THOMPSON AVE**

Parcel Number **24-205-721-0009-00**

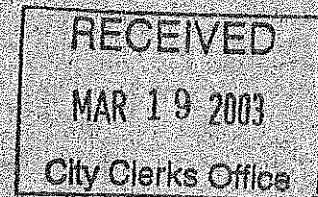
Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$1,775.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
LOT 9



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner **LARRY PAGE**

CoOwner/Spouse **GRETCHEN PAGE**

Signature **Larry Page**

Signature **Gretchen Page**

Address **3328 WILCOX**

Address **3328 WILCOX**

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

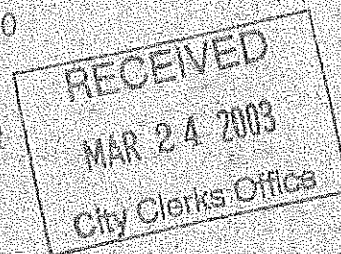
Property Address: **3232 EDGEWATER ST**

Parcel Number **24-205-723-0001-00**

Assessable Frontage: **75.57** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$2,682.74



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
THAT PT OF ENTIRE BLKS 723 & 724 LYING ELY OF THE FOL LN
COM AT SWLY COR OF BLK 723 & RUNNING N 26D 30M W
TO THOMAS ST BLKS 723 & 724
ALSO THAT PT OF BLK 722 LYING WLY OF A LN

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Muskegon Yacht Club CoOwner/Spouse _____

Signature [Handwritten Signature] Signature _____

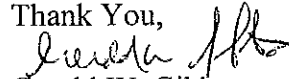
Address Comodore Address _____

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

March 21, 2003

Please note that the Muskegon Yacht Club would like additional public parking along Thompson Street adjacent to the club property. We would like parking as close to the property line as can be allowed. The parking can be either angular or parallel.

Thank You,

A handwritten signature in dark ink, appearing to read "Gerald W. Gibbs", written in a cursive style.

Gerald W. Gibbs
Commodore

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **3220 EDGEWATER ST**

Parcel Number **24-205-722-0001-00**

Assessable Frontage: **40** Feet

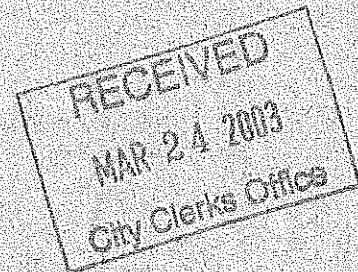
Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$1,420.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
ENTIRE BLK 722
EXC THAT PT LYING WLY OF A LN BEG AT
NE PT BLK 723 RUNNING
TH NWLY PAR TO ELY LN OF BLK 724 TO SLY LN OF THOMPSON ST

Your vote COUNTS!



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

I AM IN FAVOR



I AM OPPOSED



Owner Muskegon Tacht Club CoOwner/Spouse _____

Signature [Signature] Signature _____

Address Comodore Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description: **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **3277 THOMPSON AVE**

Parcel Number: **24-205-721-0006-00**

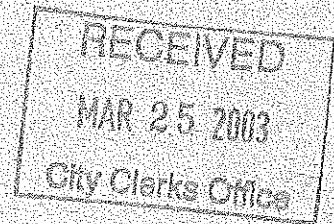
Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$1,775.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
LOT 6



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Daniel Fraser

CoOwner/Spouse

Signature

[Signature]

Signature

Address

3277 Thompson

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

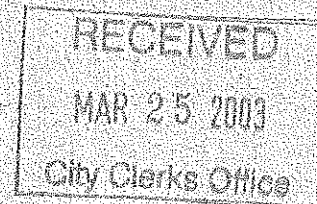
Property Address: **3281 THOMPSON AVE**

Parcel Number **24-205-721-0007-00**

Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$1,775.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
LOT 7

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Krist Hoffman

CoOwner/Spouse

Frances Hoffman

Signature

Kristopher V Hoffman

Signature

Frances Hoffman

Address

3281 Thompson Ave

Address

3281 Thompson Ave

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **3235 EDGEWATER ST.**

Parcel Number **24-205-721-0002-00**

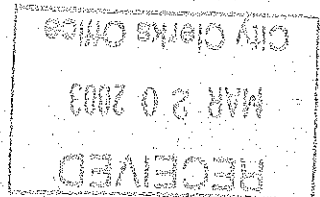
Assessable Frontage: **61.5** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$2,183.25

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
PART OF LOTS 1 & 2
DESC AS
COM ON NWLY LN LOT 2



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner **RICK J. PESTA** CoOwner/Spouse

Signature **Rick J. Pesta** Signature

Address **3235 EDGEWATER** Address

MUSKEGON, MI 49441

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

YOUR RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description: **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **3256 THOMPSON AVE**

Parcel Number: **24-205-725-0010-00**

Assessable Frontage: **100** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$3,550.00

Property Description

**OF MUSKEGON
SPLIT PLAT OF 1903
25'
2 FT LOT 10**



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED



BARBARA J. REICHNER Co Owner/Spouse

[Signature]

Signature

3256 THOMPSON

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description: **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **3259 THOMPSON AVE**

Parcel Number **24-205-721-0003-00**

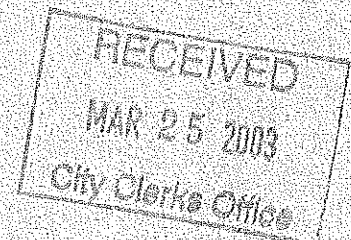
Assessable Frontage: **45** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$1,597.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 721
PART OF LOTS 1 2 & 3
COM @ A PT ON NELY
LN LOT 2 120.14 FT



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

John Hefner

CoOwner/Spouse

Signature

John Hefner

Signature

Address

1035 E. Nile

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **THOMPSON, EDGEWATER TO PLUM**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

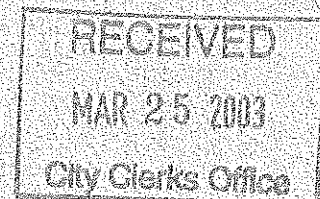
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: **1867 CHERRY ST**
Parcel Number **24-205-728-0008-00**
Assessable Frontage: **75** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$2,662.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 728
LOT 8



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Kenneth DeVries CoOwner/Spouse Cynthia DeVries
Signature Kenneth DeVries Signature Cynthia DeVries
Address 1867 Cherry St Address 1867 Cherry St

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



JOHNSON
Technology

3-25-03

I live at 3301 Thompson
Ave and I am opposed to
repaving of the street. The
trolley tracks are a part of
Bluffton history and I'd hate
to lose them.

RECEIVED
CITY OF MUSKEGON

MAR 25 2003

759-2189

Dorcas VanBracklin

ENGINEERING DEPT.

RECEIVED

MAR 25 2003

City Clerks Office

SPECIAL ASSESSMENT

H 1553

RECONSTRUCTION

HEARING DATE

MARCH 25, 2003

THOMPSON, EDGEWATER TO PLUM

24-205-721-0002-00	PESTA RICK J	ASSESSABLE FEET:	61.5	<i>Nb</i>
	3235 EDGEWATER ST	COST PER FOOT:	\$35.50	
@ 3235.0	EDGEWATER MUSKEGON MI	ESTIMATED P.O. COST:	\$2,183.25	
24-205-721-0003-00	HOLMBERG JOHN E	ASSESSABLE FEET:	45	<i>Nb</i>
	1035 E HILE RD	COST PER FOOT:	\$35.50	
@ 3259.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,597.50	
24-205-721-0004-00	THORN COLLEEN	ASSESSABLE FEET:	50	<i>Nb</i>
	3263 THOMPSON AVE	COST PER FOOT:	\$35.50	
@ 3263.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00	
24-205-721-0005-00	BOHLAND SUZANNE	ASSESSABLE FEET:	50	<i>Nb</i>
	3269 THOMPSON AVE	COST PER FOOT:	\$35.50	
@ 3269.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00	
24-205-721-0006-00	FRASIER DAVID/THERESA	ASSESSABLE FEET:	50	<i>Nb</i>
	3277 THOMPSON AVE	COST PER FOOT:	\$35.50	
@ 3277.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00	
24-205-721-0007-00	HOFFMAN KRISTOPHER J/FRAN	ASSESSABLE FEET:	50	<i>Nb</i>
	3281 THOMPSON AVE	COST PER FOOT:	\$35.50	
@ 3281.0	THOMPSON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00	

THOMPSON, EDGEWATER TO PLUM

24-205-721-0008-00	KOHLER JERRY/SARA L	ASSESSABLE FEET:	50	
@ 3291.0 THOMPSON	15712 LONG VIEW	COST PER FOOT:	\$35.50	
	SPRING LAKE MI	ESTIMATED P.O. COST:	\$1,775.00	
24-205-721-0009-00	PAGE LOREN E/GRETCHEN	ASSESSABLE FEET:	50	ND
@ 3295.0 THOMPSON	3328 WILCOX	COST PER FOOT:	\$35.50	
	MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00	
24-205-721-0010-00	VANBROCKLIN D/FILIP T	ASSESSABLE FEET:	43	ND
@ 3301.0 THOMPSON	8353 WEATHERFORD AVE	COST PER FOOT:	\$35.50	
	BROOKSVILLE FL	ESTIMATED P.O. COST:	\$1,526.50	
24-205-721-0011-00	PAGE LOREN E/GRETCHEN A	ASSESSABLE FEET:	50	ND
@ 3305.0 THOMPSON	3328 WILCOX	COST PER FOOT:	\$35.50	
	MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00	
24-205-722-0001-00	MUSKEGON YACHT CLUB	ASSESSABLE FEET:	40	yes
@ 3220.0 EDGEWATER	3198 EDGEWATER ST	COST PER FOOT:	\$35.50	
	MUSKEGON MI	ESTIMATED P.O. COST:	\$1,420.00	
24-205-723-0001-00	MUSKEGON YACHT CLUB	ASSESSABLE FEET:	75.57	yes
@ 3232.0 EDGEWATER	3198 EDGEWATER ST	COST PER FOOT:	\$35.50	
	MUSKEGON MI	ESTIMATED P.O. COST:	\$2,682.74	
24-205-725-0007-00	ZACHARIASON HAROLD	ASSESSABLE FEET:	71	
@ 1835.0 EDGEWATER	1835 EDGEWATER ST	COST PER FOOT:	\$35.50	
	MUSKEGON MI	ESTIMATED P.O. COST:	\$2,520.50	

THOMPSON, EDGEWATER TO PLUM

24-205-725-0008-00	SCHAUB RODNEY B/MARGARET	ASSESSABLE FEET:	66
	3232 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3232.0 THOMPSON	MUSKEGON MI	ESTIMATED P.O. COST:	\$2,343.00

24-205-725-0009-00	BACKSTROM ARTHUR W/MYRA	ASSESSABLE FEET:	50
	3244 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3244.0 THOMPSON	MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00

24-205-725-0010-00	REICHERT BARBARA	ASSESSABLE FEET:	100
	3256 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3256.0 THOMPSON	MUSKEGON MI	ESTIMATED P.O. COST:	\$3,550.00

24-205-728-0008-00	DEVRIES KENNETH/CYNTHIA	ASSESSABLE FEET:	75
	1867 CHERRY ST	COST PER FOOT:	\$35.50
@ 1867.0 CHERRY ST	MUSKEGON MI	ESTIMATED P.O. COST:	\$2,662.50

24-205-728-0009-00	UNITED PENTECOSTAL CHURC	ASSESSABLE FEET:	100
	3320 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3320.0 THOMPSON	MUSKEGON MI	ESTIMATED P.O. COST:	\$3,550.00

24-205-728-0009-10	BLAKE TOM/SUSAN	ASSESSABLE FEET:	50
	3222 PARK PLACE	COST PER FOOT:	\$35.50
@ 3296.0 THOMPSON	MUSKEGON MI	ESTIMATED P.O. COST:	\$1,775.00

24-205-729-0010-00	POOL GERARD N TRUST	ASSESSABLE FEET:	82
	3324 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3324.0 THOMPSON	MUSKEGON MI	ESTIMATED P.O. COST:	\$2,911.00

THOMPSON, EDGEWATER TO PLUM

24-506-001-0001-00	TJAPKES SUE A	ASSESSABLE FEET:	79.4
	3317 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3317.0	THOMPSON MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$2,818.70</u>

24-506-001-0003-00	TUTTLE CHERYL E	ASSESSABLE FEET:	76
	3329 THOMPSON AVE	COST PER FOOT:	\$35.50
@ 3329.0	THOMPSON MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$2,698.00</u>

SUM OF ASSESSABLE FOOTAGE:	<u>1364.47</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$48,438.69</u>
----------------------------	----------------	------------------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS	22.00
------------------------------------	-------

H-1553 THOMPSON ST., EDGEWATER ST. TO PLUM ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 22									
			FOR				OPPOSE					
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1364.470 ***		11	3220	EDGEWATER	24-205-722-0001-00	40.00	17	1887	CHERRY	24-205-728-0008-00	75.00
			12	3232	EDGEWATER	24-205-723-0001-00	75.57	1	3235	EDGEWATER	24-205-721-0002-00	61.50
FRONT FEET OPPOSED	624.50	45.77% 51.58%						16	3256	THOMPSON	24-205-725-0010-00	100.00
								2	3259	THOMPSON	24-205-721-0003-00	45.00
RESPONDING FRONT FEET IN FAVOR	115.570	8.47%						3	3263	THOMPSON	24-205-721-0004-00	50.00
								4	3269	THOMPSON	24-205-721-0005-00	50.00
NOT RESPONDING - FRONT FEET IN FAVOR	624.400	45.76%						5	3277	THOMPSON	24-205-721-0006-00	50.00
								6	3281	THOMPSON	24-205-721-0007-00	50.00
TOTAL FRONT FEET IN FAVOR	739.970	54.23%						8	3295	THOMPSON	24-205-721-0009-00	50.00
								9	3301	THOMPSON	24-205-721-0010-00	43.00
								10	3305	THOMPSON	24-205-721-0011-00	50.00
			</									

TABULATED AS OF: 05:11 PM

Date: March 25, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Mann St., Lakeshore Dr. to Harrison

2003-28 e)

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Mann St., Lakeshore to Harrison project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2003-28 (e)

Resolution At First Hearing Creating Special Assessment District
For **Mann St., from Lakeshore Dr. to Harrison**

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

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were 0.0 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Gawron and Schweifler and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **13.18%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

Excused: Warmington

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 25, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

Mann St., Lakeshore Dr. to Harrison

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Mann St., Lakeshore Dr.
to Harrison**

Exhibit A
Special Assessment District



BLODGETT ST

FAIR AV

MORTON AV

ST S.

ST

ST

MANN ST

LAKESHORE DR

HARRISON AV

MINER AV
MOON ST
MCCRACKEN ST

MORTON AV

DENMA

ENGINEERING FEASIBILITY STUDY

For

Mann St., Lakeshore Dr. to Harrison

The proposed reconstruction of Mann St. between Lakeshore Dr. & Harrison was initiated by the City due to the conditions its in. The existing conditions of that section of roadway, we feel, is beyond salvaging. The proposed improvements consists of complete removal of the asphalt including curbs & gutters and using concrete pavement to construct a new section with curbs & gutters.

The proposed improvements will address at least two of the established goals, and they are;

- Improve the City's infrastructure
- enhance the appearance of that area.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$100,000 with the length of the project being approximately 260 lineal feet or 371.23 of assessable footage. This translates into an estimated improvement cost of \$269 per assessable foot. The assessment figure will be at a cost not to exceed a \$35.50 per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442

(231) 724-6386

FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

March 11, 2003

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Mann Street between Lakeshore Drive and Harrison Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 11, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily commercial and residential properties. The front foot rate of \$35.50 for the paving of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$39.88. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,

Vicki A. Emery
Vicki A Emery, CMAE 3

Senior Appraiser

MARCH 14, 2003

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441 4

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

MANN, LAKESHORE DR. TO HARRISON

The proposed special assessment district will be located as follows:

All parcels abutting Mann, Lakeshore Dr. to Harrison

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on APRIL 28, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Estimated Costs

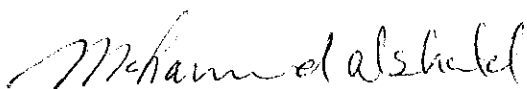
The total estimated cost of the street portion of the project is \$100,000.00 of which approximately 13.18% (\$13,178.67) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
STREET H-1549
MANN, LAKESHORE DR. TO HARRISON
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
SIGNATURE _____ TITLE _____
COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25, 2003

Project Title: MANN, LAKESHORE DR. TO HARRISON

Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 61.87 Feet

Estimated Front Foot Cost: \$35.50 per Foot

ESTIMATED TOTAL COST \$2,196.39

Property Description

CITY OF MUSKEGON
LOT 1 BLK 635

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Clifford St., Miner Ave. to Lakeshore Drive
Edgewater St., Thompson Ave. to Wilcox
Mann St., Lakeshore Drive to Harrison Ave.
Moon St., Lakeshore Drive to Harrison Ave.
and
Thompson Ave., Plum to Edgewater St.**

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

- **All parcels abutting Clifford St. from Miner Ave. to Lakeshore Drive**
- **All parcels abutting Edgewater St. from Thompson Ave. to Wilcox**
- **All parcels abutting Mann St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Moon St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Thompson Ave. from Plum to Edgewater St.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 25, 2003 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **March 15, 2003**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1550

RECONSTRUCTION

HEARING DATE

MARCH 25, 2003

MANN, LAKESHORE DR. TO HARRISON

24-205-627-0005-00	WILLIAM J GIBNER LLC	ASSESSABLE FEET:	61.87
	1965 LAKESHORE DR	COST PER FOOT:	\$35.50
@ 1965.	LAKESHOR MUSKEGON MI	ESTIMATED P.O. COST:	\$2,196.39

24-205-627-0006-00	HALL CHARLES L	ASSESSABLE FEET:	61.87
	2074 MANN ST	COST PER FOOT:	\$35.50
@ 2074.	MANN ST MUSKEGON MI	ESTIMATED P.O. COST:	\$2,196.39

24-205-627-0006-10	KITREL JEWEL	ASSESSABLE FEET:	61.87
	898 GREENE 407 RD	COST PER FOOT:	\$35.50
@ 1944.	HARRISON LAFE AR	ESTIMATED P.O. COST:	\$2,196.39

24-205-635-0001-00	WARMINGTON STEPHEN J	ASSESSABLE FEET:	61.87
	1983 LAKESHORE DR	COST PER FOOT:	\$35.50
@ 1983.	LAKESHOR MUSKEGON MI	ESTIMATED P.O. COST:	\$2,196.39

24-205-635-0002-00	JOE LLC	ASSESSABLE FEET:	74.75
	144 GRAND AVE NE	COST PER FOOT:	\$35.50
@ 1991.	LAKESHOR GRAND RAPIDS MI	ESTIMATED P.O. COST:	\$2,653.63

24-205-635-0012-00	SPANIOLA WILLIAM P ET AL	ASSESSABLE FEET:	49
	1962 HARRISON AVE	COST PER FOOT:	\$35.50
@ 1962.	HARRISON MUSKEGON MI	ESTIMATED P.O. COST:	\$1,739.50

SUM OF ASSESSABLE FOOTAGE:	371.23	SUM OF ESTIMATED P.O. COST:	\$13,178.67
TOTAL NUMBER OF ASSESSABLE PARCELS	6.00		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25, 2003

Project Title: MANN, LAKESHORE DR. TO HARRISON

Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1983 LAKESHORE DR

Parcel Number 24-205-635-0001-00

Assessable Frontage: 61.87 Feet

Estimated Front Foot Cost: \$35.50 per Foot

ESTIMATED TOTAL COST \$2,196.39

Property Description

CITY OF MUSKEGON
LOT 1 BLK 635

RECEIVED
CITY OF MUSKEGON

MAR 20 2003

ENGINEERING DEPT.

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Stephen J. Armstrong

Owner/Spouse

Signature

[Signature]

Signature

Address

1983 Lakeshore Dr

Address

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

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Mann, Lakeshore Dr. to Harrison

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14th DAY OF MARCH, 2003.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2003.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT

H 1550

RECONSTRUCTION

HEARING DATE

MARCH 25, 2003

MANN, LAKESHORE DR. TO HARRISON

24-205-627-0005-00	WILLIAM J GIBNER LLC 1965 LAKESHORE DR	ASSESSABLE FEET:	61.87
@ 1965.	LAKESHOR MUSKEGON MI	COST PER FOOT:	\$35.50
		<u>ESTIMATED P.O. COST:</u>	\$2,196.39
24-205-627-0006-00	HALL CHARLES L 2074 MANN ST	ASSESSABLE FEET:	61.87
@ 2074.	MANN ST MUSKEGON MI	COST PER FOOT:	\$35.50
		<u>ESTIMATED P.O. COST:</u>	\$2,196.39
24-205-627-0006-10	KITREL JEWEL 898 GREENE 407 RD	ASSESSABLE FEET:	61.87
@ 1944.	HARRISON LAKE AR	COST PER FOOT:	\$35.50
		<u>ESTIMATED P.O. COST:</u>	\$2,196.39
24-205-635-0001-00	WARMINGTON STEPHEN J 1983 LAKESHORE DR	ASSESSABLE FEET:	61.87 <i>yes</i>
@ 1983.	LAKESHOR MUSKEGON MI	COST PER FOOT:	\$35.50
		<u>ESTIMATED P.O. COST:</u>	\$2,196.39
24-205-635-0002-00	JORE LLC 144 GRAND AVE NE	ASSESSABLE FEET:	74.75 <i>yes</i>
@ 1991.	LAKESHOR GRAND RAPIDS MI	COST PER FOOT:	\$35.50
		<u>ESTIMATED P.O. COST:</u>	\$2,653.63
24-205-635-0012-00	SPANIOLA WILLIAM P ET AL 1962 HARRISON AVE	ASSESSABLE FEET:	49
@ 1962.	HARRISON MUSKEGON MI	COST PER FOOT:	\$35.50
		<u>ESTIMATED P.O. COST:</u>	\$1,739.50

SUM OF ASSESSABLE FOOTAGE:	371.23	<u>SUM OF ESTIMATED P.O. COST:</u>	\$13,178.67
TOTAL NUMBER OF ASSESSABLE PARCELS	6.00		

H-1550 MANN ST., LAKESHORE DR. TO HARRISON ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 6						OPPOSE			
			FOR									
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	371.230 ***		2	1991	LAKESHORE	24-205-635-0002-00	74.75					
FRONT FEET OPPOSED	0.00	0.00%	1	1983	LAKESHORE	24-205-635-0001-00	61.67					
RESPONDING FRONT FEET IN FAVOR	136.620	36.80%										
NOT RESPONDING - FRONT FEET IN FAVOR	234.610	63.20%										
TOTAL FRONT FEET IN FAVOR	371.230	100.00%										

TOTALS

136.62

0.00

TABULATED AS OF: 04:58 PM

Date: March 25, 2003

2003-28d)

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Public Hearing
Create Special Assessment District for:
Moon St., Lakeshore Dr. to Harrison

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Moon St., Lakeshore to Harrison project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2003-28 (d)

Resolution At First Hearing Creating Special Assessment District
For **Moon St., from Lakeshore Dr. to Harrison**

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

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were 33.3% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Larson and Mayor Warmington and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **10.98%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 25, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

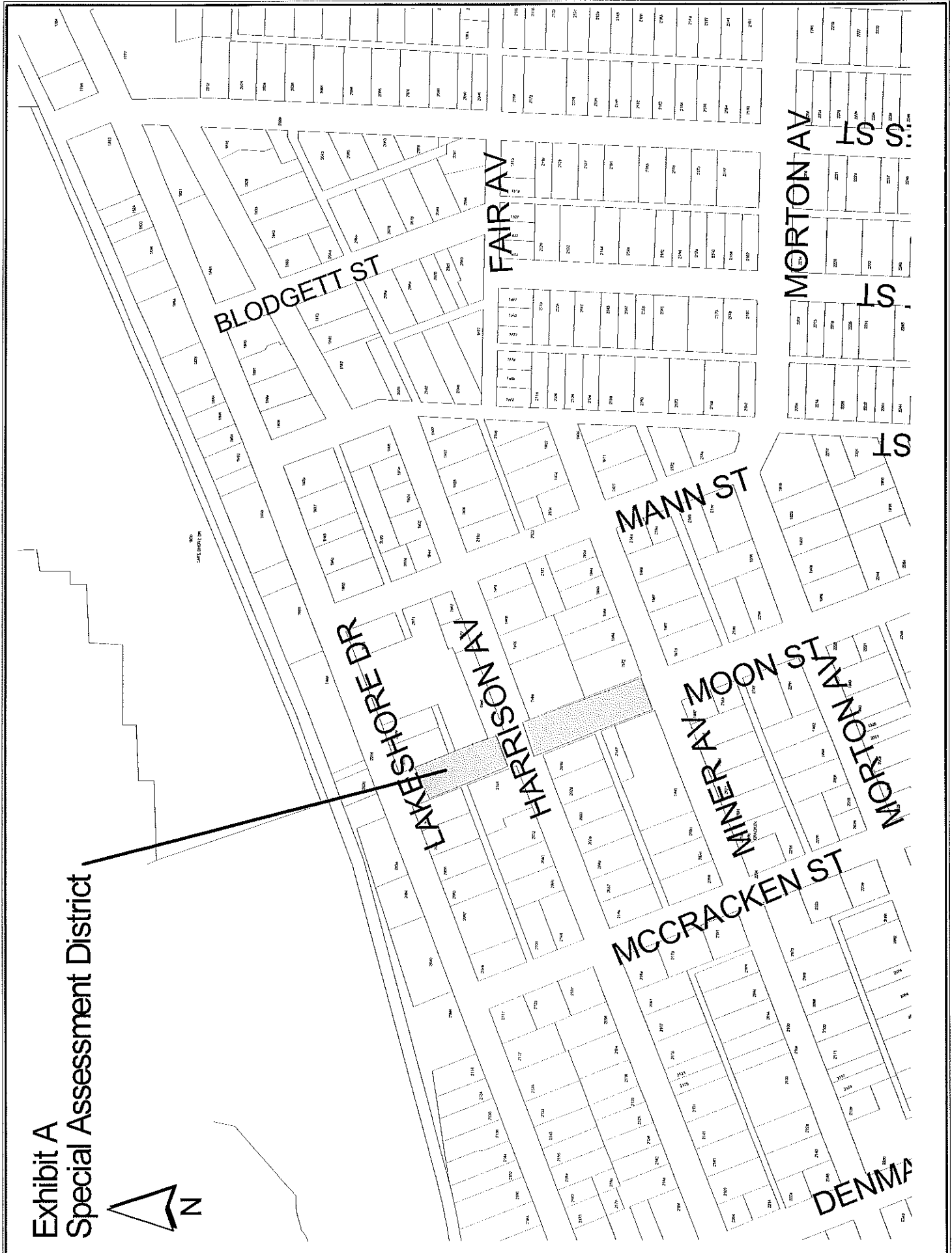
EXHIBIT A

Moon St., Lakeshore Dr. to Harrison

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Moon St., Lakeshore Dr.
to Harrison**

Exhibit A
Special Assessment District



ENGINEERING FEASIBILITY STUDY

For

Moon St., Lakeshore Dr. to Harrison

The proposed reconstruction of Moon St. between Lakeshore Dr. & Harrison was initiated by the City due to the conditions its in. The existing conditions of that section of roadway, we feel, is beyond salvaging. The proposed improvements consists of complete removal of the asphalt including curbs & gutters and using concrete pavement to construct a new section with curbs & gutters.

The proposed improvements will address at least two of the established goals, and they are;

- Improve the City's infrastructure
- enhance the appearance of that area.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$100,000 with the length of the project being approximately 260 lineal feet or 371.23 of assessable footage. This translates into an estimated improvement cost of \$269 per assessable foot. The assessment figure will be at a cost not to exceed a \$35.50 per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

March 11, 2003

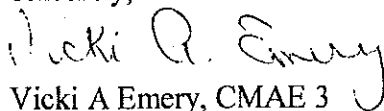
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Moon Street between Lakeshore Drive and Harrison Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 11, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.50 for the paving of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$37.88. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,


Vicki A Emery, CMAE 3

Senior Appraiser

MARCH 14, 2003

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441 4

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

MOON, LAKESHORE DR. TO HARRISON

The proposed special assessment district will be located as follows:

All parcels abutting Moon, Lakeshore to Harrison

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on APRIL 8, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Estimated Costs

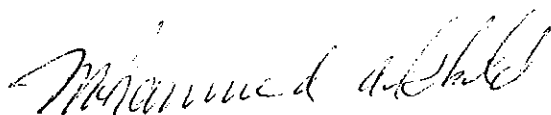
The total estimated cost of the street portion of the project is \$100,000.00 of which approximately 10.98% (\$10,978.02) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
STREET H-1550
MOON, LAKESHORE DR. TO HARRISON
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
 (Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
 By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
 SIGNATURE _____ TITLE _____
 COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25, 2003

Project Title: MOON, LAKESHORE DR. TO HARRISON

Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 61.88 Feet

Estimated Front Foot Cost: \$35.50 per Foot

ESTIMATED TOTAL COST \$2,196.74

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 1 BLK 636

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Clifford St., Miner Ave. to Lakeshore Drive
Edgewater St., Thompson Ave. to Wilcox
Mann St., Lakeshore Drive to Harrison Ave.
Moon St., Lakeshore Drive to Harrison Ave.
and
Thompson Ave., Plum to Edgewater St.**

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

- **All parcels abutting Clifford St. from Miner Ave. to Lakeshore Drive**
- **All parcels abutting Edgewater St. from Thompson Ave. to Wilcox**
- **All parcels abutting Mann St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Moon St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Thompson Ave. from Plum to Edgewater St.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 25, 2003 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **March 15, 2003**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1549

RECONSTRUCTION

HEARING DATE

MARCH 25, 2003

MOON, LAKESHORE DR. TO HARRISON

24-205-635-0002-00	JORE LLC	ASSESSABLE FEET:	82.4
	144 GRAND AVE NE	COST PER FOOT:	\$35.50
@ 1991.	LAKESHOR GRAND RAPIDS MI	<u>ESTIMATED P.O. COST:</u>	<u>\$2,925.20</u>

24-205-635-0007-00	GHEZZI RICHARD P	ASSESSABLE FEET:	61.88
	1924 SPENCER DR	COST PER FOOT:	\$35.50
@ 2017.	LAKESHOR MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$2,196.74</u>

24-205-635-0008-00	ETTERMAN MARVA J	ASSESSABLE FEET:	41.2
	1980 HARRISON AVE	COST PER FOOT:	\$35.50
@ 1980.	HARRISON MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$1,462.60</u>

24-205-636-0001-00	DEWALD LORRAINE H	ASSESSABLE FEET:	61.88
	1580 NELSON ST	COST PER FOOT:	\$35.50
@ 2033.	LAKESHOR MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$2,196.74</u>

24-205-636-0013-00	KOWALSKI ROSEMARY	ASSESSABLE FEET:	61.88
	2101 MOON ST	COST PER FOOT:	\$35.50
@ 2101.	MOON ST MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	<u>\$2,196.74</u>

SUM OF ASSESSABLE FOOTAGE:	<u>309.24</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$10,978.02</u>
----------------------------	---------------	------------------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS	5.00
------------------------------------	------

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Moon, Lakeshore Dr. to Harrison

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14th DAY OF MARCH, 2003.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2003.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

To Whom it May Concern
I've changed my mind
on the Moon Street
assessment to yes vote.

3-25-03

Paul Thompson
2617 Lakeshore Dr

RECEIVED

CITY OF MUSKEGON

MAR 26 2003

ENGINEERING DEPT.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **MOON, LAKESHORE DR. TO HARRISON**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **2017 LAKESHORE DR**

Parcel Number **24-205-635-0007-00**

Assessable Frontage: **61.88** Feet

Estimated Front Foot Cost: **\$35.50** per Foot

ESTIMATED TOTAL COST \$2,196.74

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 635
LOT 7



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Richard Green CoOwner/Spouse _____

Signature [Signature] Signature _____

Address 2017 Lakeshore Dr Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **MOON, LAKESHORE DR. TO HARRISON**
Project Description **RECONSTRUCTION**

INSTRUCTIONS

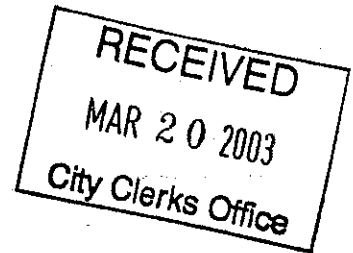
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: **2017 LAKESHORE DR**
Parcel Number **24-205-635-0007-00**
Assessable Frontage: **61.88** Feet
Estimated Front Foot Cost: **\$35.50** per Foot
ESTIMATED TOTAL COST \$2,196.74

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 635
LOT 7



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Richard Gherzi CoOwner/Spouse _____
Signature [Signature] Signature _____
Address 2017 Lakeshore Dr Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **MOON, LAKESHORE DR. TO HARRISON**

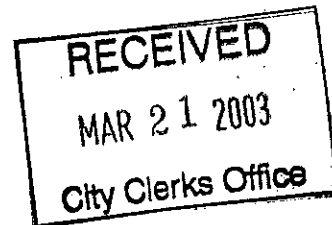
Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: 2101 MOON ST
Parcel Number 24-205-636-0013-00
Assessable Frontage: 61.88 Feet
Estimated Front Foot Cost: \$35.50 per Foot
ESTIMATED TOTAL COST \$2,196.74



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 636
LOTS 13 & 14
EXC
SWLY 20 FT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Rosemary Kowalski CoOwner/Spouse _____

Signature Rosemary Kowalski Signature _____

Address 2101 Moon Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25, 2003

Project Title: MOON, LAKESHORE DR. TO HARRISON

Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1980 HARRISON AVE

Parcel Number 24-205-635-0008-00

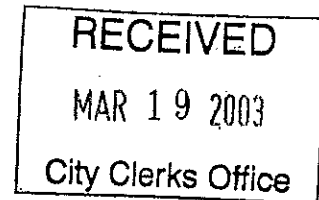
Assessable Frontage: 41.2 Feet

Estimated Front Foot Cost: \$35.50 per Foot

ESTIMATED TOTAL COST \$1,462.60

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 635
PART OF LOTS 8 9 & 10 DESC AS FOL
COM AT NELY COR OF LOT 10 OF SD BLK
TH SELY ALG LOT LN 77.73 FT FOR POB



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Estate of MARION J. E. HARMON Owner/Spouse

Signature

Daniel D. Efferman

Signature

Address

1980 Harrison St
Muskegon MI 49441

Address

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

H-1549 MOON ST., LAKESHORE DR. TO HARRISON ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	FOR					TOTAL NUMBER OF PARCELS - 5					OPPOSE	
			LETTER	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET		
TOTAL ASSESSABLE FRONT FOOTAGE	309.240 ***		4	1991	LAKESHORE	24-205-635-0002-00	82.40	5	1980	HARRISON	24-205-635-0008-00	41.20		
FRONT FEET OPPOSED	103.08	33.33%	3	2017	LAKESHORE	24-205-635-0007-00	61.88	2	2101	MOON	24-205-636-0013-00	61.88		
RESPONDING FRONT FEET IN FAVOR	144.280	46.66%												
NOT RESPONDING - FRONT FEET IN FAVOR	61.880	20.01%												
TOTAL FRONT FEET IN FAVOR	206.160	66.67%												
			TOTALS					144.28					103.08	

TABULATED AS OF: 05:02 PM

2003-28(f)

Date: March 25, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Clifford St., Lakeshore Dr. to Miner

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Clifford, Lakeshore to Miner project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2003-28 (f)

Resolution At First Hearing Creating Special Assessment District
For **Clifford St., from Lakeshore Dr. to Miner**

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

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were 22.43% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Schweifler and Mayor Warmington and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **27.87%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 25, 2003**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

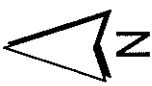
EXHIBIT A

Clifford St., Lakeshore Dr. to Miner

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Clifford St., Lakeshore
Dr. to Miner**

Exhibit A
Special Assessment District



ENGINEERING FEASIBILITY STUDY

For

Clifford St., Lakeshore Dr. to Miner

The proposed reconstruction of Clifford St. Lakeshore Dr. & Miner was initiated by the City due to the conditions its in. The existing conditions of that section of roadway, we feel, beyond salvaging. In addition, the roadway is partially gravel and has no curbs and gutters.

The proposed improvements will address at least two of the established goals, and they are;

- Improve the City's infrastructure
- enhance the appearance of that area.

As well as eliminate at least 400' of gravel roadway from the City street system

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$80,000 with the length of the project being approximately 576 lineal feet or 706.51 of assessable footage. This translates into an estimated improvement cost of \$113 per assessable foot. The assessment figure will be at a cost not to exceed a \$31.56 35 (prorated value due to the width being less than the standard 27') per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

March 11, 2003

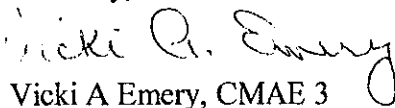
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Clifford Street between Lakeshore Drive and Miner Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 11, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$31.56 for the paving of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$33.03. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,


Vicki A Emery, CMAE 3

Senior Appraiser

MARCH 14, 2003

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441 11

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

CLIFFORD ST. , LAKESHORE DR. TO MINER

The proposed special assessment district will be located as follows:

All parcels abutting Clifford, Lakeshore to Miner

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on APRIL 8, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Estimated Costs

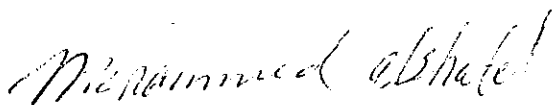
The total estimated cost of the street portion of the project is \$80,000.00 of which approximately 27.87% (\$22,297.46) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

STREET H-1558
CLIFFORD, LAKESHORE DR. TO MINER
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
SIGNATURE _____ TITLE _____
COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

**CITY OF MUSKEGON
CLIFFORD, LAKESHORE DR. TO MINER
STREET H-1558
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2002, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **CLIFFORD ST. , LAKESHORE DR. TO MINER**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

Property Address: **PROPERTY ADDRESS**

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

Assessable Frontage: **50 Feet**

Estimated Front Foot Cost: **\$31.56 per Foot**

ESTIMATED TOTAL COST \$1,578.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
PART OF BLK 693
COM AT A PT ON S LINE OF LAKE ST
35 FT W OF THE E LINE OF BLK 693
TH W 30 FT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Clifford St., Miner Ave. to Lakeshore Drive
Edgewater St., Thompson Ave. to Wilcox
Mann St., Lakeshore Drive to Harrison Ave.
Moon St., Lakeshore Drive to Harrison Ave.
and
Thompson Ave., Plum to Edgewater St.**

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

- **All parcels abutting Clifford St. from Miner Ave. to Lakeshore Drive**
- **All parcels abutting Edgewater St. from Thompson Ave. to Wilcox**
- **All parcels abutting Mann St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Moon St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Thompson Ave. from Plum to Edgewater St.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 25, 2003 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **March 15, 2003**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1558

RECONSTRUCTION

HEARING DATE

MARCH 25, 2003

CLIFFORD ST., LAKESHORE DR. TO MINER

24-205-678-0001-00	DOUGLAS STEVEN M/EVE E	ASSESSABLE FEET:	158.5
	2471 LAKESHORE DR	COST PER FOOT:	\$31.56
@ 2471.	LAKESHOR MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$5,002.26
24-205-693-0001-16	BLAKE THOMAS E/SUSAN S	ASSESSABLE FEET:	50
	3222 PARK PL	COST PER FOOT:	\$31.56
@ 2485.	LAKESHOR MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,578.00
24-205-693-0001-19	MITCHELL FRANKIE	ASSESSABLE FEET:	45
	2181 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2181.	CLIFFORD S MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,420.20
24-205-693-0001-20	MOREY JAMES A	ASSESSABLE FEET:	45
	2187 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2187.	CLIFFORD S MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,420.20
24-205-693-0001-21	RICHARDS ROBERT SR	ASSESSABLE FEET:	60
	2193 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2193.	CLIFFORD S MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$1,893.60
24-205-693-0001-22	SCHNEIDER RANDALL P/NICKI V	ASSESSABLE FEET:	30
	2990 COUNTRY CLUB	COST PER FOOT:	\$31.56
@ 2203.	CLIFFORD S MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$946.80
24-205-693-0001-41	TOSCANO DARCEY J	ASSESSABLE FEET:	30
	2207 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2207.	CLIFFORD S MUSKEGON MI	<u>ESTIMATED P.O. COST:</u>	\$946.80

CLIFFORD ST., LAKESHORE DR. TO MINER

24-205-693-0001-42	HILLARD RODNEY/CAROL	ASSESSABLE FEET:	30
	4835 W 136TH ST	COST PER FOOT:	\$31.56
@ 2211.	CLIFFORD S GRANT MI	ESTIMATED P.O. COST:	\$946.80

24-205-693-0001-43	GILBERT VIRGINA	ASSESSABLE FEET:	30
	2217 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2217.	CLIFFORD S MUSKEGON MI	ESTIMATED P.O. COST:	\$946.80

24-205-693-0001-44	TROMBLEY JAMES	ASSESSABLE FEET:	60
	2223 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2223.	CLIFFORD S MUSKEGON MI	ESTIMATED P.O. COST:	\$1,893.60

24-205-693-0001-45	TILFORD STEPHANIE	ASSESSABLE FEET:	52.25
	2241 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2241.	CLIFFORD S MUSKEGON MI	ESTIMATED P.O. COST:	\$1,649.01

24-205-693-0001-46	DION EDWARD J	ASSESSABLE FEET:	115.76
	2226 CLIFFORD ST	COST PER FOOT:	\$31.56
@ 2226.	CLIFFORD S MUSKEGON MI	ESTIMATED P.O. COST:	\$3,653.39

SUM OF ASSESSABLE FOOTAGE:	706.51	SUM OF ESTIMATED P.O. COST:	\$22,297.46
----------------------------	--------	-----------------------------	-------------

TOTAL NUMBER OF ASSESSABLE PARCELS	12.00
------------------------------------	-------

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Clifford, Lakeshore to Miner

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14TH DAY OF MARCH, 2003.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2003.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title **CLIFFORD ST, LAKESHORE DR. TO MINER**

Project Description **RECONSTRUCTION**

INSTRUCTIONS

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

Assessment Information

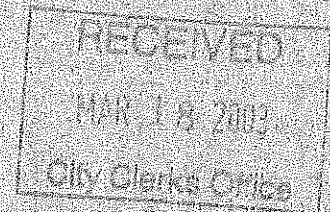
Property Address **2203 CLIFFORD ST**

Parcel Number **24-205-693-0001-22**

Assessable Frontage **30** Feet

Estimated Front Foot Cost **\$31.56** per Foot

ESTIMATED TOTAL COST \$946.80



Property Description

CITY OF MUSKOGEE
REVISED PLAT OF 1903
PART OF BLK 693
COM AT A PT 284 FT S OF S LINE OF LAKE ST
& 33 FT W OF E LINE OF BLK 693
TH W 100 FT
TH S 30 FT

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Randall P. Schneider CoOwner/Spouse NICK V. SCHNEIDER

Signature Randall P. Schneider Signature Nick V. Schneider

Address 2990 Country Club Address 2990 Country Club
2203 CLIFFORD 2203 CLIFFORD

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return this Card By: MARCH 28, 2003

Project Title: CUFFORD ST. LAKESHORE DR. TO MINER

Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 2471 LAKESHORE DR.

Parcel Number: 24-205-678-0001-00

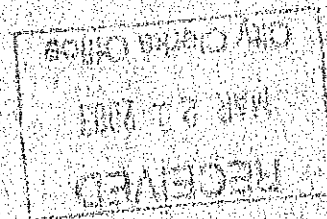
Assessable Frontage: 158.5 Feet

Estimated Front Foot Cost: \$31.56 per Foot

ESTIMATED TOTAL COST: \$5,002.26

Property Description

CITY OF MILWAUKEE
REVISED PLAT OF 1903
PART OF BLK 678 COM AT NW COR BLK 678
TH S 297 FT
TH E 33 FT
TH S 20 FT
TH E 22 FT



Your vote COUNTS!

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

I AM IN FAVOR ☐

I AM OPPOSED ☒

Owner

Steve Douglas

Co-Owner/Spouse

Eve Douglas

Signature

Steve Douglas

Signature

Eve Douglas

Address

2471 Lakeshore Dr

Address

2471 Lakeshore Dr

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

H-1558 CLIFFORD ST., LAKESHORE DR. TO MINER ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	<u>FOR</u>					<u>TOTAL NUMBER OF PARCELS - 12</u>					<u>OPPOSE</u>	
			<u>LETTER#</u>	<u>ST#</u>	<u>ST NAME</u>	<u>PARCEL#</u>	<u>FEET</u>	<u>LETTER</u>	<u>ST#</u>	<u>ST NAME</u>	<u>PARCEL#</u>	<u>FEET</u>		
TOTAL ASSESSABLE FRONT FOOTAGE	706.510 ***		5	2203	CLIFFORD	24-205-693-0001-22	30.00	11	2471	LAKESHORE	24-205-678-0001-00	158.50		
FRONT FEET OPPOSED	158.50	22.43%												
RESPONDING FRONT FEET IN FAVOR	30.000	4.25%												
NOT RESPONDING - FRONT FEET IN FAVOR	518.010	73.32%												
TOTAL FRONT FEET IN FAVOR	548.010	77.57%												

TOTALS

30.00

158.50

TABULATED AS OF: 05:08 PM

2003-289)

Date: March 25, 2003
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Edgewater, Thompson to Wilcox

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Edgewater, Thompson to Wilcox project**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For **Edgewater, Thompson to Wilcox**

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

RECITALS:

1. A hearing has been held on **March 25, 2003** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 25, 2003**, there were _____% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners _____ and _____ and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **11.44%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 25, 2003**. 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, Clerk

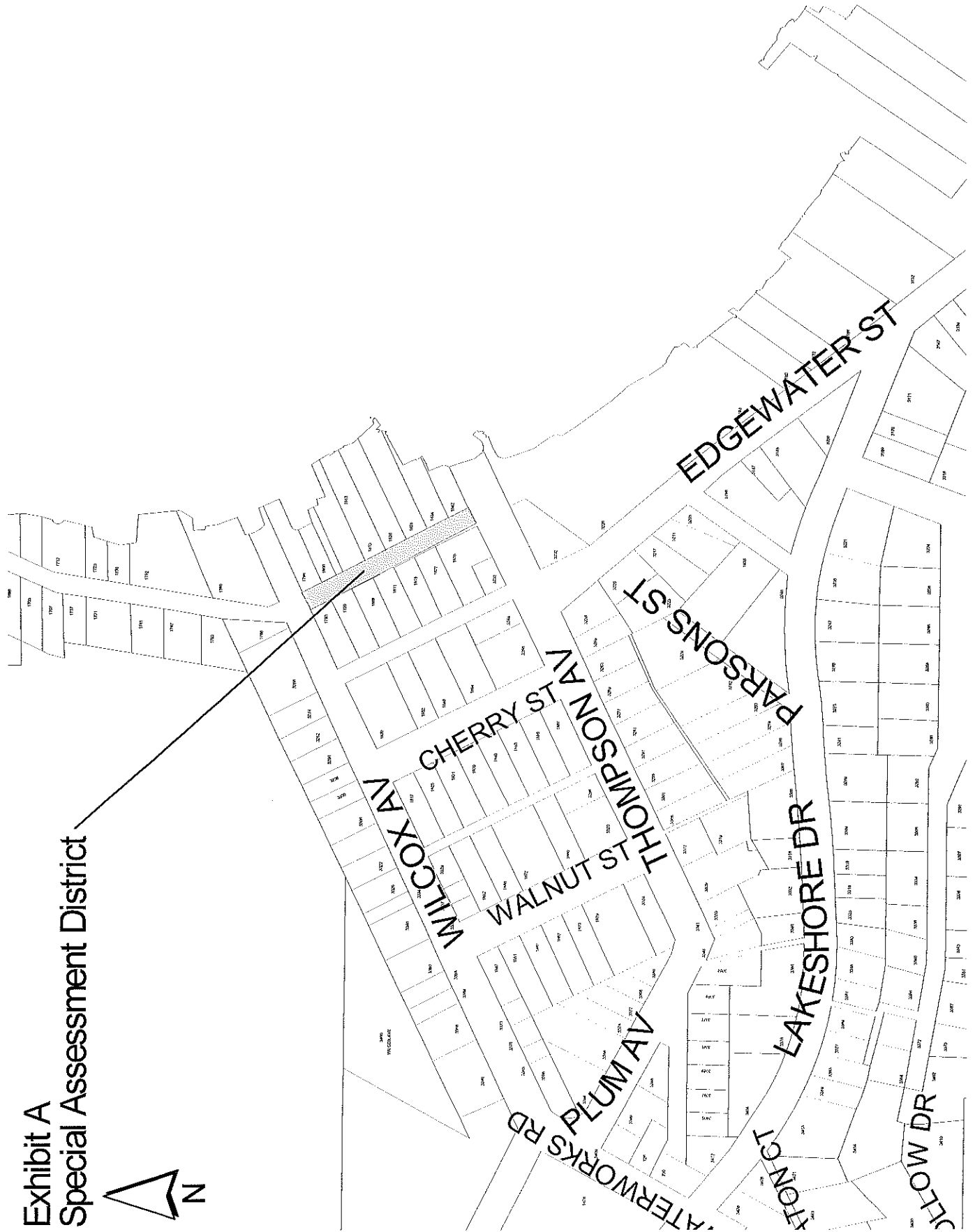
EXHIBIT A

Edgewater St., Thompson to Wilcox

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Edgewater St.,
Thompson to Wilcox**

Exhibit A
Special Assessment District



ENGINEERING FEASIBILITY STUDY

For

Edgewater St., Thompson to Edgewater

The proposed milling & resurfacing of Edgewater between Thompson & Wilcox was initiated by the City due to the conditions it is in. The existing asphalt surface has deteriorated to a point where preventative maintenance (crack sealing, overlay) is no longer an option that engineering would recommend. The scope of the proposed project consists of total removal of the asphalt, the reshaping of the aggregate base and the placement of a minimum of 3" of asphalt.

Unfortunately, due to the presence of a high number of healthy and mature trees, we are unable to proposed a typical local street of 27' back to back and have elected to stay with the existing width of 20' to preserve the area.

The proposed improvements will address at least two of the established goals;

- Improve the City's infrastructure
- enhance the appearance of that area.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$80,000 with the length of the project being approximately 400 lineal feet or 748.50 of assessable footage. This translates into an estimated improvement cost of \$106 per assessable foot. The assessment figure will be at a prorated cost not to exceed a \$12.23 (prorated value due to the width being less than the standard 27') per assessable foot as established in the 2003 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
James J. Kobza
Louis McMurray
Tony Moulatsiotis
Clarence Start

March 11, 2003

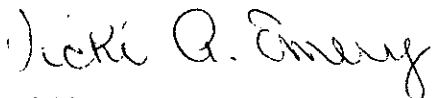
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Edgewater Street between Thompson Avenue and Wilcox Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is March 11, 2003.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$12.23 for the paving of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$15.51. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

MARCH 14, 2003

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441 8

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

EDGEWATER, THOMPSON TO WILCOX

The proposed special assessment district will be located as follows:

All parcels abutting Edgewater, Thompson to Wilcox

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 25, 2003 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held, if the district is created, to confirm the special assessment roll after the project is completed. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Estimated Costs

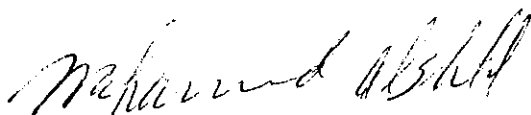
The total estimated cost of the street portion of the project is \$80,000.00 of which approximately 11.44% (\$9,154.16) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
STREET H-1552
EDGEWATER, THOMPSON TO WILCOX
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
(Please refer to your assessment letter for this information)
Number Living in Household: _____ List information for household members besides owner/spouse here.
Name _____ Birthdate _____ Social Security # _____ - _____ - _____
Name _____ Birthdate _____ Social Security # _____ - _____ - _____
Name _____ Birthdate _____ Social Security # _____ - _____ - _____
Name _____ Birthdate _____ Social Security # _____ - _____ - _____

INCOME INFORMATION

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

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
SIGNATURE _____ TITLE _____
COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25,2003

Project Title: EDGEWATER, THOMPSON TO WILCOX
Project Description MILLING & RESURFACING

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	50 Feet
Estimated Front Foot Cost:	\$12.23 per Foot
ESTIMATED TOTAL COST	\$611.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
NWLY 50 FT
OF A STRIP OF LAND
LYING NELY OF BLK 725
BOUNDED BY

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following projects:

**Clifford St., Miner Ave. to Lakeshore Drive
Edgewater St., Thompson Ave. to Wilcox
Mann St., Lakeshore Drive to Harrison Ave.
Moon St., Lakeshore Drive to Harrison Ave.
and
Thompson Ave., Plum to Edgewater St.**

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

- **All parcels abutting Clifford St. from Miner Ave. to Lakeshore Drive**
- **All parcels abutting Edgewater St. from Thompson Ave. to Wilcox**
- **All parcels abutting Mann St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Moon St. from Lakeshore Drive to Harrison Ave.**
- **All parcels abutting Thompson Ave. from Plum to Edgewater St.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
MARCH 25, 2003 AT 5:30 O'CLOCK P.M.

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

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

PUBLISH: **March 15, 2003**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1552

MILLING & RESURFACING

HEARING DATE

MARCH 25,2003

EDGEWATER, THOMPSON TO WILCOX

24-205-725-9991-01	FREYE AUSTIN 1796 EDGEWATER ST @ 1796.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50
24-205-725-9991-02	TOM BLAKE 3222 PARK PL @ 1800.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 35 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$428.05
24-205-725-9999-01	DANIELS DONALD N 1812 EDGEWATER ST @ 1812.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50
24-205-725-9999-02	BRADY ROBERT C/CINDY C 17226 BURKSHIRE DR @ 1820.0 EDGEWATER GRAND HAVEN MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50
24-205-725-9999-03	SCHILLER STEVEN M 1828 EDGEWATER ST @ 1828.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50
24-205-725-9999-04	TORRENT NEVADA/MARY LYNN 1834 EDGEWATER ST @ 1834.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50

EDGEWATER, THOMPSON TO WILCOX

24-205-725-9999-05	BIZON RAYMOND 1842 EDGEWATER ST @ 1842.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 49 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$599.27
24-205-725-0001-00	TURGEON BRUCE W 1795 EDGEWATER ST @ 1795.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50
24-205-725-0002-00	BIRCH JOHN A 1799 EDGWATER ST @ 1799.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 65 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$794.95
24-205-725-0003-00	WIERENGA OLIVE M TRUST 1805 EDGEWATER ST @ 1805.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 100 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$1,223.00
24-205-725-0004-00	PARKER DOUGLAS C/CHERYL L 1811 EDGEWATER ST @ 1811.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50
24-205-725-0005-00	EHLERS ANN M 1819 EDGEWATER ST @ 1819.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50
24-205-725-0006-00	BISHOP WILLIAM E 1827 EDGEWATER ST @ 1827.0 EDGEWATER MUSKEGON MI	ASSESSABLE FEET: 50 COST PER FOOT: \$12.23 <u>ESTIMATED P.O. COST:</u> \$611.50

EDGEWATER, THOMPSON TO WILCOX

24-205-725-0007-00

ZACHARIASON HAROLD

ASSESSABLE FEET: 49.5

1835 EDGEWATER ST

COST PER FOOT: \$12.23

@ 1835.0 EDGEWATER MUSKEGON MI

ESTIMATED P.O. COST: \$605.39SUM OF ASSESSABLE FOOTAGE: 748.50SUM OF ESTIMATED P.O. COST: \$9,154.16

TOTAL NUMBER OF ASSESSABLE PARCELS 14.00

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Edgewater, Thompson to Wilcox

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14th DAY OF MARCH, 2003.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2003.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By MARCH 25, 2003

Project Title: EDGEWATER, THOMPSON TO WILCOX

Project Description MILLING & RESURFACING

INSTRUCTIONS

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

Assessment Information

Property Address: 1799 EDGEWATER ST

Parcel Number 24-205-725-0002-00

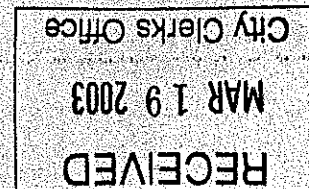
Assessable Frontage: 65 Feet

Estimated Front Foot Cost: \$12.23 per Foot

ESTIMATED TOTAL COST \$794.95

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 725
NE 137 FT LOT 2
& SLY 15 FTOF NLY 100 FT
OF A STRIP OF LAND



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner: John Birch

CoOwner/Spouse: Margaret Birch

Signature: John Birch

Signature: Margaret Birch

Address: 1799 Edgewater St.

Address: 1799 Edgewater St.

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **MARCH 25, 2003**

Project Title: **EDGEWATER, THOMPSON TO WILCOX**
Project Description: **MILLING & RESURFACING**

INSTRUCTIONS

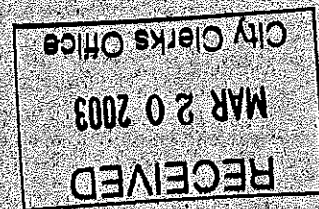
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: **1842 EDGEWATER ST**
Parcel Number: **24-205-725-9999-05**
Assessable Frontage: **49** Feet
Estimated Front Foot Cost: **\$12.23** per Foot
ESTIMATED TOTAL COST \$599.27

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
SLY 49 FT OF A STRIP OF LAND LYING NELY OF BLK 725
BOUNDED BY WILCOX AVE LAKE ST
NOW KNOWN AS EDGEWATER ST
THOMPSON AVE &



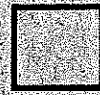
Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner: **RAYMOND G. BIZON** CoOwner/Spouse

Signature

Raymond G. Bizon

Signature

Krystyna Bizon

Address

1842 EDGEWATER

Address

1842 EDGEWATER

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **EDGEWATER, THOMPSON TO WILCOX**

Project Description **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address: **1828 EDGEWATER ST**

Parcel Number **24-205-725-9999-03**

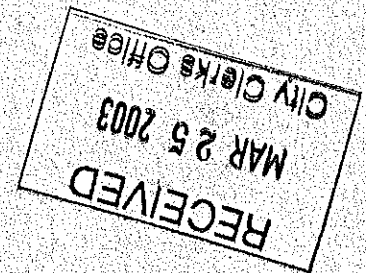
Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$12.23** per Foot

ESTIMATED TOTAL COST \$611.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
SLY 50 FT OF NLY 300 FT OF A STRIP OF LAND LYING
NELY OF BLK 725 BOUNDED BY WILCOX AVE LAKE ST
NOW KNOWN AS EDGEWATER ST THOMPSON AVE
AND THE SHORE OF MUSKEGON LAKE



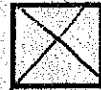
Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Steven M. Schiller CoOwner/Spouse _____

Signature [Signature] Signature _____

Address 1828 Edgewater Address _____

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By MARCH 25, 2003

Project Title: **EDGEWATER, THOMPSON TO WILCOX**

Project Description **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address: **1819 EDGEWATER ST**

Parcel Number **24-205-725-0005-00**

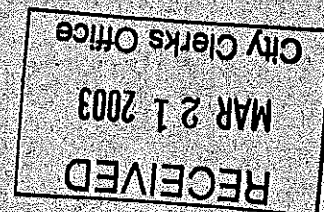
Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$12.23** per Foot

ESTIMATED TOTAL COST \$611.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 725
NE 137 FT LOT 5



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner: Ann M Ehlers

CoOwner/Spouse _____

Signature: Ann M Ehlers

Signature _____

Address: 1819 Edgewater

Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **EDGEWATER, THOMPSON TO WILCOX**

Project Description **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address: **1812 EDGEWATER ST**

Parcel Number **24-205-725-9999-01**

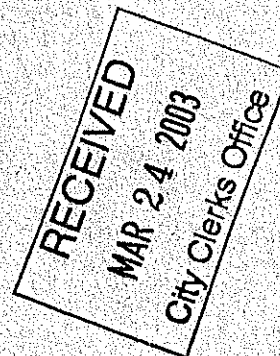
Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$12.23** per Foot

ESTIMATED TOTAL COST \$611.50

Property Description

CITY OF MUSKOGON
REVISED PLAT OF 1903
SLY 50 FT
OF NLY 200 FT
OF A STRIP OF LAND
LYING NELY OF BLK 725



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Donald Daniels

CoOwner/Spouse

Rebecca Daniels

Signature

Donald Daniels

Signature

Rebecca Daniels

Address

1812 Edgewater

Address

1812 Edgewater

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

Project Title: **EDGEWATER, THOMPSON TO WILCOX**

Project Description **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address: **1834 EDGEWATER ST**

Parcel Number **24-205-725-9999-04**

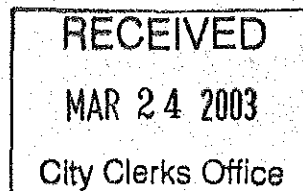
Assessable Frontage: **50** Feet

Estimated Front Foot Cost: **\$12.23** per Foot

ESTIMATED TOTAL COST \$611.50

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
A PARCEL OF LAND LYING NE OF LOT 7 BLK 725
& BOUNDED AS FOLLOWS
COM AT A PT ON ELY LINE OF EDGEWATER ST
49 FT NWLY OF NW COR EDGEWATER ST & THOMPSON AVE



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Mervado L. Torrent CoOwner/Spouse

Signature Mervado L. Torrent

Address 1834 Edgewater St.

Signature Mary Lynn Torrent

Address 1834 Edgewater

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **MARCH 25, 2003**

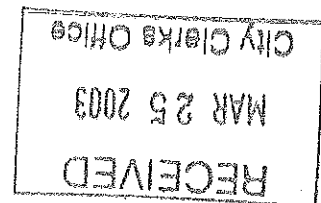
Project Title: **EDGEWATER, THOMPSON TO WILCOX**
Project Description **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address:	1827 EDGEWATER ST
Parcel Number	24-205-725-0006-00
Assessable Frontage:	50 Feet
Estimated Front Foot Cost:	\$12.23 per Foot
ESTIMATED TOTAL COST	\$611.50



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 725
NE 137 FT OF LOT 6

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner William E. Bishop CoOwner/Spouse

Signature William E. Bishop Signature

Address 1827 Edgewater Address

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

March 25, 2003

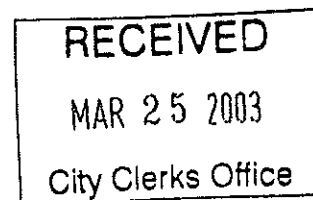
Dear City Commission,

This letter is in regards to the proposed special assessment district on Edgewater Street from Thompson to Wilcox. I am the owner of property located at 1835 Edgewater Street within this district and would like you to know that I am not in favor of this proposal.

Sincerely,

Harold Zachariason

Harold Zachariason
1835 Edgewater Street
Muskegon MI 49441



H-1552 EDGEWATER ST., THOMPSON ST. TO WILCOX ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 14									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	748.500 ***		7	1842	EDGEWATER	24-205-725-9999-05	49.00	9	1799	EDGEWATER	24-205-725-0002-00	65.00
FRONT FEET OPPOSED	474.50	63.39%						10	1805	EDGEWATER	24-205-725-0003-00	100.00
RESPONDING FRONT FEET IN FAVOR	49.000	6.55%						3	1812	EDGEWATER	24-205-725-9999-01	50.00
NOT RESPONDING - FRONT FEET IN FAVOR	225.000	30.06%						12	1819	EDGEWATER	24-205-725-0005-00	60.00
TOTAL FRONT FEET IN FAVOR	274.000	36.61%						13	1827	EDGEWATER	24-205-725-0006-00	50.00
								5	1828	EDGEWATER	24-205-725-9999-03	50.00
								6	1834	EDGEWATER	24-205-725-9999-04	50.00
								14	1835	EDGEWATER	24-205-725-0007-00	49.50

TOTALS

49.00

474.50

TABULATED AS OF: 05:05 PM

Commission Meeting Date: March 25, 2003

2003-29a)

Date: March 11, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Resolution of Commitment and Cooperation from
the City of Muskegon for the Mainstreet Program**

SUMMARY OF REQUEST: The Neighborhood Investment Corporation (NIC) currently has a local Mainstreet designation. Funding has come from both the Downtown Arts and Entertainment District and NIC. The opportunity is now available to apply for a State Mainstreet designation. This would allow for direct training and other benefits from the National Trust for Historic Preservation Mainstreet program. NIC will be making application to the State for this designation. The attached resolution lends the commitment and cooperation of the City of Muskegon in this effort.

FINANCIAL IMPACT: No direct impact, although the City would commit to in-kind services through the Planning and Economic Development staff (e.g., mapping, printing).

BUDGET ACTION REQUIRED: None.

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

MUSKEGON CITY COMMISSION

**RESOLUTION OF COMMITMENT AND COOPERATION FROM THE CITY OF
MUSKEGON FOR THE MAINSTREET PROGRAM**

WHEREAS, The Muskegon City Commission supports the National Trust for Historic Preservation Mainstreet program approach; and,

WHEREAS, this is a four-point approach which includes organization, design, historic preservation and economic restructuring, which, over the past 35 years, has been instituted in nearly 1,600 communities in 38 states, spurring a total investment of \$16 billion and the creation of 56,000 new businesses and 226,000 new jobs into traditional downtown business districts in America; and,

WHEREAS, the Neighborhood Investment Corporation and the Downtown Arts and Entertainment Committee have partnered to form a local Mainstreet initiative for Western Avenue and the Third Street corridor; and,

WHEREAS, the Michigan Economic Development Corporation is offering a State designated Mainstreet program, which would strengthen and add to the existing local program;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon, provide it's support for an application through the Neighborhood Investment Corporation for a State Mainstreet designation.

BE IT FURTHER RESOLVED that, if such designation is granted, the City Commission shall lend it's commitment and cooperation to the State designated Muskegon Mainstreet program, as it currently is doing for the local Mainstreet program.

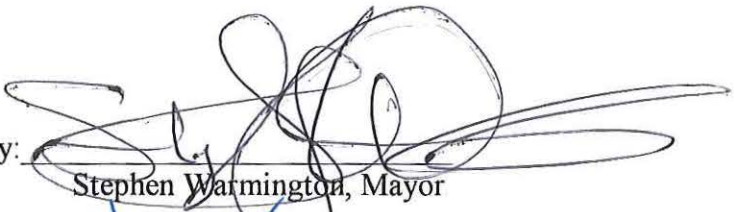
Adopted this 25th of March, 2003

AYES: 0

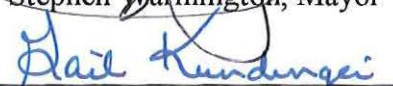
NAYS: 0

ABSTAIN: 0

By:


Stephen Warmington, Mayor

Attest:

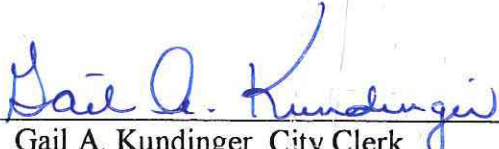

Gail Kunding, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 25, 2003. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunding, City Clerk

Commission Meeting Date: March 25, 2003

Date: March 13, 2003 2003-296)
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Buildable Vacant Lot on Muskegon Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 354 W. Muskegon (designated as parcel number 24-205-336-0012-00) described as LOT 12 & THE NORTHERLY 13.75' OF LOT 11, BLOCK 336, OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON to Theresa L. Moyer, of 2183 Larue Street, Muskegon, MI 49441. The lot is 79.5 X 132 ft. and is being offered to Theresa L. Moyer for \$1,000. She plans to move a home from 341 Bauer to this vacant land. The value of the lot was set at \$1,000 by the Historic Home Infill Program.

FINANCIAL IMPACT:

The sale of this lot for the moving of a home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Kundinger, Gail

From: Brubaker-Clarke, Cathy
Sent: Monday, March 24, 2003 1:34 PM
To: Schrier, John (attorney); Moore, Brenda; Anguilm, Lonna; Lazor, Brian
Cc: Mazade, Bryon; Kundinger, Gail
Subject: RE: Historic In-fill

This is actually Brian's agenda item, although Brenda is working on it, too. Given the complications involved, I suggest that both Brian and Brenda make the presentation (or Brenda should at least go up front for back-up and possible questions).

-----Original Message-----

From: Schrier, John (attorney)
Sent: Monday, March 24, 2003 2:28 PM
To: Brubaker-Clarke, Cathy; Moore, Brenda; Anguilm, Lonna
Cc: Mazade, Bryon; Kundinger, Gail
Subject: Historic In-fill

I am not sure which one of you is making the presentation, so I am communicating with all three.

Two comments on the cover sheet:

- 1) Unless you are planning to bring the purchase agreements back to the City Commission once signed by the buyers, you may want the City Commission to authorize the Mayor and Clerk to sign the purchase agreements Tuesday night; and
- 2) As to the property that is being bought and will then be re-sold to a city employee, the City Commission needs to declare, and the minutes need to reflect, that it is in the best interests of the City to sell the property to the person involved, despite the personal financial interest of the city employee. It will require a unanimous vote of the City Commission.

Kundinger, Gail

From: Moore, Brenda
Sent: Monday, March 24, 2003 2:36 PM
To: Schrier, John (attorney); Brubaker-Clarke, Cathy; Anguilm, Lonna
Cc: Mazade, Bryon; Kundinger, Gail
Subject: RE: Historic In-fill

I will be at the meeting. On #2, Brian rewrote the resolution to reflect the "best interest" language. Thanks for the help.

-----Original Message-----

From: Schrier, John (attorney)
Sent: Monday, March 24, 2003 2:28 PM
To: Brubaker-Clarke, Cathy; Moore, Brenda; Anguilm, Lonna
Cc: Mazade, Bryon; Kundinger, Gail
Subject: Historic In-fill

I am not sure which one of you is making the presentation, so I am communicating with all three.

Two comments on the cover sheet:

- 1) Unless you are planning to bring the purchase agreements back to the City Commission once signed by the buyers, you may want the City Commission to authorize the Mayor and Clerk to sign the purchase agreements Tuesday night; and
- 2) As to the property that is being bought and will then be re-sold to a city employee, the City Commission needs to declare, and the minutes need to reflect, that it is in the best interests of the City to sell the property to the person involved, despite the personal financial interest of the city employee. It will require a unanimous vote of the City Commission.

Resolution No. 2003-29 (b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 354 W. MUSKEGON AVENUE IN NELSON NEIGHBORHOOD FOR \$1,000.

WHEREAS, Theresa L. Moye, has placed a \$400 deposit for the parcel designated as parcel number 24-205-336-0012-00, located at 354 W. Muskegon Avenue;

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs;

WHEREAS, the sale is consistent with the Historic Home Infill Program;

WHEREAS, the sale has a unanimous vote declaring that the best interests of the City are served despite a personal interest direct or indirect.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-336-0012-00, located at 354 W. Muskegon Avenue be sold to the above-mentioned buyer.

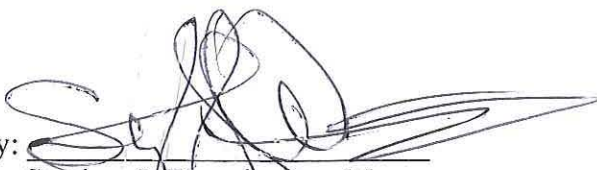
**LOT 12 & THE NORTHERLY 13.75' OF LOT 11, BLOCK 336, OF THE
REVISED PLAT OF 1903, CITY OF MUSKEGON;**

Adopted this 25th day of March, 2003

Ayes: 7

Nays: 0

Absent 0

By: 

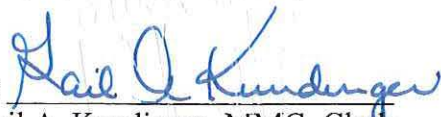
Stephen J. Warmington, Mayor

Attest: 

Gail A. Kunderinger, MMC, Clerk

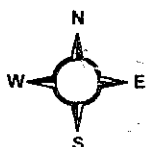
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on March 25, 2003.

By: 

Gail A. Kunderinger, MMC, Clerk

**Vacant Buildable City-Owned Lot
354 W. Muskegon Avenue**



☆ = Subject Property(ies)
to be sold



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made March 25, 2003, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 (ASeller≡), and **THERESA L. MOYE** of 2183 Larue Street, Muskegon, MI 49441 ("Buyer").

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

LOT 12 & THE NORTHERLY 13.75' OF LOT 11,
BLOCK 336, OF THE REVISED PLAT OF 1903, CITY
OF MUSKEGON
(354 West Muskegon Avenue)

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

2. **Consideration.** The purchase price for the Premises shall be One Thousand and no/100 Dollars (\$1,000.00) payable in certified funds to seller at closing. Buyer shall also relocate an historic house to the property, which is deemed to be a public benefit.

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

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

title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Relocate and Refurbish and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to relocate and refurbish on the premises a single-family historic home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer further covenants that:

- a. the home shall be moved from 341 Bauer Avenue, Muskegon, Michigan;
- b. the name of the house mover and time schedule for moving the house will be provided to the Seller prior to the day of closing. If said schedule is unacceptable to the Seller, in its sole discretion, Seller may refuse to close;
- c. Buyer shall provide Seller proof of financial capacity and legal ability to move the structure currently located at 341 Bauer Avenue, Muskegon, Michigan. If said proof is unacceptable to Seller, in its sole discretion, Seller may refuse to close;
- d. upon completion of refurbishment, Buyer shall contact the City Building Inspector to request an inspection of the premises; and
- e. the home shall be owner occupied for five (5) years after the property is in compliance with all building codes.

The covenants in this paragraph shall survive the closing and run with the land.

6. **Enforcement.** In the event that paragraph 5 is violated, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer *except* Buyer may change the name of the house mover with prior consent of Seller, and Buyer may change the time schedule for moving the house in the event of inclement weather or other unpredictable conditions outside Buyer's control *provided that* Buyer must complete the move as soon as practicable.

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

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL

OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

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

10. **Closing.** The closing date of this sale shall be on or before _____, 2003 ("Closing"). The Closing shall be conducted at LandAmerica Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

14. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

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

BUYER:

BSC
Brian Chius

[Signature]
Theresa L. Moye

2003-29(6)
3-25-03

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **THERESA L. MOYE** of 2183 Larue Street, Muskegon, MI 49441,

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

LOT 12 & THE NORTHERLY 13.75' OF LOT 11, BLOCK 336, OF THE REVISED PLAT
OF 1903, CITY OF MUSKEGON
(354 West Muskegon Avenue)

for the sum of One Thousand and no/100 Dollars (\$1,000.00) and other valuable consideration.

PROVIDED, HOWEVER, Grantee, or its assigns, shall relocate and complete rehabilitation of one (1) historic single family home from its current location at 341 Bauer Avenue, Muskegon, Michigan to 354 Muskegon Avenue, Muskegon, Michigan within eighteen (18) months after the date hereof. Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, which shall be owner-occupied for five (5) years after complete rehabilitation of said home. These covenants and conditions shall run with the land. "Complete rehabilitation" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In default of any of the covenants and conditions herein, at the sole discretion of the City of Muskegon, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns.

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

Dated this 25th day of March, 2003.

Signed in the presence of:

Ikene Dempsey
Ikene Dempsey
Linda Potter
Linda Potter

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunderger
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 26th day of March, 2003, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

SURVEY WAIVER

Date: June 18, 2003

RE: 425368

To: City of Muskegon

933 Terrace P.O. Box 536

Muskegon, MI 494430536

Property Address:

354 W. Muskegon Ave

Muskegon, Michigan 49440

County: Muskegon

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

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

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

PURCHASER(S):

Theresa L. Moye
Theresa L. Moye

SELLER(S):

City of Muskegon

BY

Brian Lazor

Brian Lazor, Assistant Planner

LANDAMERICA TRANSNATION TITLE INSURANCE
570 Seminole Road
Muskegon MI 49444

Date: June 18, 2003
Escrow Number: 425368

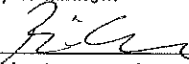
Property Address: 354 W. Muskegon Ave
Muskegon, Michigan 49440

	SELLER'S STATEMENT	
	DEBIT	CREDIT
Purchase Price	\$	\$ 1,000.00
EXISTING LOAN		
Deposit of earnest money	400.00	
CLOSING FEES	300.00	
OWNERS PREMIUM	190.00	
Real Estate Commission		
Sub Total	\$ 890.00	\$ 1,000.00
Amount due Seller	\$ 110.00	
TOTALS	\$ 1,000.00	\$ 1,000.00

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

Seller(s) Signature(s):

City of Muskegon

BY 
Brian Lazor, Assistant Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN

Title Commitment # 425368

COUNTY OF Muskegon

}
}SS
}

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

354 W. Muskegon Ave
Muskegon, Michigan 49440

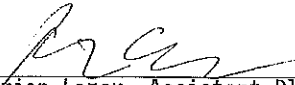
AND

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

Seller(s):

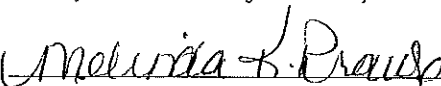
City of Muskegon

BY


Brian Lazor, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 18th day of June, 2003

MELINDA K. PRAUSE
Notary Public, Muskegon County, Michigan
My Commission Expires 05/08/07


Notary Public _____ County _____
My Commission Expires: _____

2003-29 c)

Commission Meeting Date: March 25, 2003

Date: March 13, 2003
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Buildable Vacant Lot on Muskegon Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 362 W. Muskegon (designated as parcel number 24-205-336-0011-00) described as THE SOUTHERLY 52.25' OF LOT 11, AND THE NORTHERLY 27.5' OF LOT 10, BLOCK 336, OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON to Millie Ortiz and husband Kenneth Richardson, of 1158 Walnut Grove, Muskegon, MI 49441. The lot is 79.5 X 132 ft. and is being offered to Millie Ortiz and husband Kenneth Richardson for \$1,000. She plans to move a home from 1077 Pine Street to this vacant land. The value of the lot was set at \$1,000 by the Historic Home Infill Program.

FINANCIAL IMPACT:

The sale of this lot for the moving of a home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made March 25, 2003, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 (ASeller≡); and **MILLIE ORTIZ** and **KENNETH RICHARDSON** of 1158 Walnut Grove, Muskegon, MI 49441 ("Buyer").

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

THE SOUTHERLY 52.25' OF LOT 11, AND THE
NORTHERLY 27.5' OF LOT 10, BLOCK 336, OF THE
REVISED PLAT OF 1903, CITY OF MUSKEGON
(362 West Muskegon Avenue)

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

2. **Consideration.** The purchase price for the Premises shall be One Thousand and no/100 Dollars (\$1,000.00) payable in certified funds to seller at closing. Buyer shall also relocate an historic house to the property, which is deemed to be a public benefit.

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

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

title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Seller.

5. **Covenant to Relocate and Refurbish and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to relocate and refurbish on the premises a single-family historic home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer further covenants that:

- a. the home shall be moved from 1107 Pine Street, Muskegon, Michigan;
- b. the name of the house mover and time schedule for moving the house will be provided to the Seller prior to the day of closing. If the time schedule is unacceptable to City in its sole discretion, City may refuse to close;
- c. Buyer shall provide Seller proof of financial capacity and legal ability to move and rehabilitate the structure currently located at 1107 Pine Street, Muskegon, Michigan. If said proof is unacceptable to Seller, in its sole discretion, Seller may refuse to close;
- d. upon completion of refurbishment, Buyer shall contact the City Building Inspector to request an inspection of the premises; and
- e. the home shall be owner occupied for five (5) years after the property is in compliance with all building codes;

The covenants in this paragraph shall survive the closing and run with the land.

6. **Enforcement.** In the event that paragraph 5 is violated, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer *except* Buyer may change the name of the house mover with prior consent of Seller, and Buyer may change the time schedule for moving the house in the event of inclement weather or other unpredictable conditions outside Buyer's control *provided that* Buyer must complete the move as soon as practicable.

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

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL

OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

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

10. **Closing.** The closing date of this sale shall be on or before _____, 2003 ("Closing"). The Closing shall be conducted at LandAmerica Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Irene Dempsey
Irene Dempsey

Linda Potter
Linda Potter

SELLER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, Mayor

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

BUYER:

Brian C. Lazo
Brian C. Lazo

Brian C. Lazo
Brian C. Lazo

Millie Ortiz
Millie Ortiz

Kenneth M. Richardson
Kenneth Richardson

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **MILLIE ORTIZ** and **KENNETH RICHARDSON** of 1158 Walnut Grove, Muskegon, MI 49441,

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

THE SOUTHERLY 52.25' OF LOT 11, AND THE NORTHERLY 27.5'
OF LOT 10, BLOCK 336, OF THE REVISED PLAT OF 1903, CITY OF
MUSKEGON
(362 West Muskegon Avenue)

for the sum of One Thousand and no/100 Dollars (\$1,000.00) and other valuable consideration.

PROVIDED, HOWEVER, Grantee, or its assigns, shall relocate and complete rehabilitation of one (1) historic single family home from its current location at 1107 Pine Street, Muskegon, Michigan to 362 West Muskegon Avenue, Muskegon, Michigan within eighteen (18) months after the date hereof. Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, which shall be owner-occupied for five (5) years after complete rehabilitation of said home. These covenants and conditions shall run with the land. "Complete rehabilitation" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In default of any of the covenants and conditions herein, at the sole discretion of the City of Muskegon, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns.

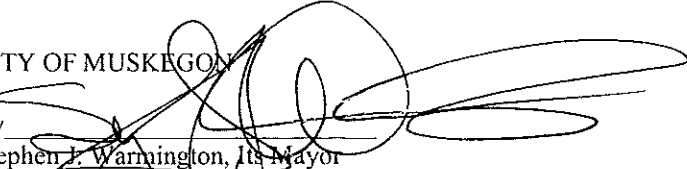
This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 25th day of March, 2003.

Signed in the presence of:

Irene Dempsey
Irene Dempsey
Linda Potter
Linda Potter

CITY OF MUSKEGON

By 
Stephen J. Warrington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 26th day of March, 2003, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

Resolution No. 2003-29 c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 362 W. MUSKEGON AVENUE IN NELSON NEIGHBORHOOD FOR \$1,000.

WHEREAS, Millie Ortiz and husband Kenneth Richardson, have placed a \$400 deposit for the parcel designated as parcel number 24-205-336-0011-00, located at 362 W. Muskegon Avenue;

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs;

WHEREAS, the sale is consistent with the Historic Home Infill Program;

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-336-0011-00, located at 362 W. Muskegon Avenue be sold to the above-mentioned buyer.

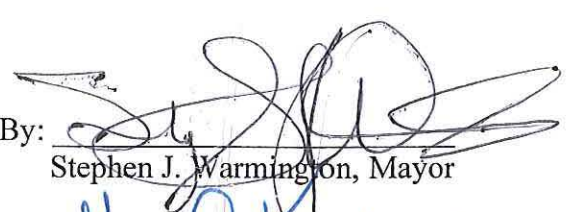
THE SOUTHERLY 52.25' OF LOT 11, AND THE NORTHERLY 27.5' OF LOT 10, BLOCK 336, OF THE REVISED PLAT OF 1903, CITY OF MUSKEGON;

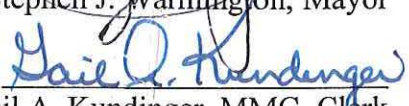
Adopted this 25th day of March, 2003

Ayes: 7

Nays: 0

Absent 0

By: 
Stephen J. Warmington, Mayor

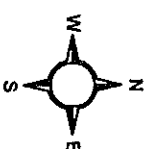
Attest: 
Gail A. Kunding, MMC, Clerk

CERTIFICATION

I hearby 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 March 25, 2003.

By: 
Gail A. Kunding, MMC, Clerk

Vacant Buildable City-Owned Lot
362 W. Muskegon Avenue



☆ = Subject Property(ies)
to be sold



Commission Meeting Date: March 25, 2003

2003-29 d)

Date: March 14, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for property located at 808 Oak Ave. (NE corner of Oak Ave. and Getty St.)

SUMMARY OF REQUEST:

Request to rezone property located at 808 Oak Ave., at the NE corner of Oak Ave. and Getty St., from R-1, Single-Family Residential to RM-1, Low Density Multiple-Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 3/13 meeting. The vote was unanimous.

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

March 13, 2003

Case 2003-3: Request for a rezoning from R-1, Single Family Residential to RM-1, Low Density Multi-Family Residential. (tabled)

BACKGROUND

Applicant: Ron Boeringa Owner: James Bultema

Address/Location of Subject Property: the northeast corner of Getty Street and Oak Avenue

Current Use: vacant greenhouse

Current Zoning: R-1 single-family

Proposed Zoning: RM-1, low density, multi-family.

STAFF OBSERVATIONS

1. In the past few years, this property has been the subject of a B-4 rezoning request, a use variance request, and a Planned Unit development request (all for a mini-storage facility and all denied).
2. The subject property is located within two different zoning districts, R-1 and OSC. The property has frontage along Getty St., as well as Oak Ave., and contains a portion of the Ryerson Creek ravine in the rear portion, and along the Getty St. frontage.
3. There is a vacant business located on the R-1 portion of the subject property, Vanderstelt Greenhouses. This existing use is non-conforming. There has been some assertion that this property is difficult to develop, because of a significant slope and floodplain, which limits design options.
4. During one of the previous cases on this property, staff suggested that if the owner felt single-family zoning was inappropriate for the site, perhaps a PUD under an RT or R-1 zoning would allow some flexibility on how structures were placed on site.
5. This request only involves the single-family (R-1) area and not the OSC designated area of the parcel. The applicant is proposing a low-density multi-family development (4-plexes) although the district permits three stories and 16 units per acre.
6. The OSC portion of the parcel could be part of the required 15% open space in a RM-1 or PUD development.
7. Staff asked if the development was intended to be "market rate". The applicant indicated that was his intent, but the applicant is not obligated to make it "market rate."

8. The Future Land Use Map shows a small portion of the subject property, right on the corner of Getty St. and Oak Ave., to be Single & Two-Family Residential. The rest of the subject property is shown as Open Space.
9. The Master Land Use Plan states:
 - ◆ *Ryerson Creek and Fourmile Creek traverse the sub-area [12]. These systems provide wildlife habitat, greenspace, and help to identify the area's character.*

It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening fashion.

 - ◆ *Strip commercial development of a mixed variety is found along Apple Avenue near the US-31 and Getty Street intersections... An industrial area is located near the intersection of Getty Street with Seaway Drive (Skyline Drive). This area is situated directly across from the Teledyne Continental Plant. The industrial area is isolated/buffered by woodlands and wetlands associated with the Muskegon River.*
10. The Master Plan recommends for this sub-area:
 - ◆ *Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4.*
11. The subject property is located several blocks north of the more commercialized Apple Avenue corridor, and is almost completely surrounded by residential uses and some vacant, open space behind. The Master Plan clearly recommends that the focus of the area stay residential.

ORDINANCE EXCERPTS

R-1 Single-Family Residential

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]

...

2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

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:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
...
3. Churches and other facilities normally incidental thereto subject to the following conditions:
...
4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

ARTICLE VII - RM-1 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RM-1 Low Density Multiple Family Residential Districts are designed to provide sites for multiple family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density One Family and Two Family Residential Districts, and MHP Mobile Home Park Districts.

SECTION 700: PRINCIPAL USES PERMITTED

In an RM-1 Low Density Multiple Family Residential 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. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Tourist homes having not more than two (2) guest rooms provided the premises fronts on a street which is officially designated as a major thoroughfare or collector thoroughfare.
5. Rooming houses with a capacity of not more than three (3) roomers.
6. Churches and other facilities normally incidental hereto subject to the following conditions:
...
7. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
...
8. Foster Care Small Group Homes. [amended 11/02]
9. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.
10. Uses similar to the above Principal Permitted Uses.

SECTION 701: SPECIAL LAND USES PERMITTED [amended 2/02]

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:

1. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, real estate appraisers, or other professional persons; real estate, insurance, credit service (other than loan) offices and similar businesses supplying services instead of products when determined by the Planning Commission upon application to it, to be consistent with the nature and condition of neighboring uses and structures.
2. Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.
3. Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.

4. The office of a resident physician, dentist, architect, engineer, attorney, or similar professional person when located within his dwelling, provided that not more than one (1) person not a resident in said dwelling is employed in such offices.
5. Hospitals, sanitariums, and convalescent or nursing homes.
6. Adult Foster Care Large Group Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
7. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:

...
8. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
9. Uses similar to the above Special Land Uses Permitted.

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**.
7. Is the proposed zoning change a **"Spot Zone"**?

- a. Is the parcel **small in size relative to its surroundings?**
- b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity?**
- c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
- d. A spot zone is **appropriate if it complies with the Master Plan.**

CITY OF MUSKEGON

RESOLUTION #2003-29 (d)

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 808 Oak Ave., at NE corner of Oak Ave. and Getty St., from R-1, Single-Family Residential to RM-1, Low Density Multiple-Family Residential was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on March 13, 2003, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map and Master Land Use Plan;

NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 25th day of March, 2003.

Ayes: 7

Nays: 0

Absent: 0

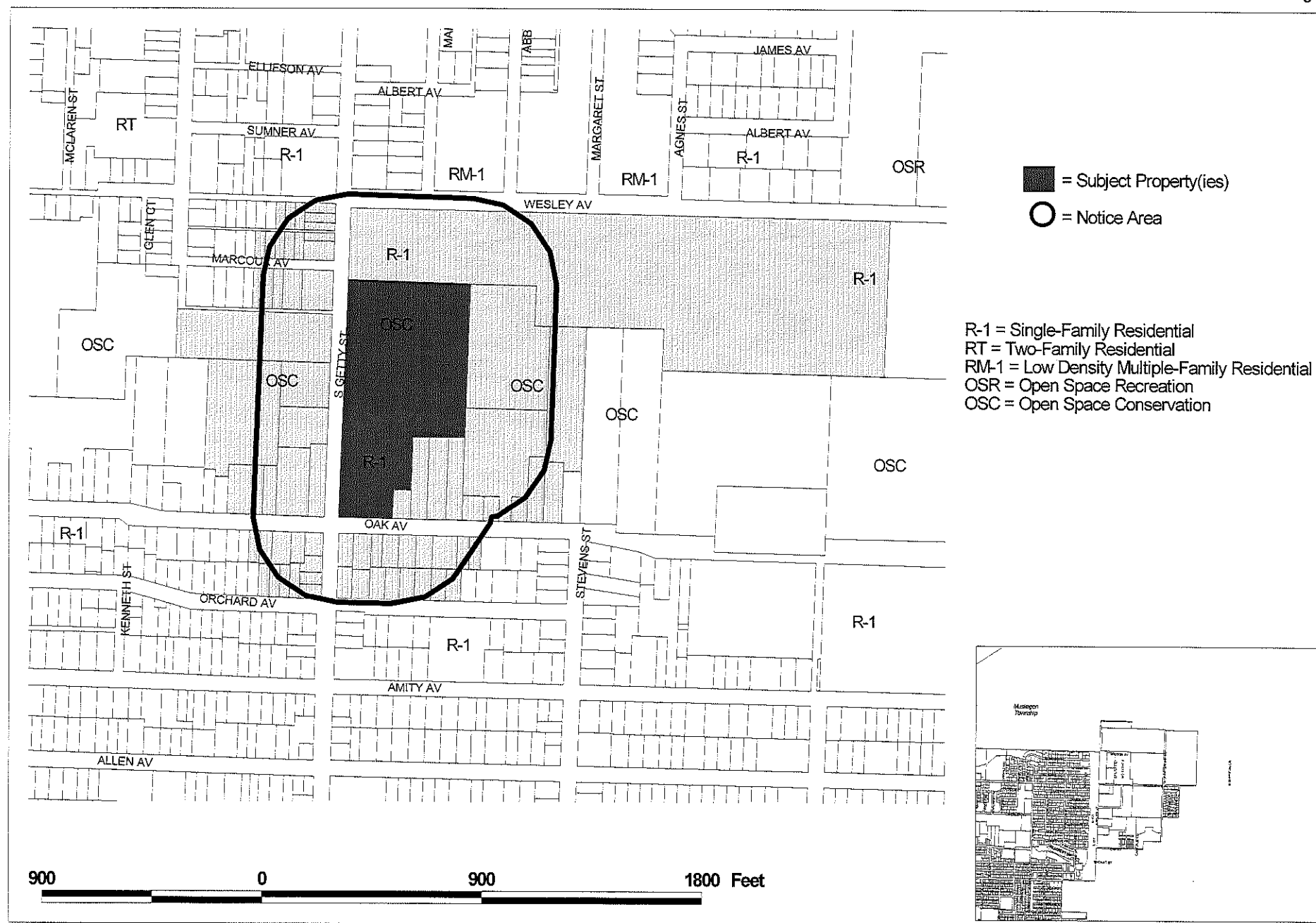
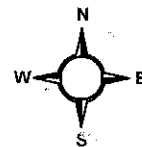
By: 

Stephen J. Warmington, Mayor

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 March 25, 2003.


Gail A. Kunding, MMC, City Clerk

**City of Muskegon
Planning Commission
Case # 2003-03**



DATE: March 14, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspection Services Dept. 2003-f (1)

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-068-1968 Leahy (Garage only).

Due to an error in notification of the owner, this case is being brought back to you for consideration.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1968 Leahy (Garage)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: 02-068 – 1968 Leahy (Garage)

Location and ownership: This structure is located on Leahy between Holbrook and Keating. It is owned by Idell Sheard.

Staff Correspondence: This structure was written as a dangerous building when it was reported open 9/11/02. A notice and order to repair or remove was issued 9/26/02. On 12/5/02 the HBA declared the garage dangerous and substandard. Mr. Sheard was at that meeting and stated he would demolish the garage. As of this date no demolition permit has been pulled.

Owner Contact: None

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$24,400

Estimated Cost of Repairs: \$1,500

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, March 25, 2003.

0 1988 1976 1968 1960 1954 1946 1938 1932 1924 1916 1908

421

LEAHY

✱

10758大

130

180

1983 1975 1969 1959 1951 1943 1937 1929 1925 1915 1907

1984 1974 0 1962 1952 1946 1938 0 1916 1910



1968 Leahy
Garage Only

For The Inspection Department
City of Muskegon

File #: 424883

FROM CITY ASSESSOR'S RECORDS

OWNER: Idell Sheard
PROPERTY: 1968 Leahy
PARCEL NO: 24-675-026-0016-00
DESCRIPTION: Musk. Hts. Lot 16 Blk 26

FROM RECORDS OF TRANSNATION TITLE

LIBER: 2142 & 2270
PAGE: 331 & 190
DATE OF DEED: September 1, 1998 & July 27, 1999

GRANTOR NAME & ADDRESS: Idell G. Sheard aka Idell L. Sheard aka Idell
G. Brooks Sheard, 1968 Leahy St., Muskegon, MI 49442

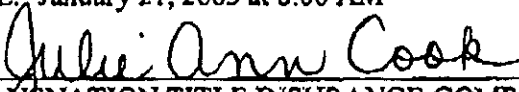
GRANTEE NAME & ADDRESS: Idell G. Sheard, a single woman and Edward
D. Sheard, a single man with joint and full rights of survivorship and Idell G.
Brooks Sheard, a single woman and Hottie M. Sheard, a single woman, with joint
and full rights of survivorship; 1968 Leahy St., Muskegon, MI 49442, as their
interests may appear

LIENS OR MORTGAGES:

TODAY'S DATE: February 14, 2003

EFFECTIVE DATE: January 21, 2003 at 8:00 AM

Abstracted by:


TRANSACTION TITLE INSURANCE COMPANY

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

LIBER 2270 PAGE 190

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1999 JUL 27 PM 4:28

Carrie C. ...
REGISTRAR

QUIT CLAIM DEED
STATUTORY FORM FOR INDIVIDUALS

KNOW ALL MEN BY THESE PRESENTS: That IDELL B Sheard, A Single Woman
whose street number and postoffice address is 1968 Leahy St Muskegon Michigan 49414Q
Quit Claims to IDELL B Sheard, A Single Woman and Hattie M Sheard, A Single
Woman with Joint and full Rights of Survivorship,
whose street number and postoffice address is 1968 Leahy Muskegon Michigan 49423
the following described premises situated in the County of Muskegon and State of Michigan, to-wit:
Muskegon City

Block 26
Lot 16 / Plat A of Muskegon Height., as
Recorded in Liber 3 of Flats Pages 19 to 26
Inclusive Muskegon County Records
for the sum of Exempt Under Section S.A. Act 327, P.A. 1968
Dated this July day of 27, 1999

Signed and Sealed in presence of
Mary E. ...
Susan E. ...
STATE OF MICHIGAN
COUNTY OF Muskegon
Signed and Sealed:
Idell Brooks Sheard (L.S.)
Hattie M Sheard (L.S.)
Hattie M Sheard (L.S.)
I. Dell Brooks Sheard (L.S.)

The foregoing instrument was acknowledged before me this (1) 27th day of July 1999
by (2) IDELL BROOKS SHEARD & HATTIE MICHELLE SHEARD

(3) Patricia D. ...
Notary public
Muskegon County, Michigan
My Commission expires 12-10-2002

*Note: (1) Insert date (2) Insert name of person(s) acknowledged (grantor)
(3) Signature of person taking acknowledgment

Please note the following
1. Marital status of each male grantor must be indicated.
2. The name of each person who signs this instrument shall be legibly printed, typed or stamped upon such instrument immediately beneath the signature of such person.

3. If the notarial act is performed outside the State of Michigan, the acknowledgment must show the rank or title and serial number, if any, of the person taking the acknowledgment. The official seal of the person performing the notarial act outside the State of Michigan should be affixed to the deed.

Drafted by: Hattie Sheard
Business Address: 434
College av
Holland mi: 49423
After recording return to: Hattie M Sheard
434 College av
Holland mi: 49423

2142 PAGE 331

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1998 SEP -1 PM 3:57

Cassie Carter
RECEIVED FOR RECORD

QUIT CLAIM DEED
STATUTORY FORM FOR INDIVIDUALS

KNOW ALL MEN BY THESE PRESENTS: That **IDELL C SHEARD, A SINGLE WOMAN**
aka Idell L. Sheard
whose street number and postoffice address is **1968 LEAHY ST MUSKEGON, MICHIGAN 49442**
Quit Claims in **IDELL G. SHEARD, A SINGLE WOMAN AND EDWARD D. SHEARD, A SINGLE MAN WITH JOINT**
AND FULL RIGHTS OF SURVIVORSHIP.
whose street number and postoffice address is **1968 LEAHY STREET MUSKEGON, MICHIGAN 49442**
the following described premises situated in the **CITY** of **MUSKEGON**
County of **MUSKEGON** and State of Michigan, to-wit:

BLOCK 26
LOT 16/PLAT A OF MUSKEGON HEIGHTS, as recorded in LIBER 3 of PLATS
PAGES 19 to 26 inclusive, Muskegon County records.

for the sum of **EXEMPT UNDER SECTION 5(a) Act 327 P.A. 1968**

Dated this **1st** day of **SEPTEMBER 1998**

Signed and sealed in presence of
[Signature]
RAYMOND C. SMITH
[Signature]
LORENZO COLLINS
STATE OF MICHIGAN

Signed and Sealed:
[Signature] (L.S.)
IDELL L. SHEARD
aka Idell G. Sheard (L.S.)
____ (L.S.)
____ (L.S.)

COUNTY OF **MUSKEGON** ss. _____ (L.S.)

The foregoing instrument was acknowledged before me this "(1) **1st** day of **SEPTEMBER 1998**
by "(2) **IDELL L. SHEARD**
aka Idell G. Sheard

My Commission expires
Notary Public - Muskegon County, Michigan
REGINALD TOONBS
1000 COMMERCIAL BLVD. S.E.
MUSKEGON, MI. 49444

"(3) *[Signature]*
MUSKEGON Notary Public
County,

*Note: (1) Insert date (2) Insert name of person(s) acknowledged (grantor)
(3) Signature of person taking acknowledgment

Please note the following
1. Marital status of each maker
grantor must be indicated.
2. The name of each person who
signs this instrument shall be
legibly printed, typed or stamped
upon each instrument
immediately beneath the
signature of each person.

3. If the notarial act is performed
outside the State of Michigan,
the acknowledgment must show
the rank or title and serial
number, if any, of the person
taking the acknowledgment. The
official seal of the person
performing the notarial act
outside the State of Michigan
should be affixed to the deed.

Drafted by: **REGINALD TOONBS**

Business Address:
2108 PECK STREET
MUSKEGON HTS., MI. 49444

After recording return to:
IDELL L. SHEARD
1968 LEAHY STREET
MUSKEGON, MI. 49442

#02-02-068 – 1968 Leahy (Garage) – Idell Sheard, same address

Edward Sheard was present to represent this property. He will demolish the garage within 30-45 days.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence at their second meeting in January 2003.

A motion was made by Jerry Bever and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
John Warner

Clara Shepherd

The motion carried.

#02-052 – 1337 Marquette – Equicredit, Jacksonville, FL

Greg Colvin and Colin Thomas were present to represent this case. An offer has been made by them and accepted by Equicredit. There was some discussion on the quality of the roof and Henry Faltinowski stated he could inspect it with them. An interior inspection has not yet been conducted either.

Staff Recommendation: Table this case until the April 2003 meeting.

A motion was made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken.

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever

Clara Shepherd

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: September 26, 2002

Address of the Property: 1968 Leahy (Garage), Muskegon, Michigan

TO: Hattie & Idell Sheard, 1968 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. _____ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

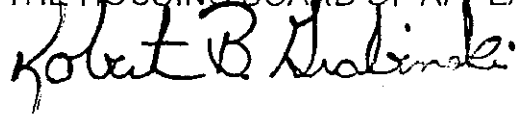
The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski". The signature is written in a cursive, flowing style.

Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

1968 Leahy
(GARAGE)

9/11/02

Inspection noted:

1. Roof deteriorated with holes.
2. Exterior needs paint.
3. Siding needs repair.
4. Footing and foundation inspection required.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski / Lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: March 11, 2003

1968 Leahy (Garage only)
(Address of Property)

TO: All owners and interested parties:

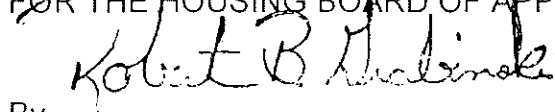
Hattie & Idell Sheard, 1968 Leahy, Muskegon, MI 49442

None
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on Thursday, March 25, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on Thursday, March 25, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

2003-29 f-(2)

DATE: March 14, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-055-
465 Adams (Garage).

Due to an error in notification of the owner, this case is being brought back to you for consideration.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **465 Adams (Garage only)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: #02-055- 465 Adams (Garage).

Location and ownership: This structure is located on Adams between Marshall and Wood Street. It is owned by Timothy Hatcher.

Staff Correspondence: This structure was written as a dangerous building when it was reported open 9/11/02. A Notice and Order to repair or remove, was issued 9/26/02. On 11/7/02 the HBA declared the garage dangerous and substandard. There has been no contact from the current owner.

Owner Contact: None

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$1,500

Estimated Cost of Repairs: \$3,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, March 25, 2003.

51

BAYOU AV

BUTLER ST

CROSS AV

ETTE AV

OCTAVIUS ST

CHARLES ST

JACKSON AV

MARSHALL ST

ADAMS AV

LEONARD AV

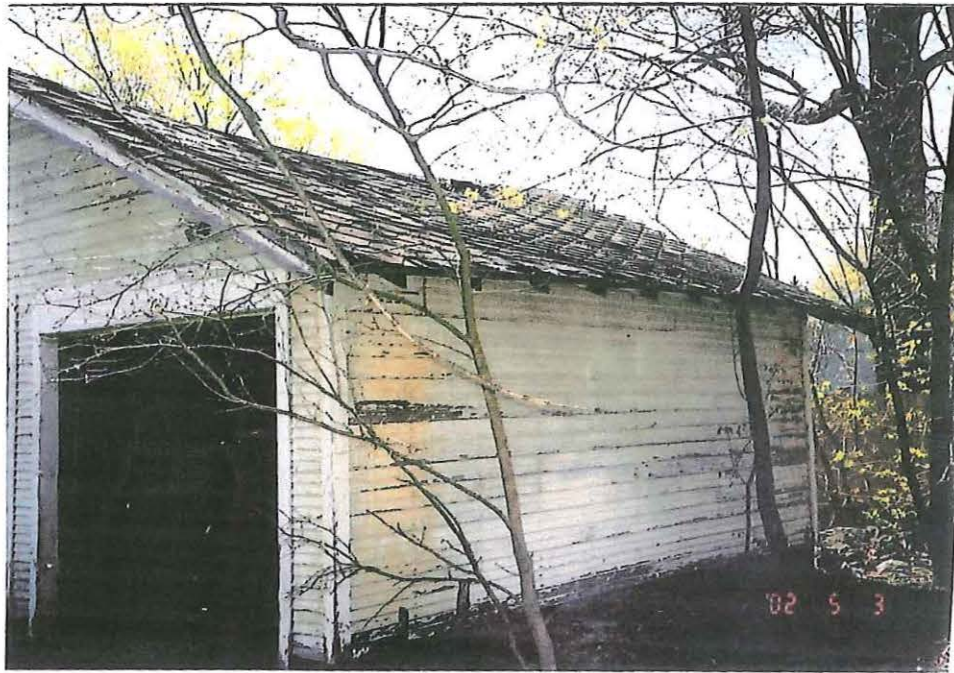
LANGLEY ST

RICK ST

A ST

1 ST





465 Adams
Garage

For The Inspection Department
City of Muskegon

File #: 424885

FROM CITY ASSESSOR'S RECORDS

OWNER: Timothy Hatcher
PROPERTY: 465 Adams
PARCEL NO: 24-205-008-003-00
DESCRIPTION: Wly 42 ft. Lot 3 Blk 8

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1030
PAGE: 40
DATE OF DEED: January 4, 1974
GRANTOR NAME & ADDRESS: Secretary of Housing and Urban
Development, of Washington, D.C., acting through the Federal Housing
Commissioner
GRANTEE NAME & ADDRESS: Timothy C. Hatcher, a single man; 465
Adams Ave., Muskegon, Mi 49442
LIENS OR MORTGAGES: None
TODAY'S DATE: February 14, 2003
EFFECTIVE DATE: January 21, 2003 at 8:00 AM
Abstracted by: Julie Ann Cook
TRANSNATION TITLE INSURANCE COMPANY

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

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

*465 Adams
(GARAGE)*

9/11/02

Inspection noted:

1. Garage structure extremely deteriorated and must be demolished.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Jaltinowski /lg
HENRY JALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: September 26, 2002

Address of the Property: 465 Adams (Garage), Muskegon, Michigan

TO: Timothy Hatcher, 672 E. Isabella, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. _____ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: February 13, 2003

465 Adams (Garage only)
(Address of Property)

TO: All owners and interested parties:

Timothy Hatcher, 672 E. Isabella, Muskegon, MI 49442

None
(Other interested parties)

On November 7, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on February 26, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on February 26, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski

Robert B. Grabinski, Director of Inspections

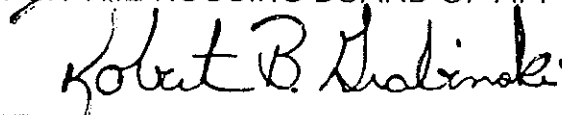
AFFIDAVIT OF SERVICE OR MAILING

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in cursive script, reading "Robert B. Grabinski". The signature is written in dark ink and is positioned above a horizontal line.

Robert B. Grabinski, Director of Inspections

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: March 11, 2003

465 Adams (Garage only)
(Address of Property)

TO: All owners and interested parties:

Timothy Hatcher, 672 E. Isabella, Muskegon, MI 49442

None
(Other interested parties)

On November 7, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **March 25, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on March 25, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman

Randy Mackie

Jerry Bever

Jon Rolewicz

Clara Shepherd

John Warner

Nick Kroes

The motion carried.

DANGEROUS BUILDING NEW CASES:

#02-055 – 465 Adams (Garage) – Timothy Hatcher, 672 E. Isabella

Mr. Hatcher was not present for the meeting and there has been no contact.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Clara Shepherd and seconded by John Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman

Randy Mackie

Jerry Bever

Jon Rolewicz

Clara Shepherd

John Warner

Nick Kroes

The motion carried.

#02-064 – 1482 Getty (Garage) – Brewer Equities LLC, 11632 Hickory Stick Ct. Sparta, MI 49345

Bob Grabinski gave a history of the case. A dangerous building inspection report was written 9/11/02. A notice and order to repair or remove was issued 9/26/02. The owner called the office 10/9/02 to notify us that he is in the process of taking bids for demolition, but he will not be done within the 30 days of the notice. He was sent a notice for this hearing to which he replied to us with a certified letter stating his disagreement with the cities procedures and he will have the building demolished. Franklin Contractors pulled a demolition permit. Mr. Brewer came to

2003-29 f (3)

DATE: March 14, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-050-
1129 Sanford.

Due to an error in notification of the owner, this case is being brought back to you for consideration.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1129 Sanford** Is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: 02-050 – 1129 Sanford

Location and ownership: This structure is located on Sanford between Houston and Monroe. It is owned by Robert Alberts.

Staff Correspondence: This structure was written as a dangerous building when it was reported open 9/4/02. An inspection report was written at that time. Upon issuing a Notice and Order to repair or remove, the owner advised that the home was sold on a land contract to someone else. Permits were issued in February 2002, but the work was not finished. There has been no contact from the current owner. On December 5, 2002 the HBA declared the building dangerous and substandard.

Owner Contact: None

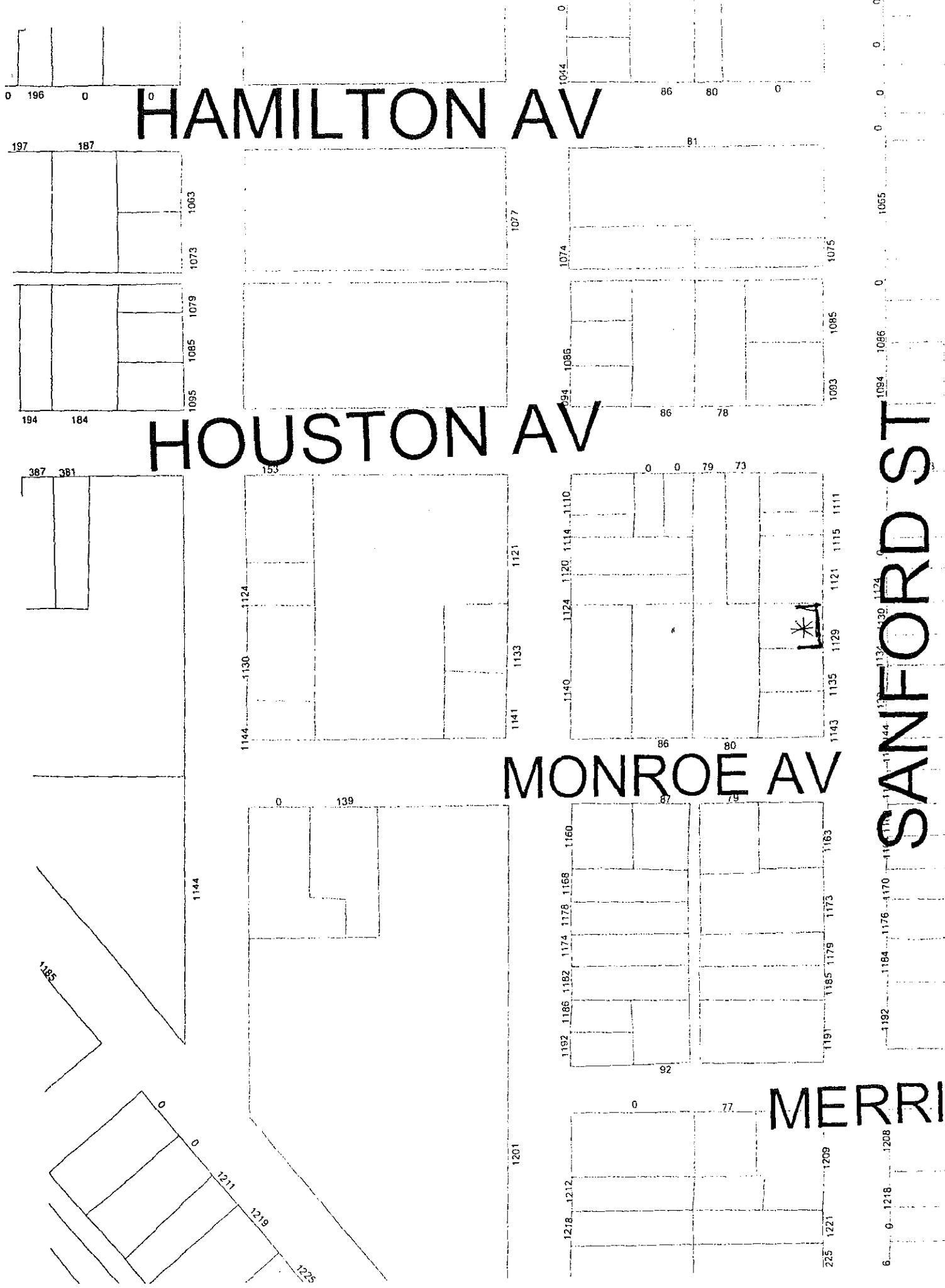
Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$14,100

Estimated Cost of Repairs: \$12,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, March 25, 2003.





1129 Sanford

For The Inspection Department
City of Muskegon

File #: 421881

FROM CITY ASSESSOR'S RECORDS

OWNER: Barbara Malmquist
PROPERTY: 1129 Sanford
PARCEL NO: 24-205-363-0008-00
DESCRIPTION: N 44 Ft. Lot 8 Blk 363

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1319
PAGE: 246
DATE OF DEED: April 19, 1985

GRANTOR NAME & ADDRESS: Thomas W. Royle and Connie M.
Royle, 12935 Cleveland, Nunica, Mi 49448

GRANTEE NAME & ADDRESS: Barbara B. Malmquist, 81 Hamilton
Avenue, Apt. # 34, Muskegon, MI 49441

LIENS OR MORTGAGES: 3417/396

TODAY'S DATE: September 13, 2002

EFFECTIVE DATE: August 22, 2002 at 8:00 AM

Abstracted by:

Judy A. Banner
TRANSNATION TITLE INSURANCE COMPANY

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



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100122376

November 21, 2001

1. Beginning Date: 10/27/81, at 8:00 A.M.

Please See Attached Liber 1226, Page 748, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 10/26/2001, at 8:00 A.M.

Deeds:	Documents	Mortgages:
Liber 1226, Page 748	Miscellaneous: Liber 2239, Page 11	NONE

Taxes:

Proof of payment of special assessment for Sidewalk Assessment, due and payable to the City of Muskegon in the amount of \$1,195.17, if paid by November 30, 2001.

Proof of payment the delinquent water/sewer usage, due and payable to the City of Muskegon in the amount of \$38.84, if paid by November 30, 2001.

Proof of payment the Invoice Fees, due and payable to the City of Muskegon in the amount of \$220.00, if paid by November 30, 2001. (Invoice #9815551 and 9818917)

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$964.72, if paid by November 30, 2001.
(Base amount - \$692.91)**

Note:

No 2001 Summer Taxes were assessed.
Permanent Parcel No.: 61-24-205-481-0014-00.
2001 State Equalized Value: \$23,900.00.
2001 Taxable Value: \$19,858.00.
Non-Homestead Property.

****NOTE:** The 2000 Winter tax bill included a Sidewalk Assessment Installment in the amount of \$147.55)

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

WARRANTY DEED
STATUTORY FORM
FOR INDIVIDUALS

1319 246

R I X

KNOW ALL MEN BY THESE PRESENTS That Thomas W. Royle and wife Connie M. Royle

whose street number and postoffice address is 12935 Cleveland, Nunica, Michigan 49448

Convey and Warranty to Barbara B. Malmquist

whose street number and postoffice address is 81 Hamilton Avenue, Apt. #34, Muskegon, Michigan 49441

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

The North 44 feet of lot 8, Block 363, Revised Plat (of 1903)
of the City of Muskegon, as Recorded in Liber 3 of Plats,
Page 71, Muskegon County Records.

1985 JUL 15 P 3 56

for the sum of THIRTEEN THOUSAND FIVE HUNDRED & NO/100 DOLLARS (\$13,500 00)

subject to easements and restrictions of record

Dated this 19th day of April 1985

Signed and Sealed in presence of

Signed and sealed

Alden V. Hardick
Alden V. Hardick
Deborah K. Stenion
Deborah K. Stenion

Thomas W. Royle
Thomas W. Royle
Connie M. Royle
Connie M. Royle

STATE OF MICHIGAN
COUNTY OF Ottawa

The foregoing instrument was acknowledged before me this 11th day of April 1985 by Thomas W. Royle and wife Connie M. Royle

Deborah K. Stenion
Notary Public, Ottawa County, Michigan

My Commission expires Sept 30 1985

*Note (1) insert date (2) insert name of person(s) acknowledged (grantor) * (3) signature of person taking acknowledgment

County of Muskegon, Michigan
Muskegon, Mich.
I hereby certify that there are no tax liens or taxes held by the State or any political subdivision of the State against the date of this instrument, as appears by the records of the State of Michigan.

599101
STATE OF MICHIGAN
REAL ESTATE
TRANSFER TAX
14.85
Dept. of Taxation
JUL 1985

Please note the following:
1. Marital status of each male grantor must be indicated.
2. The name of each person who signs this instrument shall be legibly printed, typewritten or stamped upon such instrument immediately beneath the signature of such person.
3. If the notarial act is performed outside the State of Michigan, the acknowledgment must show the rank or title and serial number, if any, of the person taking the acknowledgment. The official seal of the person performing the notarial act outside the State of Michigan should be affixed to the deed.
Drafted by: Barbara B. Malmquist
Business address: 81 Hamilton Ave. #34
Muskegon, MI 49441
After recording return to: Barbara B. Malmquist
81 Hamilton Ave. Apt. #34
Muskegon, MI 49441

1319 246

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
1129 SANFORD

9/6/02

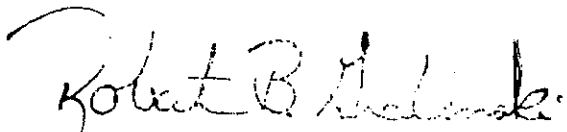
Inspection noted:

1. Chimney brick deteriorated.
2. Exterior needs painting.
3. Foundation needs tuckpointing.
4. Roof needs repairs – drip edge is required.
5. Windows cracked or broken and open.
6. Open doors.
7. Side porch loose and improperly constructed. (Rear)
8. Side porch (front) improperly installed.

INTERIOR

1. Ceilings and walls are damaged.
2. New plumbing is required.
3. New electrical installed without permits.
4. Stairs to upper need repair.
5. New floor coverings required.
6. Smoke detectors required to code.
7. No heat in structure.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.



ROBERT B. GRABINSKI, DIRECTOR OF INSPECTIONS

9-6-02

DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: October 10, 2002

Address of the Property: 1129 Sanford

TO: Barbara Malmquist, Sunny Loop, Holiday, FL 34690
[Name & Address of Owner]

Thomas Royle, 227 E. Savidge St., Spring Lake, MI 49456-1725
(Interested Parties)

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

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

West Michigan's Shoreline City

RBG/lq

1129 Sangard

Postage

Postmark Here

Total Postage & Fees

Robert Alberts

City of Muskegon, 933 Terrace Street, P.O. Box 5

Start

Building Permit Application

Street Address:	1111 W. HAMILTON AVE
Property Number:	1111 W. HAMILTON AVE
Owners Name:	MARILYN E. BARBANO B
Owners Address:	81 HAMILTON AVE APT 34 MUSKEGON MI 49441
Permit No:	BD-02-7087
Requested by:	Owner
Contractor:	N/A
Architect:	N/A
Category:	BUILDING
Permit Type:	RENOVATION
Type of Building:	R
Description:	INSTALL SIDING; NEW PANELING, CARPETING; NEW CABINETS; TRIMWORK
Dates:	App Date: 02/19/2002 Issue Date: 02/19/2002
Value:	\$4,000.00
Item	Quantity

This application has been approved

Approved: Yes No

By:

Laura Hichue

Note:

Start

Mechanical Permit Application

Street Address:	11111 WALKER RD ST					
Property Number:	11111 WALKER RD ST					
Owners Name:	M L LQUISE BARBARA S					
Owners Address:	81 HAMILTON AVE APT 34 MUSKEGON MI 49441					
Permit No:	ME-02-7101					
Requested by:	Owner					
Contractor:	N/A					
Architect:	N/A					
Category:	MECHANICAL					
Permit Type:	ALTERATION					
Type of Building:	R					
Description:	INSTALL NEW GAS FORCED AIR SYSTEM - REPLACING BOILER					
Dates:	App Date: 02/19/2002 Issue Date: 02/22/2002					
Value:	N/A					
<table border="1"> <thead> <tr> <th>Item</th> <th>Quantity</th> </tr> </thead> <tbody> <tr> <td>Heating -Residential Heating System(Ducts and Hot Water Piping)</td> <td>1.0</td> </tr> </tbody> </table>			Item	Quantity	Heating -Residential Heating System(Ducts and Hot Water Piping)	1.0
Item	Quantity					
Heating -Residential Heating System(Ducts and Hot Water Piping)	1.0					

This application has been approved

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: February 13, 2003

1129 Sanford
(Address of Property)

TO: All owners and interested parties:

Robert Alberts, 15924 O'Brien Court, Grand Haven, MI 49417

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **February 26, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on February 26, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

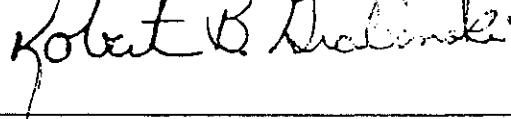
AFFIDAVIT OF SERVICE OR MAILING

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Director of Inspections

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: March 11, 2003

1129 Sanford
(Address of Property)

TO: All owners and interested parties:

Robert Alberts, 15924 O'Brien Court, Grand Haven, MI 49417

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **Thursday, March 25, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at **5:30 p.m. on Thursday, March 25, 2003**, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

#02-050 – 1129 Sanford – Barbara Malmquist – mailing address in Florida

No one was present to represent this case. It has been vacant and is currently boarded.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by John Warner and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
John Warner

Clara Shepherd

The motion carried.

#02-075 – 1884 Smith (Garage) – Credit Based Asset Service & Douglas & Cheryl Hiatt, same address.

Mr. Grabinski stated there is a new owner who intends to live there and repair the garage.

Staff Recommendation: Table this case for 30 days to allow the owner time to repair.

A motion was made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever

Clara Shepherd

DATE: March 14, 2003

TO: Honorable Mayor and City Commissioners 2003-29 f(4)

FROM: Robert B. Grabinski, Director Inspection
Services Dept.

Re: Concurrence with the Housing Board of Appeals
Notice and Order to demolish. Dangerous building case #02-40-
477 McLaughlin.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **477 McLaughlin** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: 02-40 – 477 McLaughlin

Location and ownership: This structure is located on McLaughlin between Williams and Chestnut. It is owned by Judy Irish.

Staff Correspondence: This structure was abandoned and vacant for more than six months. A dangerous building inspection was conducted 8/7/02. On 9/11/02 a notice and order to repair or demolish was issued. The city has had the structure boarded three times. The property was sold at a state auction in September 2002 and was purchased by Judy Irish who lives in Ravenna, MI. Her intentions were to rehab the house and use it as a rental, but after seeing the extent of required repairs, she decided not to put that much money into the house. She tried to sell it, but couldn't. An interior inspection was conducted on 12/6/02 and the HBA ordered it demolished on 2/6/03. The owner was at the meeting, but there has been no further contact.

Owner Contact: The new owner brought proof of purchase in to Inspection Department October 2002 and has cooperated with staff on allowing access for interior inspection.

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$14,300 (2003)

Estimated Cost of Repairs: \$20,000

CITY COMMISSION RECOMMENDATION: The Commission will consider this item at it's meeting on Tuesday, March 25, 2003.

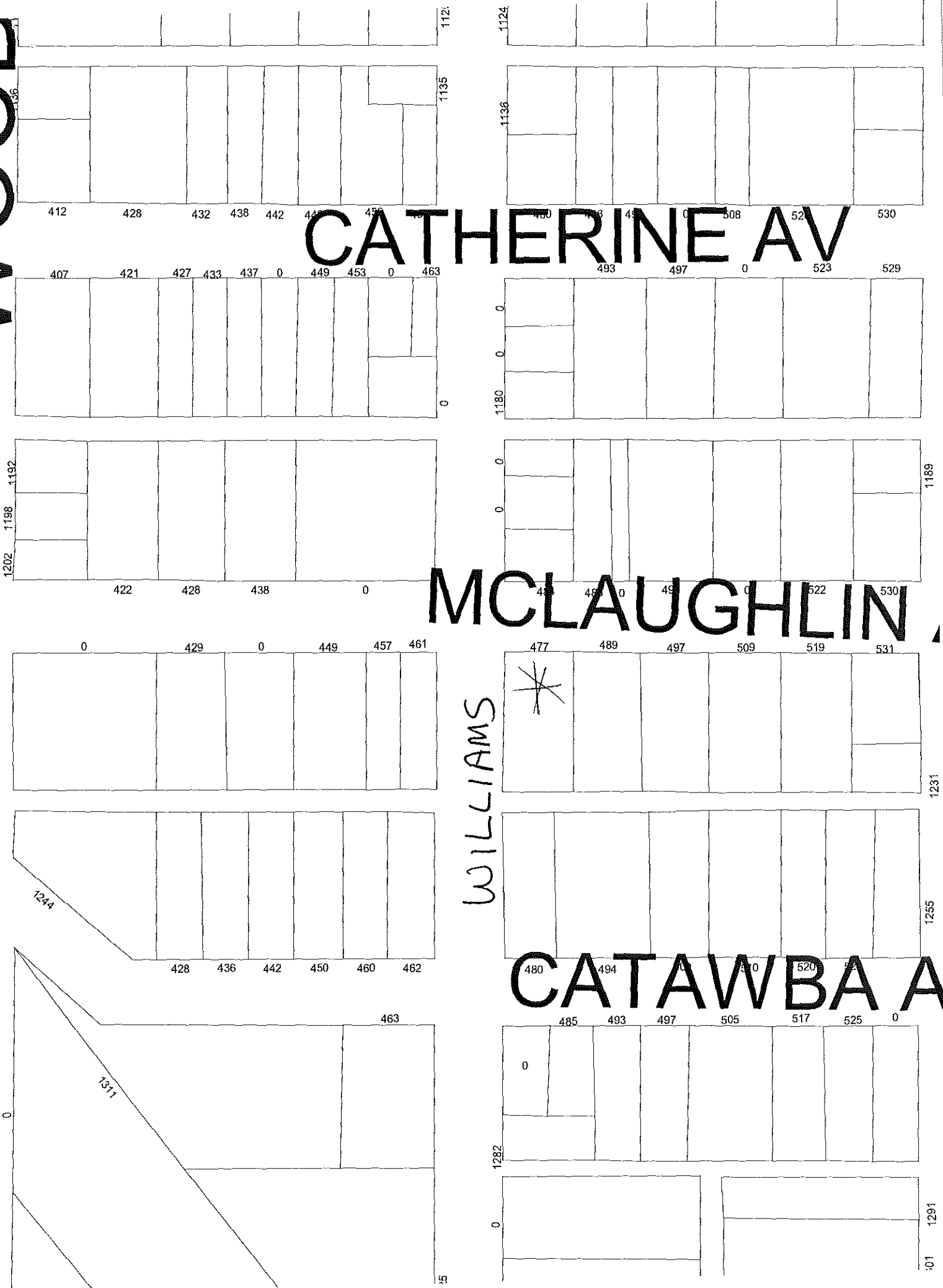
WV

CATHERINE AV

MCLAUGHLIN

CATAWBA A

WILLIAMS





477 McLaughlin

MICHIGAN DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROPERTY MANAGEMENT

CERTIFICATE NO.
50610

STATE LAND PURCHASE CERTIFICATE

Pursuant to the provisions of Section 211.78m(4), Act 123 of 1999, parcels not previously sold by the foreclosing mental unit shall be offered for sale for a minimum bid amount. Pursuant to Section 211.78k, P.A. 123 of 1999, parcels object to the lien of taxes levied following the foreclosure date.

Married ☐ Single ☒

AUCTION DATE & PLACE: 09/24/2002 - Muskegon, Michigan

- ☒ In my name only
☐ As husband and wife (Tenants by the entireties with Full Rights of Survivorship)
☐ As Joint Tenants and not as Tenants in Common (two or more persons)
☐ As Tenants in Common (two or more persons, each owning a separate undivided interest in the whole property)

GRANTEE NAME AND ADDRESS:

Judy E. Irish
12138 Stafford Street
Ravenna, MI 49451

MAIL TO:

Judy E. Irish
12138 Stafford Street
Ravenna, MI 49451

IT IS EXPRESSLY UNDERSTOOD, That any deed or deeds issued under this application to purchase shall contain the following clause: "SAVING AND RESERVING unto the People of the State of Michigan the rights of ingress and egress over and across all of the herein-mentioned descriptions of land lying along any watercourse or stream, pursuant to the provisions of part 5, Act 451, P.A. 1994, as amended. Further, excepting and reserving to the State of Michigan, all aboriginal antiquities including mounds, earthworks, forts, burial and village sites, mines or other relics and also reserving the right to explore and excavating for the same, by and through its duly authorized agents and employees, pursuant to the provisions of part 761, Aboriginal Records and Antiquities, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.

This conveyance hereby restricts the Grantee from severing oil and gas rights from the surface rights any time in the future. If the Grantee severs the subsurface rights from the surface rights, the subsurface rights will revert to the State of Michigan", and the purchaser hereby agrees to accept such deed and abide faithfully by said conditions as expressed therein.

SIGNATURE OF AGENT OR PURCHASER

X

I HEREBY CERTIFY that the purchaser named herein purchased the State-owned lands identified above, which were foreclosed upon by the State of Michigan for non-payment of property taxes pursuant to statute and which were offered at public land auction.

DEPARTMENT OF NATURAL RESOURCES
FOR THE STATE OF MICHIGAN

[Signature]

County: Muskegon

SALE UNIT NO	AMOUNT
293	\$2,850.00

Subtotal	\$2,850.00
Deed Recording Fees	\$15.00
TOTAL	\$2,865.00

For Staff Use Only

Deed Number

Preparer

Deed Mail Date

Cash Received

Certified Check
Number and Amount

26431-3
3000.00

Returned

135.00
Cash

TAX REVERSION & LAND RECORDS

OFFICE OF PROPERTY MANAGEMENT

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

PO BOX 30448

LANSING MI 48909-7948

(517) 373-1250

For The Inspection Department
City of Muskegon

File #: 421256

FROM CITY ASSESSOR'S RECORDS

OWNER: Donnelda Genson
PROPERTY: 477 McLaughlin
PARCEL NO: 24-205-093-0006-00
DESCRIPTION: Lot 6, Blk 93

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1615
PAGE: 243
DATE OF DEED: March 13, 1992
GRANTOR NAME & ADDRESS: Laura Pummel, 1515 Madison, Muskegon,
MI 49442
GRANTEE NAME & ADDRESS: Donnelda Genson, 477 McLaughlin,
Muskegon, MI 49442
LIENS OR MORTGAGES: 2036/346; 2128/987; 3156/170
TODAY'S DATE: August 13, 2002
EFFECTIVE DATE: July 19, 2002 at 8:00 AM

Abstracted by: Debra K. McCune
TRANSNATION TITLE INSURANCE COMPANY

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

REF 1615 243

KNOW ALL MEN BY THESE PRESENTS: That **LAURA PUMMEL**, as surviving spouse of **Myron Pummel**,
Deceased, Death Certificate recorded in Liber 1615 Page 242
whose street number and postoffice address is **1515 Madison, Muskegon, Michigan 49442,**

Convey S and Warrant S to DONNELDA GENSON, a single woman,

whose street number and postoffice address is 477 McLaughlin Street, Muskegon, Michigan 49442,

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

Lot Six (6) of Block Ninety-three (93) of the Revised Plat (of 1903) of the City of Muskegon, Muskegon County, Michigan.

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECORDED

1992 MAR 18 FRI 2:57

for the sum of Seven Thousand Five Hundred and no/100 (\$7,500.00) Dollars.

subject to easements and restrictions of record.

Dated this 13th day of March 19 92

Signed and Sealed in presence of

Signed and Sealed:

Gary C. Veurink
Suzanne K. Hawkins

Laura Pummel (L.S.)
 Laura Pummel _____ (L.S.)
 _____ (L.S.)
 _____ (L.S.)

STATE OF MICHIGAN
COUNTY OF MUSKEGON

55

The foregoing instrument was acknowledged before me this 13th day of March 1992
by *(2) Laura Pummel.

*(3) Gary L. Veurink
Notary Public, Ottawa County, Michigan
Acting in Muskegon County

My Commission expires January 23, 1996

*Note: (1) insert date (2) insert name of person(s) acknowledged (grantor) *(3) signature of person taking acknowledgment

whereby certify that there are no tax liens or titles held by title
or any individual against the within description, and all
taxes on same are paid for five years previous to the date of
instrument, as appears by the records in my office."

13159
A STATE OF
REAL ESTATE
TRANSFER
08.25

Please note the following:

1. Marital status of each male grantor must be indicated.
2. The name of each person who signs this instrument shall be legibly printed, typewritten or stamped upon such instrument immediately beneath the signature of such person.

3. If the notarial act is performed outside the State of Michigan, the acknowledgment must show the rank or title and serial number, if any, of the person taking the acknowledgment. The official seal of the person performing the notarial act outside the State of Michigan should be affixed to the deed.

Drafted by: Attorney Gary L. Veurink

Business address:

Community Foundation Bldg., Suite 307
P.O. Box 1589, Muskegon, MI 49443

After recording return to:

Donnelda Genson

1615 243

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

477 McLaughlin

8/7/02

Inspection noted:

1. Home has been abandoned for over 6 months.
2. Numerous broken out windows.
3. Home has to be re-boarded constantly.
4. Roof investigation needed – large hemp in south east section of roof assembly.
5. Garage north wall leading outward.
6. Upper garage door broken off track.
7. Interior inspection required by trade inspectors. (electrical, plumbing/mechanical, building)

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

8-7-02
DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
477 McLaughlin
(INTERIOR INSPECTION)
12/6/02

Inspection noted:

1. Second floor bedrooms have no heat.
2. Water piping is installed incorrectly and not supported.
3. First floor bath needs to be replaced.
4. All waste, vent and plumbing fixtures need to be replaced.
5. Replace all cut, non-supported floor joists.
6. Replace kitchen cabinets.
7. All stairs, handrails, and guardrails must be to code.
8. Smoke detectors must meet code.
9. All windows must be operable and egress windows are required for bedrooms.
10. Floor system must be supported w/proper spans, foundation piers, and beams are very unstable. Floor decking must be removed for complete inspection.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

12 6 02
DATE

CITY OF MUSKEGON
NOTICE FOR INTERIOR INSPECTION

DATE: August 8, 2002

Address of Property: **477 McLaughlin**

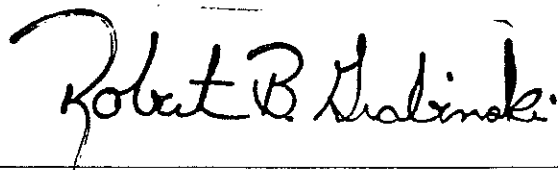
TO: Donnelda Genson, 2611 Strand Rd., Muskegon, MI 49445
[Name & Address of Owner]

None
(Interested Parties)

The Inspection Services Department of the City of Muskegon has preliminarily determined that the structures described above are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on **Thursday, September 5, 2002** at **10:30 A.M.** Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: September 11, 2002

Address of the Property: 477 McLaughlin

TO: Donnelda Genson, 2611 Strand Rd., Muskegon, MI 49445
[Name & Address of Owner]

Laura Pummel, 1515 Madison, Muskegon, MI 49442
(Interested Parties)

Huntington Bank, One Financial Plaza, Holland, MI 49423

Green Tree Financial, 332 Minnesota St. Suite 610, St. Paul, MN 55101

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

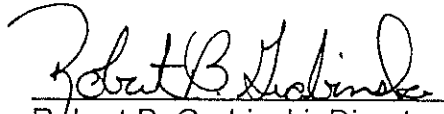
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 477 McLaughlin, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: January 23, 2003

Address of the Property: 477 McLaughlin

TO: Judy E. Irish, 12138 Stafford St, Ravenna, MI 49451
[Name & Address of Owner]

None
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, February 6, 2003, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to repair or demolish issued 9/11/02.

At the hearing on Thursday, February 6, 2003, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: February 10, 2003

To: Judy E. Irish, 10341 Apple Ave. Ravenna, MI 49451
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, February 6, 2003 does hereby order that the following structure(s) located at **477 McLaughlin**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

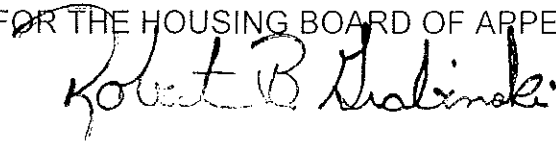
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski". The signature is written in a cursive, flowing style.

Robert B. Grabinski, Director of Inspections

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: March 11, 2003

477 McLaughlin
(Address of Property)

TO: All owners and interested parties:

Judy E. Irish, 10341 Apple Ave. Ravenna, MI 49451

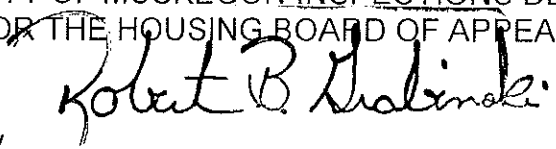
None
(Other interested parties)

On February 6, 2003 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **Thursday, March 25, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at **5:30 p.m. on Thursday, March 25, 2003**, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

Case #02-40 – 477 McLaughlin – Judy Irish, 12138 Stafford St, Ravenna

Ms. Irish was present to represent this case. She stated she purchased it from a state auction and feels as though she has been duped. She purchased it as an investment and intended it to be a rental unit, but the extent of the damage inside was more than she anticipated. She has a purchase agreement with the state, but no clear title yet. She wants to sell it, but can't without a title.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Jerry Bever and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Clara Shepherd
Jerry Bever

Nick Kroes

The motion carried.

Case #02-70 – 1785 McIlwraith – Harold & Shelly Larabee, 5460 Circle Dr. Muskegon, MI 49442

The Larabees were present to represent this case. Mr. Grabinski gave a history of how the case began. A permit was pulled to repair the garage roof and they are working on it. Mr. Larabee is a truck driver and is out of town a lot, so he doesn't have a lot of time to work on the repairs. Mr. Grabinski stated if this is to be a rental unit they must have licensed contractors do the electrical, plumbing and mechanical repairs. They stated they will live in the house when repairs are done. Mr. Grabinski asked how can they move into this house when they now live at 5460 Circle Dr. on Wolf Lake. Mr. Larabee stated they are having marital problems and he will move into this house alone. Mr. Grabinski stated make sure that's the case, otherwise there will be legal recourse if he does not live in it.

Mr. Larabee stated he needs until June 30th for the repairs, he needs to get power to work on the interior, and anticipates that within 30 days. Mr. Borgman asked if they are financially able to do this and he said yes.

DATE: March 14, 2003

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

2003-29 f(s)

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #01-051-Address: 1166 W. Grand.

Due to an error in notification of the owner, this case is being brought back to you for consideration.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1166 W. Grand** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: #01-051 – 1166 W. Grand

Location and ownership: This structure is located on W. Grand west of Barclay at the end of the cul de sac. It was owned by Kenneth & Maryjane Sanford and they sold it on a land contract to James & Tamara Ward. An inspection was conducted on 11/15/01 due to complaints regarding the exterior condition of the home. A notice and order to repair or remove was issued 2/26/02. The case was heard before the HBA on May 2, 2002 and it was tabled for 180 days. At that time it was ordered that the repairs to the front of the house be completed within 30 days and the exterior repairs be completed within 90 days. It was stated if the conditions were met, the case would not be brought back to the HBA. The exterior repairs were not completed and the case was heard again before the HBA on 12/5/02. The Wards were not present, but they called the office on 11/27/02 and stated they had been working inside and spent a large amount of money on the electrical work and that the front of the house would be completed within 60 days. There has been no contact with the owners since that date. The HBA declared it dangerous and substandard on 12/5/02.

Staff Correspondence: This property was fire damaged and had an inspection 4/1/02. It had been rented out previous with no Certificate of Compliance. An interior inspection was conducted on 4/15/02 with the property manager. The HBA ordered the structure demolished 7/11/02. The Notice and Order to repair or remove was issued 8/7/02.

Owner Contact: The owners were present at the 5/2/02 HBA meeting and stated they wanted to repair the house. They have called for some inspections, but there has been no contact since 11/27/02.

Financial Impact: The cost of demolition will be paid with general funds.

Budget Action Required: None

SEV: \$26,500

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Estimated Cost of Repairs: \$10,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, March 25, 2003.

W WESTERN AV

MICHIGAN AV

WASHINGTON AV

W GRAND AV

SOUTHERN AV

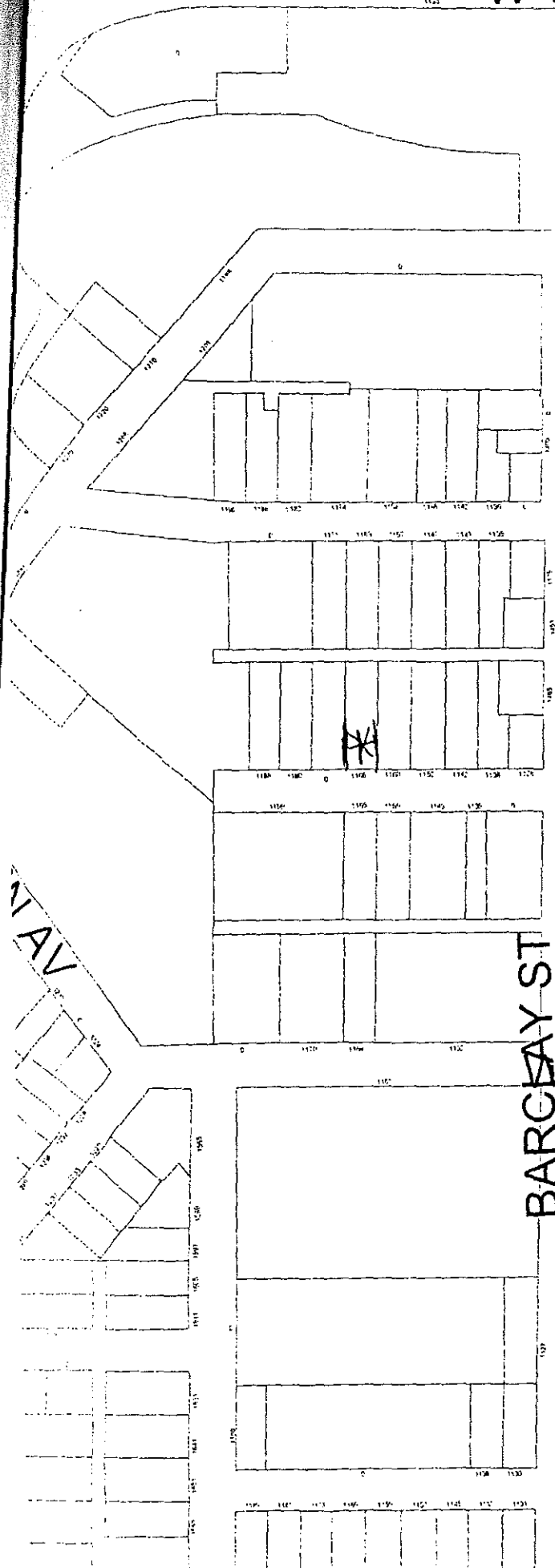
W FOREST AV

IRELAND AV

FRANKLIN ST

BARCLAY ST

N AV





1166 W. GRAND



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100122376
November 21, 2001

1. Beginning Date: 10/27/81, at 8:00 A.M.

Please See Attached Liber 1226, Page 748, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 10/26/2001, at 8:00 A.M.

Deeds:	Documents	Mortgages:
Liber 1226, Page 748	Miscellaneous: Liber 2239, Page 11	NONE

Taxes:

Proof of payment of special assessment for Sidewalk Assessment, due and payable to the City of Muskegon in the amount of \$1,195.17, if paid by November 30, 2001.

Proof of payment the delinquent water/sewer usage, due and payable to the City of Muskegon in the amount of \$38.84, if paid by November 30, 2001.

Proof of payment the Invoice Fees, due and payable to the City of Muskegon in the amount of \$220.00, if paid by November 30, 2001. (Invoice #9815551 and 9818917)

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$964.72, if paid by November 30, 2001.
(Base amount - \$692.91)**

Note:

No 2001 Summer Taxes were assessed.
Permanent Parcel No.: 61-24-205-481-0014-00.
2001 State Equalized Value: \$23,900.00.
2001 Taxable Value: \$19,858.00.
Non-Homestead Property.

**NOTE: The 2000 Winter tax bill included a Sidewalk Assessment Installment in the amount of \$147.55)

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

WARRANTY DEED—NO. 801
(PHOTO STAT)—(SHEET 1 OF 2)
STATE FORM NO. 100-1001

1226 REC 748

Recorded _____
at _____ o'clock _____
Liber _____ of Deeds, Page _____
Register of Deeds

This Indenture, Made this 22nd day of July, A. D., 1980
BETWEEN M. C. & Lillian Boonstra, husband & wife of 480 Ruddiman Dr., North Muskegon, Michigan of the first part,
and Kenneth W. & Mary Jane Sanford, husband & wife, of the second part,
GORDON AVE., Muskegon, Michigan
WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of \$200.00 (Two Hundred Dollars) Dollars,

to them in hand paid by the said part 1st of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said part 1st of the second part, and their heirs and assigns, FOREVER, all of a certain piece of or parcel of land situate and being in the City of Muskegon, County of Muskegon, State of Michigan, and described as follows, to-wit: Lot Fourteen (14) of Block Four Hundred Eighty-one (481) of the Revised Plat (of 1933) of the City of Muskegon, as per list of record in the Office of the Register of Deeds for said County.

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECORDED FOR RECORD
OCT 27 P 148
REGISTER OF DEEDS

Together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining: To Have and To Hold the said premises, as herein described, with the appurtenances, unto the said part 1st of the second part and to their heirs and assigns, FOREVER. And the said M. C. & Lillian Boonstra, husband & wife part 1st of the first part, for their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part 1st of the second part their heirs and assigns, that at the time of the executing and delivery of these presents they are well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever

and that they will, and their heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of
Frances Sovo
Linda Chaney
M. C. BOONSTRA
LILLIAN BOONSTRA
STATE OF MICHIGAN
REAL ESTATE
TRANSFER TAX
02.20
MUSKEGON COUNTY

STATE OF MICHIGAN, }
COUNTY OF MUSKEGON } On this 22nd day of July, A. D., 1980
before me, M. C. & Lillian Boonstra, husband & wife in and for said County personally appeared

to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be free act and deed.
Prepared by
M. C. Boonstra
480 Ruddiman Dr.
No. Muskegon, MI
Frances Sovo
Notary Public,
Muskegon County, Michigan.

My commission expires 9/21 1982
NOTE: WHEN A REFERENCE IS MADE TO ANY ACT OR LAWS IN ENACTING, THE FOLLOWING SHALL BE CONSIDERED THE ACTS AND LAWS IN EFFECT THROUGH THE YEAR 1980.
1226 REC 748

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1166 W. Grand Ave.

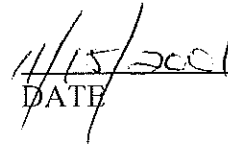
11/15/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Front porch damaged by tree – needs structural repair.
3. Broken windows on home.
4. Working on home with no permits, interior and exterior of home.
5. Contacted owner – owner stated a financial problem. Have not had contact with owner since and no permits have been issued at this date.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

[Start](#)Building Permit Application [Edit](#)

Street Address: 1166 W GRAND AVE
Property Number: 24-205-481-0014-00
Owners Name: TIMMERMAN ERIC/HEATHER
Owners Address: 1166 W GRAND AVE
MUSKEGON MI 49441
Permit No: BD-01-6693
Requested by: Owner
Contractor: N/A
Architect: N/A
Category: BUILDING
Permit Type: ALTERATION
Type of Building: R
Description: INSTALL SIDING ON FRONT OF DWELLING; DRYWALL 3 ROOMS;
COMPLETE ROOM UNDER CONSTRUCTION; THRESHOLD AT
FRONT DOOR
Dates: App Date: 12/03/2001 Issue Date: 12/07/2001
Value: \$2,500.00

Item	Quantity
Building Permit Fee	83.25

This application has been approved

Approved: Yes ☒ No ☐By: [Note:](#)

Date: 12/12/2001

EDIT PERMIT

 [PIN:](#) [Edit](#)

01/15/2002

City of Muskegon

[Start](#)Electrical Permit Application [Edit](#)

Street Address: 1166 W GRAND AVE
Property Number: 24-205-481-0014-00
Owners Name: TIMMERMAN ERIC/HEATHER
Owners Address: 1166 W GRAND AVE
MUSKEGON MI 49441
Permit No: EL-02-6789
Requested by: Owner
Contractor: N/A
Architect: N/A
Category: ELECTRICAL
Permit Type: ALTERATION
Type of Building: R
Description: PARTIAL REWIRING - INSTALL SMOKE DETECTORS
Dates: **App Date:** 12/19/2001 **Issue Date:** 12/21/2001
Value: N/A

Item	Quantity
Permit Base Fee	1.0
Circuits each	5.0
Lighting Fixtures - per 25	1.0
Inspections - Final Inspection	1.0

This application has been approved

Approved: Yes ☒ No ☐

By:

Note:

Date: 01/10/2002

EDIT PERMIT

PIN:

[Edit](#)

01/15/2002

City of Muskegon

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: February 26, 2002

Address of the Property: 1166 W. Grand, Muskegon, Michigan

TO: Eric/Heather Timmerman, 1166 W. Grand, Muskegon, MI 49441
[Name & Address of Owner]

Kenneth & Mary Jane Sanford, 1160 W. Grand Muskegon, MI 49441
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

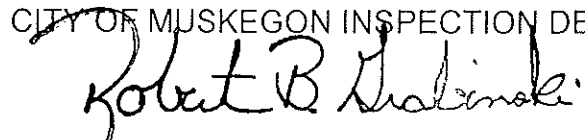
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1166 W. Grand, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: April 18, 2002

Address of the Property: 1166 W. Grand

Description of the Structure: Lot 14, & N 16 ½ ft. of Grand Ave. abutting same Blk 481

TO: Eric/Heather Timmerman, 1166 W. Grand, Muskegon, MI 49441
[Name & Address of Owner]

Kenneth & Mary Jane Sanford, 1160 W. Grand, Muskegon, MI 49441
Names & Addresses of Other Interested Parties]

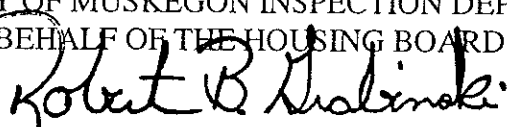
Please take notice that on Thursday, May 2, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair dated 2/26/02.

At the hearing on Thursday, May 2, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

Incident Report

MUSKEGON POLICE DEPARTMENT

2002-007748-I

Incident No 2002-007748-I	Date & Time Rept 04/15/2002 09:59	Offense: 55000 HEALTH AND SAFETY		
Occurred From: 04/15/2002 09:59	Occurred Until: 04/15/2002 09:59	Incident Location 1180 W GRAND AV		
Current Disp CLOSED	Disposed To CLOSED SHIREY	Municipality MUSKEGON	District 115	
Disposition Date 04/15/2002	Juveniles Only? NO	TTY Sent? NO	Cancelled?	TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / 00:00	
Officer Assigned 10649 DIBBLE, JODI LYNN		Investigating Officer		

NOTES

copy to inspections

OFFENSE: INFO Police Information

=CAD TIMES: 10:35;00:00;00:00;00:00;

P

Name/Address/Phone

Description

NO PERSONS

Description/Name/Comments

Make/Model/Stat

Serial No./Qty/Value

NO PROPERTY

Status/Plate Type/VIN

Reg/Evid/Value

Description

NO VEHICLES

Category

Description

NO M.O. INFORMATION

1166 W. Grand
File

Continued

MUSKEGON POLICE DEPARTMENT

2002-007748-I

Incident No 2002-007748-I	Date & Time Rept 04/15/2002 09:59	Offense: 55000 HEALTH AND SAFETY
------------------------------	--------------------------------------	-------------------------------------

N TAKEN FROM WORDPERFECT DOCUMENT 2002007748.001

A I was driving the alleys due to past complaints when I noticed
R that in the rear of this yard there were car parts. Also the there
R appeared to junk on the back porch and the north east side of the
A house appeared to be in a state of repair that had never been
T finished. When driving around to the front to get the address the
I porch roof is sagging. It appears that some type of repair is
V being done to the front of the house but it is unknown when these
E repairs were done or if there is a permit. There was no address on
the front of the house but is between 1160 and 1180 W. Grand.

Dibble 59

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO TABLE THIS CASE 180 DAYS

Date of Order: May 3, 2002

Address of the property: 1166 W. Grand

To: James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441
Owners Name & Address

Kenneth & MaryJane Sanford, 2035 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties

CASE TABLED FOR 180 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled until the November 2002 HBA meeting. It has also been ordered that the repairs to the front of the house be completed within 30 days of the date of this letter, the exterior repairs be completed within 90 days of the date of this letter, and that you call for progress inspections every 30 days. The exterior repairs do not include siding the whole house. The sides that are wood can be painted. If these conditions are met, the case will not be brought back to the Housing Board of Appeals.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: November 25, 2002

Address of the Property: 1166 W. Grand

TO: James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441
[Name & Address of Owner]

Kenneth & MaryJane Sanford, 2035 Henry St. Muskegon, MI 49441
[Names & Addresses of Other Interested Parties]

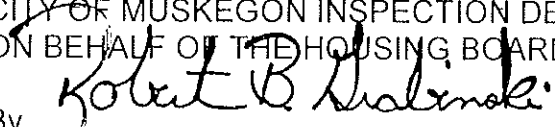
Please take notice that on Thursday, December 5, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review the status of repairs on the structure.

At the hearing on Thursday, December 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: December 6, 2002

To: James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441
Owners Name & Address

Kenneth & MaryJane Sanford, 2035 Henry St. Muskegon, MI 49441
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, December 5, 2002 does hereby order that the following structure(s) located at 1166 W. Grand, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

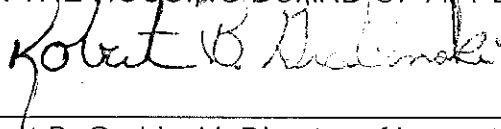
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in cursive script, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: March 11, 2003

1166 W. Grand
(Address of Property)

TO: All owners and interested parties:

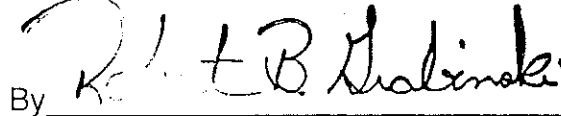
James & Tamara Ward, 1160 W. Grand, Muskegon, MI 49441

Kenneth & Maryjane Sanford, 2035 Henry St. Muskegon, MI 49441
(Other interested parties)

On December 5, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **March 25, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on **March 25, 2003**, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By 

Robert B. Grabinski, Director of Inspections

Case #01-051 – 1166 W. Grand – James & Tamara Ward & Maryjane Sanford, 1160 W. Grand, Muskegon

Mary Sanford stated that she holds the land contract with James and Tamara Ward on this home. A tree fell on the front porch and has not been repaired yet. Mr. Grabinski stated there have been neighbor complaints and recently a police report from 4/15/02 stating there are car parts and junk in the back yard and the home appears to be in a state of disrepair. Mr. Ward stated the front porch was removed Friday, 4/26/02 and the back right side of the foundation was been repaired. He also stated there has been much work done on the inside. The window in the upstairs front bedroom is not permanent, it was stuck in instead of boarding the front. They will install an egress window. The Wards stated they have done a lot of work and only one neighbor complains, most neighbors are happy with what they have done. They live next door and have been trying to get the inside done, so they can move in. They have had electrical and building inspections. Mr. Kroes asked when the exterior work can be done. There was discussion on time frames required by Inspections. There was also discussion on how the exterior needs to be repaired, whether it has to be sided completely or just on the front. The sides that are wood can be painted, the front is to be sided.

Staff Recommendation: Complete the front exterior within 30 days, remaining exterior within 90 days, allow monthly progress inspections, and table this case for 180 days. If progress continues it will not be brought back in 180 days. If progress stops it will come back to the HBA.

Motion made by Randy Mackie, supported by Jon Rolewicz to support staff's recommendation.

A roll cal vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Jon Rolewicz
Clara Shepherd
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

~~**Case #02-06- 1836 Nevada – MLA Inc. 30521 Schoenherr, Warren, MI 48093**~~

~~Robert Parker was present to represent this property. He is considering buying it. Board stated this house looks very bad, they saw it last night. Mr. Grabinski~~

#01-051 – 1166 W. Grand, James & Tamara Ward, same address

The Wards were not present for the meeting. Mrs. Ward called the Inspection office and stated they would not be able to attend due to a court case in White Cloud. She also stated they have been working on the interior and spent \$2700 on electrical repairs. Some of the board members drove by the house and it was stated there is OSB halfway down the rafters and the windows are not finished. They were ordered to install egress windows and it appears to be 28 x 28 windows. At the last HBA hearing they attended in May 2002, they were given 30 days to finish the front of the house, 90 days to finish the exterior, and 180 days to completely finish. They were also ordered to have 30 day progress inspections. They have not complied.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by John Warner and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
John Warner

Clara Shepherd

The motion carried.

#00-069 – 1573 Terrace – Ratan Khatri

This case was brought back before the board because in July the board ordered the new owner to schedule an interior inspection within 30 days and it was not done. Mr. Khatri stated that he did not have the funds until now to rehab the house and he did not realize he was supposed to schedule the interior inspection within 30 days of the last meeting for this case. Keeping the house secure has been a problem also. Jon Rolewicz stated the back door is currently open. Mr. Grabinski asked how much time Mr. Khatri needs to finish the rehab after the interior inspection is done and Mr. Khatri stated he will be done in January 2003.

AGENDA ITEM 2003-29 e)
CITY COMMISSION MEETING 3/25/03

Date: March 19, 2003

To: Honorable Mayor and City Commissioners

From: Engineering and Administration

RE: Norlight Permit Under METRO Act

SUMMARY OF REQUEST:

Authorize the Mayor to sign the permit application submitted by Norlight Telecommunications. Submittal of the permit application is in response to the City opting into the newly adopted METRO Act. It is further requested that approval be conditioned upon Norlight retaining active satisfactory liability insurance consistent with the terms of the Act and city policy.

FINANCIAL IMPACT:

None. The City will no longer be able to collect annual permit fee but rather it will receive its share of payments made to the state consistent with the terms of the Act.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the permit and sign the documents.

COMMITTEE RECOMMENDATION:



No part of this permit shall be copied and given to a third party without the consent of the City Manager's Office.

Subject to FOIA

Contract in Mgrs. Office.



No part of this permit shall be copied and given to a third party without the consent of the City Manager's Office.

Subject to FOIA

PRODUCER	877-559-6769	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.
Willis North America, Inc. - Regional Cert Center 11201 N. Tatum Boulevard Suite 300 Phoenix, AZ 85028		
INSURED	Journal Communications, Inc. & Subsidiaries Attn. Sandy LaValle P.O. Box 661 Milwaukee, WI 53201-0661	INSURERS AFFORDING COVERAGE
		INSURER A: Zurich American Insurance Company 16535-003
		INSURER B: St Paul Fire and Marine Insurance Co. 24767-000
		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	GLO837387707	4/1/2003	4/1/2004	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 1,000,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person) \$
	☒ Vendors Endorsement				PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE \$ 5,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC				PRODUCTS - COMP/OP AGG \$ 1,000,000
A	AUTOMOBILE LIABILITY	BAP837387607	4/1/2003	4/1/2004	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	☒ 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 \$
					AUTO ONLY: AGG \$
B	EXCESS LIABILITY	QK05500661	4/1/2003	4/1/2004	EACH OCCURRENCE \$ 5,000,000
	☒ OCCUR ☐ CLAIMS MADE				AGGREGATE \$ 5,000,000
	☐ DEDUCTIBLE				\$
	☒ RETENTION \$ 10,000				\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC837380407	4/1/2003	4/1/2004	☒ WC STATU-TORY LIMITS ☐ OTH-ER \$
					E.L. EACH ACCIDENT \$ 1,000,000
					E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
					E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	OTHERXS WC (CT, MI, NV, WI)	EWS840983207	1/1/2003	1/1/2004	Unlimited WC Insurance \$1,000,000 Employers Liability \$500,000 Self-Insured Retention

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

Named Insured includes Norlight Telecommunications, Inc.

"INSURED IS SELF-INSURED FOR AUTOMOBILE PHYSICAL DAMAGE. COMPREHENSIVE AND COLLISION ARE NOT PROVIDED."

Re: Installation, construction and maintenance of fiber optic telecommunications network in the State of Michigan. Coverage shall be primary insurance. Certificate Holder is named as Additional

CERTIFICATE HOLDER

☒

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

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

City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Sally R. Knight



CERTIFICATE OF LIABILITY INSURANCE

Page 2 of 3

DATE
03/28/2003

PRODUCER 877-559-6769 Willis North America, Inc. - Regional Cert Center 11201 N. Tatum Boulevard Suite 300 Phoenix, AZ 85028		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 Journal Communications, Inc. & Subsidiaries Attn. Sandy LaValle P.O. Box 661 Milwaukee, WI 53201-0661		INSURER A: Zurich American Insurance Company	16535-003
		INSURER B: St Paul Fire and Marine Insurance Co.	24767-000
		INSURER C:	
		INSURER D:	
		INSURER E:	

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

Insured. General Liability coverage includes blanket contractual liability for written contracts, products and completed operations; independent contractor liability and XCU coverage.

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.

360Networks (USA) Inc.
12202 Airport Way Suite 300
Broomfield, CO 80021-2587

ACD Telecom, Inc.
Kevin Schoen
President
4980 Northwind Drive
East Lansing, MI 48823-5089

A.R.C. Networks, Inc.
Eugene Conlon
175 Pinelawn Rd. Suite 408
Melville, NY 11747-3180

Ace Telephone Company of Michigan, Inc.
David Schroeder
Chief Executive Officer
102 E. Mesick Avenue P.O. Box 69
Mesick, MI 49668-0069

Affinity Network, Incorporated
Glen Stockton
Chief Counsel, Reg. Affairs
4380 Boulder Highway
Las Vegas, NV 89121

Ameritech Communications, Inc.
Pamela Molina
Project Administrator, Regulatory
5850 W. Las Positas Blvd.
Pleasanton, CA 94588

Advanced TelCom, Inc.
Clifford G. Rudolph
110 Stony Point Rd. 2nd Floor
Santa Rosa, CA 95401-4118

Access One, Inc.
Lance Honea
Chief Executive Officer
125 Halstead Street 4th Floor
Chicago, IL 60661

1-800-Reconex, Inc.
William Braun
Vice President, General Counsel
2500 Industrial Ave.
Hubbard, OR 97302

Accu Tel of Texas, Inc.
Debi Glick
Director of Operations
7900 Carpenter Freeway
Dallas, TX 75247

Adelphia Business Solutions Operations, Inc.
Terry Romine
Dir. Legal and Reg. Affairs
One North Main St.
Coudersport, PA 16915

Allendale Telephone Company
Arlyn Smits
Manager
6568 Lake Michigan Dr.
Allendale, MI 49401

ARBROS Comm. Licensing Co. Central, LLC
Robert F.X. Condon
V.P. Regulatory and External Affairs
1100 Wayne Avenue Suite 800
Silver Springs, MD 20910

Allegiance Telecom of Michigan, Inc.
Mary C. Albert
Vice President Regulatory
1919 M Street N.W. Suite 420
Washington, D.C. 20036

American Fiber Network, Inc.
Rob Heath
Vice President
9401 Indian Creek Pkwy. Suite 140
Overland Park, KS 66210

AmeriVoice Telecommunications, Inc.
Louis L. Miller
Chief Executive Officer
212 W. Wisconsin Ave. Suite 500
Milwaukee, WI 53203

AT&T Communications of Michigan, Inc.
Frances E. Brown
Ass't. Vice President
215 S. Washington Square Suite 230
Lansing, MI 48933

Atlas Communications, LTD.
Mark Kelly
482 Norristown Road
Blue Bell, PA 19422

Baraga Telephone Company
Bill Stark
President
204 State Street
Baraga, MI 49908

Bilan Communications, Inc.
Patricia K. Rountree
President
168 Riley St. P.O. Box 20
Dundee, MI 48131

Blanchard Telephone Association, Inc.
Duane Bronson
Manager
P.O. Box 67
Blanchard, MI 49310

Borderland Communications, LLC
Bruce Reubar
Vice President
113 Main P.O. Box 3
Niagara, WI 54151

B&S Telecom, Inc.
Saul Anuzis
Chairman of the Board
5 Locust Lane
Lansing, MI 48911

Barry County Telephone Company
Robert Fisher
Manager
P.O. Box 128
Delton, MI 49046

Birch Telecom of the Great Lakes, Inc.
Barb Fillinger
Manager, Compliance & Tariffs
2020 Baltimore Ave.
Kansas City, MO 64108

Bloomington Telephone Company, Inc.
Sid Shank
Office Manager
P.O. Box 187
Bloomington, MI 49026

Broadview Networks, Inc.
Ana Bataille
Manager, Regulatory Affairs
400 Horsham Rd. Suite 130
Horsham, PA 19044

Broadwing Local Services, Inc.
Larry Barnes
Dir., Regulatory Affairs
1122 Capital of Texas Hwy. So
Austin, TX 78746-6426

Buckeye Telesystem, Inc.
Thomas K. Dawson
Regulatory Affairs
5566 Southwyck Blvd.
Toledo, OH 43614

Building Communications Inc.
Jerry Ludwick
54 North Main street
Three Rivers, MI 49093-1532

C.L.Y.K. Inc. dba Affinity Telecom
John A. Kopanakis
757 Lounsbury
Rochester, MI 48307

C3Networks & Comm. Limited Partnership
2600 Via Fortuna Suite 500
Austin, TX 78746

Brooks Fiber Comm. Of Michigan, Inc.
(WorldCom)
James R. Denniston
Senior Counsel
205 N. Michigan Ave. Suite 1100
Chicago, IL 60601

Budget Phone, Inc.
Art Magee
Comptroller
6901 W. 70th Street
Shreveport, LA 71129

BullsEye Telecom, Inc.
Tom Tisko
President & COO
25900 Greenfield Road Suite 330
Oak Park, MI 48237

C2C Fiber of Michigan, Inc.
Kyle Dickson
General Counsel
8275 El Rio Suite 110
Houston, TX 77054

Call Giant, Inc.
David Thiery
Vice President
21419 VanDyke
Warren, MI 48089

Call UP, Inc.
Paul E. Kjeldsen
President
506 Sheldon Ave.
Houghton, MI 49931

Carr Telephone Company
Mitch Bogner
Manager
4325 Masten Road
Branch, MI 49402

CCCMI, Inc., d/b/a Connect!
Carole Hamon
Supervisor, Regulatory Affairs
124 West Capitol Suite 250
Little Rock, AK 72201

CenturyTel of Michigan, Inc.
Vickie Norris
Director, State Government Relations
17 S. High Street Suite 1250
Columbus, OH 43215

CenturyTel of Upper Michigan, Inc.
Vickie Norris
Director, State Government Relations
17 S. High Street Suite 1250
Columbus, OH 43215

Campus Communications Group, Inc.
7077 Bonneval Road Suite 600
Jacksonville, FL 32216

CAT Communications International, Inc.
Patricia Spencer
V.P. Regulatory Affairs
4142 Melrose Ave. NW Suite 25
Roanoke, VA 24017-0129

CenturyTel Midwest -- Michigan, Inc.
Vickie Norris
Director, State Government Relations
17 S. High Street Suite 1250
Columbus, OH 43215

CenturyTel of Northern Michigan, Inc.
Vickie Norris
Director, State Government Relations
17 S. High Street Suite 1250
Columbus, OH 43215

CenturyTel Solutions, LLC
Ron Johnson
100 Century Tel Drive
Monroe, LA 71203

Chapin Telephone Company
Greg Ringle
Manager
19994 W. Ridge Road
Elsie, MI 48831

Choctaw Comm., Inc., d/b/a/ Smoke Signal Comm.
Marla J. Hanley
Regulatory director
8700 S. Gressner
Houston, TX 77074

Ciera Network Systems, Inc.
1250 Wood Branch Park Dr. Ste. 600
Houston, TX 77079

CityNet Telecom, Inc.
Robert Berger
President
8403 Colesville Road 14th Floor
Silver Springs, MD 20910

CMC Telecom, Inc.
Craig Champgne
50481 Pontiac Trail
Wixom, MI 48393

Chippewa County Telephone Company
Bill Beaune
General Manater
101 State Street P.O. Box 309
Brimley, MI 49715

CI2 Inc.
Tonia Landry
Regulatory Affairs Specialist
200 Galleria Parkway, NW Suite 1550
Atlanta, GA 30339

CIMCO Communications, Inc.
William A. Capraro
Executive Vice President
18W 100 22nd Street Suite 109
Oakbrook Terrace, IL 60181

Climax Telephone Company
Gilbert Collver
President
110 North Main Street
Climax, MI 49034

Coast to Coast Telecommunications, Inc.
Stephanie K. Kurlan
Manager, Regulatory Compliance
9201 N. Central Expressway
Dallas, TX 75231

Coldwater Telecommunications Utility
Linden H. Cox
Communications System Operations Manager
28 W. Chicago Street P.O. Box 469
Coldwater, MI 49036

Comcast Telecommunications of Michigan, LLC
Shannon M. VanSach
Paralegal Administrator
29777 Telegraph Road Suite 4400-B
Southfield, MI 48034

Concert Communications Sales LLC
A. Sheba Chacko
Chief Regulatory Counsel
11911 Freedom Drive 11th Floor
Reston, VA 20190

Corecomm Michigan, Inc.
Scott Kellogg
Regulatory Affairs
70 W. Hubbard Suite 410
Chicago, IL 60610

Cypress Telecommunications Corporation
D/b/a Cytel
3838 N. Sam Houston Pkwy East Ste. 400
Houston, TX 77032

Comcast Business Communications, Inc.
Beth Choroser
Regulatory Compliance Manager
650 Centerton Road
Moorestown, NJ 08057

Comm South Companies, Inc.
Rick Brown
Vice President Reg. Affairs
2909 N. Buckner Blvd. Suite 800
Dallas, TX 75228

Contel of the South, Inc.
D/b/a Verizon North Systems
Paul M. Fuglie
AVP-Public Policy & External Affairs
860 Terrace Street
Muskegon, MI 49440

Corvus, Inc.
David C. Hoover
President
29777 Telegraph Suite 2151
Southfield, MI 48034

Cypress Telecommunications, Corporation
D/b/a Cytel
3838 N. Sam Houston Pkwy East Ste. 400
Houston, TX 77032

Comcast Business Communications, Inc.
Beth Choroser
Regulatory Compliance Manager
650 Centerton Road
moorestown, NJ 08057

Comm South Companies, Inc.
Rick Brown
Vice President Reg. Affairs
2909 N. Buckner Blvd Suite 800
Dallas, TX 75228

Contel of the South, Inc.
D/b/a Verizon North Systems
Paul M. Fuglie
AVP – Public Policy & External Affairs
860 Terrace Street
Muskegon, MI 49440

Corvus, Inc.
David C. Hoover
President
29777 Telegraph Suite 2151
Southfield, MI 48034

Deerfield Farmer's Telephone Company
David LaRocca
Manager
P.O. Box 68
Petersburg, MI 49270

DIECA Communications, Inc. dba Covad
David Chorzempa
Senior Counsel
227 W. Monroe 20th Fl.
Chicago, IL 60606

DPI Teleconnect, LLC
David Pikoff
Vice President & CEO
2997 LBJ Freeway Suite 225
Dallas, TX 75234

DSLNet Communications, LLC
Wendy Bluemling
Ass't V.P., Regulatory Affairs
545 Long Wharf Drive Fifth Floor
New Haven, CT 06511

Easton Telecom Services, Inc.
Ruth Holder
Sr. Regulatory Analyst
8065 Leesburg Pike Suite 400
Vienna, VA 22182

Enkido, Inc.
Nayel Shafei
President and Chief Executive Officer
95 Route 17 South 3rd Floor
Paramus, NJ 07632

Dominion Telecom, Inc.
Alan J. Dole
Dir. Of Regulatory Affairs
P.O. Box 3660
Glen Allen, VA 23058-3660

Drenthe Telephone Company
Wayne Ter Harr
Manager
738 64th Avenue
Zeeland, MI 49464

EagleNet, Inc.
Richard Huizenga
President
144 Coolidge Avenue Suite 30
Holland, MI 49423

Emergent Communications, LLC
Greg Ballard
President and Chief Executive Officer
801 Nicollet Mall Suite 350
Minneapolis, MN 55401

Ernest Communications, Inc.
Joseph J. Ernest
6475 Jimmy Carter Blvd. Suite 300
Norcross, GA 30071

Essential.com, Inc.
Peter Mills
Manager, Regulatory Affairs
Three Burlington Woods Drive 4th Floor
Burlington, MA 01803

Everest Connections Corporation
Rachel Lipman Reiber
4740 Grand Ave. Suite 200
Kansas City, MO 64112-2254

EZPhone, Inc.
Danel J. Coulter
President
1095 Home Avenue
Akron, OH 44310

FiberNet of Michigan, LLC
Steve Hamula
Director of Regulator Affairs
211 Len Sullivan Way
Charleston, WV 25301

Frontier Communications of America, Inc.
Christine Burke
Regional Manager, Regulatory
180 South Clinton Ave.
Rochester, NY 14646

Essex Communications, Inc.
D/b/a eLec Communications
Maria A. Abbagnaro
Dir. Regulatory Affairs
543 Main Street
New Rochelle, NY 10801

Excel Telecommunications, Inc.
Becky Gipson
Director, Regulatory Affairs
1600 Viceroy Drive
Dallas, TX 75235

FairPoint Communications Solutions Corp.
Michael Kent
Sr. Regulatory Affairs Manager
6324 Fairview Road
Charlotte, NC 28210

Focal Comm. Corporation of Michigan
Jane VanDuzer
200 North LaSalle Street Suite 820
Chicago, IL 60601

Frontier Communications of Michigan, Inc.
Ron Williams
Regulatory Manager
109 Randolph Street
Brooklyn, MI 49230

Global Crossing Telemanagement, Inc.
Diane Peters
Director of Regulatory
1080 Pittsford Victor Rd.
Pittsford, NY 14534

Globalcom Inc.
Gavin McCarty
Vice President-General Counsel
333 West Wacker Drive 15th Floor
Chicago, IL 60606

Grid 4 Communications, Inc.
C. christopher Hopkins
President/CEO
2755 Buckingham
Birmingham, MI 48009

Hiawatha Telephone Company
Robert Orent
Vice President and Chief Operating Officer
108 West Superior Street
Munising, MI 49862

HJN Telecom, Inc.
Herbert J. Newton
President
3235 Satellite Boulevard Building 400
Duluth, GA 30096

Horizon Telecommunications, Inc.
Richard C. Gould
General Counsel
4660 S. Hagadorn Road Suite 320
East Lansing, MI 48823

ICG Telecom Group, Inc.
Amy Hartzler
Senior Director, Business & Government Affairs
161 Inverness Drive, West
Englewood, CO 80112

Image Paging of Michigan, Inc.
James Parker
President
26076 Woodward Avenue Suite 202
Huntington Woods, MI 48070

IP Communications Corporation
Sean Minter
President
17300 Preston Road Suite 300
Dallas, TX 75252

JAS Networks, Inc.
Bret G. Seely
President
66 E. Michigan Avenue
Battle Creek, MI 49017

Joy Lines, Inc.
Tyrus D. Toles
19310 Joy Road
Detroit, MI 48228

IG2, Inc.
Deborah S. Arnott
80-02 Kew Gardens Road Suite 5000
Kew Gardens, NY 11415

Intrado Communications, Inc.
David A. Hauberman
Regulatory Counsel
6285 Lookout Road
Boulder, CO 80301

IP Voice Communications, Inc.
Barbara S. Will
President
7585 E. Redfield Road Suite 202
Scottsdale, AZ 85015

JATO Operating Two Corp.
Anderw R. Newell
Staff Attorney, Carrier Relations
6200 S. Syracuse Way Suite 200
Greenwood Village, CO 80111-47

Kaleva Telephone Company
Harry Cribbs
President and Manager
9281 Osmo Street
Kaleva, MI 49645

KMC Data LLC
Randy Meacham
Manager of State Reg. Affairs
1755 N. Brown Road
Lawrenceville, GA 30043

KMC Telecom III, Inc.
Mike Duke
Director, Regulatory Affairs
1755 North Brown Road
Lawrenceville, GA 30043

LDMI Telecommunications, Inc.
D/b/a LDMI
Tom Feles
Sr. Manager, Business Development
8801 Conant Street
Hamtramck, MI 48211-1403

Level 3 Communications, LLC
William P. Hunt
V.P. & Regulatory Counsel
1025 Eldorado Blvd.
Broomfield, CO 80021

Local Exchange Carriers of Michigan, Inc.
Pete Lemke
3923 28th Street, SE #138
Grand Rapids, MI 49512

KMC Telecom II, Inc.
Mike Duke
Director, Regulatory Affairs
1755 North Brown Road
Lawrenceville, GA 30043

KMC Telecom V, Inc.
Randy Meacham
Manager of State Reg. Affairs
1755 N. Brown Rd.
Lawrenceville, GA 30043

Lennon Telephone Company
Paul M. Bowman
General Manager
3095 S. Sheridan Ave. P.O. Box 329
Lennon, MI 48449

Lightyear Communications, Inc.
John Grieve
Legal Services and General Counsel
1901 Eastpoint Parkway
Louisville, KY 49223

Lightyear Communications, Inc.
John Grieve
Legal Services and General Counsel
1901 Eastpoint Parkway
Louisville, KY 40223

Lucre, Inc.
R. Steven Hale
President and CEO
4011 Plainfield, N.E.
Grand Rapids, Mi 49525

Maverix.net, Inc.
James F. Kalishiman
President and CEO
20 S. Clark Street 28th Floor
Chicago, IL 60603

Max-Tel Communications, Inc.
103 N. Wickham St. P.O. Box 280
Alvord, TX 76225

MCImetro Access Transmission Services LLC
James Denniston
205 North Michigan Ave. Suite 1100
Chicago, IL 60601

MediaGate Communications, Inc.
Mark Winslow
General Manager
122 Lake Street
Crystal, MI 48818

Metromedia Fiber Network Services, Inc.
Karen Nations
Senior Attorney
One Metromedia Plaza
East Rutherford, NJ 07073

Maxcess, Inc.
James Marchant
President
P.O. Box 951419
Lake Mary, FL 32795-1419

MCI WorldCom Communications, Inc.
James R. Denniston
Senior Counsel
205 North Michigan Suite 1100
Chicago, IL 60601

McLeodUSA Communications Services, Inc.
Dawn Haase
5100 S. McLeod Lane
Sioux Falls, S.D. 57108

Metro Teleconnect Companies, Inc.
2150 Herr Street
Harrisburg, PA 17103

MetroNet-Telecom, Inc.
David Choma
Vice President
2182 N. Cedar
Holt, MI 48842

Michigan Bell Telephone Company
D/b/a Ameritech Michigan
Robin Gleason
V.P. Regulatory Michigan
201 N. Washington Sq. Room 920
Lansing, MI 48933

Mid-American Telephone Company
David Gebard
40 Hague Street
Detroit, MI 48202

Midwestern Telecommunications, Inc.
Jerry Holt
President and CEO
1507 E. 53rd Street Suite 274
Chicago, IL 60615

Midwest Communications Services
7255 Tower Road
Battle Creek, MI 49014

NET-Tel Corporation
Thomas M. Lera
1023 31st Street, NW
Washington, D.C. 20007

MichTel, Inc.
Lorn H. Olsen
10 W. Huron Street
Pontiac, MI 48342-2100

Midway Telephone Company
Robert W. Orent
President and Chief Executive Officer
108 W. Superior Street
Munising, MI 49862-1192

Mpower Communications Central Corp.
David McGann
Vice President, Regulatory Affairs
1701 Golf Road Tower 2, 5th Floor
Rolling Meadows, IL 60008

Navigator Telecommunications, LLC
Michael McAlister
Legal Counsel
P.O. Box 13860
North Little Rock, AR 72113-3860

New Access Communications, LLC
Gregory Wilmes
Chief Operating Officer
801 Nicollet Mall Suite 350
Minneapolis, MN 55402

New Edge Network Inc.
Stacey Waddell
Vice President, Carrier Relations
3000 Columbia House Blvd. Suite 106
Vancouver, WA 98661

NOS Communications, Inc.
Glenn Stockton
Chief Counsel, Tariff & Regulatory Affairs
4380 Boulder Highway
Las Vegas, NV 89121

Ntegrity Telecontent Services, Inc.
Keith Machen
6280 Martin Road
Columbia, MD 21044

O1 Communications of Michigan, LLC
James A. Kirkland
Senior V.P., Spectrum Dev. & Gen. Coun
2000 E. Lemar Blvd. Suite 730
Arlington, TX 76006

Omniplex Communications Group, LLC
Richard D. Petty
Vice President
17 Research Park
St. Charles, MO 63304

Norlight Telecommunications Inc.
275 Corporate Drive
Brookfield, WI 53045-5818

NOW Communications, Inc.
Larry W. Seab
President and CEO
2000 Newpoint Place Parkway Suite 900
Lawrenceville, GA 30043

NTERA, INC.
1020 N.W. 163rd Drive
Miami, FL 33169

Ogden Telephone Company
Linda Corie
General Manager
4726 E. Weston Road
Blissfield, MI 49228

OnFiber Carrier Services, Inc.
Glenn Stover – Hanson, Bridgett, Mar
Senior Counsel
11921 N. Mopac Expressway Ste. 100
Austin, TX 78759-3545

Ontonagon County Telephone Company
Robert W. Orent
President and Chief Executive Officer
108 West Superior Street
Munising, MI 49862-1192

Pathnet Operating, Inc.
Mary McDermott
Sr. Vice President and General Counsel
11720 Sunrise Valley Drive
Reston, VA 20191

Pigeon Telephone Company
Edwin Eichler
President
11 S. Main P.O. Box 650
Pigeon, MI 48755

Premiere Network Services, Inc.
Leo Wrobel
President and CEO
1510 North Hampton Road Suite 120
DeSoto, TX 75115

QuantumShift Communications, Inc.
Edward A. Brinskele
President
88 Rowland Way Suite 145
Novato, CA 94945

PaeTec Communications, Inc.
J. T. Ambrosi
Manager of Regulatory Affairs
600 Wilowbrook Office Park
Fairpoint, NY 14450-4233

Peninsula Telephone Company
Jack Solomonson
President
14909 Peninsula Drive
Traverse City, MI 49686

Preferred Carrier Services, Inc.
Luis Guterrez
Customer Service
14681 Midway Road Suite 105
Addison, TX 75244

Primus Telecommunications, Inc.
Pamela E. Melton
Regulatory Attorney
1700 Old Meadow Road
McLean, VA 22102

Quick Communications, Inc.
Douglas Quick
President
5850 Dixie Highway
Clarkston, MI 48346

Qwest Communications Corporation
David L. Ziegler
Regional Director, Policy & Law
1801 California Street 47th Floor
Denver, CO 80202

RACC Enterprises, LLC
Richard L. Bacon
Chief Executive Officer
7381 U.S. 31 North P.O. Box 1200
Alanson, MI 49706

RVP Fiber Company, LLC
Michael D. Phillips
Network Coordinator
20 Monroe, N.W. Suite 450
Grand Rapids, MI 49503

Sand Creek Telephone Company
Neil Percy
Plant Manager
6525 Sand Creek Highway
Sand Creek, MI 49279

Springport Telephone Company
William Hammond
Vice President
400 East Main Street P.O. Box 208
Springport, MI 49284

Qwest Interprise America, Inc.
Carol Kuhnnow
Governmental Affairs
4250 N. Fairfax Drive 13th Floor
Arlington, VA 22203

Range Corporation
David J. Savolanien
President
2342 U.S. 41 West
Marquette, MI 49855

Sage Telecom, Inc.
Gary P. Nuttall
Vice President
805 Central Expressway Suite 100
Allen, TX 75013-2789

ServiSense.com, Inc.
Christopher McKeown
President and CEO
180 Wells Avenue Suite 450
Newton, MA 02459-3302

Sprint Communications Company, L.P.
Brett D. Leopold
Attorney, State Regulatory
6450 Sprint Parkway
Overland Park, KS 66251

Superior Technologies, Inc.
David Puskala
620 South Lake Street
Marquette, MI 49855

Talk America Inc.
Sharon Thomas
Director of Regulatory Affairs
12001 Science Drive, Suite 130
Orlando, FL 32828

TC3 Telecom Inc.
Joseph P. Mattausch
President
1114-F South Winter Street
Adrian, MI 49221

TDS Metrocom, LLC
Shane Kaatz
Manager, Carrier Relations
525 Junction Road Suite 6000
Madison, WI 53717

TDS Telecom/Comm. Corp. of MI
Kirk A. Dewey
General Manager
212 S. Webster Street
Augusta, MI 49012

Suretel, Inc.
Candice Gately
5 N. McCormic
Oklahoma City, OK 73127

Tall Grass Communications Inc.
Peter Lynch
President
1 N. Summit Avenue
Oakbrook Terrace, IL 60181

TCG Detroit Holdings I, Inc.
215 S. Washington Square Suite 230
Lansing, MI 48933

TDS Telecom/Chatham Telephone Co.
Michael A. Pandow
President and Director
130 Marquette Street P.O. Box 197
Chatham, MI 49816

TDS Telecom/Island Telephone Company
Charlene Burnison
Manager
P.O. Box 78
Sanford, MI 48657-0078

TDS Telecom/Shiawassee Telephone Co.
Eugene Newell
General Manager
129 South Main Street
Perry, MI 48872

Telecents Communications, Inc.
Jeffrey P. Lauzon
President
8615 Richardson Road Suite 200
Walled Lake, MI 48390

Telera Communications, Inc.
Robert Stewart
President
910 East Hamilton Avenue
Campbell, CA 95008

Telcor Inc.
Lance J. M. Steinhart
6455 East John's Crossing Suite 285
Duluth, GA 30097

Telnet Worldwide, Inc.
Mark Iannuzzi
President
1395 Wheaton Suite 500
Troy, MI 48083

TDS Telecom/Wolverine Telephone Co.
Melody King
Manager
4712 E. Main Street P.O. Box 292
Millington, MI 48746

Tele-Phone Communications, Inc.
Kevin Bahri
6142 E. McNichols
Detroit, MI 48212

Telergy Network Services, Inc.
Theresa Atkins
One Telergy Pkwy Legal Dept. – Reports
East Syracuse, NY 13057

Teligent, Inc.
Terri B. Natoli
V.P., Regulatory Affairs & Public Policy
460 Herndon Pkwy. Suite 100
Herndon, VA 20170

The Free Network, L.L.C.
Ascanio Terracciano
1607 E. Big Beaver Road Suite 201
Troy, MI 48083

TOTALink of Michigan, LLC
Michael Angi
President
124 Grove Street Suite 220
Franklin, MA 02038

TruComm Corporation
Martin S. Segal
President
1608 Barclay Blvd.
Buffalo Grove, IL 60089-4523

U.S. Telepacific Corp.
D/b/a Telepacific Communications
David P. Glickman, CEO
515 S. Flower Street 49th Floor
Los Angeles, CA 90071

United States Telecommunications, Inc.
D/b/a Tel Com Plus
Julie Graton
5251 110th Avenue, N. Suite 118
Clearwater, FL 33760

Universal Access, Inc.
Tina Tyglieski
Director of Regulatory Affairs
233 S. Wacker Drive Suite 600
Chicago, IL 60606

Trans National Communications International, Inc.
Richard Hargrave
Chief Financial Officer
2 CharlesGate West
Boston, MA 02215

TrulyClear Communications, Inc.
Dwayne Carson
Vice President, COO, Sales and Marketing
14365 Livernois
Detroit, MI 48238

United Communications Systems, Inc.
D/b/a Call One
Craig J. Foster, President
500 West Madison Street Suite 411
Chicago, IL 60661

United Telecom, Inc.
Scott Baldwin
11150 Bridle Path
Alanson, MI 49706

Upper Peninsula Telephone Company
Calvin Matthews
Vice President
397 U.W. 41 N P.O. Box 86
Carney, MI 49812

US Xchange of Michigan, L.L.C.
D/b/a Choice One Communications
Mary Whiting
56 Grandville, SW
Grand Rapids, MI 49503

VarTec Telecom, Inc.
Sara Miller
1600 Viceroy Drive
Dallas, TX 75235-2306

Verizon Select Services, Inc.
Patricia Heise DeBarros
6665 Mprt MacArthur Boulevard HQK02D8
Irving, TX 75039

Waldron Telephone Company
119 S. Main Street P.O. Box 197
Waldron, MI 49288-0197

Westphalia Telephone Company
Dave Fox
General Manager
109 E. Main Street P.O. Box 327
Westphalia, MI 48894

USBG Inc.
Joseph J. Amendala
President
5601 W. 120th Street
Alsip, IL 60658

Verizon North, Inc.
Paul M. Fuglie
AVP – Public Policy & External Affairs
860 Terrace Street
Muskegon, MI 49440

Vertex Broadband, Corp.
925 N. Milwaukee Ave.
Wheeling, IL 60090

Waypoint Telecommunications, LLC
124 W. Allegan Suite 1120
Lansing, MI 48933

Williams Local Network, LLC
Kathy L. Hough
Regulatory Affairs Analyst
One Technology Center TC-7B
Tulsa, OK 74103

Winn Telephone Company
Les Jenkins
Manager
2766 W. Blanchard Rd P.O. Box 367
Winn, MI 48896

XO Michigan, Inc.
Christine Emmel
Senior Regulatory Analyst
Two Easton Oval Suite 300
Columbus, OH 43219

Zenk Group, Ltd.
D/b/a Planet Access
Michael Zengerle
13137 Log Cabin Point
Fenton, MI 48430

Z-Tel Communications, Inc.
Tim Seat
Vice President of Regulatory Affairs
601 South Harbor Island Blvd. Suite 220
Tampa, FL 33602

Winstar Communications, LLC
Kimberley A. Bradley
Senior Director of Reg. Affairs
1850 M Street, NW Suite 300
Washington, DC 20036

Yipes Transmission, Inc.
Bruce Holdridge
V.P., Government Affairs
114 Sansome Street 9th Floor
San Francisco, CA 94010

Zephion Networks Communications, Inc.
Woody Traylor
2950 Gallows Road
Falls Church, VA 22042

Global TeleLink Services, Inc.
Robert Smith, President
2810 Spring Rd. SE Suite 106
Atlanta, GA 30339-3066

Great Lakes Comnet, Inc.
Al Eaton
President and CEO
6607 W. St. Joseph Suite 200
Lansing, MI 48917

Group Long Distance, Inc.
Lance J.M. Steinhart
6455 East Johns Crossing Suite 285
Duluth, GA 30097

Hillsdale, City of, Advanced Comm. Utility
R. Wesley Kelley
Communications Manager
45 Monroe Street P.O. Box 271
Hillsdale, MI 49242

A T & T Broadband
700 W. Broadway
Muskegon, MI 49441

Nordic Electric
William H. Shippy
Director of Government Affairs
2010 Hogback Rd, Suite 4
Ann Arbor, MI 48105

Quest Energy
William H. Shippy
Director of Government Affairs
173 Parkland Plaza, Suite B
Ann Arbor, MI 48103

Engage Energy
Mark Stiers, Vice President
3000 Town Center, Suite 2800
Southfield, MI 48075

DTE Energy
Mark Brown, Director of Marketing
101 North Main Street, Suite 300
Ann Arbor, MI 48104

Verizon
Att: Nick Groszowski
2441 Olthoff
Muskegon, MI 49442

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 3/25/03

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: March 14, 2003
RE: Cross-Lake Ferry Architectural & Engineering Services

SUMMARY OF REQUEST:

To approve an agreement with Hooker/DeJong Architects & Engineers for architectural and engineering services for the Cross-Lake Ferry Project.

FINANCIAL IMPACT:

The cost is estimated at \$77,000 or less based on the terms of the agreement and the estimated capital cost of the project.

BUDGET ACTION REQUIRED:

Funds will come from the City's Revolving Loan Fund for this project.

STAFF RECOMMENDATION:

To approve the attached agreement with Hooker/DeJong Architects & Engineers.

COMMITTEE RECOMMENDATION:

PROPOSAL

January 15, 2003

Mr. Bryon Mazade, City Manager
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

RECEIVED

JAN 17 2003

PROJECT: Cross Lake Ferry

MUSKEGON
CITY MANAGER'S OFFICE

Dear Bryon:

INTRODUCTION

The City of Muskegon is in for exciting changes with the coming of the Cross Lake Ferry. Hooker | DeJong recognizes the positive impact this project will have within our community and has supported its development for several years. We are pleased that the project is progressing favorably, and are excited about participating in the project's continued development.

SCOPE OF WORK:

Our support of the Cross Lake Ferry project has always been strong: we prepared and revised several layouts proposed for the Mart Dock site, and I traveled to Milwaukee to present preliminary plans to Lubar & Company in 2001. Hooker | DeJong did so in a voluntary capacity, and the costs that we have donated approach \$5,000.00 – all because we want to help make this project happen.

We felt privileged for the opportunity to lend our assistance in the early conceptual stages. Given our involvement, we are well suited to assist with the more comprehensive planning, including further schematic design, design development, construction documentation, bid negotiation and construction administration. Presently, you anticipate the following program requirements:

Terminal Facility—waiting area with seating for approximately 100, ticketing and passenger bag check-in counters and baggage handling area, vending machine concession and coffee shop area, car rental counter, adequate men's and women's toilet facilities, segregated general office space, and a modestly sized area for retail sales and event ticket sales (CVB).

Maintenance Facility—approximately 1,000 to 2,000 square feet to accommodate maintenance operations for the vessels.

Site Improvements—parking, drives and staging areas as required to support ferry operations. The preliminary site plan depicts early conceptualization of the site improvements, offers a portrayal of the degree and complexity of site improvements, but will be revised as specific requirements (such as parking, staging and ticketing) are further developed and defined.

Vehicle Loading Ramp Apparatus—at the time of this letter, information was not available for this portion of the work, and is not specifically covered in the framework of this proposal.

410 terrace plaza
muskegon, mi 494
231.722.3407 voic
231.722.2589 fax

Once technical information is available, we will be better able to determine the scope of services necessary to design the ramp apparatus.

The scope of our proposed services is outlined in more detail in Article 2 of AIA B151 "Abbreviated Standard Form of Agreement Between Owner and Architect", a portion of which is enclosed for your review.

COST OF SERVICES:

We suggest proceeding with this work for a percent fee basis equaling 7% of construction costs, for construction costs of at least \$1.1 million (which allocates \$100,000.00 for other project expenses, including professional fees).

To limit your risk, we are willing to continue with planning on an hourly basis until the cross-lake ferry project is definite, at which time the proposed fee arrangements would go into effect and your account would be credited for any previously-billed time. For your budgeting purposes, an initial fee of \$10,000.00 would bring design work through the schematic design phase. In the event the project is abandoned, Hooker | DeJong would only invoice you for our costs accrued since the acceptance date of this proposal. We hope this flexibility helps allows planning to move forward in a prudent manner.

Please review our enclosed Terms and Conditions for additional costs that may be applicable to your project, such as surveying, printing and out-of-town travel.

ACCEPTANCE:

Bryon, we are eager to continue assisting you with the cross-lake ferry project. Our working relationship with the City is very important to us. Please feel free to offer suggestions that make our proposed involvement viable.

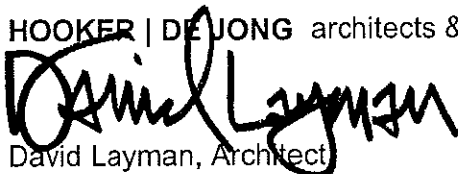
Should you find the terms of this proposal acceptable, please sign below and return a copy to us. We are able to proceed once our office has received your approval.

Authorized Signature

Date

Respectfully Submitted,

HOOKER | DE JONG architects & engineers



David Layman, Architect

Enclosures: Terms & Conditions
 Time & Material Rates

TERMS & CONDITIONS

GENERAL INTENT OF THIS AGREEMENT

We assume that our work will be accomplished as a team effort with the Owner, having full cooperation and sharing of responsibilities and information between team members to maintain maximum efficiency, speed and economy

RESPONSIBILITIES OF THE OWNER

The Owner shall provide our staff on a timely basis all the necessary and pertinent information used in completing the project. The Owner shall also provide access to the site as needed to conduct our services. Should the Owner request that we exclude bid negotiation and or construction administration from our scope of services, in whole or in part, the Owner assumes full responsibility for carrying the project to completion, including any consequences arising directly or indirectly from our exclusion. In the event of a dispute, liability to Hooker | DeJong Architects & Engineers for professional errors or omissions is limited to our fee, or \$100,000.00, whichever is greater. Although we do not anticipate an issue in this regard, any disputes shall be resolved by mediation per the American Arbitration Association guidelines.

PROGRESS PAYMENTS

Our work is invoiced monthly reflecting progress made to date. Invoices are due and payable within thirty days of their billing.

ADDITIONAL COSTS

Additional costs shall be charged to cover items for which expense is incurred by our staff in pursuit of relevant project objectives. Typical additional costs include travel expenses outside the West Michigan area, surveys, soil investigations, special studies, special consultants, special reports, models, presentation graphics, plotting, printing, photographs, and expenses that are not typical in everyday A/E operations. Additional costs are submitted to the Owner in advance for approval upon request.

ASBESTOS

We are not allowed by our liability insurance underwriter to discover and identify asbestos. Any such discovery work must be done by a separate contract.

PROJECT CONCLUSION

Conclusion of the terms agreed to shall occur when the project is complete or the project is officially abandoned by the Owner, whichever occurs first. In either case, all monies due to Hooker | DeJong for daily and hourly charges and additional costs are due and payable within thirty days of their final billing.



Abbreviated Standard Form of Agreement Between Owner and Architect

AIA Document B151 - 1997
1997 Edition - Electronic Format

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification. AUTHENTICATION OF THIS ELECTRONICALLY DRAFTED AIA DOCUMENT MAY BE MADE BY USING AIA DOCUMENT D401.

This document has been approved and endorsed by the American Subcontractors Association and the Associated Specialty Contractors, Inc.

Copyright 1974, 1978, 1987, ©1997 by The American Institute of Architects. Reproduction of the material herein or substantial quotation of its provisions without written permission of the AIA violates the copyright laws of the United States and will subject the violator to legal prosecution.

AGREEMENT made as of the day of in the year
(In words, indicate day, month and year)

BETWEEN the Architect's client identified as the Owner:
(Name, address and other information)

and the Architect:
(Name, address and other information)

For the following Project:
(Include detailed description of Project, location and address)

The Owner and Architect agree as follows.

ARTICLE 1 ARCHITECT'S RESPONSIBILITIES

1.1 The services performed by the Architect, Architect's employees and Architect's consultants shall be as enumerated in Articles 2, 3 and 12.

1.2 The Architect's services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the Project. The Architect shall submit for the Owner's approval a schedule for the performance of the Architect's services which may be adjusted as the Project proceeds. This schedule shall include allowances for periods of time required for the Owner's review and for approval of submissions by authorities having jurisdiction over the Project. Time limits established by this schedule approved by the Owner shall not, except for reasonable cause, be exceeded by the Architect or Owner.

1.3 The Architect shall designate a representative authorized to act on behalf of the Architect with respect to the Project.

1.4 The services covered by this Agreement are subject to the time limitations contained in Subparagraph 11.5.1.

ARTICLE 2 SCOPE OF ARCHITECT'S BASIC SERVICES

2.1 DEFINITION

The Architect's Basic Services consist of those described in Paragraphs 2.2 through 2.6 and any other services identified in Article 12 as part of Basic Services, and include normal structural, mechanical and electrical engineering services.

AIA DOCUMENT B151-ABBREVIATED OWNER-ARCHITECT AGREEMENT - 1997 EDITION - AIA - COPYRIGHT 1997 - THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE N.W., WASHINGTON, D.C. 20006-5292. WARNING: Unlicensed photocopying violates U.S. copyright laws and will subject the violator to legal prosecution. This document was electronically produced with permission of the AIA and can be reproduced without violation until the date of expiration as noted below.

Electronic Format B151-1997

User Document: 97B151OA.CON -- 9/22/2000. AIA License Number 113983, which expires on 8/7/2001 -- Page #1

2.2 SCHEMATIC DESIGN PHASE

2.2.1 The Architect shall review the program furnished by the Owner to ascertain the requirements of the Project and shall arrive at a mutual understanding of such requirements with the Owner.

2.2.2 The Architect shall provide a preliminary evaluation of the Owner's program, schedule and construction budget requirements, each in terms of the other, subject to the limitations set forth in Subparagraph 5.2.1.

2.2.3 The Architect shall review with the Owner alternative approaches to design and construction of the Project.

2.2.4 Based on the mutually agreed-upon program, schedule and construction budget requirements, the Architect shall prepare, for approval by the Owner, Schematic Design Documents consisting of drawings and other documents illustrating the scale and relationship of Project components.

2.2.5 The Architect shall submit to the Owner a preliminary estimate of Construction Cost based on current area, volume or similar conceptual estimating techniques.

2.3 DESIGN DEVELOPMENT PHASE

2.3.1 Based on the approved Schematic Design Documents and any adjustments authorized by the Owner in the program, schedule or construction budget, the Architect shall prepare, for approval by the Owner, Design Development Documents consisting of drawings and other documents to fix and describe the size and character of the Project as to architectural, structural, mechanical and electrical systems, materials and such other elements as may be appropriate.

2.3.2 The Architect shall advise the Owner of any adjustments to the preliminary estimate of Construction Cost.

2.4 CONSTRUCTION DOCUMENTS PHASE

2.4.1 Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the Owner, the Architect shall prepare, for approval by the Owner, Construction Documents consisting of Drawings and Specifications setting forth in detail the requirements for the construction of the Project.

2.4.2 The Architect shall assist the Owner in the preparation of the necessary bidding information, bidding forms, the Conditions of the Contract, and the form of Agreement between the Owner and Contractor.

2.4.3 The Architect shall advise the Owner of any adjustments to previous preliminary estimates of Construction Cost indicated by changes in requirements or general market conditions.

2.4.4 The Architect shall assist the Owner in connection with the Owner's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Project.

2.5 BIDDING OR NEGOTIATION PHASE

The Architect, following the Owner's approval of the Construction Documents and of the latest preliminary estimate of Construction Cost, shall assist the Owner in obtaining bids or negotiated proposals and assist in awarding and preparing contracts for construction.

2.6 CONSTRUCTION PHASE--ADMINISTRATION OF THE CONSTRUCTION CONTRACT

2.6.1 The Architect's responsibility to provide Basic Services for the Construction Phase under this Agreement commences with the award of the initial Contract for Construction and terminates at the earlier of the issuance to the Owner of the final Certificate for Payment or 60 days after the date of Substantial Completion of the Work.

2.6.2 The Architect shall provide administration of the Contract for Construction as set forth below and in the edition of AIA Document A201, General Conditions of the Contract for Construction, current as of the date of this Agreement, unless otherwise provided in this Agreement. Modifications made to the General Conditions, when adopted as part of the Contract Documents, shall be enforceable under this Agreement only to the extent that they are consistent with this Agreement or approved in writing by the Architect.

2.6.3 Duties, responsibilities and limitations of authority of the Architect under this Paragraph 2.6 shall not be restricted.

modified or extended without written agreement of the Owner and Architect with consent of the Contractor, which consent will not be unreasonably withheld.

2.6.4 The Architect shall be a representative of and shall advise and consult with the Owner during the administration of the Contract for Construction. The Architect shall have authority to act on behalf of the Owner only to the extent provided in this Agreement unless otherwise modified by written amendment.

2.6.5 The Architect, as a representative of the Owner, shall visit the site at intervals appropriate to the stage of the Contractor's operations, or as otherwise agreed by the Owner and the Architect in Article 12, (1) to become generally familiar with and to keep the Owner informed about the progress and quality of the portion of the Work completed, (2) to endeavor to guard the Owner against defects and deficiencies in the Work, and (3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. The Architect shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, since these are solely the Contractor's rights and responsibilities under the Contract Documents.

2.6.6 The Architect shall report to the Owner known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor. However, the Architect shall not be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Contract Documents. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of and shall not be responsible for acts or omissions of the Contractor, Subcontractors, or their agents or employees, or of any other persons or entities performing portions of the Work.

2.6.7 The Architect shall at all times have access to the Work wherever it is in preparation or progress.

2.6.8 Except as otherwise provided in this Agreement or when direct communications have been specially authorized, the Owner shall endeavor to communicate with the Contractor through the Architect about matters arising out of or relating to the Contract Documents. Communications by and with the Architect's consultants shall be through the Architect.

2.6.9 CERTIFICATES FOR PAYMENT

2.6.9.1 The Architect shall review and certify the amounts due the Contractor and shall issue certificates in such amounts.

2.6.9.2 The Architect's certification for payment shall constitute a representation to the Owner, based on the Architect's evaluation of the Work as provided in Subparagraph 2.6.5 and on the data comprising the Contractor's Application for Payment, that the Work has progressed to the point indicated and that, to the best of the Architect's knowledge, information and belief, the quality of the Work is in accordance with the Contract Documents. The foregoing representations are subject (1) to an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion, (2) to results of subsequent tests and inspections, (3) to correction of minor deviations from the Contract Documents prior to completion, and (4) to specific qualifications expressed by the Architect.

2.6.9.3 The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.

2.6.10 The Architect shall have authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable, the Architect shall have authority to require inspection or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such Work is fabricated, installed or completed. However, neither this authority of the Architect nor a decision made in good faith either to exercise or not to exercise such authority shall give rise to a duty or responsibility of the Architect to the Contractor, Subcontractors, material and equipment suppliers, their agents or employees or other persons or entities performing portions of the Work.

2.6.11 The Architect shall review and approve or take other appropriate action upon the Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and

the design concept expressed in the Contract Documents. The Architect's action shall be taken with such reasonable promptness as to cause no delay in the Work or in the activities of the Owner, Contractor or separate contractors, while allowing sufficient time in the Architect's professional judgment to permit adequate review. Review of such submittals is not conducted for the purpose of determining the accuracy and completeness of other details such as dimensions and quantities, or for substantiating instructions for installation or performance of equipment or systems, all of which remain the responsibility of the Contractor as required by the Contract Documents. The Architect's review shall not constitute approval of safety precautions or, unless otherwise specifically stated by the Architect, of any construction means, methods, techniques, sequences or procedures. The Architect's approval of a specific item shall not indicate approval of an assembly of which the item is a component.

2.6.12 If professional design services or certifications by a design professional related to systems, materials or equipment are specifically required of the Contractor by the Contract Documents, the Architect shall specify appropriate performance and design criteria that such services must satisfy. Shop Drawings and other submittals related to the Work designed or certified by the design professional retained by the Contractor shall bear such professional's written approval when submitted to the Architect. The Architect shall be entitled to rely upon the adequacy, accuracy and completeness of the services, certifications or approvals performed by such design professionals.

2.6.13 The Architect shall prepare Change Orders and Construction Change Directives, with supporting documentation and data if deemed necessary by the Architect as provided in Subparagraphs 3.1.1 and 3.3.3, for the Owner's approval and execution in accordance with the Contract Documents, and may authorize minor changes in the Work not involving an adjustment in the Contract Sum or an extension of the Contract Time which are consistent with the intent of the Contract Documents.

2.6.14 The Architect shall conduct inspections to determine the date or dates of Substantial Completion and the date of final completion, shall receive from the Contractor and forward to the Owner, for the Owner's review and records, written warranties and related documents required by the Contract Documents and assembled by the Contractor, and shall issue a final Certificate for Payment based upon a final inspection indicating the Work complies with the requirements of the Contract Documents.

2.6.15 The Architect shall interpret and decide matters concerning performance of the Owner and Contractor under, and requirements of, the Contract Documents on written request of either the Owner or Contractor. The Architect's response to such requests shall be made in writing within any time limits agreed upon or otherwise with reasonable promptness.

2.6.16 Interpretations and decisions of the Architect shall be consistent with the intent of and reasonably inferable from the Contract Documents and shall be in writing or in the form of drawings. When making such interpretations and initial decisions, the Architect shall endeavor to secure faithful performance by both Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or decisions so rendered in good faith.

2.6.17 The Architect shall render initial decisions on claims, disputes or other matters in question between the Owner and Contractor as provided in the Contract Documents. However, the Architect's decisions on matters relating to aesthetic effect shall be final if consistent with the intent expressed in the Contract Documents.

2.6.18 The Architect's decisions on claims, disputes or other matters in question between the Owner and Contractor, except for those relating to aesthetic effect as provided in Subparagraph 2.6.17, shall be subject to mediation and arbitration as provided in this Agreement and in the Contract Documents.