

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 23, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Sale of Marginal Lot at 712 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - c. Sale of Non-Buildable Lot at 214 Washington Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - d. Sale of Non-Buildable Lot at 545 E. Forest Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - e. Sale of Non-Buildable Lot at 1355 Leonard Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - f. FIRST READING: Zoning Ordinance Amendment for Permits. PLANNING & ECONOMIC DEVELOPMENT
 - g. Resolution of Commitment and Cooperation from the City of Muskegon for the Mainstreet Program. PLANNING & ECONOMIC DEVELOPMENT
 - h. Beverage Vending Contract for Parks. LEISURE SERVICES
 - i. SECOND READING: Public Safety Administration Ordinances. CITY MANAGER
 - j. Approval of Conveyance Application to the State of Michigan. COMMUNITY & NEIGHBORHOOD SERVICES
 - k. Consideration of Bids - Austin Street, Barney to Delano. ENGINEERING

I. Beach Leveling Bids. LEISURE SERVICES

□ PUBLIC HEARINGS:

- a. Resolution Revoking an Industrial Development Certificate - Hardwoods, Inc. PLANNING & ECONOMIC DEVELOPMENT
- b. Create a Special Assessment District for Millard Avenue, Lake Dunes Drive to End. ENGINEERING
- c. Create a Special Assessment District for Western Avenue, Pine to Terrace. ENGINEERING
- d. Create a Special Assessment District for Yuba Street, Eastern to Sumner. ENGINEERING

□ COMMUNICATIONS:

□ CITY MANAGER'S REPORT:

□ UNFINISHED BUSINESS:

□ NEW BUSINESS:

- a. 2004 - 2005 CDBG/HOME Allocations. COMMUNITY & NEIGHBORHOOD SERVICES
- b. FIRST READING: Rezoning Request for Property Located at 955 W. Laketon. PLANNING & ECONOMIC DEVELOPMENT
- c. Public Safety Position Salary Ranges. CITY MANAGER
- d. Termination of Purchase Agreement for Seaway Industrial Park. CITY MANAGER
- e. Fire Grant Application Request. CITY MANAGER
- f. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 483 W. Muskegon. INSPECTION SERVICES
- g. City Commission 2004/2005 Vision, Value, Mission Statements. ASSISTANT CITY MANAGER

□ ANY OTHER BUSINESS:

□ PUBLIC PARTICIPATION:

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

□ ADJOURNMENT:

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

MEMO

TO: Mayor Warmington, the Commission, and Bryon Mazade

FROM: Clara Shepherd

DATE: February 6, 2004

RE: Absent from meetings in March 2004

Commissioner Shepherd will be out of town and not available for any meetings from March 5th thru March 9th and March 23rd & 24th.

Date: March 23, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Goal Setting Session that was held on Friday, February 27, 2004; the Commission Worksession that was held on Monday, March 8, 2004; and the Regular Commission Meeting that was held on Tuesday, March 9, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 23, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, March 23, 2004.

Mayor Warmington opened the meeting with a prayer from Reverend Nana Kratochvil of Harbor Unitarium Universalist Church after which the Commission and Public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioners Chris Carter, Kevin Davis, Stephen Gawron and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger. Commissioner Clara Shepherd excused.

2004-29 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Goal Setting Session that was held on Friday, February 27, 2004; the Commission Worksession that was held on Monday, March 8, 2004; and the Regular Commission Meeting that was held on Tuesday, March 9, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Sale of Marginal Lot at 712 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant marginal lot (Parcel #24-405-001-0002-00) at 712 Marquette Avenue to Simons Development, LLC, owners of 720 Marquette Avenue and Patrick & Julie Stone, 704 Marquette Avenue, Muskegon, MI 49442. Approval of this sale will allow Simons Development, LLC to own a house located on a buildable lot, as well as allowing both property owners to expand their current yards. As is required by City policy, the subject parcel is being offered for \$1, and will be split between

Simons Development, LLC and the Stones under the Dollar Lot Policy.

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

BUDGET ACTION REQUIRED: None

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

c. Sale of Non-Buildable Lot at 214 Washington Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-398-0010-00) at 214 Washington Avenue to Dante Agnew, owner of 222 Washington Ave., Muskegon, MI. Approval of this sale will allow Mr. Agnew to expand his current yard as well as have a buildable lot. The property owner to the east of this City-owned lot is a landlord with numerous outstanding invoices, and was therefore not considered as a candidate to purchase a portion of this lot. This lot is being offered to Mr. Agnew for \$1 under the Dollar lot Marketing Policy.

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

BUDGET ACTION REQUIRED: None

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

d. Sale of Non-Buildable Lot at 545 E. Forest Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-102-0027-00) at 545 E. Forest Ave. to Donald Steele, of 539 E. Forest Ave., Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand his current yard. The other adjacent property owner was offered a portion of this lot, but was not interested. This lot is being offered to Mr. Steele for \$1 under the Dollar Lot Marketing Plan.

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

BUDGET ACTION REQUIRED: None

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

e. Sale of Non-Buildable Lot at 1355 Leonard Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-613-000-0827-00) at 1355 Leonard Ave., to Richard Finneman, owner

of 1363 Leonard Ave., Muskegon, MI. Approval of this sale will allow the adjacent property owner to build a home on his current property, which will include this parcel. The other adjacent property owner was offered a portion of this lot, but didn't respond. This lot is being offered to Mr. Finneman for \$1 under the Dollar Lot Marketing Plan.

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

BUDGET ACTION REQUIRED: None

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

f. FIRST READING: Zoning Ordinance Amendment for Permits. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2311 (Accessory Structures and Buildings) of Article XXIII (General Provisions) of the City's Zoning Ordinance to add language regarding permits.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add language regarding permits.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 3/11 meeting. The vote was unanimous with T. Johnson absent.

g. 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.

h. Beverage Vending Contract for Parks. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to Pepsi to provide vending service throughout the City Parks.

FINANCIAL IMPACT: Approximately \$5,000 in revenue.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: The Leisure Services Board recommends that a contract be awarded to Pepsi.

j. Approval of Conveyance Application to the State of Michigan.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services office request to obtain 407 Catherine from the State of Michigan which is currently an attractive nuisance in the Community. After the CNS office obtains 407 Catherine the remaining structure will be demolished and the sale will be redeveloped.

FINANCIAL IMPACT: CNS office will supply three hundred dollars for the application from available HOME funding. The cost of demolition, which will be approximately \$8,500 will also be covered by HOME funds from a prior year allocation.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request and have the Mayor sign the application to the State of Michigan.

k. Consideration of Bids - Austin Street, Barney to Delano. ENGINEERING

SUMMARY OF REQUEST: The contract to reconstruct Austin St. (H-1544) between Barney and Delano be awarded to Grant Tower Excavating out of Grant Tower was the lowest bid tabulation, responsible bidder with a bid price of \$169,440.81.

FINANCIAL IMPACT: The construction cost of \$169,440.81 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Grant Tower Excavating.

l. Beach Leveling Bids. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract with Felco Contractors to level Pere Marquette Beach and remove the snow fence.

FINANCIAL IMPACT: Contract Price \$57,100 which represents about a \$9,500 saving from having City workers do the work.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Consent Agenda as read minus item i.

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

Nays: None

Excused: Shepherd

MOTION PASSED

2004-30 ITEMS REMOVED FROM CONSENT AGENDA

i. SECOND READING: Public Safety Administration Ordinances. CITY MANAGER

SUMMARY OF REQUEST: To adopt three ordinances to implement the proposed Public Safety Administrative Consolidation.

FINANCIAL IMPACT: First year savings of over \$100,000.

BUDGET ACTION REQUIRED: The savings will be accounted for in a future quarterly budget update.

STAFF RECOMMENDATION: To approve the ordinances.

Motion by Commissioner Spataro, second by Vice Mayor Larson to adopt the three ordinances to implement the proposed Public Safety Administrative Consolidation.

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

Nays: None

Excused: Shepherd

MOTION PASSED

2004-31 PUBLIC HEARINGS:

a. Resolution Revoking an Industrial Development Certificate - Hardwoods, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974 as amended, the City of Muskegon requests that Industrial Development Certificate (IFT) No. 00-491 issued to Hardwoods, Inc., 1885 E. Laketon Ave. be revoked. The certificate was originally requested August 8, 2000. Hardwoods, Inc. ceased operations March 15, 2004.

FINANCIAL IMPACT: None, since the business never really got into production.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold the public hearing and authorize the Mayor and Clerk to sign the resolution revoking IFT certificate No. 00-491.

The Public Hearing opened at 5:43pm to hear comments from the public. No comments were heard at this time.

Motion by Vice Mayor Larson, second by Commissioner Davis to close the Public Hearing at 5:44pm and to revoke the IFT Certificate, No 00-491 issued to Hardwoods, Inc and authorize the Mayor and Clerk to sign the resolution.

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

Nays: None

Excused: Shepherd

MOTION PASSED

b. Create a Special Assessment District for Millard Avenue, Lake Dunes Drive to End. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Millard from Lake Dunes Dr. to West End 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: Constriction cost plus related engineering cost.

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 opened at 5:45pm to hear comments from the public. Comments in opposition were heard from Gary Dill of 3335 Millard and Susan Lyne of 3340 Millard.

Motion by Vice Mayor Larson, second by Commissioner Davis to close the Public Hearing at 6:01pm and to deny creation of special assessment district for the Millard from Lake Dunes Dr., to West End project.

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

Nays: None

Excused: Shepherd

MOTION PASSED

c. Create a Special Assessment District for Western Avenue, Pine to Terrace. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Western Ave., Pine to Terrace 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.

Furthermore, should the district be created, your permission is requested to add this project onto the Shoreline Dr. project with Milbocker & Sons as a change

order utilizing all applicable unit prices on said project.

FINANCIAL IMPACT: Constriction cost plus related engineering cost.

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 opened at 6:02pm to hear comments from the public. No comments were heard at this time.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:07pm and to approve the special assessment district for Western Ave., Pine to Terrace project and assign Commissioner Shepherd and Mayor Warmington to the Board of Assessors, and to also add this project onto the Shoreline Dr. project with Milbocker and Sons.

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

Nays: None

Excused: Shepherd

MOTION PASSED

d. Create a Special Assessment District for Yuba Street, Eastern to Sumner.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Yuba St., Eastern to Sumner 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: Constriction cost plus related engineering cost.

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 opened at 6:07pm to hear comments from the public. Comments in opposition were heard from Kenneth Martin, 505 Yuba, Roland Jones, 595 Yuba, and Frank Williams, 516 Yuba.

Motion by Commissioner Davis, second by Commissioner Spataro to close the Public Hearing at 6:31pm.

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

Nays: None

Excused: Shepherd

MOTION PASSED

Motion by Commissioner Spataro, second by Commissioner Gawron to create

the special assessment district for Yuba St., Eastern to Sumner project.

ROLL VOTE: Ayes: Gawron, Spataro

Nays: Warmington, Carter, Davis, Larson

Excused: Shepherd

MOTION FAILS

2004-32 NEW BUSINESS:

a. 2004 - 2005 CDBG/HOME Allocations. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the administrations and Citizens District Councils recommendation in regards to the 2004-2005 CDBG/HOME anticipated entitlement and to make the Commissions preliminary allocation decision. The Commission is scheduled to make their final decision regarding the 2004-2005 CDBG/HOME allocation entitlement during the Public Hearing scheduled for April 13, 2004.

FINANCIAL IMPACT: Uncertain at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the administration recommendation.

Motion by Vice Mayor Larson, second by Commissioner Davis to accept the administrations and Citizens District Councils recommendation in regards to the 2004-2005 CDBG/HOME anticipated entitlement and to make the Commissions preliminary allocation decision.

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

Nays: None

Excused: Shepherd

MOTION PASSED

b. FIRST READING: Rezoning Request for Property Located at 955 W. Laketon. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 955 W. Laketon from B-4 General Business to RT, Two 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 3/11 meeting and recommended that the City Commission ask the ZBA to reconsider the hardship application for this property. The denial

request was approved with S. Warmington, B. Smith and T. Michalski voting nay. T. Johnson was absent.

Motion by Vice Mayor Larson, second by Commissioner Carter to table the request to rezone property located at 955 W. Laketon and refer it back to Zoning Board of Appeals for reconsideration of hardship status and pay no additional fees.

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

Nays: None

Excused: Shepherd

MOTION PASSED

c. Public Safety Position Salary Ranges. CITY MANAGER

SUMMARY OF REQUEST: To approve the salary ranges for the Director of Public Safety and the Deputy Director of Public Safety for Fire Services.

FINANCIAL IMPACT: Included in the net savings of \$100,000 for Public Safety Administrative consolidation.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the salary ranges.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the salary ranges for the Director of Public Safety and the Deputy Director of Public Safety for Fire Services.

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

Nays: None

Excused: Shepherd

MOTION PASSED

d. Termination of Purchase Agreement for Seaway Industrial Park. CITY MANAGER

SUMMARY OF REQUEST: To terminate the Real Estate Purchase Agreement and Development Agreement with Seaway Industrial Park, L.C. (Grooters).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the termination of the agreements.

Motion by Vice Mayor Larson, second by Commissioner Gawron to approve the termination of the Real Estate Purchase Agreement and Development Agreement with Seaway Industrial Park, L.C. (Grooters)

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

Nays: None

Excused: Shepherd

MOTION PASSED

e. Fire Grant Application Request. CITY MANAGER

SUMMARY OF REQUEST: The Fire Department is requesting City Commission permission to apply for 2004 United States Fire administration "Assistance to Firefighters Grant Program" to provide firefighter equipment to enhance operational safety.

FINANCIAL IMPACT: \$10,000 match through department capital funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of grant application to USFA for fire equipment acquisition.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the grant application for 2004 United States Fire Administration "Assistance to Firefighters Grant Program" to provide firefighter equipment to enhance operational safety.

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

Nays: None

Excused: Shepherd

MOTION PASSED

f. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 483 W. Muskegon. INSPECTION SERVICES

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 483 W. Muskegon Ave., - Area 10 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: #EN-030163 Address; 483 W. Muskegon Ave.

LOCATION AND OWNERSHIP: This structure is located on W. Muskegon between 5th and 6th Streets and is owned by Anthony and Terrson Bethea of Muskegon.

STAFF CORRESPONDENCE: This case began with a police report of unsafe conditions and a break in of this vacant house. A dangerous building inspection was conducted on 10/9/03 and an interior inspection was conducted 10/22/03. The notice and order to repair or remove was issued 11/13/03. On 1/8/04 the

HBA declared the structure, with the Director of Inspections stating he would delay taking the case to City Commission for 60 days.

OWNER CONTACT: The owner contacted the Inspection after he purchased the house at the State auction 9/17/03. He was also present for the interior inspection and HBA meeting on 1/8/04. At that time he stated he was aware of the required repairs, but had a financial set back. He was working with NIC and getting estimates for repairs. On 12/8/03 he called the Inspection office and stated he was not getting help from NIC and asked for a 60-day extension to try to sell the house.

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

BUDGET ACTION REQUIRED: None

SEV: \$10,600

ESTIMATED COST OF REPAIRS: \$12,000

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals to demolish the structure located at 483 W. Muskegon Ave. and to direct administration to obtain bids for the demolition.

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

Nays: None

Excused: Shepherd

MOTION PASSED

g. City Commission 2004/2005 Vision, Value, Mission Statements.
ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: On February 27, 2004 the City Commission and staff participated in their annual goal setting session. The Vision, Value and Mission statements, along with a set of prioritized issues/projects are the result of that undertaking. Staff is requesting approval of both documents.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the Vision, Value and Mission document and the Issues/Projects Ratings document.

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

Nays: None

Excused: Shepherd

MOTION PASSED

2004-33 ANY OTHER BUSINESS:

Motion by Commissioner Carter, second by Commissioner Spataro to approve the resolution for Mr. Enous Lee.

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

Nays: None

Excused: Shepherd

MOTION PASSED

The Regular Commission meeting for the City of Muskegon was adjourned at 7:40pm.

Respectfully submitted,

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

Gail A. Kunding, MMC

City Clerk

Commission Meeting Date: March 23, 2004

Date: March 10, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Marginal Lot at 712 Marquette Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant marginal lot (Parcel #24-405-001-0002-00) at 712 Marquette Avenue to Simons Development, LLC, owners of 720 Marquette Avenue and Patrick & Julia Stone, 704 Marquette Avenue, Muskegon, MI 49442. Approval of this sale will allow Simons Development, LLC to own a house located on a buildable lot, as well as allowing both property owners to expand their current yards. As is required by City policy, the subject parcel is being offered for \$1, and will be split between Simons Development, LLC and the Stones under the Dollar Lot Policy.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION # 2004-29(b)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED MARGINAL LOT

WHEREAS, the City of Muskegon has received \$1 each from Simons Development, LLC, owners of 720 Marquette Avenue, Muskegon, MI 49442 and Patrick & Julia Stone, 704 Marquette Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to their properties at 712 Marquette Avenue (parcel #24-405-001-0002-00); and

WHEREAS, this lot is considered marginally buildable under the City's Zoning Ordinance; and

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance; and

WHEREAS, the sale of this property would be in accordance with property disposition goals and policies of the City for marginal lots.

NOW, THEREFORE BE IT RESOLVED, CITY OF MUSKEGON GUNNS SUB DIV OF PART OF BLK 2 LOT 2 BLK 1 be sold to Simons Development, LLC and Patrick & Julia Stone for \$1 each.

Resolution adopted this 23rd day of March, 2004.

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

Nays: None

Absent: Shepherd

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunding, MMC
Clerk

CERTIFICATION

2004-29(b)

This resolution was adopted at a regular meeting of the City Commission, held on March 23 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunding, MMC
Clerk

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 **SIMONS DEVELOPMENT, L.L.C.**, a Michigan Limited Liability Company, of 3018 N. Riverwood Drive, Twin Lake, Michigan 49457,

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

CITY OF MUSKEGON GUNN'S SUBDIVISION OF PART OF BLOCK 2, EAST 44 FEET OF LOT 2,
BLOCK 1

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

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 25th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the 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: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

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 **PATRICK STONE and JULIA STONE**, husband and wife, of 704 Marquette Avenue, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON GUNN'S SUBDIVISION OF PART OF BLOCK 2, WEST 14 FEET OF LOT 2,
BLOCK 1

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krzkowski
JoAnn Krzkowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, 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 25th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

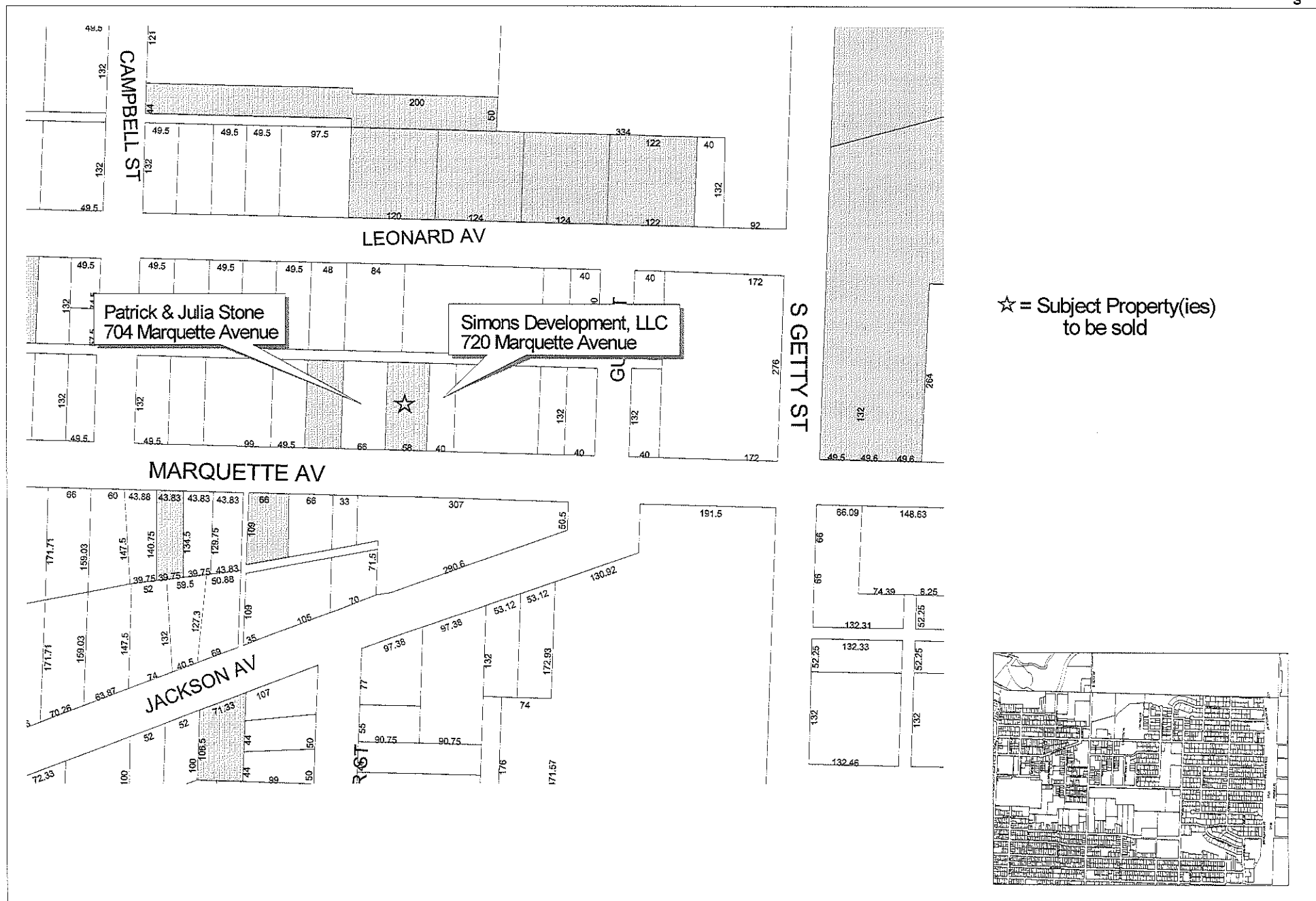
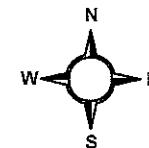
PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

WHEN RECORDED RETURN TO: Grantee

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 9-25-06

SEND SUBSEQUENT TAX BILLS TO: Grantee

Vacant Non-Buildable City-Owned Lot 712 Marquette Avenue



Commission Meeting Date: March 23, 2004

Date: March 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 214 Washington Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-398-0010-00) at 214 Washington Avenue to Dante Agnew, owner of 222 Washington Avenue, Muskegon, MI. Approval of this sale will allow Mr. *Agnew* Workman to expand his current yard, as well as have a buildable lot (see attached map). The property owner to the east of this City-owned lot is a landlord with numerous outstanding invoices, and was therefore was not considered as a candidate to purchase a portion of this lot. This lot is being offered to Mr. Agnew for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004- 29(c)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$1 from Dante Agnew, 214 Washington Avenue, Muskegon, MI 49441 for the purchase of a vacant, City-owned lot located adjacent to his property at 222 Washington Avenue Muskegon (parcel #24-205-398-0010-00); and

WHEREAS, this lot is considered unbuildable under the City's Zoning Ordinance; and

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance; and

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Dollar Lot Marketing Plan.

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 10 BLK 398 be sold to Dante Agnew for \$1.

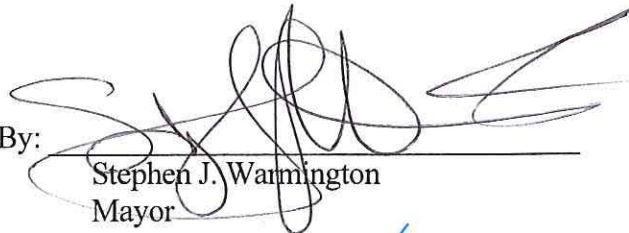
Resolution adopted this 23rd day of March, 2004.

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

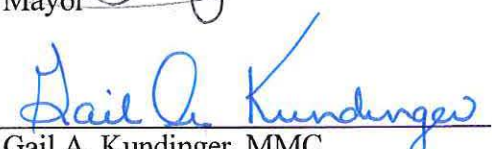
Nays: None

Absent: Shepherd

By:


Stephen J. Warmington
Mayor

Attest:


Gail A. Kundinger, MMC
Clerk

CERTIFICATION

2004-29(c)

This resolution was adopted at a regular meeting of the City Commission, held on March 23, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

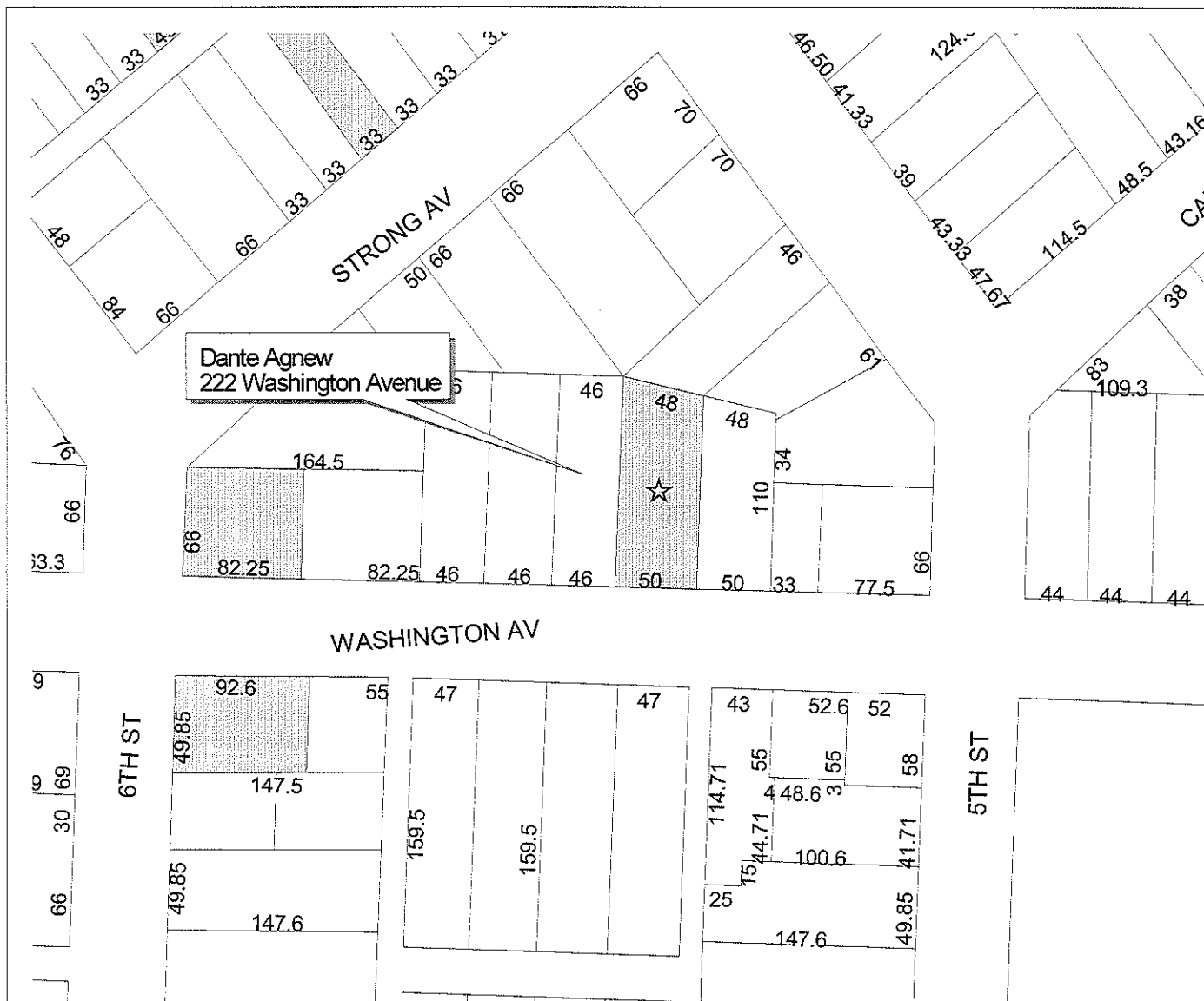
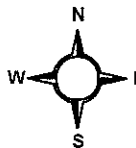
CITY OF MUSKEGON

By



Gail A. Kunderger, MMC
Clerk

Vacant Non-Buildable City-Owned Lot 214 Washington Avenue



☆ = Subject Property(ies)
to be sold



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 **DANTE' AGNEW**, a single man, of P.O. Box 5072, Muskegon, Michigan 49445,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 10, BLOCK 398

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, 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 25th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the 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

WHEN RECORDED RETURN TO: Grantee

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 2-25-06

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: March 23, 2004

Date: March 9, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 545 E. Forest Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-102-0027-00) at 545 E. Forest Avenue to Donald Steele, of 539 E. Forest Avenue, Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand his current yard (see attached map). The other adjacent property owner was offered a portion of this lot, but was not interested. This lot is being offered to Mr. Steele for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004-29(d)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$1 from Donald G. Steele, 539 E. Forest Avenue, Muskegon, MI 49442, for the purchase of a vacant, City-owned lot located adjacent to his property at 545 E. Forest Avenue (parcel #24-205-102-0027-00);

WHEREAS, this lot is considered unbuildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Dollar Lot Marketing Plan.

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 27 BLK 102 be sold to Donald E. Steele for \$1.

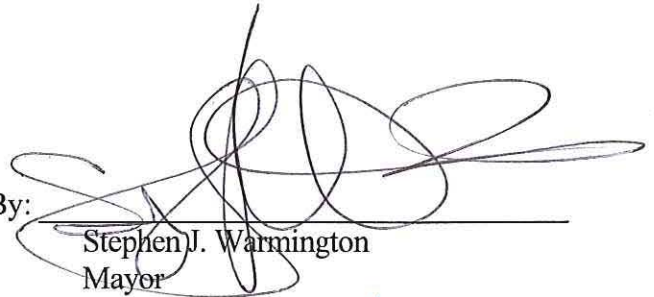
Resolution adopted this 23rd day of March, 2004.

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

Nays: None

Absent: Shepherd

By:


Stephen J. Warmington
Mayor

Attest:


Gail A. Kunderger, MMC
Clerk

CERTIFICATION

2004-29(d)

This resolution was adopted at a regular meeting of the City Commission, held on March 23, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunderger, MMC
Clerk



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 **DONALD G. STEELE**, a single man, of 539 E. Forest Avenue, Muskegon, Michigan 49442, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 27, BLOCK 102

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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, 2004.

Signed in the presence of:

Linda Potter
Linda Potter
JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, 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 25th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the 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: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: March 23, 2004

Date: March 9, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 1355 Leonard Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-613-000-0827-00) at 1355 Leonard Avenue to Richard Finneman, owner of 1363 Leonard Avenue, Muskegon, MI. Approval of this sale will allow the adjacent property owner to build a home on his current property, which will include this parcel (see attached map). The other adjacent property owner was offered a portion of this lot, but didn't respond. This lot is being offered to Mr. Finneman for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004- 29(e)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED NON-BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$1 from Richard Finneman, 3323 Worden Road, Muskegon, MI 49445 owner of 1363 Leonard Avenue, for the purchase of a vacant, City-owned lot located adjacent to his property at 1355 Leonard Avenue (parcel #24-613-000-0827-00);

WHEREAS, this lot is considered unbuildable under the City's Zoning Ordinance,

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Dollar Lot Marketing Plan.

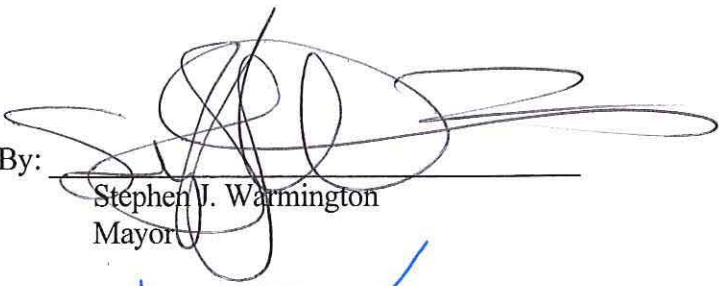
NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON URBAN RENEWAL PLAT NO 4 LOT 827 be sold to Richard Finneman for \$1.

Resolution adopted this 23rd day of March, 2004.

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

Nays: None

Absent: Shepherd

By: 

Stephen J. Warmington
Mayor

Attest: 

Gail A. Kundinger, MMC
Clerk

CERTIFICATION

2004-29(e)

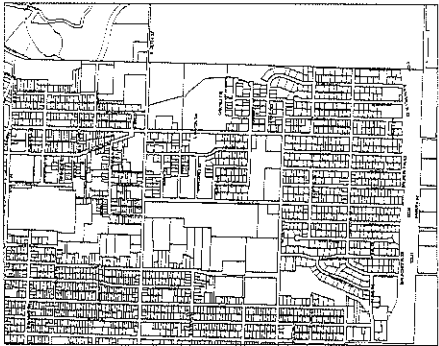
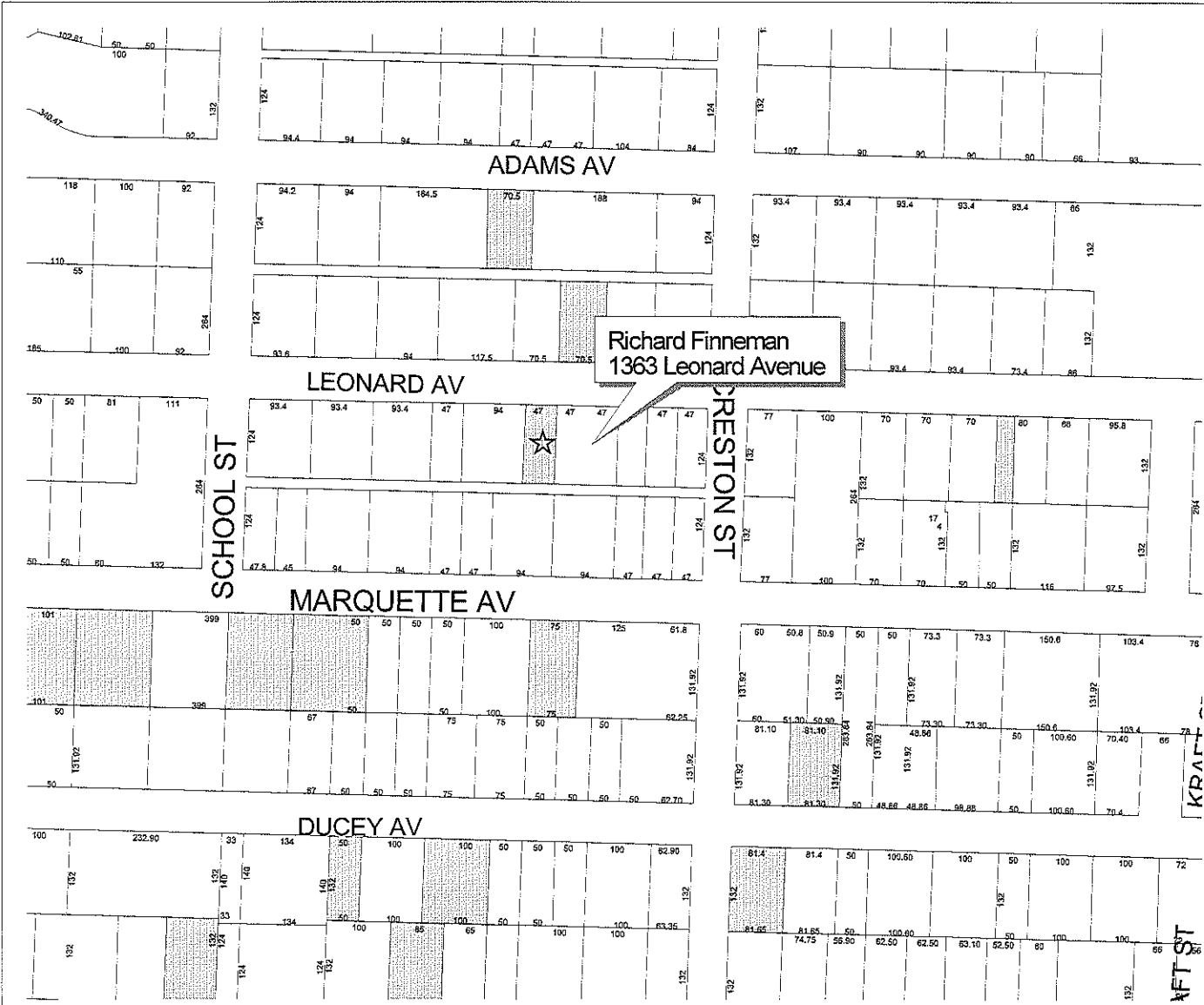
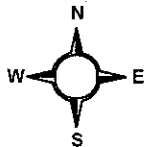
This resolution was adopted at a regular meeting of the City Commission, held on March 23, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderinger, MMC
Clerk

Vacant Non-Buildable City-Owned Lot
1355 Leonard Avenue



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 **RICHARD FINNEMAN**, a married man, of 3323 Worden Road, Muskegon, Michigan 49445, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, LOT 827

for the sum of: One Dollar (\$1.00)

PROVIDED, HOWEVER, If the Grantee or adjoining property owner loses the adjoining property due to foreclosure or non-payment of taxes, the non-buildable lot shall revert to the Grantor. At that point in time when any lien covers both parcels or there are not liens on either parcel, the property owner may request and the Grantor shall agree to waive and terminate the reverter clause.

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, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warrington, Its Mayor

and Gail A. Kundergei
Gail A. Kundergei, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 25th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the 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: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: March 23, 2004

Date: March 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Zoning Ordinance Amendment for Permits

*Needs
2nd Reading*

SUMMARY OF REQUEST:

Request to amend Section 2311 (Accessory Structures and Buildings) of Article XXIII (General Provisions) of the City's Zoning Ordinance to add language regarding permits.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add language regarding permits.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 3/11 meeting. The vote was unanimous with T. Johnson absent.

Commission Meeting Date: March 23, 2003

Date: March 16, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
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.

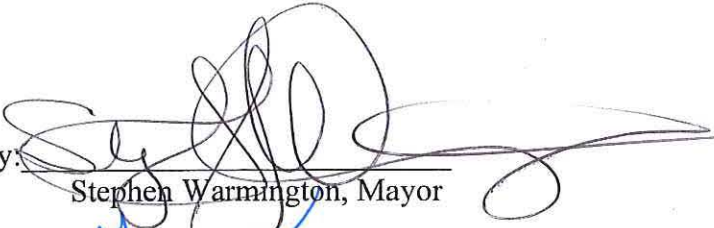
Adopted this 23rd of March, 2004.

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

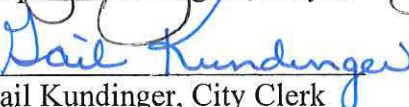
NAYS: None

ABSTAIN:

By:


Stephen Warmington, Mayor

Attest:


Gail Kundinger, City Clerk

CERTIFICATION
2004-29(g)

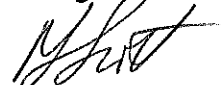
This resolution was adopted at a regular meeting of the City Commission, held on March 23, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunderger, MMC, City Clerk

Date: March 11, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Beverage Vending Contract for Parks

SUMMARY OF REQUEST:

To award a contract to Pepsi to provide vending service throughout the City Parks

FINANCIAL IMPACT:

Approximately \$5,000 in revenue

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

The Leisure Services Board recommends that a contract be awarded to Pepsi

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 Dept.
(231)724-6792
FAX: (231)724-6985

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

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

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

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

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

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

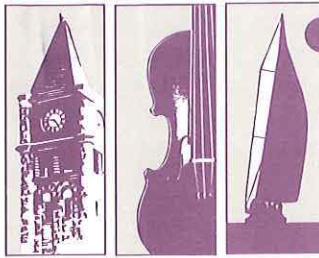
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

Date: March 11, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Beverage Vending Contract for Parks

On Tuesday, March 2nd, three proposals were received for the request to vend beverages at City Leisure Services outdoor facilities. Proposals were received from:

Company	Address		Percentage
Pepsi	4900 Paul Ct.	Muskegon	40%
Coca Cola	1208 Butterworth	GR	40%
Seven Up	900 Brooks Ave	Holland	35%

Coca Cola did offer an incentive of \$.25 per case sold and would provide 25 free cases of pop. Seven Up would provide 50 free cases of Pop. While Pepsi forgot to answer that question in their proposal, they also would provide up to 50 free cases of pop for special activities.

Staff has not been happy with the service from coke in the past couple of years. The additional revenue from the \$.25 bonus per case amounts to about \$100 base on last years numbers. Staff believes that if Pepsi does a better job of filling the machines and keeping them operational, that income would easily be made up by greater sales.

At their meeting on Monday, March 15th, the Leisure Services Board recommended that a contract be awarded to Pepsi.

Staff is recommending that we award a contract to Pepsi whose office is in the greater Muskegon area.

Thank you for your consideration.

Commission Meeting Date: March 23, 2004

Date: March 10, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Approval of Conveyance Application to the State
of Michigan**

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services office request to obtain 407 Catherine from the State of Michigan which is currently an attractive nuisance in the Community. After the CNS office obtains 407 Catherine the remaining structure will be demolished and the site will be redeveloped.

FINANCIAL IMPACT: CNS office will supply three hundred dollars for the application from available HOME funding. The cost of demolition, which will be approximately \$8,500, will also be covered by HOME funds from a prior year allocation

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request and have the Mayor sign the application to the State of Michigan.

COMMITTEE RECOMMENDATION: None



Michigan Department of Natural Resources
Office of Land and Facilities

**APPLICATION FOR CONVEYANCE OF STATE
LAND FOR PUBLIC PURPOSES**

This information is required to obtain a deed
by Authority of Part 21, Subpart 1, Act 451, P.A. 1994, as amended

-FOR DNR USE ONLY-		
Approval Date	Application Fee	Approved By
OPTION: ☐ 1 ☐ 2 ☐ 3		
PUBLIC USE NUMBER		

ISSUE DEED TO:			MAIL DEED TO:		
NAME City of Muskegon			NAME City of Muskegon		
ADDRESS 933 Terrace, PO Box 536			NAME Community and Neighborhood Services		
CITY Muskegon	STATE MI	ZIP CODE 49443	MAILING ADDRESS 933 Terrace, PO Box 536		
COUNTY Muskegon			CITY Muskegon	STATE MI	ZIP CODE 49443

LEGAL DESCRIPTION

☐ SEE ATTACHED SHEET

City of Muskegon Revised Plat 1903 Lot 6

Block 79

(407 Catherine #61-24-205-079-0006-00)

-FOR DNR USE ONLY-

DEED NUMBER

L

P

ABSTRACT

CHECKED

It is expressly understood that:

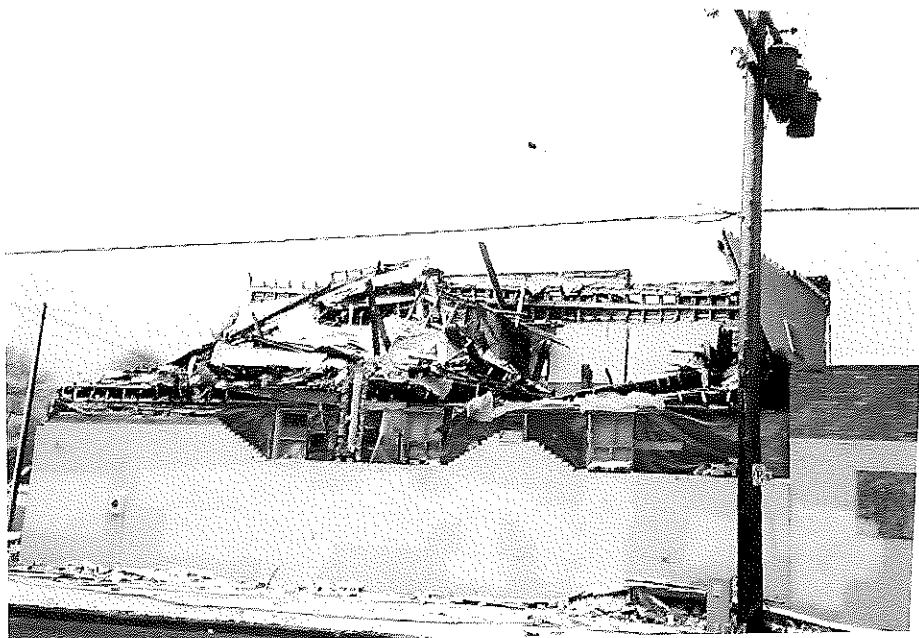
1. The land herein described shall be used solely for the following purposes: Redevelopment existing structure
will be demolished and new construction will take place. Structure is
a potential nuisance.
2. If lands are conveyed or transferred for a nominal fee and are subsequently sold by the government unit for a valuable consideration, the proceeds from any such sale after deducting said fee and any amount paid by the local government units for maintaining said lands in condition to protect the public health and safety shall be accounted for to the state, county, township and school district in which the lands are situated pro rated according to their several interests therein arising from the nonpayment of taxes and special assessments thereon as such interest shall appear in the offices of the state treasurer, county, city or village treasurers.
3. The deed issued by the State of Michigan may reserve to the State of Michigan all mineral rights including coal, oil and gas, etc., rights of ingress and egress over and across lands lying along any watercourse or stream, pursuant to the provisions of Act 451, P.A. 1994, as amended and all aboriginal antiquities, mounds, earthworks, etc., pursuant to the provisions of Act 451 P.A. 1994.

Applicant Name Stephen Warmington Title Mayor Date 3-25-04
Applicant Signature [Signature] Phone Number (231) 724-6701

Mail completed application and check or money order made
payable to the "State of Michigan" to:

CASHIERS OFFICE
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30451
LANSING MI 48909-7951

For DNR Cashier's Use Only – Do Not Write Below





Date: March 23, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Austin St. Barney to Delano

SUMMARY OF REQUEST:

The contract to reconstruct Austin St. (H-1544) between Barney and Delano be awarded to Grant Tower Excavating out of Grant, MI. Grant Tower was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$169,440.81

FINANCIAL IMPACT:

The construction cost of \$169,440.81 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

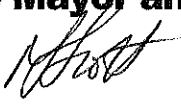
STAFF RECOMMENDATION:

Award the contract to Grant Tower Excavating

COMMITTEE RECOMMENDATION:

H-1544
AUSTIN ST., BARNEY AVE. TO DELANO AVE.
BID TABULATION
03/16/04

CONTRACTOR ADDRESS			ENGINEER'S ESTIMATE		KAMMING & ROODVOETS 3435 BROADMOOR AVE. GRAND RAPIDS, MI 49512		JACKSON-MERKEY 555 E WESTERN AVE. MUSKEGON, MI 49842		HALLACK CONTRACTING 4233 W. POLK RD. HART, MI 49420		MILBOCKER & SONS 1256 29TH ST. ALLEGAN, MI 49010		SCHULTZ EXCAVATING PO BOX 683 LUDINGTON, MI 49431		GRANT TOWER EXCAVATING 13064 WISNER GRANT, MI 49327		WAGEL STABILIZATION 2500 N. OCEANA DR. HART, MI 49420					
CITY/ST/ZIP			ITEM OF WORK		UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT	QTY	UNIT COST	TOTAL PRICE		
1 AGGREGATE BASE COURSE 22A @ 6" C.I.P. 2 BITUMINOUS LEVELING MIX 3C @ 165W.S.Y. 3 BITUMINOUS TOP MIX 4C @ 165W.S.Y. 4 CATCH BASIN CASTING EAST JORDAN #7045 OR EQUAL 5 CATCH BASIN STD. 6 CONC. SIDEWALK 4" 7 CONCRETE APPROACH, 6" STANDARD 8 CONCRETE CURB AND GUTTER, STANDARD DETAIL 1 9 EXCAVATION 10 MAN HOLE CASTING, E.J. #1000 OR EQ. 11 MAN HOLE STD., 4" I.D. 10' TO 15' DEEP 12 PLUGS FOR 10" C700-E.S. V.I.T. 13 REMOVING BITUMINOUS SURFACE 14 REMOVING CONC. SW 15 REMOVING CONCRETE APPROACH 16 REMOVING CONCRETE CURB AND GUTTER 17 SANITARY SEWER 10" C-700 E.S. V.I.T.			S.Y.D.	3184.0	\$5.00	\$15,920.00	\$4.85	\$15,442.40	\$5.60	\$17,830.40	\$4.25	\$13,532.00	\$4.60	\$14,846.40	\$5.00	\$15,920.00	\$4.04	\$12,863.36	\$4.15	\$13,213.60		
			TON	277.0	\$43.00	\$11,911.00	\$35.89	\$9,941.53	\$36.00	\$9,972.00	\$35.89	\$9,941.53	\$35.89	\$9,941.53	\$35.89	\$9,941.53	\$40.00	\$11,080.00	\$44.16	\$12,232.32	\$35.89	\$9,941.53
			TON	287.0	\$48.00	\$13,776.00	\$38.23	\$10,972.01	\$38.50	\$11,049.50	\$38.23	\$10,972.01	\$38.23	\$10,972.01	\$38.23	\$10,972.01	\$44.00	\$12,628.00	\$40.21	\$11,540.27	\$38.23	\$10,972.01
			EACH	4.0	\$480.00	\$1,920.00	\$500.00	\$2,000.00	\$465.00	\$1,860.00	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$711.00	\$2,844.00	\$500.00	\$2,000.00	\$500.00	\$2,000.00
			EACH	2.0	\$1,200.00	\$2,400.00	\$865.00	\$1,730.00	\$1,325.00	\$2,650.00	\$950.00	\$1,900.00	\$1,270.00	\$2,540.00	\$1,800.00	\$3,600.00	\$1,800.00	\$3,600.00	\$1,300.00	\$2,600.00	\$1,200.00	\$2,400.00
			S.F.T.	345.0	\$3.50	\$1,207.50	\$2.20	\$759.00	\$2.00	\$690.00	\$2.85	\$983.25	\$1.85	\$638.25	\$1.85	\$638.25	\$2.25	\$776.25	\$1.93	\$665.85	\$2.35	\$810.75
			S.Y.D.	526.0	\$28.00	\$14,728.00	\$29.00	\$15,254.00	\$21.75	\$11,440.50	\$24.80	\$13,044.80	\$19.80	\$10,414.80	\$19.80	\$10,414.80	\$25.00	\$13,150.00	\$20.61	\$10,840.86	\$24.30	\$12,781.80
			L.F.T.	2432.0	\$10.00	\$24,320.00	\$10.00	\$24,320.00	\$9.00	\$19,456.00	\$8.35	\$20,307.20	\$7.10	\$17,267.20	\$7.10	\$17,267.20	\$7.50	\$18,240.00	\$7.39	\$17,972.48	\$10.60	\$25,779.20
			C.Y.D.	1100.0	\$11.00	\$12,100.00	\$5.50	\$6,050.00	\$10.35	\$11,385.00	\$10.35	\$11,385.00	\$10.00	\$11,000.00	\$10.00	\$11,000.00	\$5.25	\$5,775.00	\$5.42	\$5,962.00	\$5.00	\$5,500.00
			EACH	4.0	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$480.00	\$1,920.00	\$480.00	\$1,920.00	\$425.00	\$1,700.00	\$600.00	\$2,400.00	\$920.00	\$3,680.00	\$790.00	\$3,160.00	\$460.00	\$1,840.00
			EACH	4.0	\$2,500.00	\$10,000.00	\$1,560.00	\$6,240.00	\$1,745.00	\$6,980.00	\$2,750.00	\$11,000.00	\$2,750.00	\$11,000.00	\$2,100.00	\$8,400.00	\$2,100.00	\$8,400.00	\$1,730.00	\$6,920.00	\$1,250.00	\$5,000.00
			EACH	2.0	\$190.00	\$380.00	\$250.00	\$500.00	\$75.00	\$150.00	\$150.00	\$300.00	\$150.00	\$300.00	\$150.00	\$300.00	\$175.00	\$350.00	\$70.00	\$140.00	\$100.00	\$200.00
			S.Y.D.	2869.0	\$5.00	\$14,345.00	\$1.00	\$2,869.00	\$1.90	\$5,451.10	\$2.25	\$6,455.25	\$1.25	\$3,586.25	\$1.25	\$3,586.25	\$2.25	\$6,455.25	\$1.34	\$3,844.46	\$3.50	\$10,041.50
			S.F.T.	900.0	\$2.00	\$1,800.00	\$0.50	\$250.00	\$1.00	\$500.00	\$1.00	\$500.00	\$1.00	\$500.00	\$0.60	\$300.00	\$2.30	\$1,150.00	\$0.55	\$275.00	\$1.00	\$500.00
			S.Y.D.	189.0	\$10.00	\$1,890.00	\$4.50	\$850.50	\$7.80	\$1,474.20	\$6.75	\$465.25	\$6.00	\$1,134.00	\$5.00	\$315.00	\$24.25	\$4,583.25	\$29.03	\$5,466.67	\$4.50	\$850.50
			L.F.T.	63	\$4.50	\$283.50	\$4.00	\$252.00	\$6.75	\$425.25	\$10.00	\$630.00	\$10.00	\$630.00	\$5.00	\$315.00	\$3.50	\$122.50	\$22.47	\$1,415.61	\$8.00	\$504.00
			L.F.T.	1322.0	\$30.00	\$39,660.00	\$37.00	\$49,914.00	\$47.35	\$62,596.70	\$47.35	\$62,596.70	\$42.05	\$55,990.10	\$28.00	\$37,016.00	\$24.80	\$32,785.60	\$32.33	\$42,740.25	\$29.50	\$38,995.00
L.F.T.	86.0	\$24.00	\$2,064.00	\$30.00	\$2,580.00	\$21.00	\$1,806.00	\$21.00	\$1,806.00	\$24.18	\$2,079.48	\$19.00	\$1,634.00	\$25.75	\$2,214.50	\$18.14	\$1,560.04	\$40.00	\$3,440.00			
L.F.T.	1215.0	\$10.00	\$12,150.00	\$12.00	\$14,580.00	\$4.45	\$5,406.75	\$12.50	\$15,187.50	\$12.50	\$15,187.50	\$8.00	\$9,720.00	\$4.60	\$5,589.00	\$4.29	\$5,212.35	\$17.00	\$14,580.00			
LUMP	1.0	\$5,000.00	\$5,000.00	\$2,707.58	\$2,707.58	\$3,475.00	\$3,475.00	\$3,475.00	\$3,475.00	\$12,900.00	\$12,900.00	\$18,500.00	\$18,500.00	\$7,500.00	\$7,500.00	\$2,341.00	\$3,000.00	\$3,000.00	\$3,000.00			
L.F.T.	15.0	\$60.00	\$900.00	\$5.00	\$75.00	\$85.00	\$1,275.00	\$85.00	\$1,275.00	\$82.00	\$1,230.00	\$7.00	\$105.00	\$64.50	\$967.50	\$47.00	\$705.00	\$50.00	\$750.00			
L.F.T.	113.0	\$45.00	\$5,085.00	\$45.00	\$5,085.00	\$70.00	\$7,910.00	\$58.34	\$6,592.42	\$58.34	\$6,592.42	\$88.00	\$9,944.00	\$65.50	\$7,514.50	\$57.56	\$9,504.28	\$5.00	\$9,605.00			
L.F.T.	160.0	\$35.00	\$5,600.00	\$15.00	\$2,400.00	\$9.00	\$1,440.00	\$9.00	\$1,440.00	\$20.00	\$3,200.00	\$10.00	\$1,600.00	\$28.00	\$4,480.00	\$11.56	\$1,849.60	\$3.00	\$1,440.00			
EACH	2.0	\$450.00	\$900.00	\$800.00	\$1,600.00	\$965.00	\$1,930.00	\$965.00	\$1,930.00	\$350.00	\$700.00	\$900.00	\$1,800.00	\$75.00	\$1,150.00	\$35.00	\$730.00	\$650.00	\$1,300.00			
LUMP	1.0	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$945.00	\$945.00	\$945.00	\$945.00	\$300.00	\$300.00	\$640.00	\$640.00	\$280.00	\$280.00	\$900.00	\$900.00	\$900.00	\$900.00			
EACH	4.0	\$300.00	\$1,200.00	\$250.00	\$1,000.00	\$220.00	\$880.00	\$220.00	\$880.00	\$275.00	\$1,100.00	\$180.00	\$760.00	\$390.00	\$1,560.00	\$196.00	\$784.00	\$350.00	\$1,400.00			
EACH	1.0	\$1,500.00	\$1,500.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,250.00	\$1,750.00	\$1,750.00	\$1,370.00	\$1,370.00	\$2,350.00	\$2,350.00	\$1,059.00	\$1,059.00	\$1,250.00	\$1,250.00			
EACH	2.0	\$200.00	\$400.00	\$650.00	\$1,300.00	\$290.00	\$580.00	\$290.00	\$580.00	\$375.00	\$750.00	\$375.00	\$750.00	\$700.00	\$1,400.00	\$901.00	\$1,802.00	\$750.00	\$1,500.00			
EACH	1.0	\$800.00	\$800.00	\$600.00	\$600.00	\$575.00	\$575.00	\$575.00	\$575.00	\$654.00	\$654.00	\$560.00	\$560.00	\$500.00	\$500.00	\$474.00	\$474.00	\$650.00	\$650.00			
EACH	2.0	\$1,000.00	\$2,000.00	\$800.00	\$1,600.00	\$785.00	\$1,570.00	\$785.00	\$1,570.00	\$824.00	\$1,648.00	\$780.00	\$1,560.00	\$625.00	\$1,250.00	\$606.00	\$1,212.00	\$850.00	\$1,700.00			
EACH	2.0	\$300.00	\$600.00	\$300.00	\$600.00	\$200.00	\$400.00	\$200.00	\$400.00	\$225.00	\$450.00	\$180.00	\$360.00	\$300.00	\$600.00	\$168.00	\$336.00	\$260.00	\$520.00			
L.F.T.	6.0	\$30.00	\$180.00	\$70.00	\$420.00	\$30.00	\$180.00	\$30.00	\$180.00	\$40.00	\$240.00	\$44.00	\$264.00	\$36.00	\$216.00	\$8.00	\$480.00	\$8.00	\$480.00			
L.F.T.	6.0	\$35.00	\$210.00	\$75.00	\$450.00	\$32.00	\$192.00	\$32.00	\$192.00	\$40.00	\$240.00	\$45.00	\$270.00	\$36.00	\$216.00	\$8.00	\$480.00	\$8.00	\$480.00			
L.F.T.	80.0	\$45.00	\$3,600.00	\$65.00	\$5,200.00	\$34.00	\$2,720.00	\$34.00	\$2,720.00	\$36.40	\$2,912.00	\$35.00	\$2,800.00	\$39.00	\$3,120.00	\$25.53	\$2,042.40	\$40.00	\$3,200.00			
TOTALS					\$210,390.00	\$191,542.02	\$198,365.40	\$208,712.54	\$186,218.44	\$178,351.35			\$169,440.91						\$187,528.95			

Date: March 11, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Beach Leveling Bids

SUMMARY OF REQUEST:

To award a contract with Felco Contractors to level Pere Marquette Beach and remove the snow fence.

FINANCIAL IMPACT:

Contract Price \$57,100 which represents about a \$9,500 saving from having City workers do the work.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

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 Dept.
(231)724-6792
FAX: (231)724-6985

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

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

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

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

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

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

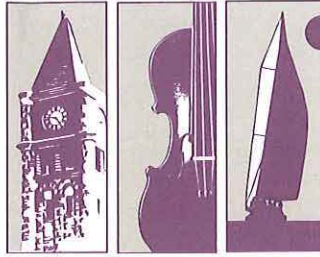
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

Date: March 11, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Beach Leveling Bids

On Tuesday, March 9, 2004, three bids were received as follows for the leveling of the beach and the removing of the snowfence at Pere Marquette Park:

Company	Address	Bid	Alt
Felco Contractors, Inc.	850 Pulaski Ave. Muskegon	\$57,100	\$3,800
McCormick Sand Co.	995 S. 102nd St. Shelby	\$58,200	\$5,040
Jackson Merkey	555 E. Western Muskegon	\$95,870	\$11,900

The alternate bid is to remove the sand in the parking lots.

Based on the 2003 hours worked for both seasonals and full-time employees, and the rental of equipment from both the Equipment Fund and from an outside vendor, staff projects the 2004 costs to level the sand and remove the fence to be \$66,524.23. A savings to the Parks budget of just under \$9,500 would be realized if the contract were awarded to the low bid of Felco.

Staff is recommending that you award a contract to Felco Contractors to level the beach and to remove sand from the parking lots. This will not result in the loss of any full-time positions, as the people doing the work were DPW employees that were paid from the Parks budget. We simply will be shifting dollars to the contractual Services account from the equipment rental account. The seasonal savings are already in the contractual service account.

The union has already been given a 30-day notice about contracting out and we have not heard from them.

I am recommending That you award a contract to Felco Contractors in the amount of \$60,900 to remove the fencing, level the beach and remove the sand from the parking lots at Pere Marquette Park.

Thank you for your consideration.

Service Employees International Union

Local 517M Unit 2

March 15, 2004

Rick Scott
Director of Leisure Services
City of Muskegon

Dear Rick:

We recently received your notice of intent to contract out Local 517M Unit 2 work. While we never want to lose any of our work, especially when we have two of our union brothers laid off and unemployed, we feel we need to bring forward a couple of our concerns. As we researched the expenses of last years beach leveling project, a number of items stood out that need explanation. First of all there are the rental charges of the bulldozer and the labor charges from Kelley Services. Over the years the water level at the beach has receded more and more, as a result of this it has made moving the large amounts of sand with a front end loader impractical. While operating on sand a large bulldozer is the most efficient method to move the quantities of sand needed for long distances.

The City does not currently own a bulldozer which means we have to rent a bulldozer from a rental agency or local contractor. As you know even with your own automobile it normally is cheaper in the long run to own your own as opposed to renting one. The problem for the City is that we do not have the amount of work needed to make an \$800,000 bulldozer cost efficient to own and operate. We are absolutely certain at Local 517 that given an equal and level playing field, we will give our taxpayers the best value for their investment.

Furthermore we would like you to know that one of the unique things about leveling the beach is the sandy environment and its long-term impact on heavy equipment. Pure sand is one of the worst possible places to operate heavy equipment. With the type of damage that sand imposes on the equipment, even if all the bids were equal, the City would still end up the loser. Because of the inhospitable environment, rental fees, the long term and extensive damage to expensive equipment and all the hours spent by our mechanics repairing and maintaining this equipment, we feel these extra costs would wipe out any possible savings Local 517 could provide by performing the work in house with our current equipment and water levels as they are.

Regarding the manpower provided by Kelley Services, there are a couple of facts that must come to light. The removal of snow fence has to be performed in conjunction with the leveling process and is currently very labor intensive, this was not always the case. There are a couple driving factors behind this, first of which is again the water level. With the water levels this low a large amount of snow fence has been put in place in an attempt to retain the sand on the beach during the winter storms. Secondly we feel that the current amount of fence being placed at the beach is excessive and not totally effective and cost efficient, especially in light of the cities current budget situation. Fewer fences in place equate to less labor to install it in the fall and to remove it in the spring. This could further save the City badly needed funds.

Before concluding our response, we would like to thank our Equipment Supervisor Mr. Brett Kraley for his assistance providing us with some estimates of the current costs of renting and/or purchasing the types of equipment needed to perform this type of work.

In conclusion we feel because of our current budget situation, with water levels at near record low levels requiring a lengthier cleanup effort, it is in the best interest of the taxpayers and citizens of Muskegon to seek competitive bids for this work at this time. In the future as water levels rise and the amount of beach diminishes requiring less fence and less labor, we feel it would be practical to once again level the beach with our own manpower and equipment.

Sincerely,

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

Terry Redmon
President
S.E.I.U. Local 517M
Unit 2

AGENDA ITEM NO. _____
CITY COMMISSION MEETING 3/9/04

*2nd
Reading*

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 2, 2004

RE: Public Safety Administration Ordinances

SUMMARY OF REQUEST:

To adopt three ordinances to implement the proposed Public Safety Administrative Consolidation.

FINANCIAL IMPACT:

First year savings of over \$100,000.

BUDGET ACTION REQUIRED:

The savings will be accounted for in a future quarterly budget update.

STAFF RECOMMENDATION:

To approve the attached ordinances.

COMMITTEE RECOMMENDATION:

The City Commission endorsed the consolidation concept on February 24, 2004.

CITY OF MUSKEGON
Ordinance No. 2126

An ordinance amending the Police and Fire Retirement System Ordinance
of the City of Muskegon.

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62 of the Code of Ordinances is amended to read as follows:

1. Section 62-232 is amended to read as follows:

Sec. 62-232. Definitions.

The following words, terms and phrases as used in this article shall have the meaning set forth in this section unless a different meaning is clearly required by the context.

Accumulated contributions means the sum of all amounts credited to a member's individual account in the reserve for employee contributions, including regular interest.

Actuarial equivalent means of equal pension reserve value (present value).

Beneficiary means any person except a retirant who is being paid a pension by the retirement system.

Board means the board of trustees provided by this article.

City means the City of Muskegon, Michigan.

Commission means the city commission of the city.

Compensation means the salary or wages paid a member by the city for personal services rendered to the city as a police officer or firefighter. Compensation shall include:

- (1) Payments based on unused sick leave subject to the following maximum:
The amount computed on the maximum amount of sick leave a member could accrue over the period of credited service used in computing his final average compensation;
- (2) Holiday pay;
- (3) Vacation pay (current year accrual), provided, for police command officers who retire after January 1, 1992, and for police patrol officers, the amount of vacation pay to be included in compensation shall include accrued and unused vacation days from the period of one (1) year prior to the member's retirement date for a maximum of 20 accrued unused days. Vacation pay (current year accrual), provided, for firefighters and officers who retire after January 1, 1993, the amount of vacation pay to be

included in compensation shall include accrued and unused vacation days from the period of one year prior to the member's retirement date, for a maximum of 12 accrued unused days;

- (4) Longevity pay;
- (5) Pay while absent from work on account of illness;
- (6) Termination or severance pay;
- (7) Overtime pay on or after January 1, 1976 for firefighter members, on or after January 1, 1997 for police command members and on or after January 1, 2002 for police patrol, and;
- (8) Educational bonus for police command officers on or after January 1, 2001 and for police patrol officers on or after January 1, 2002; and
- (9) Items of a similar nature as determined by the board.

The term "**compensation**" shall not include:

- (1) Overtime pay to police command members prior to January 1, 1997 and police patrol members prior to January 1, 2002;
- (2) Overtime pay prior to January 1, 1976, to firefighter members;
- (3) Allowances for clothing, equipment, travel, and similar items;
- (4) Reimbursement of expenses;
- (5) The value of any fringe benefit not specifically included; and
- (6) Items of a similar nature as determined by the board.

Credited service means the number of years and months of service credited a member as provided in this article.

Final average compensation means, for a police officer member who terminates city employment prior to January 1, 1978, or a firefighter member who terminates city employment prior to January 1, 1976, one-fifth of the compensation paid a member during the period of five consecutive years of his credited service producing the highest average. The five consecutive years of credited service shall be contained within the member's last ten years of credited service. If he has less than five years of credited service, final average compensation means the annual average of the compensation paid him for his total period of credited service. The term "final average compensation" means for a firefighter member who terminates city employment on or after January 1, 1976, or a police officer member who terminates city employment on or after January 1, 1978, one-third of the compensation paid a member during the period of three consecutive years of his credited service producing the highest average. The three consecutive years of credited service shall be contained within the member's last ten years of credited service. If he has less than three years of credited service, final average compensation means the annual average of the compensation paid him for his total period of credited service. For a police officer member who terminates employment on or after January 1, 1989, the term "final average compensation" shall mean one-third of the compensation

paid the police officer member during the period of any three of his last five years of credited service producing the highest average. If he has less than three years of credited service, the term "final average compensation" means the annual average of the compensation paid him for his total period of credited service.

Final compensation means the annual rate of compensation being paid a member at the time his city employment as a police officer or firefighter last terminates.

Firefighter means a permanent employee of the fire department who holds the rank of firefighter, or higher rank, and who has taken the oath required in Chapter IV of the Charter of the city. The term "firefighter" shall not include temporary or civilian employees of the fire department.

Fire Chief means fire chief or deputy director of public safety for fire services.

Member means any person who is included in the membership of the retirement system.

Pension means an annual amount payable by the retirement system throughout the future life of a person, or for a temporary period, as provided by this article. All pensions shall be paid in equal monthly installments.

Pension reserve means the present value of all payments likely to be made on account of a pension. The present value shall be computed upon the basis of such mortality and other tables of experience, and regular interest, as the board shall from time to time adopt.

Police Officer means a permanent employee of the police department who holds the rank of patrolman, or higher rank, and who has taken the oath required in Chapter IV of the Charter of the city. The term "police officer" shall not include temporary or civilian employees of the police department.

Police Chief means police chief or director of public safety.

Regular interest means such rate or rates of interest per annum, compounded annually, as the board shall from time to time adopt.

Retirant means any member who retires and is being paid by the retirement system on account of his membership in the retirement system.

Retirement system and system mean the city police-fire retirement system established by this article.

Service means personal service rendered the city as a police officer or a firefighter in the employ of the city.

This ordinance adopted:

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

Nays: None

Adoption Date: March 23, 2004 _____

Effective Date: April 9, 2004

First Reading: March 9, 2004

Second Reading: March 23, 2004 _____

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 23rd day of March, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: March 23, 2004

Gail A. Kunding
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 23, 2004, the City Commission of the City of Muskegon adopted amendments to Chapter 62 of the Muskegon City Code concerning the Police and Fire Retirement system, summarized as follows:

1. Section 62-232 is amended to define fire chief to be either fire chief or deputy director of public safety for fire services and defines police chief to be either police chief or director of public safety.

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.

Published: March 30, 2004

CITY OF MUSKEGON

By _____
Gail A. Kundinger, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

City of Muskegon
Muskegon County, Michigan

ORDINANCE NO. 2127

The City Commission of the City of Muskegon hereby ORDAINS:

Chapter 46 of the Code of Ordinances of the City of Muskegon concerning Law Enforcement is amended, as follows:

1. Section 46-31 shall be amended to read, as follows:

Adoption.

Sec. 46-31. Composition; appointment and oath of members.

(a) The police department shall consist of a chief of police, to be appointed by the city manager, and one or more captains, lieutenants, sergeants, secretaries, clerks, and such number of police officers with pay and such number of special police, guards, and security guard supervisors with or without pay as shall be deemed necessary by the chief of police, to be appointed by the chief of police with the approval of the city manager. All new members of the department, except secretaries and clerks, must be sworn in and take an oath of office.

(b) Throughout this Chapter, the title of "chief of police" or "police chief" may be used interchangeably and shall be meant to include the title of director of public safety.

This ordinance adopted:

Ayes: Davis, Gawron, Larson, Spataro, Warminston, Carter

Nays: None

Adoption Date: March 23, 2004

Effective Date: April 9, 2004

First Reading: March 9, 2004

Second Reading: March 23, 2004

CITY OF MUSKEGON

By: Gail A. Kunderger

Gail A. Kunderger, MMC
City Clerk

ORDINANCE NO. 2127

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 23rd day of March, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: March 23, 2004



Gail A. Kunderinger, 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 23, 2004, the City Commission of the City of Muskegon adopted amendments to the Muskegon City Code concerning ~~the Fire Prevention Code~~, summarized as follows:

Law Enforcement

1. Section 46-31 shall be amended define the title of "chief of police" or "police chief" to also mean director of public safety.

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 30, 2004

By _____
Gail A. Kunding, MMC, Its Clerk

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

City of Muskegon
Muskegon County, Michigan

ORDINANCE NO. 2128

The City Commission of the City of Muskegon hereby ORDAINS:

Chapter 30 of the Code of Ordinances of the City of Muskegon concerning the Fire Prevention and Protection Code is amended, as follows:

1. Section 30-31 shall be amended to read, as follows:

Adoption.

Sec. 30-31. Composition; filling of vacancies.

(a) The fire department of the city shall consist of one chief, to be appointed by the city manager, one or more assistant chiefs, battalion chiefs, captains, lieutenants, mechanics and firefighters, as shall be deemed necessary by the chief of the fire department, to be appointed by him with the approval of the city manager.

(b) The chief of the fire department with the approval of the city manger, shall fix and determine the number of regular members of the department, and when a vacancy occurs in the department, shall file a written notification with the civil service commission. The chief shall, from the list of three names submitted by the civil service commission, select a probationary member for such vacancy.

Throughout this Chapter, the title of "chief" or "fire chief" may be used interchangeably and shall be meant to include the title of deputy director of public safety for fire services.

This ordinance adopted:

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

Nays: None

Adoption Date: March 23, 2004

Effective Date: April 9, 2004

First Reading: March 9, 2004

Second Reading: March 23, 2004

CITY OF MUSKEGON

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

ORDINANCE NO. 2128

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 23rd day of March, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: March 23, 2004


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 23, 2004, the City Commission of the City of Muskegon adopted amendments to the Muskegon City Code concerning the Fire Prevention Code, summarized as follows:

1. Section 30-31 shall be amended define the title of "chief" or "fire chief" to also mean deputy director of public safety for fire services.

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 30, 2004

By _____
Gail A. Kunding, MMC, Its Clerk

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

Commission Meeting Date: March 23, 2004

Date: March 8, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Public Hearing and Resolution Revoking an Industrial
Development Certificate – Hardwoods, Inc.

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, the City of Muskegon requests that Industrial Development Certificate (IFT) No. 00-491 issued to Hardwoods, Inc., 1885 E. Laketon Avenue be revoked. The certificate was originally requested August 8, 2000. Hardwoods, Inc. ceased operations March 15, 2004.

FINANCIAL IMPACT:

None, since the business never really got into production.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To hold the public hearing and authorize the Mayor and Clerk to sign the resolution revoking IFT certificate No. 00-491.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

RESOLUTION REVOKING INDUSTRIAL FACILITIES EXEMPTION

CERTIFICATE NO. 00-491

HARDWOODS, INC.

WHEREAS, the City of Muskegon issued an Industrial Facilities Exemption Certificate to Hardwoods, Inc. in 2000; and

WHEREAS, a signed Tax Abatement Contract between Hardwoods Inc., and the City of Muskegon took effect on August 8, 2000 with Hardwoods, Inc., agreeing to install \$506,400 in machinery and equipment; and

WHEREAS, the Industrial Facilities Exemption Certificate is scheduled to expire in 2008; and

WHEREAS, Hardwoods, Inc. will be selling it's assets at auction and has eliminated the jobs created or retained; and

WHEREAS, Section Three of the Tax Abatement Contract states that "the closing of the Company's facilities in the City" shall be considered an event of default; and

WHEREAS, according to Section Four of the Tax Abatement Contract, in instances of default Hardwoods, Inc., consents to the immediate revocation of the IFT Certificate; and

WHEREAS, appropriate certified notice has been sent to Hardwoods, Inc. on March 9, 2004, notifying the company of the intent to revoke the personal property component of Industrial Facilities Exemption Certificate No. 00-491.

NOW THEREFORE BE IT RESOLVED by the Muskegon City Commission that Industrial Facilities Exemption Certificate No. 00-491, for Hardwoods, Inc., is revoked.

Adopted this 23rd day of March, 2004.

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

Nays: None

Absent: Shepherd

By: _____

Stephen J. Warmington
Mayor

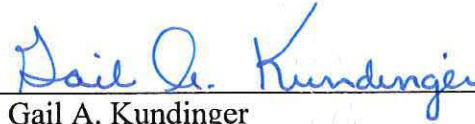
Attest: _____

Gail A. Kunderinger
Clerk, MMC

CERTIFICATION
2004-31(a)

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 23, 2004.

By

A handwritten signature in blue ink, reading "Gail A. Kunding", is written over a horizontal line.

Gail A. Kunding
Clerk, MMC

Date: March 23, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
MILLARD AVE., LAKE DUNES DRIVE WEST END

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Millard from Lake Dunes Dr. to West End 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:

Constriction cost plus related engineering cost.

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 **Millard from Lake Dunes to West End**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 23, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 23, 2004**, 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 **37%** 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 23, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ENGINEERING FEASIBILITY STUDY

For

MILLARD FROM LAKE DUNES DR. TO WEST END

The proposed improvement, RECONSTRUCTION, of Millard from Lake Dunes dr. to the West End, see attached location map, was initiated by a owners petition due to the conditions of the road. The existing pavement has deteriorated to a point where any other type improvements would not be feasible. The proposed improvement consists of the removal of existing pavement and the construction of a curb and gutter road. The cross section being proposed is a 24' back to back asphalt road with curbs.

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

The preliminary cost estimate for the work associated with paving is approximately \$161,000 with the length of the project being approximately 1,111 lineal feet or 2,082.06 of assessable front footage. This translates into an estimated improvement cost of \$77.33 per assessable foot. The assessment figure will be at a prorated cost of not to exceed \$28.64 per assessable foot since the width is only 24'. The established cost for a 27' B-B is \$35.15 for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

March 3, 2004

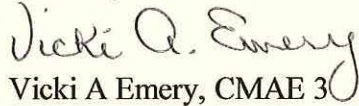
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the paving of approximately 1,050 linear feet of Millard 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 3, 2004.

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. The proposed special assessment district encompasses primarily residential properties. The front foot rate of \$28.64 for the paving of the project appears reasonable in light of analysis that indicates a possible enhancement of \$29.64. 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 30

Senior Appraiser

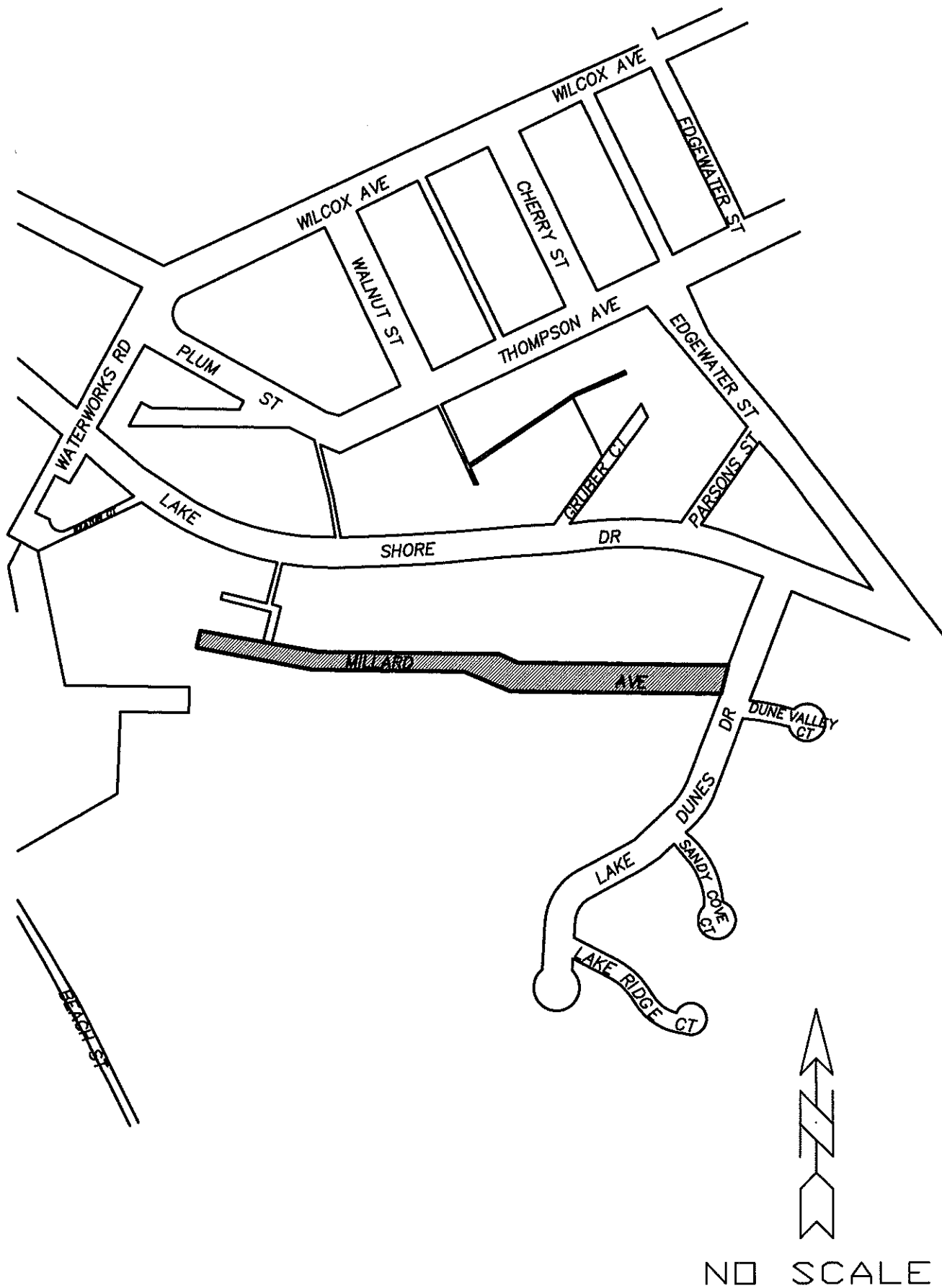
EXHIBIT A

MILLARD FROM LAKE DUNES TO WEST END

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **All properties abutting Millard from Lake Dunes to West End**

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



March 12, 2004

Dear :OWNERS NAME
OWNERS ADDRESS
OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on MARCH 23, 2004. If you attend this public hearing you will be given an opportunity to present your questions and potential concerns on the proposed special assessment district to the commission.

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

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

March 12, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 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:

MILLARD AVE. LAKE DUNES DRIVE TO END

The proposed special assessment district will be located as follows:

All parcels abutting Millard Ave. from Lake Dunes Drive to End

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 23, 2004 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

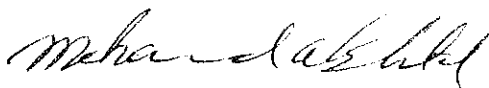
The total estimated cost of the street portion of the project is \$161,000.00 of which approximately 37.03% (\$59,630.20) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs 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,

A handwritten signature in black ink, appearing to read 'Mohammed Al-Shatel', written in a cursive style.

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE.,LAKE DUNES DRIVE TO END
Project Description NEW CONSTRUCTION

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:	50.72 Feet
Estimated Front Foot Cost:	\$28.64 per Foot
ESTIMATED TOTAL COST	\$1,452.62

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 4 LOT 11
EXC
THAT PT LYING ELY OF A LINE DESC AS
COM AT SE COR OF LOT 11

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 _____
Signature _____
Address _____

CoOwner/Spouse _____
Signature _____
Address _____

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

0000-000000

**CITY OF MUSKEGON
STREET- H-1520
MILLARD AVE., LAKE DUNES DR. TO END
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 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2003

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
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.

**CITY OF MUSKEGON
STREET- H-1520
MILLARD AVE., LAKE DUNES DR. TO END
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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 your assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**MILLARD AVE., LAKE DUNES DRIVE TO END
YUBA ST., EASTERN AVE. TO SUMNER ST.
AND
WESTERN AVE., PINE ST. TO TERRACE ST.**

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

All parcels abutting Millard Ave. from Lake Dunes Drive to End

All parcels abutting Yuba St. from Eastern Ave. to Sumner St.

And

All parcels abutting Western Ave. from Pine St. to Terrace St.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 23, 2004 AT 5:30 O'CLOCK P.M.**

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

By City Charter, if the owners of more than one-half of the 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 13, 2004**

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 1520

NEW CONSTRUCTION

HEARING DATE

MARCH 23, 2004

MILLARD AVE., LAKE DUNES DRIVE TO END

1	KOCH CAROLE M	ASSESSABLE FEET:	50.72
24-506-004-0011-00	3373 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3373. MILLARD AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,452.62
PERCENTAGE OF TOTAL FRONTAGE	2.4360		
2	BURCH JOHN H	ASSESSABLE FEET:	88.87
24-506-004-0009-00	3359 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3359. MILLARD AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$2,545.24
PERCENTAGE OF TOTAL FRONTAGE	4.2684		
3	PESCH RONALD E	ASSESSABLE FEET:	46.05
24-506-004-0008-00	3351 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3351. MILLARD AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,318.87
PERCENTAGE OF TOTAL FRONTAGE	2.2118		
4	PESCH RONALD ET AL	ASSESSABLE FEET:	60
24-506-004-0007-00	3351 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3343. MILLARD AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,718.40
PERCENTAGE OF TOTAL FRONTAGE	2.8818		
5	DILL GARY G/CARRIE L	ASSESSABLE FEET:	110
24-506-004-0005-00	3335 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3335. MILLARD AV MUSKEGON MI 49441-000		ESTIMATED P.O. COST:	\$3,150.40
PERCENTAGE OF TOTAL FRONTAGE	5.2832		
6	WELLISE TRUST	ASSESSABLE FEET:	100
24-506-004-0003-00	3307 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3307. MILLARD AV MUSKEGON MI 49441-000		ESTIMATED P.O. COST:	\$2,864.00
PERCENTAGE OF TOTAL FRONTAGE	4.8029		
7	HORTON DORIS J TRUST	ASSESSABLE FEET:	158.46
24-506-004-0001-00	3291 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3291. MILLARD AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$4,538.29
PERCENTAGE OF TOTAL FRONTAGE	7.6107		

MILLARD AVE., LAKE DUNES DRIVE TO END

8	RECKELL PETER	ASSESSABLE FEET:	90
24-156-000-0035-00	5901 WARNER AVE # 462	COST PER FOOT:	\$28.64
@ 3271.	MILLARD AV HUNTINGTON B CA 92649	ESTIMATED P.O. COST:	\$2,577.60
PERCENTAGE OF TOTAL FRONTAGE	<u>4.3226</u>		
9	DUTKIEWICZ PATRICK/JANICE	ASSESSABLE FEET:	85
24-156-000-0034-00	960 W SHERMAN BLVD	COST PER FOOT:	\$28.64
@ 3261.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,434.40
PERCENTAGE OF TOTAL FRONTAGE	<u>4.0825</u>		
10	MILLER BRUCE R/JUDITH A	ASSESSABLE FEET:	85
24-156-000-0033-00	3251 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3251.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,434.40
PERCENTAGE OF TOTAL FRONTAGE	<u>4.0825</u>		
11	MORGAN DANIEL K/ANN E	ASSESSABLE FEET:	89
24-156-000-0032-00	3401 LAKE DUNES DR	COST PER FOOT:	\$28.64
@ 3241.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,548.96
PERCENTAGE OF TOTAL FRONTAGE	<u>4.2746</u>		
12	MORGAN DANIEL K/ANN E	ASSESSABLE FEET:	56.14
24-156-000-0031-00	3401 LAKE DUNES DR	COST PER FOOT:	\$28.64
@ 3401.	LAKE DUNE MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,607.85
PERCENTAGE OF TOTAL FRONTAGE	<u>2.6964</u>		
13	BARKEL JOHN W/BARBARA J	ASSESSABLE FEET:	91
24-592-000-0006-00	3224 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3224.	MILLARD AV MUSKEGON MI 49441-160	ESTIMATED P.O. COST:	\$2,606.24
PERCENTAGE OF TOTAL FRONTAGE	<u>4.3707</u>		
14	OLSEN JOHN B	ASSESSABLE FEET:	80
24-592-000-0007-00	3236 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3236.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,291.20
PERCENTAGE OF TOTAL FRONTAGE	<u>3.8423</u>		

MILLARD AVE., LAKE DUNES DRIVE TO END

15	MORAN MICHAEL J	ASSESSABLE FEET:	80
24-592-000-0008-00	3246 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3246.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,291.20
PERCENTAGE OF TOTAL FRONTAGE	<u>3.8423</u>		
16	LANGLOIS ROBERT/KATHLEEN	ASSESSABLE FEET:	80
24-592-000-0009-00	3258 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3258.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,291.20
PERCENTAGE OF TOTAL FRONTAGE	<u>3.8423</u>		
17	HAMLIN TIMOTHY T	ASSESSABLE FEET:	75
24-506-002-0034-00	3268 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3268.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,148.00
PERCENTAGE OF TOTAL FRONTAGE	<u>3.6022</u>		
18	EDLUND EDWARD/ISLEY CAROL	ASSESSABLE FEET:	75.34
24-506-002-0032-00	3280 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3280.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,157.74
PERCENTAGE OF TOTAL FRONTAGE	<u>3.6185</u>		
19	LOCKE THOMAS A	ASSESSABLE FEET:	102.1
24-506-002-0030-00	3292 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3292.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,924.14
PERCENTAGE OF TOTAL FRONTAGE	<u>4.9038</u>		
20	MARS RICHARD A	ASSESSABLE FEET:	100
24-506-002-0028-00	3308 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3308.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,864.00
PERCENTAGE OF TOTAL FRONTAGE	<u>4.8029</u>		
21	CRANSTON EARL E	ASSESSABLE FEET:	110
24-506-002-0026-00	3336 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3334.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$3,150.40
PERCENTAGE OF TOTAL FRONTAGE	<u>5.2832</u>		

MILLARD AVE., LAKE DUNES DRIVE TO END

22	CRANSTON EARL E	ASSESSABLE FEET:	72.15
24-506-002-0025-00	3336 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3336.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,066.38
PERCENTAGE OF TOTAL FRONTAGE	<u>3.4653</u>		

23	LINE SUSAN	ASSESSABLE FEET:	70.45
24-506-002-0024-00	3340 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3340.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,017.69
PERCENTAGE OF TOTAL FRONTAGE	<u>3.3837</u>		

24	ASSELMEIER RICHARD D	ASSESSABLE FEET:	76
24-506-002-0023-00	3358 MILLARD AVE	COST PER FOOT:	\$28.64
@ 3358.	MILLARD AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,176.64
PERCENTAGE OF TOTAL FRONTAGE	<u>3.6502</u>		

25	HANNAHS MICHAEL/NANCY	ASSESSABLE FEET:	50.78
24-506-002-0022-00	20 N WARNER	COST PER FOOT:	\$28.64
@ 3372.	MILLARD AV FREMONT MI 49412	ESTIMATED P.O. COST:	\$1,454.34
PERCENTAGE OF TOTAL FRONTAGE	<u>2.4389</u>		

SUM OF ASSESSABLE FOOTAGE:	<u>2082.06</u>	SUM OF ESTIMATED P.O. COST:	\$59,630.20
TOTAL NUMBER OF ASSESSABLE PARCELS	25.00		

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Millard Ave.. Lake Dunes Drive to End

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 12TH DAY OF MARCH 2004.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2004.

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 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

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: 3291 MILLARD AVE
Parcel Number 24-506-004-0001-00
Assessable Frontage: 158.46 Feet
Estimated Front Foot Cost: \$28.64 per Foot

ESTIMATED TOTAL COST \$4,538.29

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 4
LOTS 1 & 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

Doris-Jane Horton

CoOwner/Spouse

Signature

Doris-Jane Horton

Signature

Address

3291 Millard

Address

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

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By MARCH 23, 2004

Project Number:	H 1520
Project Title:	MILLARD AVE.,LAKE DUNES DRIVE TO END
Project Description	NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address:	3280 MILLARD AVE		
Parcel Number	24-506-002-0032-00		
Assessable Frontage:	75.34	Feet	
Estimated Front Foot Cost:	\$28.64	per Foot	

ESTIMATED TOTAL COST **\$2,157.74**

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 2
LOT 32 &
W 1/2 LOT 33

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 Pauline O Wilson CoOwner/Spouse

Signature Carolyn A. Liden Signature

Address 3280 Millard St 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 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

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Assessment Information

Property Address: 3292 MILLARD AVE
Parcel Number 24-506-002-0030-00
Assessable Frontage: 102.1 Feet
Estimated Front Foot Cost: \$28.64 per Foot

ESTIMATED TOTAL COST \$2,924.14

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 2
LOTS 30 & 31

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner <u>Locke Thomas A.</u>	CoOwner/Spouse _____
Signature <u>Thomas A. Locke</u>	Signature _____
Address <u>3292 Millard</u>	Address _____

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

FORM 100-10-1

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By MARCH 23, 2004

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 3334 MILLARD AVE
Parcel Number 24-506-002-0026-00
Assessable Frontage: 110 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$3,150.40

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 2
ELY 10 FT LOT 25
& ALL LOT 26 & LOT 27

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 Earl H. Heston CoOwner/Spouse _____

Signature Earl H. Heston Signature _____

Address 3334 MILLARD Address _____

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

CITY OF MUSKEGON

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By MARCH 23, 2004

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description NEW CONSTRUCTION

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: 3336 MILLARD AVE
Parcel Number 24-506-002-0025-00
Assessable Frontage: 72.15 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$2,066.38

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
LOT 25
EX
ELY 10 FT BLK 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 Earl E. Cranston CoOwner/Spouse _____

Signature Earl E. Cranston Signature _____

Address 3336 MILLARD Address _____

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

CITY OF MUSKEGON

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **MARCH 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 3340 MILLARD AVE
Parcel Number 24-506-002-0024-00
Assessable Frontage: 70.45 Feet
Estimated Front Foot Cost: \$28.64 per Foot

ESTIMATED TOTAL COST \$2,017.69

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
LOT 24 BLK 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

A Susan Line

CoOwner/Spouse

Signature

A Susan Line

Signature

Address

3340 Millard

Address

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

ONE FROM

23

W. J. 2/16/04

Return This Card By **MARCH 23, 2004**

Project Number:	H 1520
Project Title:	MILLARD AVE.,LAKE DUNES DRIVE TO END
Project Description	NEW CONSTRUCTION

INSTRUCTIONS

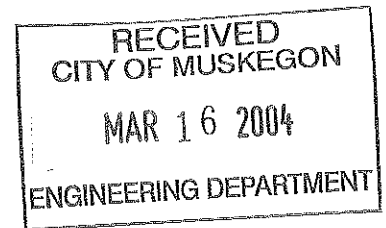
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Assessment Information

Property Address:	3358 MILLARD AVE	
Parcel Number	24-506-002-0023-00	
Assessable Frontage:	76	Feet
Estimated Front Foot Cost:	\$28.64	per Foot
ESTIMATED TOTAL COST	\$2,176.64	

Property Description

CITY OF MUSKGEON
LAKE MICHIGAN PARK SUB DIV # 1
LOT 23 BLK 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

Rassemeier

CoOwner/Spouse

Signature

Russell

Signature

Address

3358 Millard

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 23, 2004

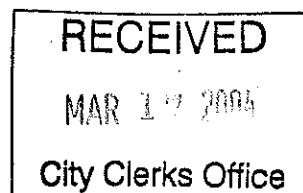
Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 3251 MILLARD AVE
Parcel Number 24-156-000-0033-00
Assessable Frontage: 85 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$2,434.40



Property Description

CITY OF MUSKEGON
BLUFFTON BAY ESTATES CONDOS
MUSKEGON COUNTY CONDOMINIUM PLAN #61
UNIT 33

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

Bruce R Miller

CoOwner/Spouse

Judith A Miller

Signature

BRM

Signature

Judith A Miller

Address

3251 Millard St

Address

3251 Millard St

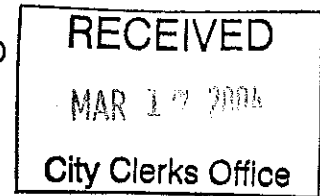
Thank you for taking the time to vote on this important issue.

MUSKEGON, ALABAMA

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION



INSTRUCTIONS

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Assessment Information

Property Address: 3241 MILLARD AVE
Parcel Number 24-156-000-0032-00
Assessable Frontage: 89 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$2,548.96

Property Description

CITY OF MUSKEGON
BLUFFTON BAY ESTATES CONDOS
MUSKEGON COUNTY CONDOMINIUM PLAN #61
UNIT 32

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 K. Morgan CoOwner/Spouse Ann E. Morgan
Signature Daniel K. Morgan Signature Ann E. Morgan
Address 3401 Lake Dunes Dr Address 3401 Lake Dunes Dr.

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

MILLARD AVE., LAKE DUNES DRIVE

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

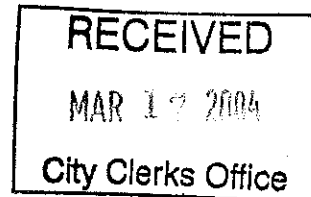
Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 3401 LAKE DUNES DR
Parcel Number 24-156-000-0031-00
Assessable Frontage: 56.14 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$1,607.85



Property Description

CITY OF MUSKEGON
BLUFFTON BAY ESTATES CONDOS
MUSKEGON COUNTY CONDOMINIUM PLAN #61
UNIT 31

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 K. Morgan CoOwner/Spouse

Signature Daniel K. Morgan Signature

Address 3401 Lake Dunes Dr. Address

Ann E. Morgan
Ann E. Morgan
3401 Lake Dunes Dr.

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

SCOTT A. LAMBERT, CLERK

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

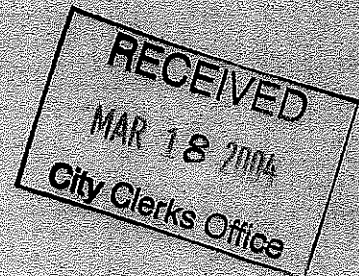
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Assessment Information

Property Address: 3261 MILLARD AVE
Parcel Number: 24-156-000-0034-00
Assessable Frontage: 85 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$2,434.40

Property Description

CITY OF MUSKEGON
BLUFFTON BAY ESTATES CONDOS
MUSKEGON COUNTY CONDOMINIUM PLAN #61
UNIT 34



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

PATRICK M. DUTKIEWICZ

Co-Owner/Spouse

JANICE DUTKIEWICZ

Signature

[Signature]

Signature

JANICE DUTKIEWICZ

Address

3261 MILLARD

Address

3261 MILLARD

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 23, 2004**

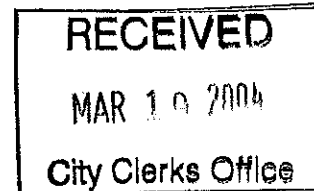
Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 3335 MILLARD AVE
Parcel Number 24-506-004-0005-00
Assessable Frontage: 110 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$3,150.40



Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 4
LOTS 5 & 6

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Gary Dill

CoOwner/Spouse

Carrie Dill

Signature

Gary Dill

Signature

Carrie Dill

Address

3335 Millard St.

Address

3335 Millard St.

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

DO NOT FOLD HERE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

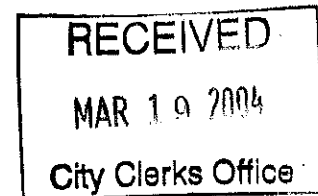
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Assessment Information

Property Address: 3308 MILLARD AVE
Parcel Number 24-506-002-0028-00
Assessable Frontage: 100 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$2,864.00

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 2
LOTS 28 & 29



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>Richard Mars</u>	CoOwner/Spouse	_____
Signature	<u>Richard Mars</u>	Signature	_____
Address	<u>3308 Millard</u>	Address	_____

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

HEARS (MCH 23) 2004

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **MARCH 23, 2004**

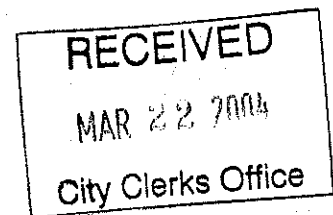
Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 3224 MILLARD AVE
Parcel Number 24-592-000-0006-00
Assessable Frontage: 91 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$2,606.24



Property Description

CITY OF MUSKEGON
MARINERS POINT
PART OF GOVT LOT 3
SEC 33 T10N R16W
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 John Barker
Signature [Signature]
Address 3224 Millard

CoOwner/Spouse Barbara J. Barker
Signature [Signature]
Address 3224 Millard Ave.

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

CITY OF MUSKEGON

13

We feel the current condition of the road keeps cars travelling a safe speed. A newly constructed road

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

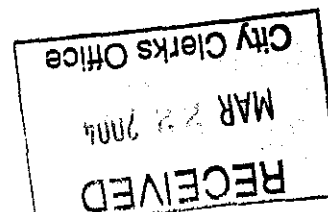
Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 3236 MILLARD AVE
Parcel Number 24-592-000-0007-00
Assessable Frontage: 80 Feet
Estimated Front Foot Cost: \$28.64 per Foot
ESTIMATED TOTAL COST \$2,291.20



MAR 22 2004

Property Description

CITY OF MUSKEGON
MARINERS POINT
PART OF GOVT LOT 3
SEC 33 T10N R16W
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 Mary S. Olson
Signature Mary S. Olson
Address 3236 Millard

CoOwner/Spouse _____
Signature _____
Address _____

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

CLERK/MAILED

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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Assessment Information

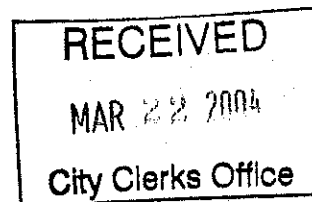
Property Address: 3373 MILLARD AVE
Parcel Number: 24-506-004-0011-00
Assessable Frontage: 50.72 Feet
Estimated Front Foot Cost: \$28.64 per Foot

ESTIMATED TOTAL COST \$1,452.62

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
BLK 4 LOT 11
EXC
THAT PT LYING ELY OF A LINE DESC AS
COM AT SE COR OF LOT 11

MAR 22 2004



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 CAROLE M. KOCH CoOwner/Spouse _____

Signature Carole M. Koch Signature _____

Address 3373 MILLARD ST. Address _____

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

FOR CAROLE M

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1520
Project Title: MILLARD AVE., LAKE DUNES DRIVE TO END
Project Description: NEW CONSTRUCTION

INSTRUCTIONS

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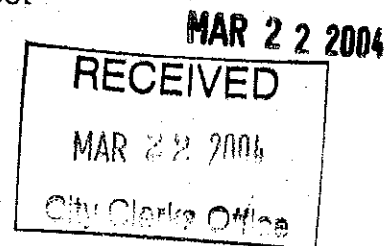
Assessment Information

Property Address: 3372 MILLARD AVE
Parcel Number 24-506-002-0022-00
Assessable Frontage: 50.78 Feet
Estimated Front Foot Cost: \$28.64 per Foot

ESTIMATED TOTAL COST \$1,454.34

Property Description

CITY OF MUSKEGON
LAKE MICHIGAN PARK SUB DIV # 1
LOT 22 BLK 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 MIKE HANNAHS

CoOwner/Spouse NANCY HANNAHS

Signature Mike Hannahs

Signature Nancy Hannahs

Address 2000 WARNER FREMONT

Address 2000 WARNER FREMONT MI

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

PAID BY MICHAEL HANCOCK

H-1520 MILLARD AVE TO THE WEST END - 2004

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

TOTAL NUMBER OF PARCELS =25												
FOR							OPPOSE					
	<u>FEET</u>	<u>PERCENTAGE</u>	LETTER#	ADD	STREET	PARCEL #	FT	LETTER#	ADD.	STREET	PARCEL #	FT
			10	3251	MILLARD	24-156-000-0033-00	85.00	13	3224	MILLARD	24-592-000-0006-00	91.00
			1	3373	MILLARD	24-506-004-0011-00	50.72	14	3236	MILLARD	24-592-000-0007-00	80.00
								11	3241	MILLARD	24-156-000-0032-00	89.00
TOTAL ASSESSABLE FRONT FOOTAGE	2082.06							9	3261	MILLARD	24-156-000-0034-00	85.00
								18	3280	MILLARD	24-506-002-0032-00	75.34
FRONT FEET OPPOSED	1099.28	52.80%						7	3291	MILLARD	24-506-004-0001-00	158.46
								19	3292	MILLARD	24-506-002-0030-00	102.10
RESPONDING FRONT FEET IN FAVOR	135.72	6.52%						20	3308	MILLARD	24-506-002-0028-00	100.00
								21	3334	MILLARD	24-506-002-0026-00	110.00
NOT RESPONDING - FRONT FEET IN FAVOR	847.06	40.68%						5	3335	MILLARD	24-506-004-0005-00	110.00
								22	3336	MILLARD	24-506-002-0025-00	72.15
TOTAL FRONT FEET IN FAVOR	982.78	47.20%						23	3340	MILLARD	24-506-002-0024-00	70.45
								24	3358	MILLARD	24-506-002-0023-00	76.00
								25	3372	MILLARD	24-506-002-0022-00	50.78
TOTALS							135.72	1099.28				

PETITION FOR PAVING

8-11-03

To the City Commission:

We, the undersigned property owners abutting on MILLARD Street, and comprising a majority of the property ownership, petition your Honorable Body to pave MILLARD between DEAD END and CORNER and in consideration of the benefits to be derived from the above mentioned improvement do hereby consent to such paving and hereby agree that the proportionate costs thereof be assessed against my property as a special assessment and agree to pay for the same.

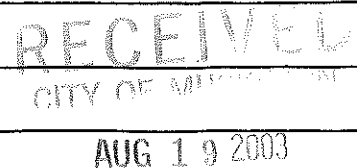
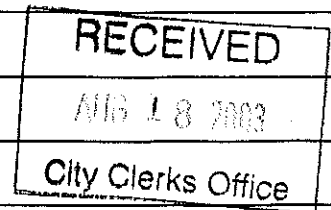
Petition circulated by Russell Reckel 755-2277

Note:

Where property is being purchased on contract, both parties must sign.

I talked to him on 2/26/04 @ 2:15 & he indicated that the proposed is acceptable to most who signed

NAME	PROPERTY ADDRESS	LOT	BLOCK	PROPERTY FRONT FOOTAGE
PAT DOTKIEWICZ	3261	MILLARD		85'
Aileen Langlois	3258	Millard		
Russell Reckel	3271	Millard		
John H. Burch	3359	Millard		
Carole M. Bach	3373	Millard		
Rick Asselmeier	3358	MILLARD		
Donald E. Burch	3351	MILLARD		
Donald E. Burch	3353	MILLARD		
DR Miller	3251	Millard		
Kathy Mann	3308	MILLARD		
Linda Van Lente	3363	MILLARD		
Gary Dill	3335	Millard		



ENGINEERING DEPT

Date: March 23, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Western Ave., Pine to Terrace

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Western Ave., Pine to Terrace 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.

Furthermore, should the district be created, your permission is requested to add this project onto the Shoreline Dr. project with Milbocker & Sons as a change order utilizing all applicable unit prices on said project.

FINANCIAL IMPACT:

Constriction cost plus related engineering cost.

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. 2004-31(c)

Resolution At First Hearing Creating Special Assessment District

For **Western Ave., Pine to Terrace**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 23, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 23, 2004**, there were 13.66% 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 Shepherd and 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 **24.96%** 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: Spataro, Warmington, Carter, Davis, 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 23, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

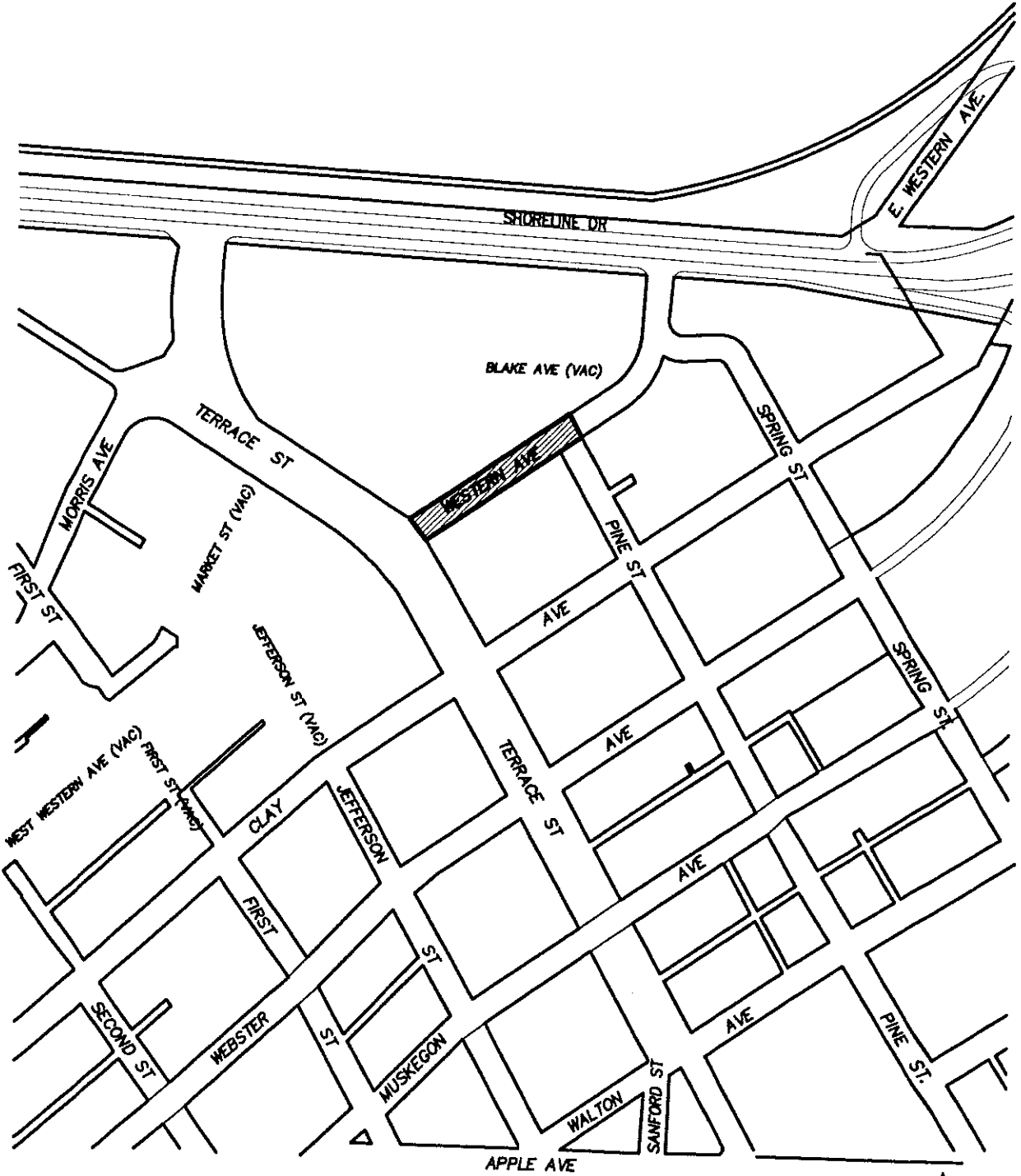
EXHIBIT A

WESTERN AVE., PINE TO TERRACE

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of All properties abutting Western Ave., Pine to
Terrace

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Western Ave., Pine St to Terrace St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 12TH DAY OF MARCH 2004.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
25th DAY OF March, 2004.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

ENGINEERING FEASIBILITY STUDY

For

WESTERN AVE., PINE TO TERRACE

The proposed improvement, RECONSTRUCTION, of **Western** from Pine to Terrace, see attached location map, was initiated by the city due to the conditions of the road. The existing pavement has deteriorated to a point where any other type improvements would not be feasible. Furthermore, the underground utilities such as water and sewer have been in the ground since the turn of the century. This project would complement the ongoing work on Shoreline Dr. The proposed improvement consists of the removal of existing pavement and the construction of a curb and gutter road as well as new utilities.

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

The preliminary cost estimate for the work associated with paving is approximately \$100,000 with the length of the project being approximately 600 lineal feet or 710' of assessable front footage. This translates into an estimated improvement cost of \$140 per assessable foot. The assessment figure will be at a cost not to exceed \$35.15 per assessable foot as established in the 2004 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

March 10, 2004

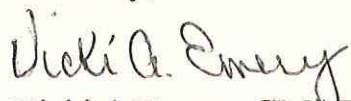
Mohammed Al-Shatel, City Engineer
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Western Avenue located between Terrace Street and Pine 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 10, 2004.

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. The proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$ 35.15 appears reasonable in light of our analysis that indicates a probable enhancement of \$36.00. 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 12, 2004

Dear :OWNERS NAME
OWNERS ADDRESS
OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on MARCH 23, 2004. If you attend this public hearing you will be given an opportunity to present your questions and potential concerns on the proposed special assessment district to the commission.

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

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

March 12, 2004

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 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:

WESTERN AVE., PINE ST. TO TERRACE ST.

The proposed special assessment district will be located as follows:

All parcels abutting Western Ave. from Pine St. to Terrace St.

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 23, 2004 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

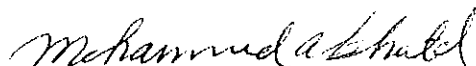
The total estimated cost of the street portion of the project is \$100,000.00 of which approximately 24.96% (\$24,965.29) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs 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
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1586
Project Title: WESTERN AVE., PINE ST. TO TERRACE ST.
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:	164.5 Feet
Estimated Front Foot Cost:	\$35.15 per Foot
ESTIMATED TOTAL COST	\$5,782.18

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 1 THRU 5 INCL AND LOTS 24 AND 25 BLOCK 175 SUBJ TO SEWER EASEMENTS OF RECORD CEZ CERT# 97-0001 BEG 12-30-1998 END 12-30-2003 ROLL BEG 1999 END 2003 24-931-097-0001-00

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.

CV-000001-0001

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**MILLARD AVE., LAKE DUNES DRIVE TO END
YUBA ST., EASTERN AVE. TO SUMNER ST.
AND
WESTERN AVE., PINE ST. TO TERRACE ST.**

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

All parcels abutting Millard Ave. from Lake Dunes Drive to End

All parcels abutting Yuba St. from Eastern Ave. to Sumner St.

And

All parcels abutting Western Ave. from Pine St. to Terrace St.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 23, 2004 AT 5:30 O'CLOCK P.M.**

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

By City Charter, if the owners of more than one-half of the 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 13, 2004**

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

SPECIAL ASSESSMENT

H 1586

RECONSTRUCTION

HEARING DATE

MARCH 23, 2004

WESTERN AVE., PINE ST. TO TERRACE ST.

1	MUSKEGON CONSTRUCTION	ASSESSABLE FEET:	164.5
24-205-175-0001-00	111 W WESTERN AVE	COST PER FOOT:	\$35.15
@ 111.0 W WESTERN A	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$5,782.18
PERCENTAGE OF TOTAL FRONTAGE	<u>23.1609</u>		

2	FIRST GENERAL CREDIT UNION	ASSESSABLE FEET:	97
24-205-175-0006-00	589 E ELLIS RD	COST PER FOOT:	\$35.15
@ 121.0 W WESTERN A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$3,409.55
PERCENTAGE OF TOTAL FRONTAGE	<u>13.6572</u>		

3	PROMISED LAND ASSOC	ASSESSABLE FEET:	67.25
24-205-175-0010-00	3315 REAL ST	COST PER FOOT:	\$35.15
@ 790.0 TERRACE S	HOUSTON TX 77087	ESTIMATED P.O. COST:	\$2,363.84
PERCENTAGE OF TOTAL FRONTAGE	<u>9.4685</u>		

4	CITY OF MUSKEGON	ASSESSABLE FEET:	381.5
24-205-556-0001-00	933 TERRACE ST	COST PER FOOT:	\$35.15
@ 750.0 TERRACE S	MUSKEGON MI 49443-053	ESTIMATED P.O. COST:	\$13,409.73
PERCENTAGE OF TOTAL FRONTAGE	<u>53.7135</u>		

SUM OF ASSESSABLE FOOTAGE:	<u>710.25</u>	SUM OF ESTIMATED P.O. COST:	\$24,965.29
TOTAL NUMBER OF ASSESSABLE PARCELS	4.00		

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1586
Project Title: WESTERN AVE., PINE ST. TO TERRACE ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

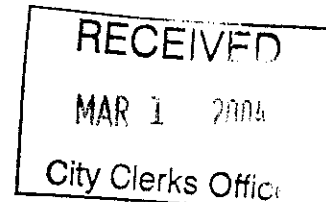
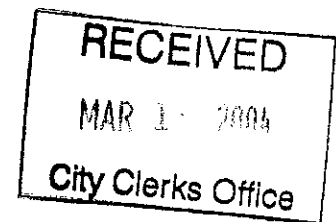
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Assessment Information

Property Address: 121 W WESTERN AVE
Parcel Number 24-205-175-0006-00
Assessable Frontage: 97 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$3,409.55

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 6 THRU 9 INCL BLK 175 CEZ CERT# 99-002 BEG 12-30-1999 END 12-30-2004 ROLL BEG 2000 END 2004 24-93T-099-0002-00



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 FIRST General Credit Union CoOwner/Spouse _____

Signature Dorothy M. Foster CEO Signature _____

Address 121 W Western Ave Address _____

Muskegon, MI 49441
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 23, 2004**

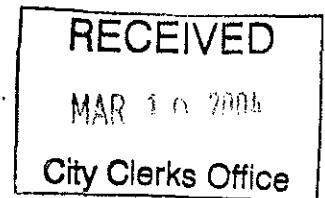
Project Number: H 1586
Project Title: WESTERN AVE., PINE ST. TO TERRACE ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 111 W WESTERN AVE
Parcel Number 24-205-175-0001-00
Assessable Frontage: 164.5 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$5,782.18



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOTS 1 THRU 5 INCL AND LOTS 24 AND 25 BLOCK 175 SUBJ TO SEWER EASEMENTS OF RECORD CEZ CERT# 97-0001 BEG 12-30-1998 END 12-30-2003 ROLL BEG 1999 END 2003 24-931-097-0001-00

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 Construction Co. CoOwner/Spouse _____

Signature [Signature] Signature _____

Address 111 W. Western Ave. Address _____

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

H-1586 - WESTERN AVE., PINE ST. TO TERRACE ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

		TOTAL NUMBER OF PARCELS =4									
		FOR					OPPOSE				
<u>FEET</u>	<u>PERCENTAGE</u>	LETTER#	ADD	STREET	PARCELL #	FT	LETTER#	ADD.	STREET	PARCELL #	FT
		1	111	WESTERN	24-205-175-0001-00	164.50	2	121	W. WESTERN	24-205-175-0006-00	97.00
TOTAL ASSESSABLE FRONT FOOTAGE	710.25										
FRONT FEET OPPOSED	97.00										
RESPONDING FRONT FEET IN FAVOR	164.50										
NOT RESPONDING - FRONT FEET IN FAVOR	448.75										
TOTAL FRONT FEET IN FAVOR	613.25										
TOTALS						164.50					

TABULATED AS OF: 03/23/04 05:08 PM

Date: March 23, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Yuba St., Eastern to Sumner

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Yuba St., Eastern to Sumner 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:

Constriction cost plus related engineering cost.

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 **Yuba St., Eastern to Sumner**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 23, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 23, 2004**, 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 **32.84%** 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 23, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ENGINEERING FEASIBILITY STUDY

For

YUBA ST., EASTERN TO SUMNER

The proposed improvement, RECONSTRUCTION, of **Yuba St. from Eastern to Sumner**, see attached location map, was initiated by the city due to the conditions of the road. The existing pavement has deteriorated to a point where any other type improvements would not be feasible especially since the proposed improvements includes the replacement of an 8" watermain along with services. The proposed improvement consists of the removal of existing pavement and the construction of a curb and gutter road as well as new utilities.

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

The preliminary cost estimate for the work associated with paving is approximately \$250,000 with the length of the project being approximately 1400 lineal feet or 2336' of assessable front footage. This translates into an estimated improvement cost of \$107 per assessable foot. The assessment figure will be at a cost not to exceed \$35.15 per assessable foot as established in the 2004 Special Assessment for this type of improvement

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

February 25, 2004

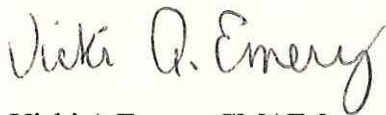
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstructing of Yuba Street between Eastern Avenue and Sumner 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 February 25, 2004.

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 \$35.15 for the reconstructing of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$36.21. 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

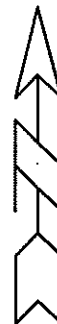
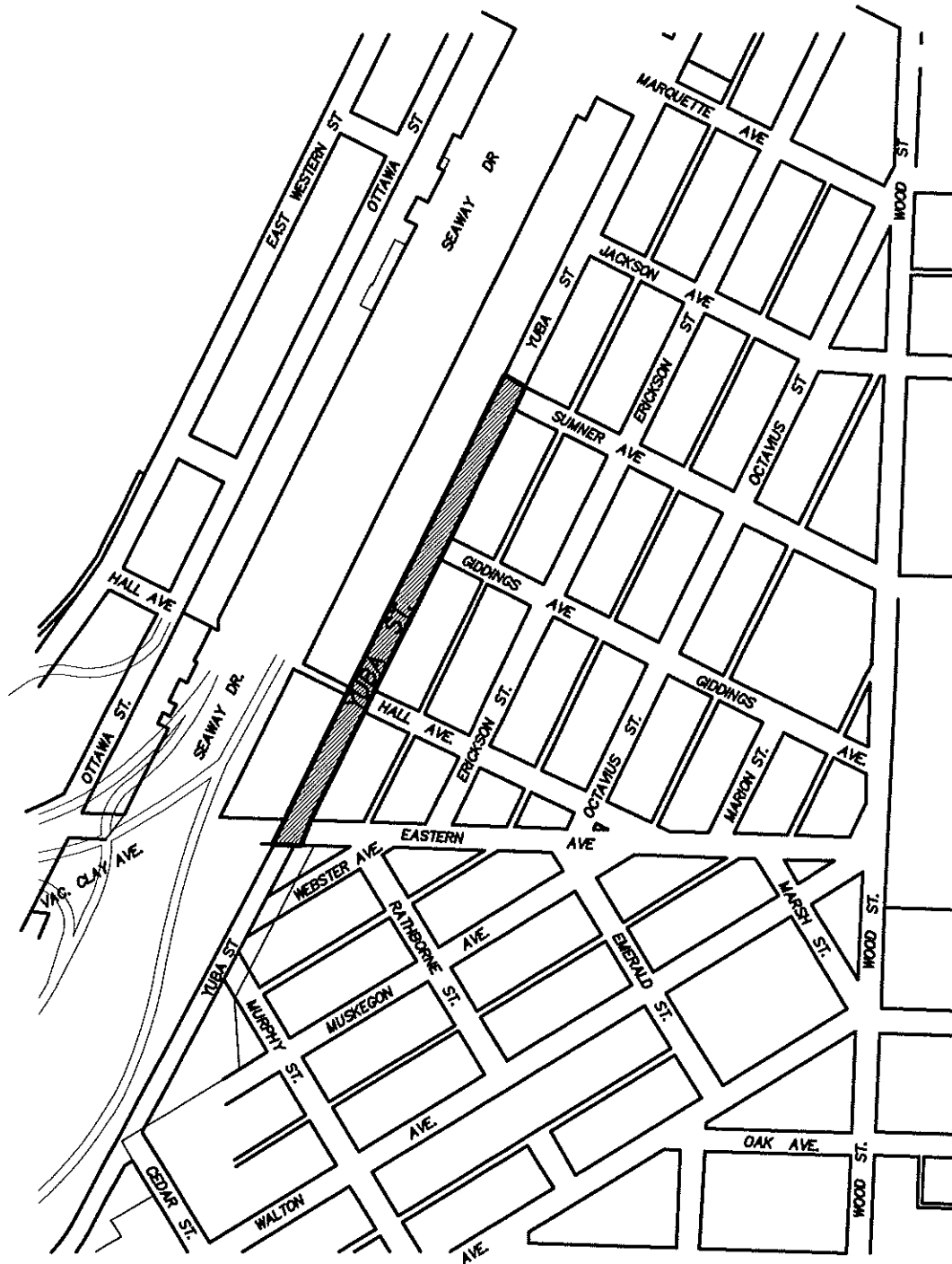
EXHIBIT A

YUBA ST., EASTERN TO SUMNER

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **All properties abutting Yuba St., Eastern to Sumner**

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE

March 12, 2004

Dear :OWNERS NAME
OWNERS ADDRESS
OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on MARCH 23, 2004. If you attend this public hearing you will be given an opportunity to present your questions and potential concerns on the proposed special assessment district to the commission.

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

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

March 12, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 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:

YUBA ST., EASTERN AVE. TO SUMNER ST.

The proposed special assessment district will be located as follows:

All parcels abutting Yuba St. from Eastern Ave. to Sumner St.

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 23, 2004 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

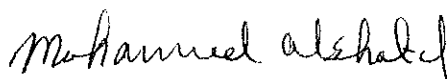
The total estimated cost of the street portion of the project is \$250,000.00 of which approximately 32.84% (\$82,110.40) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs 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

OWNERS NAME
OWNERS ADDRESS

OWNERS CITY OWNE OWNERS
 RS ZIPCODE
 STATE

CITY CLERK
933 Terrace Street
P.O. Box 536-CITY HALL
Muskegon, MI 49443-0536

**CITY OF MUSKEGON
STREET- H-1581
YUBA ST., EASTERN AVE. TO SUMNER ST.
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 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2003

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
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.

**CITY OF MUSKEGON
STREET- H-1581
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Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**MILLARD AVE., LAKE DUNES DRIVE TO END
YUBA ST., EASTERN AVE. TO SUMNER ST.
AND
WESTERN AVE., PINE ST. TO TERRACE ST.**

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

All parcels abutting Millard Ave. from Lake Dunes Drive to End

All parcels abutting Yuba St. from Eastern Ave. to Sumner St.

And

All parcels abutting Western Ave. from Pine St. to Terrace St.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **MARCH 23, 2004 AT 5:30 O'CLOCK P.M**

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

By City Charter, if the owners of more than one-half of the 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 13, 2004**

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

SPECIAL ASSESSMENT

H 1581

RECONSTRUCTION

HEARING DATE

MARCH 23, 2004

YUBA ST., EASTERN AVE. TO SUMNER ST.

1	FREYE & FREYE LLC	ASSESSABLE FEET:	178
24-205-168-0011-00	33 LEDGEMERE RD	COST PER FOOT:	\$35.15
@ 665.0 YUBA ST	WINTHROP ME 04364	ESTIMATED P.O. COST:	\$6,256.70
2	CITY OF MUSKEGON	ASSESSABLE FEET:	188
24-205-168-0014-00	933 TERRACE ST	COST PER FOOT:	\$35.15
@ 653.0 YUBA ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$6,608.20
3	CITY OF MUSKEGON	ASSESSABLE FEET:	89
24-205-160-0009-00	933 TERRACE ST	COST PER FOOT:	\$35.15
@ 599.0 YUBA ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$3,128.35
4	JONES ROLAND	ASSESSABLE FEET:	219
24-205-160-0010-00	11182 LAKE DR	COST PER FOOT:	\$35.15
@ 595.0 YUBA ST	IDLEWILD MI 49642-955	ESTIMATED P.O. COST:	\$7,697.85
5	BARNHART JUDY A	ASSESSABLE FEET:	144
24-205-160-0015-00	3564 CENTRAL RD	COST PER FOOT:	\$35.15
@ 563.0 YUBA ST	N MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$5,061.60
6	AIKENS CHARLIE L	ASSESSABLE FEET:	99
24-205-155-0008-00	1223 LEONARD	COST PER FOOT:	\$35.15
@ 543.0 YUBA ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$3,479.85
7	WILLIAMS LAWRENCE	ASSESSABLE FEET:	66
24-205-155-0009-00	375 MONROE AVE	COST PER FOOT:	\$35.15
@ 535.0 YUBA ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,319.90

YUBA ST., EASTERN AVE. TO SUMNER ST.

8	CITY OF MUSKEGON	ASSESSABLE FEET:	66
24-205-155-0010-00	933 TERRACE ST	COST PER FOOT:	\$35.15
@ 523.0 YUBA ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$2,319.90
9	JONES NATHAN	ASSESSABLE FEET:	99
24-205-155-0011-00	515 YUBA ST	COST PER FOOT:	\$35.15
@ 515.0 YUBA ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$3,479.85
10	MARTIN KENNETH	ASSESSABLE FEET:	132
24-205-155-0013-00	505 YUBA ST	COST PER FOOT:	\$35.15
@ 505.0 YUBA ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$4,639.80
11	CITY OF MUSKEGON	ASSESSABLE FEET:	264
24-205-167-0001-00	933 TERRACE ST	COST PER FOOT:	\$35.15
@ 650.0 YUBA ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$9,279.60
12	CITY OF MUSKEGON	ASSESSABLE FEET:	132
24-205-161-0005-00	933 TERRACE ST	COST PER FOOT:	\$35.15
@ 196.0 HALL AVE	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$4,639.80
13	COLEMAN JOHN	ASSESSABLE FEET:	132
24-205-161-0003-00	3735 HIGHGATE RD	COST PER FOOT:	\$35.15
@ 588.0 YUBA ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$4,639.80
14	NEW HOPE BAPTIST CHURCH	ASSESSABLE FEET:	132
24-205-161-0001-00	233 GIDDINGS AVE	COST PER FOOT:	\$35.15
@ 564.0 YUBA ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$4,639.80

YUBA ST., EASTERN AVE. TO SUMNER ST.

15	BURT JAMES L	ASSESSABLE FEET:	99
24-205-154-0006-00	544 YUBA ST	COST PER FOOT:	\$35.15
@ 544.0 YUBA ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$3,479.85</u>

16	REED NOBIE L/MCINTOSH VERN	ASSESSABLE FEET:	99
24-205-154-0004-00	530 YUBA ST	COST PER FOOT:	\$35.15
@ 530.0 YUBA ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$3,479.85</u>

17	WILLIAMS FRANK/CAROLYN	ASSESSABLE FEET:	99
24-205-154-0003-00	516 YUBA ST	COST PER FOOT:	\$35.15
@ 516.0 YUBA ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$3,479.85</u>

18	BURT ARTHUR	ASSESSABLE FEET:	99
24-205-154-0001-00	500 YUBA ST	COST PER FOOT:	\$35.15
@ 500.0 YUBA ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$3,479.85</u>

SUM OF ASSESSABLE FOOTAGE:	<u>2336.00</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$82,110.40</u>
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TOTAL NUMBER OF ASSESSABLE PARCELS	18.00
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AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Yuba St.. Eastern to Sumner.

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 12TH DAY OF MARCH 2004.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2004.

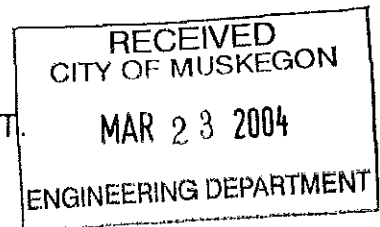
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES _____

HEARING RESPONSE CARD

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

Return This Card By: MARCH 9, 2004

Project Number: H 1581
Project Title: YUBA ST., EASTERN AVE. TO SUMNER ST.
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

Assessment Information

Property Address: 563 YUBA ST
Parcel Number: 24-205-160-0015-00
Assessable Frontage: 144 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$5,061.60

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
NLY 12 FT OF LOT 14
ALL LOTS 15 16 17 BLK 160
ALSO S 1/2 VAC GIDDINGS AVE ADJ

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

Judy A. Barnhart

CoOwner/Spouse

Signature

Judy A. Barnhart

Signature

Address

*3564 Central Rd
Muskegon, MI 49445*

Address

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

*Road dug up
about 4 years ago.
for sewer contract
used my land for
storage - they
should have
put water in
then.*

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

Project Number: H 1581
Project Title: YUBA ST., EASTERN AVE. TO SUMNER ST.
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.

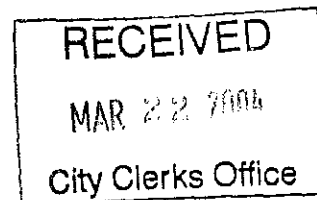
Assessment Information

Property Address: 530 YUBA ST
Parcel Number 24-205-154-0004-00
Assessable Frontage: 99 Feet
Estimated Front Foot Cost: \$35.15 per Foot

ESTIMATED TOTAL COST \$3,479.85

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 4 & N 1/2 LOT 5 BLK 154



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 Nobie Reed
Signature Nobie Reed
Address 530 Yuba St.

CoOwner/Spouse Maria McIntosh
Signature [Signature]
Address 530 Yuba St

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

CITY OF MUSKEGON

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **MARCH 23, 2004**

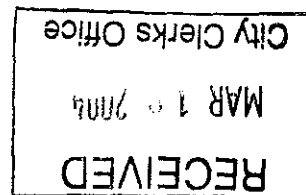
Project Number: H 1581
Project Title: YUBA ST., EASTERN AVE. TO SUMNER ST.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 543 YUBA ST
Parcel Number 24-205-155-0008-00
Assessable Frontage: 99 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$3,479.85



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 1/2 LOT 7 ALL LOT 8 &
N 1/2 VAC GIDDINGS AVE ADJ BLK 155

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

Charlie Aikens

CoOwner/Spouse

Cynthia Aikens

Signature

Charlie Aikens

Signature

Cynthia Aikens

Address

1233 LEONARD AVENUE
MUSKEGON, MI 49442

Address

1233 LEONARD AVENUE
MUSKEGON, MI 49442

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 23, 2004**

Project Number: H 1581
Project Title: YUBA ST., EASTERN AVE. TO SUMNER ST.
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: 544 YUBA ST
Parcel Number 24-205-154-0006-00
Assessable Frontage: 99 Feet
Estimated Front Foot Cost: \$35.15 per Foot

ESTIMATED TOTAL COST \$3,479.85

MAR 23 2004

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 1/2 LOT 5 LOT 6 BLK 154

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 JAMES BURT
Signature James Burt
Address 544 YUBA ST

CoOwner/Spouse DIANE BURT
Signature Diane Burt
Address 544 YUBA 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 23, 2004**

Project Number: H 1581
Project Title: YUBA ST., EASTERN AVE. TO SUMNER ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 500 YUBA ST
Parcel Number 24-205-154-0001-00
Assessable Frontage: 99 Feet
Estimated Front Foot Cost: \$35.15 per Foot

ESTIMATED TOTAL COST \$3,479.85

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 1 & N 1/2 LOT 2 BLK 154

MAR 23 2004

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

ARTHUR BURT

CoOwner/Spouse

EVELYN BURT

Signature

DECEASED

Signature

Evelyn Burt

Address

Address

500 YUBA ST

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

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

TABULATED AS OF: 03/23/04 05:09 PM

Commission Meeting Date: March 16, 2004

Date: March 24, 2004
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: 2004 – 2005 CDBG/HOME Allocations.

SUMMARY OF REQUEST: To accept the administrations and Citizens District Councils recommendation in regards to the 2004 – 2005 CDBG/HOME anticipated entitlement and to make the Commissions preliminary allocation decision. The Commission is scheduled to make their final decision regarding the 2004-2005 CDBG/ Home allocation entitlement during the Public Hearing scheduled for April 13, 2004

FINANCIAL IMPACT: Uncertain at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the administration recommendation.

COMMITTEE RECOMMENDATION: The Citizen District Council has made their recommendations. (See attached spreadsheet.)

2004 - 2005 CDBG / HOME ACTIVITY

Community Development Block Grant

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>		<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1 Muskegon Community Health Project <i>"Miles for Smile Dental Services"</i>	\$ 8,000.00 *		\$ 7,000.00	\$ 7,000.00		
2 West Michigan Veterans <i>Veterans Assistance</i>	5,000.00 *		5,000.00	5,000.00		
3 Pioneer Resources <i>Rec for People w/disabilities</i>	4,800.00 *		2,500.00	2,500.00		
4 HealthCare <i>Health screening to low-income</i>	7,225.00 *		6,000.00	5,000.00		
5 American Red Cross <i>Senior Transportation</i>	5,000.00 *		5,000.00	5,000.00		
6 Volunteer Muskegon <i>Youth Survey/Mapping</i>	5,000.00 *		2,500.00	-		
7 Volunteer Muskegon <i>Keep Kids in School Truancy</i>	5,000.00 *		2,500.00	5,000.00		
8 Legal Aid of Western Michigan <i>Counseling/Legal Education</i>	43,302.00 *		9,000.00	9,000.00		
9 Family Services Center, Inc <i>DAD'S</i>	10,000.00 *		5,000.00	6,000.00		
10 Lakeshore Fair Housing Alliance <i>Fair Housing</i>	10,000.00 *		7,000.00	6,000.00		
11 Muskegon Public Schools <i>Software</i>	15,000.00 *		7,500.00	8,500.00		
12 Neighborhood Invest Corp <i>Mainstreet</i>	6,500.00 *		2,500.00	2,500.00		
13 Muskegon Retirement Apartment Inc <i>Fire Code Compliance</i>	10,200.00 *		5,000.00	5,000.00		

Community Development Block Grant

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
14 Community and Neighborhood Services <i>Siding Program</i>	\$ 210,000.00	\$ 170,000.00	\$ 170,000.00		
15 Fire/Inspection <i>Dangerous Building/Demolition</i>	155,000.00	60,000.00	60,000.00		
16 Community and Neighborhood Services <i>Emergency Rehabilitation</i>	215,000.00	180,000.00	180,000.00		
17 Community and Economic Development <i>Façade Improvement</i>	20,000.00	-	-		
18 Community and Neighborhood Services <i>CDBG Administration</i>	187,000.00 **	175,000.00	175,000.00		
19 Community and Neighborhood Services <i>Rehab Service Delivery</i>	125,000.00	118,000.00	118,000.00		
20 Engineering / CNS <i>Sidewalk Assessment Relief</i>	50,000.00	35,000.00	35,000.00		
21 Engineering / CNS <i>Street Assessment Relief</i>	80,000.00	45,000.00	45,000.00		
22 Leisure Services <i>Youth recreation</i>	80,000.00 *	70,000.00	70,000.00		
23 Finance Dept <i>Repayment of Shoreline Dr. Bond</i>	245,000.00	245,000.00	245,000.00		
24 City Planning <i>Lot Clean-up</i>	40,000.00	35,000.00	35,000.00		
25 City Planning <i>Code Enforcement</i>	45,000.00	40,000.00	40,000.00		
26 DPW <i>Senior Transit</i>	56,784.00 *	46,500.00	46,500.00		

Community Development Block Grant

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
Total CDBG Request	1,643,811.00				
Total CDBG Allocated + PI \$75,000	1,287,000.00	1,287,000.00	1,287,000.00	1,287,000.00	\$ 1,287,000.00
Recommendations	1,287,000.00	1,286,000.00	1,286,000.00	0.00	\$ -
Allocated/Request Difference	\$ (356,811.00)	1000.00	\$ 1,000.00	\$ 1,287,000.00	\$ 1,287,000.00
Total Amt of Public Service*	215,027.00	136,500.00	136,500.00		
Public Service mandated Amt < or = to 15%	193,050.00	193,050.00	193,050.00	193,050.00	\$ 193,050.00
Difference	\$ (21,977.00)	\$ 56,550.00	\$ 56,550.00	\$ 193,050.00	\$ 193,050.00
Total Amt of City Administration Request**	187,000.00	175,000.00	175,000.00	0.00	\$ -
Administrative mandated Amt < 20%	257,400.00	257,400.00	257,400.00	257,400.00	\$ 257,400.00
Difference	\$ 70,400.00	\$ 82,400.00	\$ 82,400.00	\$ 257,400.00	\$ 257,400.00

HOME

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1 Community and Neighborhood Services <i>Tax-Reverted Rehabilitation</i>	75,000.00	75,000.00	\$ 75,000.00		
2 Community and Neighborhood Services <i>HOME Infill Program</i>	85,000.00	80,000.00	\$ 80,000.00		
3 Community and Neighborhood Services <i>HOME Administration</i>	33,700.00 ***	33,700.00	\$ 33,700.00		
4 <i>Neighborhood Investment Corp</i> <i>Housing Rehab, Neighborhood Imp.</i>	\$ 100,000.00 ****	\$ 80,000.00	\$ 80,000.00		
5 Habitat For Humanity <i>Acquisition/Rehab</i>	50,000.00 ****	47,000.00	\$ 47,000.00		
6 Trinity Village Non-Profit Housing Corp <i>Single-Family Acquisition</i>	25,000.00 ****	22,000.00	\$ 22,000.00		
Total Amt of HOME Request	\$ 368,700.00	\$ 337,700.00	\$ 337,700.00		-
HOME Allocation	337,937.00	\$ 337,937.00	\$ 337,937.00		
Reprogram Funds					
Total Amt Home Available	337,937.00	337,937.00	\$ 337,937.00		
Total Amt Difference	\$ (30,763.00)	\$ 237.00	237.00		\$ -
Total Amt of HOME Administration ***	\$ 33,700.00	\$ 33,700.00	\$ 33,700.00		
<i>Total Amt mandated = 10%</i>	\$ 33,700.00	\$ 33,700.00	\$ 33,700.00		
Difference	\$ -	\$ -	\$ -	\$ -	\$ -
Total amt of HOME CHDO request ****	\$ 175,000.00	\$ 149,000.00	\$ 149,000.00		
Total Amt mandated 15%	50,690.00	50,690.00	50,690.00	50,690.00	50,690.00
Difference	\$ (124,310.00)	\$ (98,310.00)	\$ (98,310.00)	\$ 50,690.00	\$ 50,690.00

NOTE

*Public Service, **City CDBG Administration, ***HOME Administration, ****CHDO Request

Q:\CNS\Common\Excel\04.05_Act

Commission Meeting Date: March 23, 2004

Tabled

Date: March 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at 955 W. Laketon.

SUMMARY OF REQUEST:

Request to rezone property located at 955 W. Laketon, from B-4, General Business to RT, Two 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 3/11 meeting and recommended that the City Commission ask the ZBA to reconsider the hardship application for this property. The denial request was approved with Commissioners S. Warmington, B. Smith, and T. Michalski voting nay. T. Johnson was absent.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 3/23/04

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: March 16, 2004
RE: Public Safety Administration Salary Ranges

SUMMARY OF REQUEST:

To approve the salary ranges for the Director of Public Safety and the Deputy Director of Public Safety for Fire Services.

FINANCIAL IMPACT:

Included in the net savings of \$100,000 for Public Safety Administrative consolidation.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the salary ranges.

COMMITTEE RECOMMENDATION:

The City Commission has previously endorsed the Public Safety Administration concept.

ADMINISTRATIVE/TECHNICAL/PROFESSIONAL/SUPERVISORY
SALARY RANGES
EFFECTIVE 3/28/2004

	<u>MINIMUM SALARY</u>	<u>MAXIMUM SALARY</u>
<u>RANGE I - A</u>	\$67,302	\$89,736
Director of Public Safety		
<u>RANGE III</u>	\$53,220	\$70,817
Deputy Director of Public Safety for Fire Services		

2004
NON-REPRESENTED EMPLOYEES SALARY SCHEDULE

SALARY SCHEDULE
 11 STEPS

<u>CLASSIFICATION</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>	<u>STEP 5</u>	<u>STEP 6</u>	<u>STEP 7</u>	<u>STEP 8</u>	<u>STEP 9</u>	<u>STEP 10</u>	<u>STEP 11</u>
RANGE I-A	67,302	69,545	71,789	74,032	76,276	78,519	80,762	83,006	85,249	87,493	89,736
RANGE I	62,910	65,007	67,104	69,201	71,298	73,396	75,493	77,590	79,687	81,784	83,881
RANGE II-A	58,097	60,034	61,970	63,907	65,843	67,780	69,717	71,653	73,590	75,526	77,463
RANGE II-B	55,658	57,506	59,354	61,203	63,051	64,899	66,747	68,595	70,444	72,292	74,140
RANGE III	53,220	54,980	56,739	58,499	60,259	62,019	63,778	65,538	67,298	69,057	70,817
RANGE IV	45,844	47,372	48,900	50,428	51,956	53,485	55,013	56,541	58,069	59,597	61,125
RANGE V	43,878	45,341	46,804	48,267	49,730	51,193	52,655	54,118	55,581	57,044	58,507
RANGE VI	41,123	42,494	43,865	45,236	46,607	47,978	49,349	50,720	52,091	53,462	54,833
RANGE VII-A	38,061	39,330	40,599	41,868	43,137	44,406	45,675	46,944	48,213	49,482	50,751
RANGE VII-B	35,719	36,910	38,101	39,292	40,483	41,674	42,865	44,056	45,247	46,438	47,629
RANGE VIII	33,698	34,822	35,945	37,069	38,192	39,316	40,439	41,563	42,686	43,810	44,933
RANGE IX	29,694	30,684	31,674	32,663	33,653	34,643	35,633	36,623	37,612	38,602	39,592
RANGE X	27,538	28,456	29,374	30,293	31,211	32,129	33,047	33,965	34,884	35,802	36,720
RANGE XI	25,076	25,912	26,748	27,584	28,420	29,256	30,092	30,928	31,764	32,600	33,436

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 3/23/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 17, 2004

RE: Terminate Seaway Industrial Park Purchase Agreement

SUMMARY OF REQUEST:

To terminate the Real Estate Purchase Agreement and Development Agreement with Seaway Industrial Park, L.C., (Grooters).

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the termination of the agreements.

COMMITTEE RECOMMENDATION:

None.

2002-108 (c17)

9-24-02

FINAL
09/24/02

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made October 30, 2002, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **SEAWAY INDUSTRIAL PARK, L.C.**, a Michigan limited liability company, with offices at 4633 Patterson, S.E., Suite B, Grand Rapids, Michigan 49512 ("Buyer").

1. **General Agreement and Description of Premises.** Upon the terms and conditions of this Agreement, 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:

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 upon disclosure and review of the same.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be as follows:

- a. At and upon closing, Buyer shall pay Seller Four Hundred Twenty Thousand Dollars (\$420,000.00) for the Premises.

3. **Taxes and Assessments.** Seller shall be responsible for taxes and assessments (general and special) that are due and payable at the time of Closing. Buyer shall be responsible for taxes, if any, which become due and payable after closing.

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, within ten (10) days after the Effective Date, 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 to the Premises on the conditions required herein. In the event the reservations, restrictions, easements or other matters of record disclosed by said title commitment are, in the sole discretion of Buyer, deemed unacceptable, Seller shall have fifteen (15) days from the date Seller is notified in writing of such title objections to remedy such objections to Buyer's satisfaction. If Seller resolves such title objections and remedies the title (by obtaining satisfactory title insurance or otherwise effecting curative measures acceptable to Buyer) within the time specified, Buyer agrees to complete this sale as herein provided, assuming all other contingencies are satisfied in Buyer's judgment or are waived by Buyer. If Seller fails to resolve

such title objections within the time above specified to Buyer's satisfaction or, fails to obtain satisfactory title insurance to Buyer's satisfaction, 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 Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to Seller, Buyer covenants and agrees to construct on the Premises one (1) building with a total of 140,000 square feet, up to all applicable codes. The square footage requirement will be reduced to the extent Seller's parking requirements prohibit meeting the square footage requirement. The building shall be constructed within twelve (12) months of the closing of this transaction and the issuance by the City of the necessary permits for the construction of the building. Buyer may only remove those trees necessary for construction of the building and entranceways. The building shall be substantially completed as provided within the time frames provided above and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the reasonable judgment of the Seller, the Seller's sole recourse shall be to proceed against the Guaranty Document as described in the Development Agreement City of Muskegon Renaissance Zone of even date herewith between Seller and Buyer (the "Development Agreement"). The covenants in this paragraph shall survive the closing and run with the land.

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

7. **Environmental Inspection.** At its own cost and expense, Buyer and its agents shall have the right, but not the obligation, to enter the Property to perform environmental investigations, studies, and tests which are permitted hereunder, to determine the environmental condition of the Property ("Environmental Inspection"); provided, however, that for purposes of conducting any environmental investigation, Buyer and its agents shall notify Seller, which shall have the option of accompanying Buyer or its agents during such Environmental Inspection. The Environmental Inspection shall be completed within twenty (20) days of execution of this Agreement, and Buyer shall have the right to obtain any BEA determination it deems appropriate. If Buyer is dissatisfied, in its sole discretion, with the Environmental Inspection, it may terminate this Agreement with no further obligations.

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 IF

BUYER ACQUIRES THE PREMISES, THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER WILL ACKNOWLEDGE AT AND UPON CLOSING THAT IT 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 EXCEPT FOR SUCH MATTERS AS HAVE BEEN DISCLOSED IN THE ENVIRONMENTAL REPORTS ON THE FORMER SMITH PACKING PROPERTY AND THE FORMER NORDSTROM/NEILSEN PROPERTIES WHICH HAVE BEEN FURNISHED OR MADE KNOWN TO BUYER, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE OTHERWISE FOUND AND UNLESS SELLER MISREPRESENTED ITS KNOWLEDGE.

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 within thirty (30) days of execution of this Agreement ("Closing"), subject to Buyer's right to extend Closing for an additional thirty (30) days upon written notice to Seller. The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

11. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises and shall pay any transfer taxes due and owing. Such conveyance shall include all splits or division rights with respect to 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 all applicable transfer taxes, 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. The parties shall equally split the Transnation Title closing fee. Each party shall pay its own attorney fees.

15. **Contingencies.** Buyer's obligations under this Agreement are subject to and contingent upon satisfaction by Buyer in its sole discretion (or written waiver by Buyer) of the following conditions:

Approval of Renaissance Zone status of the Premises (and the property described in subparagraph 15.b. hereof) by the City of Muskegon and the State of Michigan Renaissance Zone Review Board no later than December 31, 2002;

In the event one or more of these conditions are not satisfied or waived, this Agreement shall automatically terminate with neither party having any further obligation to the other.

16. **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 with respect to the subject matter hereof are merged into this Agreement, which alone fully and completely expresses the agreement of the parties with respect to the subject matter hereof.

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. Buyer shall have the right to assign this Agreement to one of its affiliates so long as Robert D. Grooters owns a controlling interest in such affiliate. Except as stated, there are no third party beneficiaries of this agreement.

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.

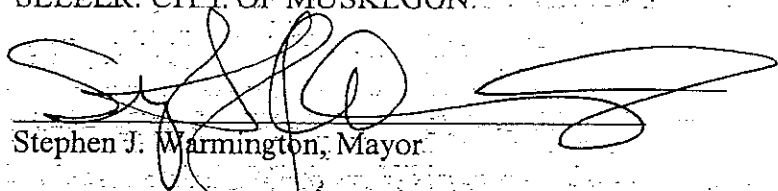
h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

i. **Authority.** Each party represents and warrants to the other that the persons executing and delivering this Agreement on their behalf are duly authorized to do so.

j. **Effective Date.** The Effective Date of this Agreement is the date that the last party hereto signs this Agreement.

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

SELLER: CITY OF MUSKEGON

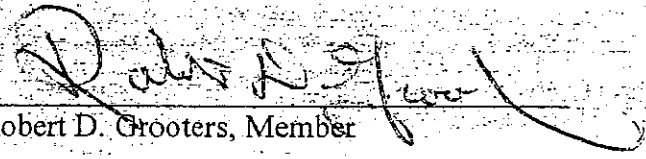

Stephen J. Warmington, Mayor


Gail A. Kunding, Clerk

10/30/12

BUYER:

SEAWAY INDUSTRIAL PARK, L. C.

By 
Robert D. Grooters, Member

#724776

EXHIBIT A

Description of property in the Seaway Industrial Park for development :

Easterly 200 feet of the West 426.07 feet of South 546.5 feet of Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 31 Town 10 North, Range 16 West, except the South 49.5 feet thereof.

Except that part which lies East of a line described as: Commencing at the West $\frac{1}{4}$ corner of Section 31, Town 10 North, Range 16 West, City of Muskegon, Muskegon County, Michigan thence South $89^{\circ} 49' 59''$ East 1231.46 feet along South line of the Northwest fractional $\frac{1}{4}$ of said Section 31 for point of beginning, being North $89^{\circ} 49' 59''$ West 120.43 feet from the Southeast corner of the West 426.07 feet of the South 546.5 feet of the Southeast $\frac{1}{4}$ of said Northwest fractional $\frac{1}{4}$ of Section 31. Thence North $00^{\circ} 10' 01''$ East 73.00 feet; thence Northerly 111.86 Feet on a 303.00 foot radius curve to the Right, $\Delta=21^{\circ} 09' 11''$, Long Chord bearing North $10^{\circ} 44' 36''$ East 111.23 feet; thence North $21^{\circ} 19' 12''$ East 50.00 feet; thence Northerly 87.50 feet on a 237.00 foot radius curve to the left; $\Delta=21^{\circ} 09' 11''$, Long Chord bearing North $10^{\circ} 44' 36''$ East 87.00 feet; thence North $00^{\circ} 10' 01''$ East 132.00 feet; thence North $89^{\circ} 49' 59''$ West 34.00 feet; thence North $00^{\circ} 10' 01''$ East 100.00 feet for point of ending on the North line of said South 546.5 feet of the Southeast $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$ of Section 31, said point being North $89^{\circ} 49' 59''$ West 100.92 feet from the Northeast corner of said West 426.07 feet of the South 546.5 feet of the Southeast $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$ of Section 31.

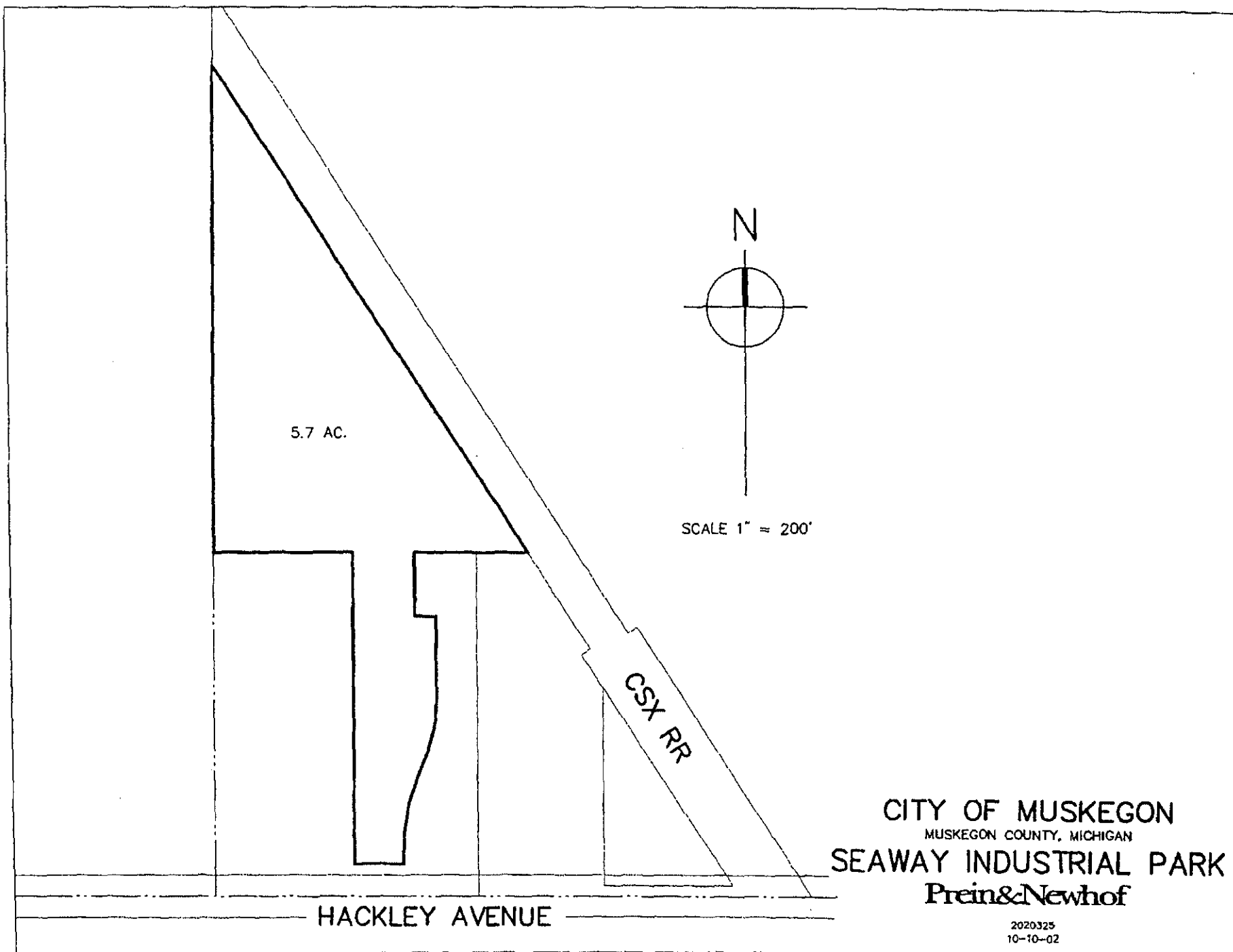
And Also,

That part of the Southeast $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$ of Section 31, Town 10 North, Range 16 West, lying West of the C & O Railroad right of way, described as follows: Commence at the intersection of the East line of Glade Street and the North line of Lyman Street in the Plat of Alberts and Holthe Subdivision, as per plat of record in the office of the Register of Deeds for said County, thence East 172.3 feet, more or less to the Westerly right of way line of said railroad, said point being hereinafter referred to as Point "A", recommence at the place of beginning, thence South along the East line of Glade Street, said line also being the West line of said Southeast $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$ of said Section 31, a distance of 499 feet more or less to the centerline of the alley running East and West through Block 6 of said Alberts and Holthe Subdivision, if said centerline was produced East, thence East along the centerline of said alley, if produced a distance of 506.6 feet, more or less to the Westerly right of way line of said railroad, thence Northwesterly along the Westerly right of way of said railroad to said Point "A", according to the Government Survey thereof, excepting therefrom a strip of land 20 feet in width lying Easterly of and adjacent to the East line of Glade Street over and across the North 74 feet of the above described premises, and further excepting therefrom the following described parcel of land: Commencing at a point on the Northwesterly right of way line of the C & O Railroad, which is due East from the Southeast corner of Lot 9, Block 2 of Alberts and Holthe Subdivision of part of the Southwest fractional $\frac{1}{4}$ of the Northwest fractional $\frac{1}{4}$, Section 31, Town 10 North, Range 16 West, thence southeasterly along said Railroad right of way, 150 feet, thence Southwesterly at right angles to said right of way line, 17 feet, thence Northwesterly at a distance of 17 feet from, measured at right angles, and parallel to said right of way, 160 feet, more or less to a point which is due West from point of beginning, thence due East to point of beginning.

And the Easterly 66 feet of the west 426.07 feet of the South 546.5 feet of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Town 10 North, Range 16 West, lying West of C & O Railroad right of way, except the South 16.5 feet thereof.

And Also,

All that part of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 31, Town 10 North, Range 16 West, described as beginning at a point on the East line of Glade Street, at the Northeast corner of Lyman Street extended Easterly and Glade Street thence Northerly along said East line of Glade Street to a point on a line which is 50 feet Southwesterly of and measured at right angles and parallel to the centerline of Pere Marquette Railroad main track, thence Southeasterly and parallel to said main track to a point which is directly opposite and East of point of beginning, thence West to point of beginning. Except any part thereof owned by the State Highway Commissioner of the State of Michigan.



CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
SEAWAY INDUSTRIAL PARK
Prein&Newhof

2020325
10-10-02

2002-108 (C17)

FINAL
09/24/02

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON RENAISSANCE ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49441 ("City") and SEAWAY INDUSTRIAL PARK, L.C., a Michigan limited liability company, of 4633 Patterson, S.E., Suite B, Grand Rapids, Michigan 49512 ("Company").

Recitals:

A. The City has received an application from the Company and intends to consider the location in a Renaissance Zone by the Company, and as a condition thereof this Agreement must be approved and executed by the Company prior to the establishment and location of the business in the Renaissance Zone. Upon final approval of Renaissance Zone status for the property, the City will sign this Agreement and the Real Estate Purchase Agreement. The City deems this Agreement to constitute a necessary element in the City's determination regarding the sale of the Property to the Company, and the City relies upon the undertakings of Company in this Agreement to allow the Renaissance Zone status of the property.

B. The Company intends to install the project set forth in its Application for Renaissance Zone location and approval. The Company understands that the City relies upon the undertakings of the Company in this Agreement to establish the Company's status as a purchaser of property in the Renaissance Zone.

NOW, THEREFORE, THE PARTIES INCORPORATING THE ABOVE RECITALS AGREE:

1. **DOCUMENTS ATTACHED.** Included in this Agreement are the following documents which have been collected and relied upon by the parties:

1.1 The Application prepared and filed by Company.

1.2 Copy of the Renaissance Zone Act, as amended to date.

1.3 City of Muskegon Development Agreement Policy for Expanding Existing or Establishing New Renaissance Sub-Zones.

1.4 Exhibit containing Site/Building requirements for this project applying Article VII of the Development Agreement Policy.

1.5 Real Estate Purchase Agreement.

2. COMPANY AGREEMENT. The Company agrees, subject to the terms of this Agreement and the Real Estate Purchase Agreement, to the following commitments, which it shall perform in a timely and reasonably acceptable manner:

2.1 Execution of the Real Estate Purchase Agreement attached as Exhibit A simultaneously with the execution of this Agreement, and delivery of both to the City.

2.2 Construction of the building as required in the Real Estate Purchase Agreement subject to review and modification by the City Planning Commission and/or City Commission. The design and landscaping of the site shall be subject to the approval of the City, the City to reasonably apply its zoning, site plan, and other land use requirements.

2.3 The restriction that seventy-five percent (75%) of the square footage of the buildings, whether owned by Company or a successor owner(s) shall be used for "manufacturing purposes." Office space and warehousing of stored raw or finished goods strictly ancillary to manufacturing on this site is included in the "manufacturing purposes" square footage requirement.

2.4 The investment in the amount of Three Million Three Hundred Thousand Dollars (\$3,300,000) (the "Investment Objective").

2.5 The creation of 60 jobs (the "Employment Objective") within the first two years of operation. This number will include the transfer of jobs from other municipalities and transferred from another location in the City, but limited to one transferred job within the City per one new job. The City may grant a one-year extension, in its sole discretion, after taking into account all of the circumstances relevant to such extension.

2.6 The closing of the purchase of the real property described in the Real Estate Purchase Agreement (the "Property").

2.7 Cooperation with City representatives to supply all requested and required documentation necessary in the City's reasonable judgment to determine compliance with the undertakings set forth in this Agreement and its attachments.

2.8 During the two (2) years after closing of the Property, the production and utilization of improvements as set forth in the attachments shall be sustained and maintained.

2.9 The Company shall take all required precautions to avoid the release of any hazardous substance in violation of any environmental law on its premises, and shall report any releases to the appropriate authority in a timely and complete manner as required by law, providing copies of said documentation to the City. Subject to its rights to contest any proposed orders and actions, the Company shall comply with all orders and actions of any governmental agency having authority.

2.10 During the entire period for which the Renaissance Zone is in effect, the Company shall maintain the improvements so as to minimize physical or functional obsolescence.

2.11 The Company shall improve the properties and improvements, as contemplated in Article VII of the Development Agreement Policy, in accordance with the provisions of the Exhibit attached covering Site/Building requirements. These requirements shall be in addition to any zoning or site plan requirements of the Planning Commission or City Commission.

2.12 As deemed appropriate by the Company, the Company shall file a Master Deed with respect to some portion or all of the Properties and create a condominium project. In addition to the best efforts of the Company concerning tenants or buyers of Condominium Units (set forth in Section 2.14 below), the Master Deed and other Condominium documents, including, without limitation, Association Bylaws, shall require that every unit owner and its occupant(s) in the Condominium Units agree(s) to and is(are) bound by, this Development Agreement as it may apply, its attachments, and all Renaissance Zone requirements.

2.13 Company shall attempt to acquire property commonly referred to as "Ernie's Car Lot," being tax parcel no. _____.

2.14 Company agrees that it shall and will use its best efforts to cause all tenants or buyers of condominiumized property to comply with Renaissance Zone requirements, including that tenants/buyers may not re-locate to this site from sites within the City except pursuant to Section 2.5 hereof.

2.15 Company shall obtain and deliver the Guaranty Document required in Section 5.6 of this Agreement.

2.16 Performance of the Company's obligations under this Agreement and the Real Estate Purchase Agreement is subject to events of force majeure.

3. AGREEMENT BY THE CITY. The City agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner:

3.1 Provided this Agreement has been executed by the Company and further provided all applications concerning Renaissance Zone status have been properly filed by the Company, the City shall, in an expeditious and timely manner, proceed with the appropriate meetings or applications including as necessary the State of Michigan Renaissance Zone Review Board, and with all local review entities required by law, including the establishment of a Renaissance Zone designation for the property in question. The City may consider this Agreement in a meeting separate from and prior to

the meeting or meetings in which the City or any entity considers the creation of the district or approval of the applicant for Renaissance Zone status.

3.2 Execution, simultaneously with the execution of this Agreement, of the Real Estate Purchase Agreement (upon final approval of the Renaissance Zone Application).

4. EVENTS OF DEFAULT. The following actions or failures to comply, subject to events of force majeure, shall be considered events of default by the Company if not cured within thirty (30) days after receipt of written notice from the City of such act or failure to comply.

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

4.2 The failure to construct the building.

4.3 Failure to deliver to the City the documentation and reporting reasonably required.

4.4 The failure to satisfy the Investment Objective, or the Employment Objective, meet the affirmative action goals as set forth in attached Exhibit B hereto or expend the funds on improvements as represented in the attachments within the times required hereby.

4.5 During the first two (2) years after closing of the Property, the closing, or substantial closing, of manufacturing operations in this Renaissance Zone. Without limitation, closing includes removing operations to a location or locations outside the Renaissance Zone, abandonment of the buildings, or other actions which result in a substantial loss of jobs and production in the Zone.

4.6 The bankruptcy or insolvency of the Company.

4.7 Subject to the Company's right to contest any taxes or special assessments, the failure to pay any taxes other than those exempted by the Renaissance Zone Act, and the failure to timely pay any special assessments levied on the Company's property after levy or final appeal.

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

5. REMEDIES ON DEFAULT. In the event that any of the above uncured defaults occur within the first two (2) years after closing of the Property, but no sooner than six (6) months after the date set by this Agreement for completion of construction of the building by the Company, subject to events of force majeure, 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. The amounts due by reason of the exercise of the remedies by the City shall be claimed solely against the Guaranty Document required by this Agreement.

5.1 In the event of default as specified in section 4.2 above and after investigation of the facts and a public hearing, if appropriate, the City may file a claim against the Surety on the Guaranty Document for amounts set forth below, up to but not exceeding the amount of the Guaranty Document, to be paid by the Surety forthwith to the City, with the following consequences:

5.1.1 The Company shall cause the Surety to pay to the City, for pro rata distribution to any taxing unit which has not been reimbursed by the State or the State of Michigan, an amount equal to all real and personal property taxes which have been excused.

5.1.2 The Company shall cause the Surety to pay to the State of Michigan all amounts of the corporate income tax which have been abated under the Renaissance Zone Act, if any.

5.1.3 The Company shall cause the Surety to pay to the City any corporate City income tax which has been abated pursuant to the Renaissance Zone Act.

5.2 Failure to Construct. In the event the improvements have not been substantially completed or installed by the time set forth in this Agreement, the Company shall cause the Surety to reimburse the City, taxing units or State for all abated taxes on said property with respect to the portion of the improvements not substantially completed or installed.

5.3 Failure to Expend the Funds Represented. Whether or not the improvements have been completed, if the Company has not satisfied the Investment Objective, the Company shall show cause to the City why such failure has occurred.

5.4 Job Creation and Retention. In the event Employment Objective has not been satisfied, a pro rata amount of the Guaranty shall be paid by the Company or the Surety to the City (based upon \$5,000.00 per job to be created.), not to exceed the amount of the surety.

5.5 Other Violations. For any material violations of this Agreement, the City reserves the right to seek recovery under the Guaranty Document.

5.6 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action which may result in invocation of the remedies above. It shall take the following factors into consideration as mitigating factors:

5.6.1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City.

5.6.2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.

5.6.3 Whether the effect on the City's finances of the Company's actions is material and substantial.

5.6.4 Whether the circumstance affecting the status of the Company was created by occurrences beyond the control of the Company or could reasonably have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.

5.7 Performance Guarantee. The Company shall deposit with the City a Performance Guarantee, with a term expiring two years from the date a building permit is issued for the Property, in the form of a Surety Bond issued by a surety licensed in the State of Michigan (the "Surety") and acceptable to the City, (the "Guaranty Document"), in the amount of Two Hundred Sixty-Four Thousand Dollars (\$264,000). The Guaranty Document shall unconditionally obligate the Surety to pay an amount to the City in the event of default, to be equal to the taxes abated to the date of default, together with all taxes which may be abated for any subsequent period the default continues, plus any reasonable costs to the City caused by the failure of the Company to comply, including, without limitation, any reasonable costs of cure incurred by the City to bring the improvements on the property into compliance with this Agreement or planning or zoning requirements.

Notwithstanding any provision of this Agreement and its attachments or any other document or statute referenced herein, in no event shall the liability of the Company for any and all default hereunder exceed the amount of the Guaranty Document.

6. Governing Law. This Agreement shall be construed and enforced in accordance with the Laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan, and in particular the Renaissance Zone Act of the State, as amended.

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

8. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives. The Company shall have the right to assign this Agreement to any of its affiliates so long as Robert D. Grooters owns a

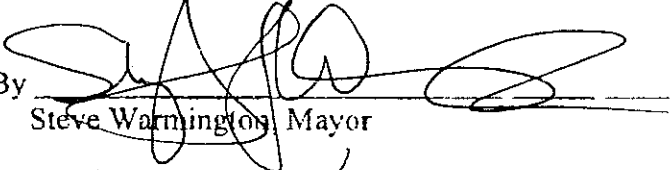
controlling interest in such affiliate. Except as so provided, there is no third party beneficiary intended upon the execution of this Agreement.

9. Effective Date. This Agreement shall be effective on the date the State of Michigan Administrative Board approves the amendment to the City of Muskegon/Muskegon Heights Renaissance Zone. In the event that (i) Renaissance Zone status is not granted by the State of Michigan Administrative Board by December 31, 2002, then this Agreement shall automatically terminate and be null and void, with neither party having any further obligations to the other.

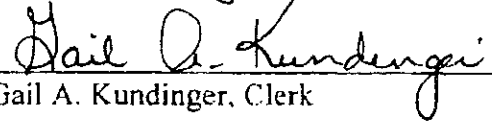
10. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By


Steve Warmington, Mayor

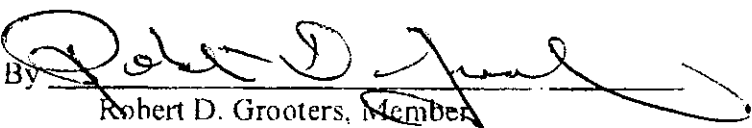
and


Gail A. Kunderger, Clerk

Dated: 10/30, 2002

Seaway Industrial Park, L.C.
a Michigan Limited Liability Company.

By


Robert D. Grooters, Member

Dated: 10/30, 2002

EXHIBIT A

**REQUIREMENTS TO COMPLY WITH ARTICLE VII OF THE
DEVELOPMENT AGREEMENT POLICY**

1. Twenty foot wide landscape buffer along the entire Hackley Avenue, Park Street, and Young Street frontage. To meet Planning Commission approval.
2. Any new signs must meet the requirements of the Zoning Ordinance.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSION

FROM: _____
Ken Chudy, Acting Fire Chief 

DATE: March 22, 2004

SUBJ: **Request for Permission to Apply for 2004 USFA Grant**

SUMMARY OF REQUEST:

The Fire Department is requesting City Commission permission to apply for 2004 United States Fire administration "Assistance to Firefighters Grant Program" to provide firefighter equipment to enhance operational safety.

FINANCIAL IMPACT:

\$10,000 match through department capital funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION

Staff recommends approval of grant application to USFA for fire equipment acquisition.

COMMITTEE RECOMMENDATION:

March 22, 2004

Honorable Mayor and City Commission
Through the City Manager

Re: 2004 United States Fire Administration Grant Request

Dear Mayor and Commissioners:

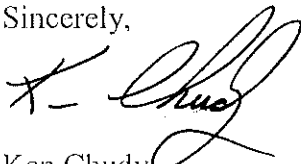
I am requesting permission to submit for the 2004 United States Fire Administration "Assistance to Firefighters Grant Program". These grants through FEMA provide funds to the local jurisdictions for programs to both protect citizens and our firefighters.

For 2004, our program is an enhancement to our emergency operations equipment. This grant will provide updates to firefighter protective clothing, gas detection monitors, accountability system and hazardous material monitoring devices.

The anticipated result will be a reduction in the number of potential injuries and increase the ability to better serve City of Muskegon residents.

The proposed grant will require a 10% local match and can be accomplished through departmental capital funds. Although not finalized, the grant request will be approximately \$100,000.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Chudy", with a stylized flourish at the end.

Ken Chudy
Acting Fire Chief

DATE: March 16, 2004
TO: Honorable Mayor and City Commissioners
FROM: Robert B. Grabinski, Director of Inspections
Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030163 Address: 483 W. Muskegon Ave.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **483 W. Muskegon Ave.- Area 10** 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: #EN-030163 Address: 483 W. Muskegon Ave.

Location and ownership: This structure is located on W. Muskegon between 5th and 6th Streets and is owned by Anthony and Terrson Bethea of Muskegon.

Staff Correspondence: This case began with a police report of unsafe conditions and a break in of this vacant house. A dangerous building inspection was conducted on 10/9/03 and an interior inspection was conducted 10/22/03. The notice and order to repair or remove was issued 11/13/03. On 1/8/04 the HBA declared the structure, with the Director of Inspections stating he would delay taking the case to City Commission for 60 days.

Owner Contact: The owner contacted the Inspection after he purchased the house at the State auction 9/17/03. He was also present for the interior inspection and HBA meeting on 1/8/04. At that time he stated he was aware of the required repairs, but had a financial set back. He was working with NIC and getting estimates for repairs. On 12/8/03 he called the Inspection office and stated he was not getting help from NIC and asked for a 60-day extension to try to sell the house.

Financial Impact: The demolition will be paid with CDBG funds.

Budget Action Required: None

SEV: \$10,600

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Estimated Cost of Repairs: \$12,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, March 23, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

483 W. Muskegon

10/14/03

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. Roof covering on home is deteriorated. Replace shingles.
3. Chimney on home is collapsing. Replace to code.
4. Structural damage to rafter system. Provide rafter inspection – severe drops in roof line of home.
5. Replace all damaged siding.
6. Broken out window frames and glass. Repair/replace all window panes, frames – paint – glazing.
7. Smoke detectors installed throughout to code.
8. Main exit required to be one 3 foot wide 6 foot 8 inch door.
9. Repair all soffit fascia damage.
10. All construction work requires permits. Permits must be pulled before work begins.

Please contact Inspection Services with any questions: 231-724-6715.

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

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

483 W. Muskegon
(INTERIOR INSPECTION)
10/22/03

Inspection noted:

1. Wiring in basement to have physical protection.
2. Bathroom outlet to be GFI protected.
3. Front bedroom closet light to have clearance from shelf to code.
4. Service to be grounded to meet 2000 MRC.
5. Smoke alarms to meet 2000 MRC.
6. Water distribution missing or broken – needs replacement.
7. Waste & vent is broken or missing – needs replacement.
8. HVAC in state of disrepair – needs servicing & cleaning.
9. Chimney has no liner.
10. Remove rear entry enclosed porch – structurally unstable.

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

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10/00- STREET VIEW



483 W. MUSKEGON

MEMORANDUM

TO: Mayor and City Commission
FROM: Lee J. Slaughter, Assistant City Manager
DATE: March 16, 2004
RE: City Commission 2004/2005 Vision, Value, Mission Statements

SUMMARY

On February 27, 2004, the City Commission and staff participated in their annual goal setting session. The attached Vision, Value and Mission statements, along with a set of prioritized issues/projects are the result of that undertaking. Staff is requesting approval of both documents.

FINANCIAL IMPACT:

None

BUDGET ACTION:

None

STAFF RECOMMENDATION:

Staff 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 Residential Neighborhoods of the City.**

Issues/Projects Ratings

The following list represents those issues/projects that were rated of greatest importance to the City Commission. There is also a second notation regarding the project's rating with City management staff. The process of prioritization was based upon the following factors:

- The project is consistent with the Mission of the City
- The City has the resources available (human, financial, facilities, other) to achieve the goal
- There are key "partners" available to assist with achievement of the goal.

Projects Receiving "5 Stars"

- Continue efforts to fight blight in city neighborhoods
(received 12 stars from city staff)

Projects Receiving "4 Stars"

- Development of the downtown area including all of the projects noted below:
 - Redevelopment of the mall property
 - Development of Edison Landing
 - Improvements to Western Avenue
 - Fisherman's Landing
 - Shaw-Walker Property re-development
 - Boilerworks Building re-development
 - Grocery store in the downtown area
 - Parking ramp

(received 9 stars from city staff)

- Continuation of efforts to create a customer-friendly City Hall recognizing the challenges presented by the nature of some services offered/performed by City staff (delivery of city services must often balance "rights of the individual" vs. "common good")
 - Continued emphasis on customer service training for staff
 - Importance of "first impression" to customers
 - Recognition that Commissioners must give adequate support to city staff in customer interactions when appropriate
 - Importance of customer recognition and timeliness of response

(received 5 stars from city staff)

Projects Receiving 3 Stars:

- The potential discharge of process water into Lake Michigan from Nugent Sand property and its impact on the shoreline, water quality, and other related issues

(received 7 stars from city staff)

- Development and implementation of a "Cool Cities" strategy to retain (and attract) young, creative people in/to the community

(received 6 stars from city staff)

- Acquisition of land along the Muskegon Lake shore-line for public use.

(received 0 stars from city staff)

Projects Receiving 2 Stars:

- The exploration and possible initiation of ALS (advanced life support) ambulance service by the City

(received 10 stars from city staff)

- Continue emphasis on the importance and value of a diverse community and the benefits of diversity to the overall community

- Communicate the importance of diversity to the local business community
- Strive to appreciate and better understand both the strengths and differences among the various ethnic/racial groups in the city
- Make diversity operational inside and outside city government
- Ensure that an appreciation of diversity is present in how City Hall interacts with the community
- Actively deal with attitudes toward diversity among City Hall staff

(received 7 stars from city staff)

- Continue investment in infra-structure: water mains, sewer lines, and streets

(received 7 stars from city staff)

- Actively engage in efforts to enhance regional cooperation among local units of government and/or functional consolidation of services (GIS, Muskegon Area Plan)

(received 7 stars from city staff)

- The initiation of cross-lake ferry service to Milwaukee, WI and the impact on the Lakeside area of the city (development and traffic patterns that may be affected by the ferry service, its customers, and related development)

(received 6 stars from city staff)
- Continue efforts to develop a most equitable process for assessing properties for street improvements

(received 6 stars from city staff)
- Continue efforts to develop new single-family housing in the city (balanced with development of new rental properties)

(received 4 stars from city staff)
- Replacement of the central fire station (ensure that space is available for use by community groups)

(received 4 stars from city staff)
- Market available properties in Seaway Industrial Park

(received 1 star from city staff)
- Development of a casino in the downtown area.

(received 0 stars from city staff)
- Oversight of the completion of Shoreline Drive construction and the "re-design/re-alignment" of Muskegon and Webster Avenues

(received 0 stars from city staff)

Projects Receiving 1 Star:

- Ongoing evaluation of how city services are organized and delivered with emphasis on efficiency and reduced expense without diminishment of service quality (recognition of budget situation facing the city)

(received 1 star from city staff)
- The city should set-aside funds to support the city's intervention in environmental issues affecting the city

(received 0 stars from city staff)

Following is a list of other projects that received "stars" from City Staff but not from Commissioners:

Received 7 stars from City Staff:

- Continuation of efforts to strengthen relations with city staff:
 - Timely settlement of contracts with organized staff and appropriate administration of contracts
 - Recognition and appreciation of the efforts put forth by city staff
 - Continue to build trust with staff through open and frequent communication (especially important during tight budget times)

Received 6 stars from City Staff

- Continue efforts to respond to and be aware of the needs of the young people of the community and to respond appropriately to those needs given the resources available:
 - Provision of recreational opportunities (including role for Arena Annex)
 - Offer employment opportunities for young people
 - Opportunities to involve young people in civic/governmental activities (create future civic leaders)
 - Emphasis on importance of education
 - Continue to balance direct and indirect involvement in youth issues

Received 2 stars from City Staff

- Actively manage/promote the image of the City to key constituents

Received 1 star from City Staff

- Invest in improvements to Hartshorn Marina

Following is a list of other projects that received no stars from either City Commission or city staff (these projects are recognized as important in the long-term but are beyond the current resources of the City)

- Continued development of the Lakeshore Pathway bicycle path
- Development of the Getty Street corridor
- Development of community center(s) to serve the youth and elderly of the city
- Storm water utility system

CITY OF MUSKEGON

State of Michigan

Resolution

WHEREAS, Mr. Enous Lee's, death will leave our community with a deep feeling of sorrow for the loss of such a respected citizen; and

WHEREAS, Mr. Lee was for the past 80 years a Muskegon resident where he was the owner of the J & L Pool Hall and was affectionately known as "Pappy"; and

WHEREAS, he earned the respect of many young African-American males for his loving advice on how to utilize their lives to become valuable citizens in their community; and

WHEREAS, Pappy Lee earned a deep respect of all those with whom he came into contact with and the love and affection of all who were proud to call him friend.

NOW THEREFORE, BE IT RESOLVED, that I Stephen J. Warmington, on behalf of the City of Muskegon Commission and the entire community do hereby express deep grief and extend our condolences to the bereaved family of Mr. Enous "Pappy" Lee

IN WITNESS WHEREOF, we have hereunto set our hands and cause the seal of the City of Muskegon be affixed this 23rd day of March, 2004.

Stephen J. Warmington, Mayor

Bill Larson, Vice Mayor

Stephen J. Gawron, Commissioner

Kevin Davis, Commissioner

Chris Carter, Commissioner

Clara Shepherd, Commissioner

Lawrence Spataro, Commissioner