

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 12, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Selecting of Siding Contractors for Fiscal Year 2002-2003. COMMUNITY & NEIGHBORHOOD SERVICES
 - c. Selection of Siding Supplier for Fiscal Year 2002-2003. COMMUNITY & NEIGHBORHOOD SERVICES
 - d. Purchase of 503 Octavius. COMMUNITY & NEIGHBORHOOD SERVICES
 - e. First Reading: Rezoning Request for Property Located at 565 Mulder Ave. and 557 McLaren Street. PLANNING & ECONOMIC DEVELOPMENT
 - f. Request to Fly the Irish Flag. CITY CLERK
 - g. Aggregates, Highway Maintenance Materials and Concrete. PUBLIC WORKS
 - h. Irrigation Parts Bids. LEISURE SERVICES
 - i. Consideration of Bids – 2002 Sidewalk Replacement Program. ENGINEERING
- ❑ **PUBLIC HEARINGS:**
 - a. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK
 - b. Create Special Assessment District for Wilson, Henry to Dowd. ENGINEERING

- c. Create Special Assessment District for Sherin, Lakeshore to Miner. ENGINEERING
- d. Create a Special Assessment District for Terrace, Irwin to Iona. ENGINEERING
- e. Spreading of the Special Assessment Roll For Barney, Valley to Roberts. ENGINEERING

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

- a. Pension Ordinance Clarification (tables 2-12-02). FINANCING
- b. Option to Purchase Buildable Large Vacant Lots in Jackson Hill Neighborhood for Finlay Properties, Inc. for Senior Housing Development PLANNING & ECONOMIC DEVELOPMENT
- c. Contract for Payments in Lieu of Taxes for Finlay Properties, Inc Housing Development – Jackson Hill. PLANNING & ECONOMIC DEVELOPMENT

❑ **NEW BUSINESS:**

- a. Arena Compressor Donation. FINANCE
- b. Tentative Agreement Reached with SEIU 517M, Unit 2. ASSISTANT CITY MANAGER
- c. Seaway Industrial Park Development Agreement. CITY MANAGER
- d. Discussion and authorization for staff to appeal the decision by Historic District Commission regarding the demolition of 1121 and 1129 Peck St. INSPECTIONS SERVICES

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION:**

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

❑ **ADJOURNMENT:**

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

Date: March 12, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 26, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 12, 2002

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, Tuesday, March 12, 2002.

Mayor Warmington opened the meeting with a prayer from Bob Kuhn, a City employee from the DPW Department, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Commissioners Gawron, Larson, Schweifler, Spataro, Mayor Warmington, and Vice-Mayor Buie. Absent: Commissioner Shepherd (excused).

2002-30 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 26, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Selecting of Siding Contractors for Fiscal Year 2002-2003. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept Community and Neighborhood Services department selections of three contractors for the siding program during the 2002 - 2003 year. After reviewing all the bids received, the department has selected the three lowest bidders at an agreed upon price of \$75.00 (seventy-five dollars) per square. Those selected were Lewis Johnson Construction - Grand Haven, Cutting Edge Construction - Muskegon Township and Gawlick Construction Fruitport Township.

FINANCIAL IMPACT: Funding will be disbursed from the 2002-2003 CDBG Paint and Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve request.

COMMITTEE RECOMMENDATION: None

c. Selection of Siding Supplier for Fiscal Year 2002-2003. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services department selection of the vinyl siding supplier for fiscal year 2002 – 2003. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey – Muskegon for the price of \$37.50 (thirty-seven dollars and fifty cents) per square for white and \$38.64 (thirty-eight dollars and sixty-four cents) per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2002-2003 Paint and Siding fund.

BUDGET ACTION REQUIRED: Non required at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None

d. Purchase of 503 Octavius. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the property located at 503 Octavius (City of Muskegon revised plat of 1903 N1/2 Lot 9 and s1/2 Lot 10 Block 149) from Bermunda LLC (formally known as GMAS Mortgage) 4 Corporate, Shelton Connecticut for the price of \$4,500.

If approved, CNS will accept bids to rehabilitate the structure at 503 Octavius and later sold to a qualified low/moderate-income family which would return the house to the tax roll and eliminate its blighting influence on the neighborhood.

FINANCIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2001-2002 HOME funding.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None

f. Request to Fly the Irish Flag. CITY CLERK

SUMMARY OF REQUEST: The Irish American Society of Muskegon requests permission to fly the Irish Flag outside City Hall on Saturday, March 16, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

g. Aggregates, Highway Maintenance Materials and Concrete.
PUBLIC WORKS

SUMMARY OF REQUEST: Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Liquid Dustlayer Inc. Award bid to supply 20AA and 31A bituminous asphalt to Asphalt Paving Inc. Award bid to supply polymer modified anionic asphalt emulsion to Koch Materials Company. Award bid to supply sylvax-patching material to Asphalt Paving Inc. Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company. Award bid to supply road slag to Verplank Trucking Company. Award bid to supply concrete to High Grade Concrete contingent upon product availability timely deliveries, and prices as quoted.

FINANCIAL IMPACT: \$149,670 based on 2001 usage at 2002 quotes.

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

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION:

h. Irrigation Parts Bids. LEISURE SERVICES

SUMMARY OF REQUEST: To purchase repair parts for our TORO irrigation systems.

FINANCIAL IMPACT: \$10,028.68

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

COMMITTEE RECOMMENDATION:

i. Consideration of Bids – 2002 Sidewalk Replacement Program.
ENGINEERING

SUMMARY OF REQUEST: The 2002 Sidewalk Replacement contract be awarded to North River Excavating out of Newaygo. North River was the lowest, see bid tabulation, responsible bidder with a bid price of \$207,730.28.

FINANCIAL IMPACT: The construction cost of \$207,730.28 plus related engineering expenses.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION: Award the contract to North River Excavation.

COMMITTEE RECOMMENDATION:

Motion by Commissioner Schweifler, second by Vice Mayor Buie to approve the Consent Agenda with the exception of item e. to be removed for further discussion.

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

Nays: None

MOTION PASSED

2002-31 ITEMS REMOVED FROM THE CONSENT AGENDA

e. FIRST READING: Rezoning Request for Property Located at 565 Mulder Ave. and 557 McLaren Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City of Muskegon, located at 565 Mulder Ave. and 557 McLaren St., from R-1, Single-Family Residential and OSR, Open Space Recreation to either RT, Two-Family Residential or RM-1, Low-Density Multiple-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request, to rezone the property to RT.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request to rezone the property to RT at their 2/28 special meeting. The vote was unanimous, with J. Aslakson and M. Kleaveland absent.

Motion by Commissioner Spataro, second by Commissioner Larson to approve request to rezone property at 565 Mulder Ave. and 557 McLaren St. to RT, Two-Family Residential.

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

Nays: None

MOTION PASSED (Requires Second Reading)

2002-32 PUBLIC HEARINGS:

a. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 5-270 and 5-271 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 31, 2002, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the resolution.

The public hearing opened at 5:42pm to hear and consider any comments from the public. Paul Plueger from the Moose Lodge at 2330 Barclay St. spoke in reference to clarification of dollars owed.

Motion by Commissioner Larson, second by Vice Mayor Buie to close the public hearing at 5:47pm and to adopt the resolution recommending non-renewal

of those liquor license establishments who are in violation of Section 5-270 and 5-271 of the code of Ordinance for the City of Muskegon.

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

Nays: None

MOTION PASSED

b. Create Special Assessment District for Wilson, Henry to Dowd.

ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION:

The public hearing opened at 5:52pm to hear and consider any comments from the public. There were no public comments made.

Motion by Vice Mayor Buie, second by Commissioner Larson to close public hearing at 5:53pm and to create the special assessment and assign Commissioner Schweifler and Commissioner Spataro to the Board of Assessors.

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

Nays: None

MOTION PASSED

c. Create Special Assessment District for Sherin, Lakeshore to Miner.

ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION:

The public hearing opened at 5:56pm to hear and consider any comments from the public. Opposed was Alvin Dautin of 2230 Sherin.

Motion by Commissioner Spataro, second by Commissioner Schweifler to close public hearing at 6:03pm and to create the special assessment district and appoint Commissioner Larson and Commissioner Schweifler to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

**d. Create a Special Assessment District for Terrace, Irwin to Iona.
ENGINEERING**

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

FINANCIAL IMPACT: None at this time

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION:

The public hearing opened at 6:07pm to hear and consider any comments from the public. Opposed was Marcus Crosby of 1357 Terrace Ave. Terry Koster from Child and Family Protective Services requested clarification of public access to building during construction. Mohammed Al-Shatel from Engineering responded.

Motion by Commissioner Gawron, second by Commissioner Schweifler to close public hearing at 6:11pm and to create special assessment district and assign two Commissioners to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

e. Spreading of the Special Assessment Roll for Barney, Valley to Roberts. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment roll for Barney Ave., from Valley to Roberts, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: a total of \$115,832.99 would be spread against the ten (10) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION:

The public hearing opened at 6:14pm to hear and consider any comments from the public. There were no public comments made.

Motion by Commissioner Spataro, second by Commissioner Gawron to close public hearing at 6:15pm and to approve the spreading of the special assessment roll and adopt the resolution confirming the special assessment roll.

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

Nays: None

MOTION PASSED

2002-33 UNFINISHED BUSINESS:

a. Pension Ordinance Clarification (tabled 2-12-02). FINANCE

SUMMARY OF REQUEST: Section 10(d) of the City's Police & Fire Retirement System ordinance provides that "a member who remains in the employ of the city but ceases to be a police officer or a firefighter shall remain a member of the retirement system for the duration of his City employment". This provision recently came into play when the former Fire Marshal assumed the position of Director of Inspections. The current ordinance does not, however, specify the benefits or contributions pertaining to an affected employee. Attached is a technical correction ordinance intended to address this matter. It provides that the contributions and benefits will be the same as if the member had not left employment with the Police or Fire Departments.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None. The position was budgeted with the pension benefits accorded to a Fire Department position.

STAFF RECOMMENDATION: Approval

Motion by Commissioner Spataro, second by Commissioner Larson to table this item and refer to Legislative Policy Committee meeting and bring back with their recommendation.

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

Nays: None

MOTION PASSED

b. Option to Purchase Buildable Large Vacant Lots in Jackson Hill Neighborhood for Finlay Properties, Inc. for Senior Housing Development. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve an option agreement between the City of Muskegon and Findlay Properties, Inc. for two large parcels of vacant land in Jackson Hill Neighborhood (designated as parcel numbers 24-205-020-0008-00 and 24-205-0019-0012-20) as described as:

Parcel No. 1: CITY OF MUSKEGON REVISED PLAT OF 1903 S 44 FT LOT 7 ALL LOT 8 & 9 & THAT PART OF LOT 10 LYING W OF MCLAREN ST BLK 20 ALSO LOTS 2 & 3 BLK 21 ALSO LOTS 4 & 5 BLK 22 S OF SUMNER AVE.

Parcel No. 2: CITY OF MUSKEGON REVISED PLAT OF 1903 S 108.35 FT LOT 9 ALL LOT 12 EXC N 99 FT OF E 132 FT OF LOT 12 BLK 19 ALSO THAT PART OF LOT 10 BLK 20 LYING E OF MCLAREN

FINANCIAL IMPACT: The sale of these lots for construction of a senior housing development will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION RXEQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee (LRC) recommended approval of the sale of this property to Findlay Properties, Inc. for a senior housing development at their February 26, 2002 meeting.

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the option agreement between the City of Muskegon and Findlay Properties, Inc., for two large parcels of vacant land in Jackson Hill Neighborhood described in the updated legal description and approve the resolution to authorize both the Mayor and the Clerk to sign said option agreement.

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

Nays: None

MOTION PASSED

c. Contract for Payments in Lieu of Taxes for Finlay Properties, Inc. Housing Development – Jackson Hill. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: A contract providing for payments in lieu of taxes for the Finlay Properties, Inc. development (see map) has been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of Finlay Properties, Inc. have met with City staff, as well as members of the Jackson Hill Neighborhood Association. The Association has been very supportive of their project.

FINANCIAL IMPACT: Payments under the contract are recommended to be four percent (4%) of the highest contract rents for all eligible units, whether occupied or not.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the City Commission approve the Contract and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Vice Mayor Buie to approve contract providing for payments in lieu of taxes for the Finlay Properties, Inc. housing development, and authorize the Mayor and Clerk to sign contract.

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

Nays: None

2002-34 NEW BUSINESS:

a. Arena Compressor Donation. LEISURE SERVICES

SUMMARY OF REQUEST: To donate the old arena compressor to The Winter Sports Complex.

FINANCIAL IMPACT: The City purchased the compressor for about \$50,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve, pending determination of possible city use of the compressor.

COMMITTEE RECOMMENDATION: Leisure Services Board recommends approval.

Motion by Commissioner Larson, second by Commissioner Spataro to approve the old arena compressor be leased to the Winter Sports Complex for the price of \$1.00 (one dollar) per year, and that the Complex be responsible for the insurance and maintenance of the compressor.

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

Nays: None

MOTION PASSED

b. Tentative Agreement Reached with SEIU 517M, Unit 2. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Staff recommends approval of the set of tentative agreements reached with Unit 2 of the Service Employees International Union (SEIU) 517M on January 24, 2002. Tentative Agreements were ratified by the union at a meeting held last night, February 27, 2002.

FINANCIAL IMPACT: The overall financial packet is little over 12% of payroll. The packet includes four major economic agreements.

Wages: Contract Years: **2002 2003 2004**

3% 3% 3%

Multiplier: Increased from 2.1% to 2.25% effective 1/1/02

Longevity: Years of Service **5 10 15 20 25**
% of Base Pay (\$15,000) **2% 4% 6% 8% 10%**

Effective 1/1/03

Dental Plan: Increased Orthodontic Maximum from \$1000 to \$1500 effective 1/1/02

BUDGET CHANGE: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve tentative agreements reached with Unit 2 of the SEIU 517M on January 24, 2002.

**ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Spataro
Nays: None**

MOTION PASSED

c. Seaway Industrial Park Development Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve a development agreement with Robert Grooters Development Company for the sale of property in the Seaway Industrial Park and the creation of a Renaissance Zone for the project.

FINANCIAL IMPACT: The City would receive income taxes from the development. The development would be exempt from property taxes if a renaissance Zone is created.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the development agreement.

City Manger stated there is no agreement at this time and no motion occurred.

d. Discussion and authorization for staff to appeal the decision by Historic District Commission regarding the demolition of 1121 and 1129 Peck St. INSPECTIONS SERVICES

SUMMARY OF REQUEST: These two properties were declared dangerous buildings by the Housing Board of Appeals in January and February 2002 respectively. Because these properties are located within a historic district, they were presented to the Historic District Commission for their concurrence on March 5, 2002. The HDC denied the request to demolish or forward to the City Commission for your concurrence.

Staff is requesting that City Commission discuss the issue and if it is found to be appropriate authorize staff to appeal the HDC decision to the State Historic Preservation Office and possibly 14th Circuit Court to overturn the decision.

A copy of the file is attached for background information. Other pertinent information includes the following:

- The city has boarded both structures on four occasions.
- The cost for rehabilitation is approximately \$100,000 for each structure.
- Evidence was found in both structures that entry had been made and fires started in the fireplaces.

STAFF RECOMMENDATION: Authorize staff through the City Attorney to pursue an appeal of the HDC decision.

Motion by Commissioner Spataro, second by Commissioner Larson to authorize staff to pursue appeal of the decision by the Historic District Commission regarding the demolition of 1121 and 1129 Peck St.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Spataro, Warmington
Nays: None

MOTION PASSED

2002-35 PUBLIC PARTICIPATION:

Various comments were heard from local citizens.

2002-36 CLOSED SESSION: To discuss property acquisition.

Motion by Commissioner Spataro, second by Commissioner Schweifler to go into closed session at 7:38pm to discuss pending litigation.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Spataro, Warmington, Buie
Nays: None

MOTION PASSED

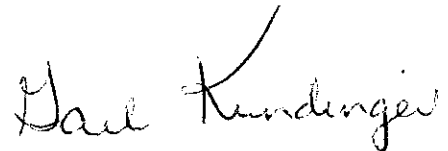
Motion by Commissioner Schweifler, second by Vice Mayor Buie to return to open session at 8:14pm and proceed with the acquisition of the Mall parking lot.

ROLL VOTE: Ayes: Larson, Schweifler, Spataro, Warmington, Buie, Gawron
Nays: None

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 8:14 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gail Kunding".

Gail Kunding, CMC/AAE
City Clerk

Commission Meeting Date: Mach 12, 2002

Date: March 5, 2002
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Selection of Siding Contractors for fiscal year
2002 - 2003

SUMMARY OF REQUEST: To accept Community and Neighborhood Services department selections of three contractors for the siding program during the 2002 – 2003 year. After reviewing all the bids received, the department has selected the three lowest bidders at an agreed upon price of \$75.00 (seventy-five dollars) per square. Those selected were Lewis Johnson Construction – Grand Haven, Cutting Edge Construction – Muskegon Township and Gawlick Construction – Fruitport Township.

FINANCIAL IMPACT: Funding will be disbursed from the 2002 – 2003 CDBG Paint and Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve request.

COMMITTEE RECOMMENDATION: None

Commission Meeting Date: March 12, 2002

Date: March 5, 2002

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services

Department W.G

RE: Selection of Siding Supplier for fiscal year 2002 - 2003

SUMMARY OF REQUEST: To approve Community and Neighborhood Services department selection of the vinyl siding supplier for fiscal year 2002 – 2003. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey – Muskegon for the price of \$37.50 (thirty-seven dollars and fifty cents) per square for white and \$38.64 (thirty-eight dollars and sixty-four cents) per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2002 – 2003 Paint and Siding fund.

BUDGET ACTION REQUIRED: None required at this time

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: None

Commission Meeting Date: March 12, 2002

Date: March 5, 2002
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department W.G.
RE: Purchase of 503 Octavius

SUMMARY OF REQUEST: To approve the purchase of the property located at 503 Octavius (City of Muskegon revised plat of 1903 N1/2 Lot 9 and S1/2 Lot 10 Block 149) from Bermunda LLC (formally known as GMAS Mortgage) 4 Corporate, Shelton Connecticut for the price of \$4,500.

If approved, CNS will accept bids to rehabilitate the structure at 503 Octavius and later sold to a qualified low/moderate-income family which would return the house to the tax roll and eliminate its blighting influence on the neighborhood.

FINANCIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2001- 2002 HOME funding.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is effective on ^{2002-30(d)} ~~2-14-2002~~, by and between **Bermuda LLC**, (formerly known as GMAC Mortgage) 4 Corporate Shelton Connecticut 06484, ("Seller"), and the **City of Muskegon**, a Michigan municipal corporation, with offices at 933 Terrace Street, Muskegon, MI 49442 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title, and interest in all adjoining public ways, the real property located at 503 Octavius in the City of Muskegon, County of Muskegon, State of Michigan, and legally described as:

City of Muskegon revised Plat of 1903 N1/2 Lot 9 S1/2 Lot 10 block

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

2. **Consideration and Manner of Payment.** In exchange for a warranty deed from Seller to Buyer, Buyer shall pay \$4,500 at closing, and shall take the property in order to be used in the City's Neighborhood Revitalization program at a later date.

3.

4. **Taxes and Assessments.** All taxes and assessments due and payable at the time of Closing, including the December, 2000, and December, 2001, tax bill shall be paid by Seller prior to or at Closing. All taxes and special assessments that become due and payable after Closing, excluding the December 2001, tax bill shall be the responsibility of Buyer.

5. **Title Insurance.** Buyer shall obtain a commitment for title insurance issued by Harbor Title, for an amount not less than the purchase price guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment are, in the sole discretion of Buyer, deemed unreasonable, Seller shall have thirty (30) days from the date Seller is notified, in writing, of such unreasonableness of restriction and such unmarketability of title to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale, as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified, or fails to obtain satisfactory title insurance, this Agreement will be terminated, at Buyer's option. The premium for the owner's title policy shall be paid by Buyer.

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

regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

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

8. **Environmental Matters.** Seller represents and warrants to Buyer that Seller has not disposed of any hazardous or toxic substances on or in the Premises. Such representation and warranty shall be deemed to have been made again by Seller as of the Closing. Seller agrees to indemnify Buyer and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages, and losses, including, but not limited to, reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranty set forth in this paragraph, which representation and warranty shall survive the Closing.

9. **Condition of Premises and Examination by Buyer.** No implied warranties of habitability, quality, condition, fitness for a particular purpose, or any other implied warranties shall operate between Seller and Buyer, and Buyer expressly waives any and all such implied warranties. Buyer understands and agrees that the premises is taken "as is," subject to the express covenants, conditions and/or express warranties contained in this Agreement, also subject to the warranty of Seller that no hazardous substances have been placed on the premises. Buyer further says that it has personally inspected the premises and is satisfied with the condition of the land, and the buildings and improvements thereon, 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 except for express warranties.

10. **Real Estate Commission.** Buyer acknowledges that it has not dealt with any real estate agents, brokers or salesperson regarding this sale, and no agent, broker, salesperson or other party is entitled to a real estate commission upon closing of this sale from the buyer.

11. **Closing.** The closing date of this sale shall be on or before 60 days following the effective date of this Agreement ("Closing"). The Closing shall be conducted at the closing facilities of Harbor Title, 955 West Broadway, Muskegon, MI 49441, or at such other place as may be mutually agreed upon between the parties.

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

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

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

15. **Costs.** Seller shall be responsible to pay the Michigan transfer tax in the amount required by law and to pay for the obtaining and recording of any instrument, which must be recorded to clear title to the extent, required by this Agreement, one-half of the closing fee, and the title insurance premium. Buyer shall pay for the cost of recording the warranty deed to be delivered at Closing and one-half of the closing fee. Each party shall pay their own attorney fees.

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 the Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

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

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

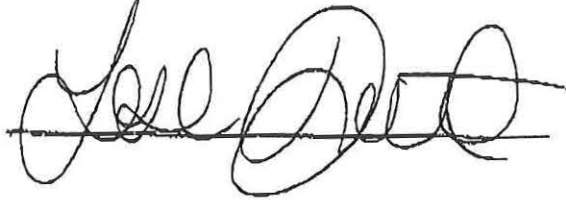
f. **Severability.** In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement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

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

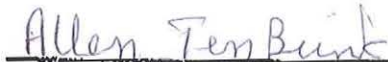
h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

i. **Third-Party Beneficiaries.** There are no third-party beneficiaries of this Agreement.

WITNESSES:




Linda Potter


Allen Ten Brink

Prepared by:
John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue
P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-5401

**SELLER - GMAC Mortgage
Consulting, a corporation**


GMAC Mortgage Corporation
as a city in fact *separate*

By _____
James R. Bricker, Its Representative
Vollmer Inc Realtor

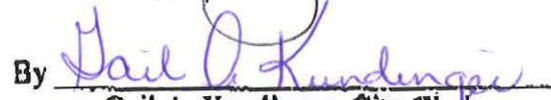
On: _____, 2002

By _____

On: _____, 2002

BUYER: CITY OF MUSKEGON,
Michigan municipal corporation

By 
Steve Warmington, Mayor

By 
Gail A. Kunder, City Clerk



503 Octavius

Date: March 12, 2002
To: Honorable Mayor and City Commissioners
From: City Clerk, Gail Kunding
RE: Request to Fly the Irish Flag.

SUMMARY OF REQUEST: The Irish American Society of Muskegon requests permission to fly the Irish Flag outside City Hall on Saturday, March 16, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

February 27, 2002

Bryon L. Mazade
City Manager
933 Terrace Street
Muskegon, MI 49440

Dear Sir,

The Irish American Society of Muskegon requests permission to again fly the Irish Flag outside the City Hall on Saturday, March 16, 2002, the day before the feast day of St. Patrick, the patron Saint of Ireland.

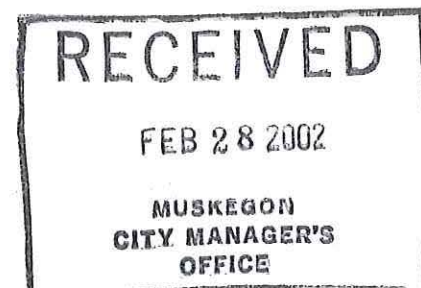
We would like to gather at noon to raise the flag. The entire activity takes approximately ten minutes.

Please inform me if the above request is granted. We appreciate the past cooperation of the City of Muskegon.

Sincerely,



Jeanne L. O'Brien
Secretary
8985 Lakeshore Drive
West Olive, MI 49460



CITY OF MUSKEGON

FLAG PLACEMENT POLICY

2001-139(b)

A. Purpose

To provide a procedure to consider requests to the City to fly flags on City owned or occupied property or facilities (herein "City property"). The flying of the United States of America, State of Michigan, the County of Muskegon and the City of Muskegon flags are exempt (except as set forth herein), from this policy and can be flown on City property or at City property by authorized City employees or officials.

B. City Control of Flag Placement.

Except as permitted by the City Commission or City staff members with authority, no flag, including "exempt" flags shall be placed on City property by any person except authorized city employees or officials. The procedures and standards set forth in this policy document shall govern the City's decision to permit or deny permission to have a particular flag flown or displayed on City property.

The flying of flags on City property is peculiarly within the prerogatives of the City. Flags which are permitted to be flown on City property have the effect of representing to the community the City's support for the organization or point of view which is represented by the flag. The City reserves the right to refuse or terminate the flying of any flag for the reason that unintended endorsements by the City shall not result from this policy. It is this concern, together with the City's acknowledgement that the flying of flags is a form of speech, which shall guide the City in administering this policy.

C. Review Process. The Procedure.

1. Request

A request to fly a flag(s) must be submitted in writing to the City Clerk at least 30 days prior to when the flag is proposed to be raised. The request shall state in writing:

a.. All the reasons for the request.

b. Describe and display the flag, which shall not be changed in the event permission is given.

c. State the name, address, and the names and addresses of all the officers, of the organization submitting the request. Indicate the legal form of organization, and the name and address of the contact person who shall be responsible for the flag's condition and presentation.

d. State the period for which the flag is requested to be flown.

e. The desired location. (Locations shall be determined by the City based on availability and ability to display the flag without infringing on the display by others, including the City itself).

2. City Staff Review

The City staff will review the request and make a recommendation to the City Commission based on the following:

a. Appropriateness of the organization and the flag. Flags which support illegal activities, take political positions or support candidates for any office, advocate against City policies or involve obscene language, symbols or activities are prohibited.

b. The number of other flags already approved.

c. The availability of locations.

d. The time period during which the flag shall be permitted to be flown on City property. No permission shall be given for permanent flag placement. In the event an applicant desires a longer time period than that granted, renewal applications shall be submitted at least 30 days before the end of the initial period in order to afford the City Commission opportunity to decide on the extension.

D. City Commission Consideration and Decision.

The City Commission will consider the request after the review and recommendation from City staff. The City Commission will consider the determination of City staff when making their decision as well as any other criteria they deem appropriate, to the extent that the criteria are legally and constitutionally supportable. In the event a request is denied by the Commission, a decision with the reasons set forth shall be adopted at the time of the refusal, and set forth in the minutes in writing as part of the motion (or resolution) adopted.

E. Grant by City Commission; Location and Term

Any request that is approved will be accomplished by City Commission resolution that will include the specific location(s) where the flag(s) can be flown and the time period for which the request is granted.

Policy regarding term of the permission: No permanent permission shall be granted. The City's policy is to favor shorter term flying periods to accommodate a reasonable number of requests and avoid unintended endorsements which can arise not only by the message of the flag itself, but also by the duration a flag is flown other than flags of the City, County, State and the United States.

Applicants are encouraged to apply for periods of display which are shorter, as stated above. However, the Commission will consider periods up to one year for flags which represent long term or continuing organizations, activities or public (non-political) concerns. More typical will be permission granted for periods of a week to thirty days.

The term of any permission granted shall be subject to the City's determination to fly another flag in the location of and instead of the permitted flag in a time of emergency or of critical public concern.

F. Flag Maintenance

It shall be the responsibility of the requesting organization to maintain the flag(s) in good repair. Failure to do so will result in revocation of the permission to fly the flag(s). The City shall afford access to the flag for repair and maintenance.

G. Revocation

The City Commission shall have the sole discretion to revoke the permission to fly a flag permitted under this policy for whatever reasons they deem appropriate and which are legally and constitutionally supportable. Claims made by any person to whom permission has been granted concerning the import of the City's permission to fly a flag which are not intended or acceptable to the City shall be, without limitation, grounds for revocation without notice.

Any revocation of permission before the term permitted has expired shall be accomplished by the City removing the flag and notifying the applicant to come to the City's offices to retrieve the flag or flags removed. In such case the City shall indicate by written memorandum delivered to the applicant the reason(s) for revocation.

2001-139(b)
CERTIFICATION

This policy was adopted at a regular meeting of the City Commission, held on November 27, 2001. 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, City Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

Lelisure 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

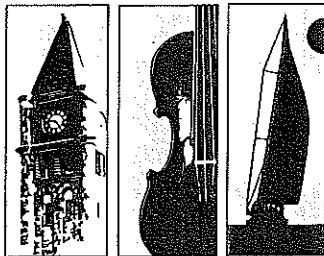
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

Jeanne L. O'Brien
Irish American Society
8985 Lakeshore Drive
West Olive, MI 49460

Dear Ms. O'Brien:

The City Commission met Tuesday, March 12, 2002, and approved your request to fly the Irish Flag outside City Hall on Saturday, March 16, 2002.

If you have any questions, please call me at (231)724-6705.

Thank you,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: March 6, 2002
SUBJECT: Aggregates, Highway Maintenance Materials and Concrete

SUMMARY OF REQUEST:

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

Award bid to supply 20AA and 31A bituminous asphalt to Asphalt Paving, Inc.

Award bid to supply polymer modified anionic asphalt emulsion to Koch Materials Company.

Award bid to supply sylvax-patching material to Asphalt Paving, Inc.

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

Award bid to supply road slag to Verplank Trucking Company.

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

FINANCIAL IMPACT:

\$149,670 based on 2001 usage at 2002 quotes.

BUDGET ACTION REQUIRED:

None; monies appropriated in several budgets.

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

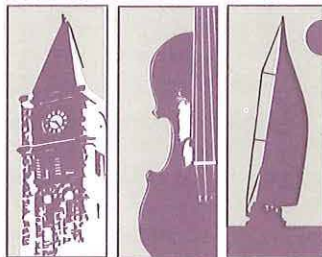
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

To: The City Commission Through The City Manager
From: Robert H. Kuhn, Public Works Director
Date: March 6, 2002
Subject: Aggregates, Highway Maintenance Materials, and Concrete

Requests for bids to provide road maintenance materials were solicited in *The Chronicle* and from known vendors. It is recommended that the vendor in bold print supply Public Works with product as needed in 2002. Moneys have been appropriated for these purchases.

85,000 gallons Calcium Chloride 38% (road brine) (\$0.39 in 2001)
Liquid Dustlayer, Inc. \$0.39 per gallon, spread or delivered

15,000 gallons Calcium Chloride 32% (winter salting) (\$0.26 in 2001)
Liquid Dustlayer Inc. \$0.34 per gallon, delivered (stored)

200 ton Bituminous Asphalt 4:12, 20AA MDOT spec (\$35.00 in 2001)
Asphalt Paving, Inc. \$35.00 per ton, picked up

1,000 ton Bituminous Asphalt 4:12, 31A MDOT spec (\$35.00 in 2001)
Asphalt Paving, Inc. \$35.00 per ton, picked up

15,000 gallons Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion)
8.16.04 MDOT spec (\$0.93 in 2001)
Koch \$0.78 per gallon, pick up Grand Rapids

500 ton Sylva Patching Material, ASTM spec C-136-#9 (\$59.00 in 2001)
Asphalt Paving, Inc. \$58.75 per ton, delivered
Rieth-Riley Construction Co. \$59.00 per ton, delivered

500 ton H1 & H2 Limestone Chip Blend (\$9.65 in 2000; none purchased in 2001)
Verplank Trucking Co. \$9.88 per ton, delivered

9,000 ton Road Slag 22-A Natural (\$8.82 in 2001)
Verplank Trucking Co. \$8.65 per ton, delivered
Meekhof's Lakeside Dock \$9.45 per ton, delivered

Concrete mix as needed (7 Sack Mix \$71.73 in 2001)
High Grade Concrete Prod. \$65.76 per cubic yard, 7 Sack Mix, delivered*
Port City Redi-Mix \$74.00 per cubic yard, 7 Sack Mix, delivered
Consumers Concrete \$76.00 per cubic yard, 7 Sack Mix, delivered

The City Commission Through the City Manager
Page 2
March 6, 2002

Calcium Chloride 38% (road brine)

Year 2001 purchase	60,457 gal X \$0.39 = \$23,578
Year 2002 bid	60,457 gal X \$0.39 = \$23,578

Calcium Chloride 32% (winter salting)

Year 2001 purchase	4,022 gal X \$0.26 = \$1,046
Year 2002 bid	4,022 gal X \$0.34 = \$1,367

Bituminous Asphalt 4:12, 20AA MDOT spec

Year 2001 purchase	88 ton X \$35.00 = \$3,080
Year 2002 bid	88 ton X \$35.00 = \$3,080

Bituminous Asphalt 4:12, 31A MDOT spec

Year 2001 purchase	660 ton X \$35.00 = \$23,100
Year 2002 bid	660 ton X \$35.00 = \$23,100

Polymer Modified Anionic Asphalt Emulsion (HFST Emulsion) 8.16.04 MDOT spec

Year 2001 purchase	13,004 gal X \$0.93 = \$12,094
Year 2002 bid	13,004 gal X \$0.78 = \$10,143

Sylvax Patching Material, ASTM spec C-136-#9

Year 2001 purchase	307 ton X \$59.00 = \$18,113
Year 2002 bid	307 ton X \$58.75 = \$18,036

H1 & H2 Limestone Chip Blend

Year 2000 purchase	418 ton X \$9.65 = \$4,034
Year 2001 purchase	0
Year 2002 bid	418 ton X \$9.88 = \$4,130

Road Slag 22-A Natural

Year 2001 purchase	4,282 ton X \$8.82 = \$37,767
Year 2002 bid	4,282 ton X \$8.65 = \$37,039

Concrete Mix (various densities utilized; 7 Sack Mix predominate and reflected here)

Year 2001 purchase	444 cubic yards X \$71.73 = \$31,848
Year 2002 bid*	444 cubic yards X \$65.76 = \$29,197

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

Date: March 6, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Irrigation Parts Bids

SUMMARY OF REQUEST:

To purchase repair parts for our TORO irrigation systems

FINANCIAL IMPACT:

\$10,028.68

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

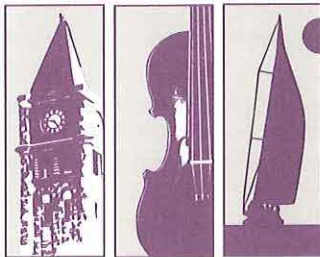
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: March 6, 2002

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: Irrigation Parts Bids

The City of Muskegon has many miles of irrigation systems within the parks and cemeteries throughout the city. All of the systems are TORO. Annually we purchase replacement parts for the systems. This year, the total cost of the replacement parts is \$10,028,68.

The only distributor of TORO parts in western Michigan is Spartan Distributors. Consequently, we can't bid out the parts. Therefore, this is a sole source bid.

I am requesting authorization to purchase \$10,028.68 of TORO irrigation parts from Spartan Distributors for our various irrigation systems. Money is budgeted within the Parks and Cemetery budgets for this purchase.

Thank you for your consideration.

Date: March 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
2002 Sidewalk Replacement Program

SUMMARY OF REQUEST:

The 2002 Sidewalk Replacement contract be awarded to North River Excavating out of Newaygo. North River was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$207,730.28.

FINANCIAL IMPACT:

The construction cost of \$207,730.28 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to North River Excavation

COMMITTEE RECOMMENDATION:

engineer's estimate

SIDEWALK PROGRAM 2002 H-1535				ENGINEER'S ESTIMATE	
	ITEM OF WORK	UNIT	QUANTITY	UNIT COST	TOTAL PRICE
1	BORROW FILL	CU YD	50	\$15.00	\$750.00
2	CEMENT	TON	10	\$150.00	\$1,500.00
3	CONCRETE CURB, 6" X 14"	L FT	100	\$18.00	\$1,800.00
4	CONCRETE CURB & GUTTER, AS DIRECTED	L FT	50	\$20.00	\$1,000.00
5	CONCRETE DRIVE APPROACH, 6"	SQ YD	145	\$27.00	\$3,907.44
6	CONCRETE SIDEWALK, 4"	SQ FT	42,708	\$2.85	\$121,716.38
7	CONCRETE SIDEWALK, 6"	SQ FT	1,045	\$3.35	\$3,500.75
8	CONCRETE SIDEWALK RAMP, TYPE I OR TYPE III	SQ FT	1,890	\$3.65	\$6,898.50
9	EXCAVATION	CU YD	74	\$10.00	\$740.00
10	REMOVING CONCRETE CURB	L FT	50	\$5.00	\$250.00
11	REMOVING CONCRETE CURB & GUTTER	L FT	172	\$10.00	\$1,720.00
12	REMOVING CONCRETE DRIVE APPROACH	SQ YD	145	\$10.00	\$1,447.20
13	REMOVING CONCRETE SIDEWALK	SQ FT	47,201	\$1.30	\$61,361.30
14	ROOT CUTTING FOR S. W. INSTALLATION, 10"- 20" TREES	EACH	150	\$25.00	\$3,750.00
15	ROOT CUTTING FOR SW. INSTALLATION, 20"- 30" TREES	EACH	150	\$50.00	\$7,500.00
16	ROOT CUTTING FOR S. W. INSTALLATION, TREES OVER 30"	EACH	50	\$75.00	\$3,750.00
	TOTAL				\$221,591.57
	Engineering Cost 20%				\$44,318.31
	ESTIMATED PROJECT TOTAL				\$265,909.88

H-1535 SIDEWALK REPLACEMENT PROGRAM 2002

BID TABULATION

				E&K CONSTRUCTION OF HOLLAND		JORDAN SMITH CONTRACTORS		NORTH RIVER EXCAVATING INC		LINK CONTRACTORS		MUSKEGON QUALITY BUILDERS	
	ITEM OF WORK	UNIT	QUANTITY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	BORROW FILL	CU YD	50	\$15.00	\$750.00	\$10.00	\$500.00	\$10.00	\$500.00	\$10.00	\$500.00	\$5.60	\$280.00
2	CEMENT	TON	10	\$170.00	\$1,700.00	\$100.00	\$1,000.00	\$125.00	\$1,250.00	\$110.00	\$1,100.00	\$98.60	\$986.00
3	CONCRETE CURB, 6" X 14"	L FT	100	\$18.00	\$1,800.00	\$20.00	\$2,000.00	\$16.00	\$1,600.00	\$16.00	\$1,600.00	\$15.34	\$1,534.00
4	CONCRETE CURB & GUTTER, AS DIRECTED	L FT	50	\$20.00	\$1,000.00	\$25.00	\$1,250.00	\$16.00	\$800.00	\$18.00	\$900.00	\$15.34	\$767.00
5	CONCRETE DRIVE APPROACH, 6"	SQ YD	145	\$28.00	\$4,060.00	\$27.00	\$3,915.00	\$50.00	\$7,250.00	\$24.00	\$3,480.00	\$41.57	\$6,027.65
6	CONCRETE SIDEWALK, 4"	SQ FT	42,708	\$2.39	\$102,072.12	\$2.75	\$117,447.00	\$2.56	\$109,332.48	\$2.60	\$111,040.80	\$2.92	\$124,852.57
7	CONCRETE SIDEWALK, 6"	SQ FT	1,045	\$3.05	\$3,187.25	\$3.00	\$3,135.00	\$9.00	\$9,405.00	\$3.10	\$3,239.50	\$4.62	\$4,827.90
8	CONCRETE SIDEWALK RAMP, TYPE I OR TYPE III	SQ FT	1,890	\$3.50	\$6,615.00	\$3.00	\$5,670.00	\$4.00	\$7,560.00	\$3.50	\$6,615.00	\$2.93	\$5,537.70
9	EXCAVATION	CU YD	74	\$20.00	\$1,480.00	\$10.00	\$740.00	\$10.00	\$740.00	\$12.00	\$888.00	\$6.72	\$497.28
10	REMOVING CONCRETE CURB	L FT	50	\$16.00	\$800.00	\$6.00	\$300.00	\$6.00	\$300.00	\$5.00	\$250.00	\$11.20	\$560.00
11	REMOVING CONCRETE CURB & GUTTER	L FT	172	\$13.50	\$2,322.00	\$6.00	\$1,032.00	\$6.00	\$1,032.00	\$9.00	\$1,548.00	\$13.44	\$2,311.68
12	REMOVING CONCRETE DRIVE APPROACH	SQ YD	145	\$15.00	\$2,175.00	\$1.50	\$217.50	\$10.00	\$1,450.00	\$10.00	\$1,450.00	\$5.60	\$812.00
13	REMOVING CONCRETE SIDEWALK	SQ FT	47,201	\$1.58	\$74,577.58	\$1.45	\$68,441.45	\$0.80	\$37,760.80	\$1.25	\$59,001.25	\$1.40	\$66,081.40
14	ROOT CUTTING FOR S. W. INSTALLATION, 10"- 20" TREES	EACH	150	\$25.00	\$3,750.00	\$25.00	\$3,750.00	\$50.00	\$7,500.00	\$35.00	\$5,250.00	\$11.20	\$1,680.00
15	ROOT CUTTING FOR SW. INSTALLATION, 20"- 30" TREES	EACH	150	\$50.00	\$7,500.00	\$35.00	\$5,250.00	\$75.00	\$11,250.00	\$50.00	\$7,500.00	\$12.32	\$1,848.00
16	ROOT CUTTING FOR S. W. INSTALLATION, TREES OVER 30"	EACH	50	\$100.00	\$5,000.00	\$45.00	\$2,250.00	\$200.00	\$10,000.00	\$70.00	\$3,500.00	\$13.44	\$672.00
	TOTAL				\$218,788.95		\$216,897.95		\$207,730.28		\$207,862.55		\$219,275.18

PHONE (231) 845-7170

FAX (231) 845-7170

NORTH RIVER EXCAVATING INC.

**9918 North River Rd.
Newaygo, Michigan
49337**

Facsimile Cover Sheet

Number of pages : 3

Date : 03-04-02

From : Don McKay

To : Mohammad Al-Shatel

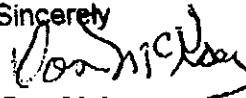
Company : City of Muskegon

Subject : 2002 Sidewalk Program

Mohammad:

I am so sorry that it took me so long to get this to you, I did not forget about it.....honestly. I would hope that with the cover letter, references, the knowledge that you have of my crew and myself and the well known subcontractor that we are going to use, that it would be enough to persuade the board of commissioners to award the contract. We would greatly appreciate any help you could give us in this matter.

Sincerely



Don McKay

North River Excavating, Inc.

NORTH RIVER EXCAVATING, INC.

2218 N. River Rd
Newaygo, MI
49327
231-845-7170

March 4, 2002

City of Muskegon Board Members:

We at North River Excavating, Inc. are honored to be considered for the 2002 sidewalk program. We are a 6 year old established company with an excellent record of excavating, concrete and electrical work. We are prequalified with the Michigan Department of Transportation and have a contract with them in the City of Muskegon to be completed in the fall of 2002. This contract includes, removals, excavation, aggregate, concrete work and restoration items.

The majority of the workers that will be on this project, although employed by a different contractor at the time, have worked for the City before on contracts such as the 1996 sidewalk program, three different road projects on Laketon Avenue, road and sidewalk projects for the Cities of Muskegon Heights and North Muskegon. Our supervisor, Don McKay has over thirty years experience in all phases of road, sewer and concrete work.

At the time of the bid opening, we had not yet recieved all of the subcontractor quotes for this project. We would like to name E & K Construction Co. of Holland as our subcontractor on this project.

We at North River Excavating, Inc. take pride in being able to provide quality workmanship as per specifications, within budget and on time. We thank you for your consideration and look forward to working with the City of Muskegon on this project.

Sincerely,
Jeff Bahn


President, North River Excavating, Inc.

NORTH RIVER EXCAVATING, INC.

9558 N. River Rd.

Newaygo, MI.

49337

231-845 7170

March 4, 2002

Requested References.

Kent Power Company

90 Spring St.

Kent City, Mi.

800-743-5368

Bob Davies

616-240-3042

Jim Davies

616-550-5328

Lynn Woolard

616-437-0626

Type of work performed: Excavation, aggregate, concrete foundation and finish work, restoration.

The Hydaker Wheatlake Company

420 Roth

P.O. Box 147

Reed City, Mi.

Dave Bradley

231-206-5166

John DeVol

800-600-2258

Type of work performed: Excavation, aggregate, concrete foundation work and restoration.

Gem Engineering

Rob Johnson

281-352-8244

Type of work performed: Excavation, aggregate, concrete slab and foundation work, electrical and restoration.

Commission Meeting Date: March 12, 2002

*Needs
2nd Reading*

Date: March 1, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *B*
RE: Rezoning request for property located at 565 Mulder Ave.
and 557 McLaren St.

SUMMARY OF REQUEST:

Request to rezone property owned by the City of Muskegon, located at 565 Mulder Ave. and 557 McLaren St., from R-1, Single-Family Residential and OSR, Open Space Recreation to either RT, Two-Family Residential or RM-1, Low-Density Multiple-Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request, to rezone the property to RT.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request to rezone the property to RT at their 2/28 special meeting. The vote was unanimous, with J. Aslakson and M. Kleaveland absent.

Date: March 12, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Recommendation for Annual Renewal of Liquor Licenses

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 5-270 and 5-271 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 31, 2002, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

**RESOLUTION RECOMMENDING STATE WITHHOLD
RENEWAL OF LIQUOR LICENSES FOR CODE
VIOLATIONS**

THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that
whereas, the following business establishments in the City of Muskegon have liquor
licenses and are found to be in violation of Article XIII, Section 5-270 and 5-271 of the
Code of Ordinances of the City of Muskegon:

SEE ATTACHED LIST OF VIOLATIONS

AND WHEREAS, a hearing was held on March 12, 2002, before the City Commission to
allow such licensees an opportunity to refute the determination of the City Commission
that such establishments are in non-compliance with the City Code of Ordinances and
renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-
Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon hereby recommends that these liquor licenses not be approved for renewal,
and a copy of this Resolution be sent to the State Liquor Control Commission. If any of
these establishments come into compliance before March 31, 2002, they will be removed
from this Resolution.

Approved and adopted this 12th day of March, 2002.

AYES:

NAYS:

ABSENT:

By: _____
Gail A. Kunding, City Clerk

BUSINESS NAME	BUSINESS ADDRESS	OCCUPANCY PERMIT	REGISTRATION FEE	APPLICATION FORM	MONEY DUE	INCOME TAX	BUSINESS REG.
Rite Aid	821 Apple		X	X			
Moose 491	2330 Barclay				X		
Beach St. Inn	1601 Beach		X	X			
Westside Inn	1635 Beidler		X				
Clover Bar	817 Forest		X	X	X		
Harbour Towne Yacht Club	3425 Fulton		X	X	X		
Pat's Roadhouse	157 Getty				X		
Tom's Drink All	1500 Getty		X	X			
Pop-A-Top	2185 Henry		X	X	X	X	
Daniels Concession	2300 Henry					X	
Doo Drop Inn	2410 Henry		X	X		X	
Sardine Room	2536 Henry				X		
Lakeview Mart	1930 Lakeshore		X	X	X		
Lakeshore Tavern	1963 Lakeshore		X	X			
Lakeside Pharmacy	1965 Lakeshore		X	X			
Sorrento's USA Café	2020 Lakeshore		X	X	X		
H & J	939 E Laketon						
Cuti's Sports Bar & Grill	677 W Laketon		X	X	X		
The Sand Bar	1031 W Laketon		X	X			
Docker's	3505 Marina View				X		
H & J/Kwik-Way	45 E Muskegon	X					X
Brutters	978 Pine	X			X	X	
Pulaski Lodge	871 Pulaski				X		
Super Stop	2390 Sherman				X		
Applebees of MI	1825 E Sherman		X	X			
Someplace Else	1508 W Sherman				X		
Rafferty's Restaurant	601 Terrace Point				X		
Muskegon Family Foods	1157 Third				X		
Racquets	446 W Western				X		

X represents in violation

RESOLUTION RECOMMENDING STATE WITHHOLD RENEWAL OF LIQUOR LICENSES FOR CODE VIOLATIONS

THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that
whereas, the following business establishments in the City of Muskegon have liquor
licenses and are found to be in violation of Article XIII, Section 5-270 and 5-271 of the
Code of Ordinances of the City of Muskegon:

SEE ATTACHED LIST OF VIOLATIONS

AND WHEREAS, a hearing was held on March 12, 2002, before the City Commission to
allow such licensees an opportunity to refute the determination of the City Commission
that such establishments are in non-compliance with the City Code of Ordinances and
renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-
Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon hereby recommends that these liquor licenses not be approved for renewal,
and a copy of this Resolution be sent to the State Liquor Control Commission. If any of
these establishments come into compliance before March 31, 2002, they will be removed
from this Resolution.

Approved and adopted this 12th day of March, 2002.

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

NAYS: None

ABSENT: Shepherd

By: _____
Linda Potter, Deputy City Clerk

BUSINESS NAME	BUSINESS ADDRESS	OCCUPANCY PERMIT	REGISTRATION FEE	APPLICATION FORM	MONEY DUE	INCOME TAX
Rite Aid	821 Apple		X	X		
Harbour Towne Yacht Club	3425 Fulton		X			
Lakeside Pharmacy	1965 Lakeshore		X	X		
H & J/Kwik-Way	45 E Muskegon	X				
Brutters	978 Pine	X			X	X
Someplace Else	1508 W Sherman				X	
Rafferty's Restaurant	601 Terrace Point				X	

X represents in violation

AFFIDAVIT OF MAILING

I, Linda S. Potter, being duly sworn, deposes and says that I am the Deputy City Clerk of the City of Muskegon, State of Michigan; and that on March 12, 2002, the City Commission will meet to hear objections to adoption of a resolution to recommend to the State Liquor Control Commission that liquor license holders who are not in compliance with City Codes be considered for non-renewal of their liquor licenses.

A notice of this hearing was sent to each license holder who was not in compliance on March 5, 2002. This notice was mailed by first class mail, certified, with return receipt requested, to each license holder.

Dated this 5th day of March, 2002.



Linda Potter
Deputy City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on March 12, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, City Clerk

Date: March 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Wilson Ave., Henry to Dowd

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Wilson Ave., Henry to Dowd**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-32(b)

Resolution At First Hearing Creating Special Assessment District
For **Wilson from Henry St. to 75' W. of the Westerly R-O-W of Dowd**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 12, 2002** 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 12, 2002**, there were 14.81 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Schweifler and Spataro
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 **43.3%** 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, Buie, Gawron, Larson, Schweifler

Nays None

CITY OF MUSKEGON

By Gail A. Kunderinger
Gail A. Kunderinger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 12, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderinger
Gail A. Kunderinger, Clerk

EXHIBIT A

Wilson Ave., Henry St. to Dowd

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Wilson from Henry St. to 75' W. of the Westerly R-O-
W of Dowd**

	HACKLEY				AVENUE																					
	560	558	507	507	448	450	391	393	328	330	271	273	208	210	151	153	88	80	31	878	879	880	875	874	ER	872

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1523, WILSON, DOWD TO HENRY STREET

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 1ST DAY OF MARCH, 2002.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
14th DAY OF March, 2002.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

ENGINEERING FEASIBILITY STUDY

For

WILSON, HENRY TO DOWD

The proposed new construction on **Wilson between Henry & Dowd**, see attached location map, was initiated by the City due to the following reasons:

1. That section of Wilson is gravel, therefore, in keeping with the City's goals of eliminating all gravel roads made this road a leading candidate for roadway construction.
2. The need to reduce maintenance cost associated with upkeep of the gravel road
3. Enhance the appearance of that area

The combination of the above reasons makes the selection of this street for improvements an ideal one.

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

The preliminary cost estimate for the work associated with paving is approximately \$135,000 with the length of the project being approximately 1300 lineal feet or 1606 of assessable front footage. This translates into an estimated improvement cost of \$84 per assessable foot. The assessment figures will be at a cost not to exceed \$36.35 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

February 27, 2002

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 new construction of Wilson Avenue located between Henry Street and Dowd 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 27, 2002.

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 a mixture of properties, but the front foot rate of \$ 36.35 appears reasonable in light of analysis that indicates a probable enhancement of \$ 37.61. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,


Jerry A Groeneveld, CMAE 3
Senior Appraiser

March 1st, 2002

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441

2

Parcel Number 24-XXX-XXX-XXXX-XX: at XXXX WILSON

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:

Wilson, Dowd to Henry St.

The proposed special assessment district will be located as follows:

All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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 12th, 2002 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 \$135,000.00 of which approximately 43.3% (\$58,397.73) 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

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.
Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address:	996	WILSON AVE
Parcel Number	24-665-000-0489-00	
Assessable Frontage:	62.8	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$2,282.78	

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOTS 489 & 490

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.

GORDAN FREDMAN

CITY OF MUSKEGON

WILSON, HENRY EDWARD H-1523

CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

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

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

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

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

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

INCOME INFORMATION

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

Wage earner: _____

Wage earner: _____

Wage earner: _____

Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract

Homeowner's Insurance Co: _____ Expiration Date: _____

Property Taxes: () Current () Delinquent Year(s) Due _____

(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

Special Assessment 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

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

**Sherin St., Lakeshore Dr. to Miner
Terrace St., Irwin to Iona
Wilson Ave., Henry St. to Dowd**

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

- All parcels abutting Sherin St., from Lakeshore Dr. to Miner &
- All parcels abutting Terrace St., from Irwin to Iona &
- All parcels abutting Wilson from Henry St. to 75' W. of the Westerly R-O-W of Dowd

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

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **March 12, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **March 2, 2002**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H-1523

NEW CONSTRUCTION

HEARING DATE

March 12th, 2002

Wilson, Dowd to Henry St.

24-365-000-0007-00	WERLING KENNETH 2110 DOWD ST @ 2110 DOWD ST MUSKEGON MI 49441	ASSESSABLE FEET: 49.47 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,798.23
24-365-000-0008-00	JOHNSON HELEN M 949 WILSON AVE @ 949 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 50.07 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,820.04
24-665-000-0014-00	PEARSON JOHN H ET AL 2083 HENRY ST @ 2083 HENRY ST MUSKEGON MI 49441	ASSESSABLE FEET: 48.9 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,777.52
24-665-000-0016-00	TISCH MATTHEW L/VICKI 1907 MCILWRAITH ST @ 2107 HENRY ST MUSKEGON MI 49442	ASSESSABLE FEET: 48.9 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,777.52
24-665-000-0103-00	HOLT MICHAEL/CATHI 160 JOHN AVE @ 841 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 32.7 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,188.65
24-665-000-0104-00	VAN DONKELAAR WILFORD JR/ 829 WILSON AVE @ 829 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 80 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,908.00
24-665-000-0106-00	DAHLGREN BESSIE 834 WILSON AVE @ 828 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 40 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,454.00

NEW CONSTRUCTION

HEARING DATE

March 12th, 2002

Wilson, Dowd to Henry St.

24-665-000-0107-00	DAHLGREN BESSIE 834 WILSON AVE @ 834 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 40 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,454.00
24-665-000-0108-00	CITY OF MUSKEGON @ 846 WILSON AV	ASSESSABLE FEET: 32.7 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,188.65
24-665-000-0133-00	SHREVE BERNARD 854 WILSON AVE @ 854 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 50.8 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,846.58
24-665-000-0135-00	ZAVITZ SHIRLEY A/ZAVITZ RICH 866 WILSON AVE @ 866 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 60 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,181.00
24-665-000-0136-00	FELCOSKIE ROBERT W 865 WILSON AVE @ 865 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 60 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,181.00
24-665-000-0138-00	MAYNARD CHARLES W/JULIANN 855 WILSON AVE @ 855 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 50.8 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,846.58
24-665-000-0223-00	LAUDE GARY F 879 WILSON AVE @ 879 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 107.8 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$3,918.53

Wilson, Dowd to Henry St.

24-665-000-0226-00	KUZMA JOSEPH/MICHELLE 882 WILSON AVE @ 882 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 107.8 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$3,918.53
24-665-000-0253-00	CIHOS STANLEY 900 WILSON AVE @ 900 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 62 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,253.70
24-665-000-0255-00	BRUCKBAUER LEONARD 912 WILSON AVE @ 912 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 39 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,417.65
24-665-000-0256-00	JENSEN MICHAEL P 911 WILSON AVE @ 911 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 39 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,417.65
24-665-000-0257-00	ZUIDEMA JEFFERY/LINDA C 2119 KINSEY ST @ 2119 KINSEY ST MUSKEGON MI 49441	ASSESSABLE FEET: 62 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,253.70
24-665-000-0343-00	BRUCKBAUER DANIEL P 2118 HUDSON ST @ 2118 HUDSON ST MUSKEGON MI 49441	ASSESSABLE FEET: 46.5 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,690.28
24-665-000-0345-00	BOLEMA LONNIE 919 WILSON AVE @ 919 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 58.5 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,126.48

NEW CONSTRUCTION

HEARING DATE

March 12th, 2002

Wilson, Dowd to Henry St.

24-665-000-0346-00	TENBRINK BRAD D/MARY A 920 WILSON AVE @ 920 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 39 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,417.65
24-665-000-0347-00	PRESTON HAROLD M 2090 HUDSON ST @ 2090 HUDSON ST MUSKEGON MI 49441	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-665-000-0373-00	GILL NORMA 944 WILSON AVE @ 944 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 26.8 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$974.18
24-665-000-0374-00	GILL NORMA 944 WILSON AVE @ 950 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 39 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,417.65
24-665-000-0375-00	PIKAART TERRY L 11755 SAND RD @ 956 WILSON AV MONTAGUE MI 49437	ASSESSABLE FEET: 39 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,417.65
24-665-000-0466-00	EVANS PAULINE R 968 WILSON AVE @ 968 WILSON AV MUSKEGON MI 49441	ASSESSABLE FEET: 39 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,417.65
24-665-000-0467-00	LINK MARCUS A 1960 S MILL IRON RD @ 972 WILSON AV MUSKEGON MI 49442	ASSESSABLE FEET: 39 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,417.65

NEW CONSTRUCTION

HEARING DATE

March 12th, 2002

Wilson, Dowd to Henry St.

24-665-000-0468-00	SCHAALLEMA TERRI	ASSESSABLE FEET:	26.2
	976 WILSON AVE	COST PER FOOT:	\$36.35
@ 976 WILSON AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$952.37

24-665-000-0489-00	GROGAN THOMAS	ASSESSABLE FEET:	62.8
	996 WILSON AVE	COST PER FOOT:	\$36.35
@ 996 WILSON AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,282.78

24-665-000-0491-00	SKLENAR CATHERINE	ASSESSABLE FEET:	62.8
	2111 DOWD ST	COST PER FOOT:	\$36.35
@ 2111 DOWD ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,282.78

SUM OF ASSESSABLE FOOTAGE:	<u>1606.54</u>	SUM OF ESTIMATED P.O. COST:	<u>\$58,397.73</u>
----------------------------	----------------	-----------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS	31
------------------------------------	----

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please
Return This Card By **March 12th, 2002**

Project Title: **Wilson, Dowd to Henry St.**
Project Description: **All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.**

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.

Assessment Information

Property Address:	2083	HENRY ST
Parcel Number	24-665-000-0014-00	
Assessable Frontage:	48.9	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$1,777.52	

Property Description

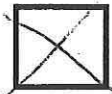
CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOTS 14 AND 15

RECEIVED
MAR 05 2002
City Clerks Office

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

Edward L Pearson

CoOwner/Spouse

Signature

Edward L Pearson

Signature

Address

2083 Henry St

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.

Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address: 2118 HUDSON ST

Parcel Number 24-665-000-0343-00

Assessable Frontage: 46.5 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,690.28

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 343
& W 1/2 LOT 344
ALSO N 10 FT OF W 58.5 FT LOT 342

RECEIVED
MAR 05 2002
City Clerks Office

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 P. Bruckbauer CoOwner/Spouse _____

Signature _____

Signature _____

Address _____

Address _____

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

BRUCKBAUER DANIEL P.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.

Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address: 976 WILSON AVE

Parcel Number 24-665-000-0468-00

Assessable Frontage: 26.2 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$952.37

RECEIVED

MAR 06 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 468

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

Terr Kamrowski

CoOwner/Spouse

Signature

Terr Kamrowski

Signature

Address

976 Wilson Ave.

Address

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

3034 ALLEMA TERRI

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.

Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address: 2090 HUDSON ST

Parcel Number 24-665-000-0347-00

Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,399.10

RECEIVED

MAR 06 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOTS 347 & 348

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner HAROLD M. PRESTON

CoOwner/Spouse

Signature

Signature

Address

Address

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

PRESTON DAYTON

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.

Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address:

996

WILSON AVE

Parcel Number

24-665-000-0489-00

Assessable Frontage:

62.3

Feet

Estimated Front Foot Cost:

\$36.35

per Foot

ESTIMATED TOTAL COST

\$2,282.78

RECEIVED

MAR 06 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOTS 489 & 490

Yes, we are tired of "eating dirt" in the summer time. During baseball season we have between 75 to 100 cars a day pass our house!

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Thomas D. Beaman

CoOwner/Spouse

Pam A. Beaman

Signature

Thomas D. Beaman

Signature

Pam A. Beaman

Address

996 Wilson

Address

996 Wilson

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.
Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address:	2110	DOWD ST
Parcel Number	24-365-000-0007-00	
Assessable Frontage:	49.47	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$1,798.23	

RECEIVED

MAR 11 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
GLEN VIEW RESUB OF LOTS 376 TO 390
& 451 TO 465 INCL OF ORCHARD GROVE SUB-DIVISION
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	<u>Kenneth J. Werling</u>	CoOwner/Spouse	<u>Elizabeth A. Werling</u>
Signature	<u>Kenneth J. Werling</u>	Signature	<u>Elizabeth A. Werling</u>
Address	<u>2110 Dowd St.</u>	Address	<u>2110 Dowd St.</u>

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

WERLING KENNETH

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.
Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address:	828.0	WILSON AVE
Parcel Number	24-665-000-0106-00	
Assessable Frontage:	40	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$1,454.00	

RECEIVED
MAR 11 2002
City Clerks Office

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 106

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	BESSIE MAE DAHLGREN	Go Owner/Spouse	_____
Signature	<i>Bessie M Dahlgren</i>	Signature	_____
Address	828 W WILSON AVE	Address	_____

DAHLGREN BESSIE

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **March 12th, 2002**

Project Title: **Wilson, Dowd to Henry St.**

Project Description: **All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.**

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.

Assessment Information

Property Address: **834.0 WILSON AVE**
Parcel Number **24-665-000-0107-00**
Assessable Frontage: **40 Feet**
Estimated Front Foot Cost: **\$36.35 per Foot**

ESTIMATED TOTAL COST

\$1,454.00

RECEIVED

MAR 11 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 107

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 **BESSIE MAE DAHL** CoOwner/Spouse **DAHL**
Signature **Bessie M. Dahlgreen** Signature _____
Address **834 W WILSON AVE.** Address _____

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

DAHLGREN BESSIE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.

Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address: 879 WILSON AVE
Parcel Number 24-665-000-0223-00
Assessable Frontage: 107.8 Feet
Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$3,918.53

RECEIVED

MAR 07 2002

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOTS 223, 224 AND 225

R&M EXEMPTION-95-SIDING-\$1800 AV

City Clerks Office

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 Lande
Signature Gary Lande
Address 879 Wilson Ave

CoOwner/Spouse Carol Lande
Signature Carol Lande
Address 879 Wilson Ave

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

UNLISE GARY F

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

MAR 08 2002

City Clerks Office

To have your vote count, please

Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.

Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address: 900 WILSON AVE

Parcel Number 24-665-000-0253-00

Assessable Frontage: 62 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,253.70

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 253 AND 254

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 Stanley P Cihoski Co-Owner/Spouse _____

Signature Stanley P Cihoski _____

Signature _____

Address 900 Wilson Ave _____

Address _____

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

JONAS STANLEY

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.
Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address: 912.0 WILSON AVE

Parcel Number 24-665-000-0255-00

Assessable Frontage: MAR 07 2002 39 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,417.65

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 255

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.

BRUCKBAUER LEONARD

CITY OF MUSKEGON

WILSON HENRY TO DOWD H-1523

CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: MARTHA BRUCKBAUER Birthdate: 9/23/24 Social Security # 367-22-0623
 Spouse: LEONARD DECEPCE Birthdate: _____ Social Security # _____
 Address: _____ Phone: _____ Race: _____
 Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

Number Living in Household: 1 List information for household members besides owner/spouse here.

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

INCOME INFORMATION

ANNUAL Household Income: \$11,024 Wage earner: SS
 (Must include all household income)
4,200 Wage earner: PENSION
989.41 Wage earner: C-UC
11,92.48 Wage earner: BAWK
 Total: \$ 511.20 CDS TOTAL 17,977.09

PROPERTY INFORMATION

Proof Of Ownership: ☒ Deed () Mortgage () Land ContractHomeowner's Insurance Co: STATE FARM Expiration Date: 6/02

Property Taxes: ☒ Current () Delinquent Year(s) Due _____
 (Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: Martha Bruckbauer Date: 3/6/02

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

ATTENTION APPLICANT

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



2/6/02

Dear City Commissioners.

I am unable to attend meetings
as I am writing my thoughts about
giving Wilson Ave from Henry to Down.

I have lived at 912 Wilson since
1966, At that time we were the
Township.

We were told if we voted
to go into city of Muskegon every
street in the area would be paved
within 7 years! That was close
to 30 years ago!

After a heavy rain, the ~~at~~ street
in front of my house washed away,
leaving a ditch in front of my
driveway & mail box.

Even the mail person has trouble

©1997 J. Casey

er certifies
d complete
prior to the

urance.



2/6/02

Dear City Commisene.

I am unable to attend meetings
so I am writing my thoughts about
paving Wilson Ave from Henry to Doer.

I have lived at 912 Wilson since
1966, At that time we were the
Township.

We were told if we voted
to go into city of Muskegon every
street in the area would be paved
within 7 years! That was close
to 30 years ago!

After a heavy rain, the ~~at~~ street
in front of my house washed away,
leaving a ditch in front of my
driveway & mail box.

Even the mail person has trouble

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.
Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address:	944	WILSON AVE
Parcel Number	24-665-000-0373-00	
Assessable Frontage:	26.8	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$974.18	

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION LOT 373

RECEIVED
MAR 12 2002
City Clerks Office

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>Norma J. Hill</u>	CoOwner/Spouse	_____
Signature	_____	Signature	_____
Address	<u>944 W Wilson Ave</u>	Address	_____

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.
Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W ROW of Henry Street.

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.

Assessment Information

Property Address:	950.0	WILSON AVE	RECEIVED
Parcel Number	24-665-000-0374-00		
Assessable Frontage:	39	Feet	MAR 12 2002
Estimated Front Foot Cost:	\$36.35	per Foot	City Clerks Office
ESTIMATED TOTAL COST	\$1,417.65		

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 374

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.

GILL NORMA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By March 12th, 2002

Project Title: Wilson, Dowd to Henry St.
Project Description: All parcels abutting Wilson from 75' W of westerly ROW of Dowd to W
ROW of Henry Street.

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.

Assessment Information

Property Address: 968.0 WILSON AVE
Parcel Number 24-665-000-0466-00
Assessable Frontage: 39 Feet
Estimated Front Foot Cost: \$36.35 per Foot
ESTIMATED TOTAL COST \$1,417.65

RECEIVED

MAR 08 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
ORCHARD GROVE ADDITION
LOT 466

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 R. EVANS CoOwner/Spouse Deceased
Signature Pauline Ruth Evans Signature N/A
Address 968 Wilson Ave. Address _____

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

EVANS PAULINE R

H-1523 WILSON AVE., DOWD TO HENRY

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 31									
			FOR					OPPOSE				
			LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1606.540 ***		1	24-665-000-0014-00	2083	HENRY	48.90	30	24-665-000-0468-00	976	WILSON	26.20
FRONT FEET OPPOSED	238.000	14.81%	6	24-665-000-0343-00	2118	HUDSON	46.50	2	24-665-000-0347-00	2090	HUDSON	66.00
RESPONDING FRONT FEET IN FAVOR	455.470	28.35%	31	24-665-000-0489-00	996	WILSON	62.80	8	24-665-000-0106-00	828	WILSON	40.00
NOT RESPONDING - FRONT FEET IN FAVOR	913.070	56.83%	21	24-665-000-0255-00	912	WILSON	39.00	10	24-665-0107-00	834	WILSON	40.00
			17	24-665-000-0223-00	879	WILSON	107.80	26	24-665-000-0374-00	850	WILSON	39.00
			19	24-665-000-0253-00	900	WILSON	62.00	24	24-665-000-0373-00	944	WILSON	26.80
			28	24-665-000-0466-00	968	WILSON	39.00					
			4	24-365-000-0007-00	2110	DOWD	49.47					
TOTAL FRONT FEET IN FAVOR	1368.540	85.19%										
TOTALS							455.47	238.00				

TABULATED AS OF: 03/12/02 05:00 PM

Date: March 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Sherin St., Lakeshore Dr. to Miner

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-32(c)

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

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

RECITALS:

1. A hearing has been held on **March 12, 2002** 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 12, 2002**, there were 34.79% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Larson and Schweifler and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **43.8%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 12, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

Sherin St., Lakeshore Dr. to Miner

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Sherin St., Lakeshore
Dr. to Miner**



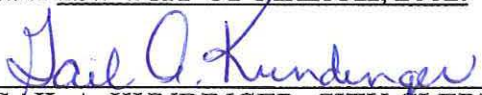
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1522 SHERIN, LAKESHORE TO MINER

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE **1ST DAY OF MARCH, 2002.**



GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
14th DAY OF March, 2002.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

ENGINEERING FEASIBILITY STUDY

For

Sherin St., Lakeshore Dr. to Miner

The proposed reconstruction of Sherin St. Lakeshore Dr. & Miner was initiated by the City due to the conditions its in. The existing conditions of that section of roadway, we feel, beyond salvaging. In addition, the roadway is partially gravel and has no curbs and gutters.

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

- Improve the City's infrastructure
- enhance the appearance of that area.
- Eliminate at least 300' of gravel roadway from the City street system

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

The preliminary cost estimate for the work associated with paving is approximately \$80,000 with the length of the project being approximately 576 lineal feet or 963.20 of assessable footage. This translates into an estimated improvement cost of \$83.05 per assessable foot. The assessment figure will be at a cost not to exceed \$36.35 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

February 27, 2002

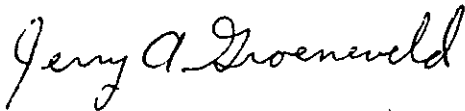
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Sherin Street between Lake Shore Drive and Miner Ave. 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 27, 2002.

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 \$36.35 for the paving of the above mentioned project area appears reasonable in light of analysis that indicates a possible enhancement of \$37.50. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3

Senior Appraiser

March 1st, 2002

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441

1

Parcel Number 24-XXX-XXX-XXXX-XX: at XXXX SHERIN ST

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:

Sherin, Lakeshore to Miner

The proposed special assessment district will be located as follows:

All parcels abutting Sherin from South of Lakeshore to the South side of Miner

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on MARCH 12, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$80,000.00 of which approximately 43.8% (\$35,012.32) 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 dark ink, appearing to read 'Mohammed Al-Shatel', is written over a horizontal line.

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 12, 2002**

Project Title: Sherin, Lakeshore to Miner
Project Description: All parcels abutting Sherin from South of Lakeshore to the South side of Miner

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.

Assessment Information

Property Address: 2182 SHERIN ST
Parcel Number 24-205-693-0001-06
Assessable Frontage: 67 Feet
Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,435.45

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
PART OF BLK 693 COM AT A PT 114 FT S OF S LINE OF LAKE ST
& 495 FT W OF E LINE OF BLK 693
TH E 100 FT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____ CoOwner/Spouse _____
Signature _____ Signature _____
Address _____ Address _____

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

CITY OF MUSKEGON

~~SHERIN L. L. SHON DR TO MINER H 1572~~**CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____
 By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

Special Assessment 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**.

SPECIAL ASSESSMENT

H-1522

RECONSTRUCTION

HEARING DATE

MARCH 12, 2002

Sherin, Lakeshore to Miner

24-205-693-0001-01	DULA ANDREW J/MARCIA N 2565 LAKESHORE DR @ 2565 LAKESHORE MUSKEGON MI 49441	ASSESSABLE FEET: 75 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,726.25
24-205-693-0001-02	DUFF BRIAN P/MAUREEN A 3541 CHANNEL DR @ 2195 SHERIN ST MUSKEGON MI 49441	ASSESSABLE FEET: 199 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$7,233.65
24-205-693-0001-03	SAPPI PAPER PRODUCTS 2400 LAKESHORE DR @ 2541 LAKESHORE MUSKEGON MI 49441	ASSESSABLE FEET: 53.5 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,944.72
24-205-693-0001-06	SAPPI PAPER PRODUCTS 2400 LAKESHORE DR @ 2182 SHERIN ST MUSKEGON MI 49441	ASSESSABLE FEET: 67 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,435.45
24-205-693-0001-07	HARKER RICHARD 2190 SHERIN ST @ 2190 SHERIN ST MUSKEGON MI 49441	ASSESSABLE FEET: 120 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$4,362.00
24-205-693-0001-25	CARTY CONSTANCE 2217 SHERIN ST @ 2217 SHERIN ST MUSKEGON MI 49441	ASSESSABLE FEET: 35 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,272.25
24-205-693-0001-26	WEE MICHAEL/DEBBIE 2088 PARSLOW #334 @ 2223 SHERIN ST MUSKEGON MI 49441	ASSESSABLE FEET: 60 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,181.00

RECONSTRUCTION

HEARING DATE

MARCH 12, 2002

Sherin, Lakeshore to Miner

24-205-693-0001-27	RYAN JERRY W SR	ASSESSABLE FEET:	60
	2231 SHERIN ST	COST PER FOOT:	\$36.35
@ 2231 SHERIN ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,181.00</u>

24-205-693-0001-28	DAVISON TAG/RHONDA	ASSESSABLE FEET:	41.5
	2241 SHERIN ST	COST PER FOOT:	\$36.35
@ 2241 SHERIN ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,508.53</u>

24-205-693-0001-29	HULL THOMAS J	ASSESSABLE FEET:	90
	2224 SHERIN ST	COST PER FOOT:	\$36.35
@ 2224 SHERIN ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$3,271.50</u>

24-205-693-0001-30	KOCHMANSKI HENRY	ASSESSABLE FEET:	60
	2226 SHERIN ST	COST PER FOOT:	\$36.35
@ 2226 SHERIN ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,181.00</u>

24-205-693-0001-31	DAUTEN ALVIN J	ASSESSABLE FEET:	60
	2230 SHERIN ST	COST PER FOOT:	\$36.35
@ 2230 SHERIN ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,181.00</u>

24-205-693-0001-32	STRICKLAND WILLIE A	ASSESSABLE FEET:	42.2
	2552 MINER AVE	COST PER FOOT:	\$36.35
@ 2552 MINER AVE	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,533.97</u>

SUM OF ASSESSABLE FOOTAGE:	<u>963.20</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$35,012.32</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	13		

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**Sherin St., Lakeshore Dr. to Miner
Terrace St., Irwin to Iona
Wilson Ave., Henry St. to Dowd**

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

- All parcels abutting Sherin St., from Lakeshore Dr. to Miner &
- All parcels abutting Terrace St., from Irwin to Iona &
- All parcels abutting Wilson from Henry St. to 75' W. of the Westerly R-O-W of Dowd

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

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS
ON **March 12, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **March 2, 2002**

Gail Kunding, City Clerk

ADA POLICY

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

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please
Return This Card By **MARCH 12, 2002**

Project Title: Sherin, Lakeshore to Miner
Project Description: All parcels abutting Sherin from South of Lakeshore to the South side of Miner

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.

Assessment Information

Property Address:	2190	SHERIN ST
Parcel Number	24-205-693-0001-07	
Assessable Frontage:	120	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$4,362.00	

RECEIVED

MAR 05 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
PART OF BLK 693 COM AT A PT 174 FT S OF S LINE OF LAKE ST & 495 FT W OF E LINE OF BLK 693 TH E 100 FT TH S 50 FT TH W 100 FT N 50 FT TO BEG BLK 693 #77

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 HARKER</u>	CoOwner/Spouse	<u>CONNIE HARKER</u>
Signature	<u>Richard Harker</u>	Signature	<u>Connie Harker</u>
Address	<u>2190 Sherin St.</u>	Address	<u>2190 Sherin St.</u>

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

HARKER RICHARD

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 12, 2002**

Project Title: Sherin, Lakeshore to Miner

Project Description: All parcels abutting Sherin from South of Lakeshore to the South side of Miner

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.

Assessment Information

Property Address: 2217 SHERIN ST

Parcel Number 24-205-693-0001-25

Assessable Frontage: 35 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,272.25

RECEIVED
MAR 05 2002
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
PART OF BLK 693 COM AT A PT 349 FT S OF S LINE OF LAKE ST & 568 FT W OF E LINE OF BLK 693 TH W 130 FT S 5 FT W 132.8 FT S 30 FT E 262.9 FT N 35 FT TO BEG BLK 693 PART OF #98 ALL #99

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>Connie Carthy</u>	CoOwner/Spouse	<u>James C. Carthy</u>
Signature	<u>Connie Carthy</u>	Signature	<u>James C. Carthy</u>
Address	<u>2217 SHERIN ST.</u>	Address	<u>2217 Lakeshore St.</u>

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

CARTY/CONSTANCE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

To have your vote count, please

MAR 07 2002

Return This Card By **MARCH 12, 2002**

City Clerks Office

Project Title: Sherin, Lakeshore to Miner

Project Description: All parcels abutting Sherin from South of Lakeshore to the South side of Miner

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.

Assessment Information

Property Address: 2223 SHERIN ST

Parcel Number 24-205-693-0001-26

Assessable Frontage: 60 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,181.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
PART OF BLK 693
COM AT A PT 384 FT S OF S LINE OF LAKE ST
& 568 FT W OF E LINE OF BLK 693

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

MICHAEL WEE
Michael

CoOwner/Spouse

Signature

Signature

Address

Address

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

WEE MICHAEL DEBBIE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 12, 2002**

Project Title: Sherin, Lakeshore to Miner
Project Description: All parcels abutting Sherin from South of Lakeshore to the South side of Miner

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.

Assessment Information

Property Address:	2565	LAKESHORE DR
Parcel Number	24-205-693-0001-01	
Assessable Frontage:	75	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$2,726.25	

RECEIVED

MAR 11 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903

THAT PT OF BLK 693 OF THE REVISED PLAT OF 1903 OF ON THE S LINE OF LAKESHORE DR 535.00 FT W OF THE NE CORNER OF SD BLK FOR POB; TH S ALG THE W LINE OF SHERRIN ST 150 FT; TH W PAR TO THE S LINE OF LAKESHORE DR 262 FT TO THE W LINE OF SD BLK 693; TH N ALG SD W LINE 150 FT TO THE S LINE OF LAKESHORE DR; TH E ALG SD S LINE 261.66 FT TO

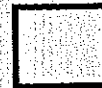
Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner	<u>ANDREW J DULA</u>	CoOwner/Spouse	<u>both</u>
Signature	<u>[Signature]</u>	Signature	<u>[Signature]</u>
Address	<u>2565 LAKESHORE DR</u> <u>MUSKEGON</u>	Address	<u>2565 Lakeshore Dr</u>

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

DULA ANDREW J MAR 11 2002

H-1522 SHERIN, LAKESHORE TO MINER

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 13									
			FOR					OPPOSE				
			LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	963.200 ***		13	24-205-693-0001-01	2565	LAKESHORE	75.00	4	24-205-693-0001-25	2217	SHERIN	35.00
FRONT FEET OPPOSED	215.000 <i>2</i>	22.32% <i>39.79</i>						2	24-205-693-0001-07	2190	SHERIN	120.00
								5	24-205-693-0001-26	2223	SHERIN	60.00
RESPONDING FRONT FEET IN FAVOR	75.000	7.79%										
NOT RESPONDING - FRONT FEET IN FAVOR	673.200	69.89%										
TOTAL FRONT FEET IN FAVOR	748.200	77.68%										
			TOTALS									

Date: March 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Terrace St., Irwin to Iona

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-32(d)

Resolution At First Hearing Creating Special Assessment District
For Terrace St., Irwin to Iona

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

RECITALS:

1. A hearing has been held on **March 12, 2002** 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 12, 2002**, there were 8.34 % 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 Warmington and Shepherd
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **24.6%** 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 Buie, Gawron, Larson, Schweifler, Spataro, Warmington

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 12, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ENGINEERING FEASIBILITY STUDY

For

TERRACE STREET, IRWIN TO IONA

The reconstruction of terrace street between Irwin and Iona, see attached location map, was initiated by the City due to the conditions of the pavement and underground utilities. The existing pavement has deteriorated to a level where we believe a total reconstruction is necessary to optimize the use of street funds. The improvements being proposed, reconstruction, consist of following;

1. Complete removal of existing pavement, including what's left of the curbs & gutters and replace with a new street section that would include curb & gutter
2. Replace the existing sanitary sewer main along with services
3. Replace existing watermain along with water services

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 \$330,000 with the length of the project being approximately 1460 lineal feet or 2230 of assessable footage. This translates into an estimated improvement cost of \$148 per assessable feet. The assessment figure will be at a cost not to exceed \$32.70 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

EXHIBIT A

TERRACE ST. FROM IRWIN TO IONA

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Terrace St., Irwin to Iona**



362	
9	10

1	12
363	
6	7

AVE	
1	16
8	9

1	12
401	
6	7
AVE	

1	12
402	
6	7

1	14
276	
6	
	7

1	17
275	
9	10

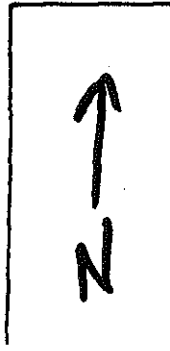
4	1
5	16
274	
10	11

4	1
5	16
273	
10	11

4	1
5	16
272	

5			
6		22	
271			

EVERGREEN
CEMETERY



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1547 TERRACE, IONA TO IRWIN

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 1ST DAY OF MARCH 2002.


GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2002.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

February 27, 2002

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 Terrace Street located between Iona Avenue and Irwin 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 February 27, 2002.

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 a mixture of properties, but the front foot rate of \$ 36.35 appears reasonable in light of analysis that indicates a probable enhancement of \$37.35. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,


Jerry A. Groeneveld, CMAE 3
Senior Appraiser

March 1st, 2002

OWNERS NAME
OWNERS ADDRESS
FRUITPORT, MI 49415

1

Parcel Number 24-XXX-XXX-XXX-XX: at XXXX TERRACE ST

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:

Terrace, Irwin to Iona

The proposed special assessment district will be located as follows:

All parcels abutting Terrace from South of Iona to North of Irwin

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 12th, 2002 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 \$330,000.00 of which approximately 24.6% (\$81,064.14) 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

To have your vote count, please
Return This Card By **MARCH 12th, 2002**

Project Title: Terrace, Irwin to Iona

Project Description: All parcels abutting Terrace from South of Iona to North of Irwin

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.

Assessment Information

Property Address: 1223 TERRACE ST

Parcel Number 24-205-243-0010-00

Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,399.10

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 10 BLK 243

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____	CoOwner/Spouse _____
Signature _____	Signature _____
Address _____	Address _____

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

CITY OF MUSKEGON

TERRACE DR WILKINSON, MI 49547

CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

ATTENTION APPLICANT

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

Special Assessment 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

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

**Sherin St., Lakeshore Dr. to Miner
Terrace St., Irwin to Iona
Wilson Ave., Henry St. to Dowd**

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

- **All parcels abutting Sherin St., from Lakeshore Dr. to Miner &**
- **All parcels abutting Terrace St., from Irwin to Iona &**
- **All parcels abutting Wilson from Henry St. to 75' W. of the Westerly R-O-W of Dowd**

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

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **March 12, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **March 2, 2002**

Gail Kunderger, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H-1547

RECONSTRUCTION

HEARING DATE

MARCH 12th, 2002

Terrace, Irwin to Iona

24-205-243-0007-10	BATES DANIEL R 1247 TERRACE ST @ 1247 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-243-0008-00	BETHANY HOUSING 1105 TERRACE @ 1239 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-243-0009-00	HAVERMANS THEODORE W 1167 PECK ST @ 1231 TERRACE S MUSKEGON MI 49441	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-243-0010-00	MERGENER RANDY F/LAURA ET 7375 MERGENER RD @ 1223 TERRACE S FRUITPORT MI 49415	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-244-0001-00	KAHN HENRY/JAMES/TINA 1224 TERRACE ST @ 1224 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-244-0002-00	DAY NELLIE 1232 TERRACE ST @ 1232 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-244-0003-00	BROWER STANLEY A 1238 TERRACE ST @ 1238 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 56 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,035.60

Terrace, Irwin to Iona

24-205-244-0004-00	JACKSON SEQUITA 1244 TERRACE ST	ASSESSABLE FEET:	38
@ 1244	TERRACE S MUSKEGON MI 49442	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	\$1,381.30
24-205-244-0004-10	CHEATHAM PERRY LEE/KAREN 101 E DELANO	ASSESSABLE FEET:	38
@ 1250	TERRACE S MUSKEGON MI 49444	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	\$1,381.30
24-205-252-0001-00	CITY OF MUSKEGON 933 TERRACE ST	ASSESSABLE FEET:	66
@ 1264	TERRACE S MUSKEGON MI 49443	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	\$2,399.10
24-205-252-0002-00	LEVELSTON WILLIE S JR 344 AMITY AVE	ASSESSABLE FEET:	40
@ 1270	TERRACE S MUSKEGON MI 49442	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	\$1,454.00
24-205-252-0002-10	CITY OF MUSKEGON 933 TERRACE ST	ASSESSABLE FEET:	26
@ 1274	TERRACE S MUSKEGON MI 49443	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	\$945.10
24-205-252-0003-00	BOSCH JILLEEN K 6411 W CLEVELAND RD	ASSESSABLE FEET:	33
@ 1278	TERRACE S MONTAGUE MI 49437	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	\$1,199.55
24-205-252-0003-10	GAGNON WILLIAM/JULIE 2090 W GILES RD	ASSESSABLE FEET:	33
@ 1282	TERRACE S MUSKEGON MI 49445	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	\$1,199.55

Terrace, Irwin to Iona

24-205-252-0004-00	BOSCH JILLEEN K 6411 W CLEVELAND RD @ 1286 TERRACE S MONTAGUE MI 49437	ASSESSABLE FEET: 33 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,199.55
24-205-252-0004-10	LAMBOUTHS LUCILLE/LAMBOUT 1292 TERRACE ST @ 1292 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 33 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,199.55
24-205-253-0007-10	PASTOOR THOMAS J 1291 TERRACE ST @ 1291 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-253-0008-00	PASTOOR THOMAS/RENEE 1291 TERRACE @ 1279 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-253-0009-00	SAVAGE BEVERLY 1273 TERRACE ST @ 1273 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 50 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,817.50
24-205-253-0010-10	KARY PHILLIP 1267 TERRACE ST @ 1261 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 38.7 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,406.75
24-205-253-0010-20	KARY PHILLIP 1267 TERRACE ST @ 1267 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 43.3 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,573.96

Terrace, Irwin to Iona

24-205-258-0009-10	GOODWIN OBIE M/GOODWIN O	ASSESSABLE FEET:	66
	1331 TERRACE ST	COST PER FOOT:	\$36.35
@ 1331 TERRACE S	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$2,399.10</u>
24-205-258-0010-00	GOODWIN OBIE M	ASSESSABLE FEET:	56
	1331 TERRACE	COST PER FOOT:	\$36.35
@ 1325 TERRACE S	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$2,035.60</u>
24-205-258-0011-00	WASHINGTON MILDRED	ASSESSABLE FEET:	35
	4025 LOOMIS	COST PER FOOT:	\$36.35
@ 1313 TERRACE S	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,272.25</u>
24-205-258-0011-10	MUSKEGON HOUSING COMM	ASSESSABLE FEET:	41
	1080 TERRACE ST	COST PER FOOT:	\$36.35
@ 1317 TERRACE S	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,490.35</u>
24-205-258-0012-10	GUTIERREZ FIDEL	ASSESSABLE FEET:	66
	1305 TERRACE ST	COST PER FOOT:	\$36.35
@ 1305 TERRACE S	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$2,399.10</u>
24-205-259-0001-00	AGUILAR CLEMENTINE	ASSESSABLE FEET:	66
	1934 E APPLE AVE	COST PER FOOT:	\$36.35
@ 1306 TERRACE S	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$2,399.10</u>
24-205-259-0002-00	SEARER JAMES R/MARY A	ASSESSABLE FEET:	66
	113 EMMETT ST	COST PER FOOT:	\$36.35
@ 1316 TERRACE S	GRAND HAVEN MI 49417	<u>ESTIMATED P.O. COST:</u>	<u>\$2,399.10</u>

Terrace, Irwin to Iona

24-205-259-0003-00	CHILD & FAMILY SERVICES 1352 TERRACE ST @ 1324 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 387 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$14,067.45
24-205-266-0006-00	WOODLAND INDIANS MUSKEGO 1391 TERRACE ST @ 1391 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 31 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,126.85
24-205-266-0007-00	JOHNSON PETER F 191 IRWIN @ 1377 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-266-0008-00	JOHNSON JANET 191 IRWIN @ 1375 TERRACE S MUSKEGON MI 49441	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-266-0009-00	PRICE ROSEANN 1363 TERRACE ST @ 1363 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-266-0010-00	CROSBY RENE 1357 TERRACE ST @ 1357 TERRACE S MUSKEGON MI 49442	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10
24-205-266-0011-10	DAVIS JASON/DENNIS/MARY 927 S MEARS AVE @ 1347 TERRACE S WHITEHALL MI 49461	ASSESSABLE FEET: 66 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,399.10

RECONSTRUCTION

HEARING DATE

MARCH 12th, 2002

Terrace, Irwin to Iona

24-205-267-0001-00	AUSTIN INVESTMENT PROPERT	ASSESSABLE FEET:	30.1
	785 BROWNE	COST PER FOOT:	\$36.35
@ 1386	TERRACE S MUSKEGON	MI 49441	<u>ESTIMATED P.O. COST:</u> \$1,094.14

SUM OF ASSESSABLE FOOTAGE:	<u>2230.10</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	\$81,064.14
TOTAL NUMBER OF ASSESSABLE PARCELS	36		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 12th, 2002**

Project Title: Terrace, Irwin to Iona

Project Description: All parcels abutting Terrace from South of Iona to North of Irwin

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.

Assessment Information

Property Address: 1232 TERRACE ST

Parcel Number 24-205-244-0002-00

Assessable Frontage: 66 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,399.10

RECEIVED

MAR 11 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 2 BLK 244

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

3-6-02
NELLIE A. DAY

CoOwner/Spouse

Otha L. Day SR.

Signature

Nellie A. Day

Signature

Otha L. Day SR.

Address

1232 Terrace St.
MUSKEGON, MICH.

Address

1232 Terrace St.

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

DAY NELLIE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 12th, 2002**

Project Title: Terrace, Irwin to Iona
Project Description: All parcels abutting Terrace from South of Iona to North of Irwin

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.

Assessment Information

Property Address: 1250 TERRACE ST

Parcel Number 24-205-244-0004-10

Assessable Frontage: 38 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,381.30

RECEIVED

MAR 12 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 36 FT OF W 90 FT
LOT 4 BLK 244

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

Debra J. Heather

CoOwner/Spouse

Karen J. Heather

Signature

Debra J. Heather

Signature

Karen J. Heather

Address

101 E. Delano 48044

Address

101 E. Delano 48044

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **MARCH 12th, 2002**

Project Title: **Terrace, Irwin to Iona**
Project Description: **All parcels abutting Terrace from South of Iona to North of Irwin**

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.

Assessment Information

Property Address: **1261 TERRACE ST**

Parcel Number **24-205-253-0010-10**

Assessable Frontage: **38.7 Feet**

Estimated Front Foot Cost: **\$36.35 per Foot**

ESTIMATED TOTAL COST \$1,406.75

RECEIVED

MAR 12 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
N 43.7 FT OF E 97 FT OF LOT 10
EX S 5 FT OF E 87 FT THEROF BLK 253

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>PHILLIP W KARY</u> Signature <u>PHILLIP W KARY</u> Address <u>1267 TERRACE</u>	CoOwner/Spouse <u>Susan M. Kary</u> Signature <u>Susan M. Kary</u> Address <u>1267 Terrace</u>
---	--

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

KARY PHILLIP

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **MARCH 12th, 2002**

Project Title: Terrace, Irwin to Iona

Project Description: All parcels abutting Terrace from South of Iona to North of Irwin

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.

Assessment Information

Property Address: 1267 TERRACE ST

Parcel Number 24-205-253-0010-20

Assessable Frontage: 43.3 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,573.96

RECEIVED

MAR 12 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
S 27.3 FT OF E 87 FT LOT 10 &
W 10 FT OF E 97 FT OF S 22.3 FT OF LOT 10 &
W 21 FT OF E 118 FT OF S 4.3 FT LOT 10 &

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

CoOwner/Spouse

SUSAN M. KARY

Signature

Signature

Susan M. Kary

Address

1267 TERRACE

Address

1267 Terrace

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

KARY PHILLIP

H-1547 TERRACE, IRWIN TO IONA

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	FOR					TOTAL NUMBER OF PARCELS - 36					OPPOSE				
			LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	2230.100 ***		4	24-205-244-0002-00	1232	TERRACE	66.00	9	24-205-244-0004-10	1252	TERRACE	38.00	10	24-205-253-0010-10	1261	TERRACE	38.70
FRONT FEET OPPOSED	420.000	5.36% 8.37%						12	24-205-253-0010-20	1267	TERRACE	43.30					
RESPONDING FRONT FEET IN FAVOR	66.000	2.96%															
NOT RESPONDING - FRONT FEET IN FAVOR	2044.100	91.66%															
TOTAL FRONT FEET IN FAVOR	2110.100	94.62%															
			TOTALS					66.00					120.00				

TABULATED AS OF: 03/12/02 05:12 PM

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: March 12, 2002

RE: Public Hearing
Spreading of the Special Assessment Roll on:
Barney Ave., Valley to Roberts

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment roll for **Barney Ave. from Valley to Roberts**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$115,832.99 would be spread against the ten (10) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-32(e)

Resolution Confirming Special Assessment Roll

For Barney Ave., from Valley to Roberts

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 13, 2001**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR **Barney Ave., from Valley to Roberts**

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **March 12, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **March 12, 2002**.

City of Muskegon

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

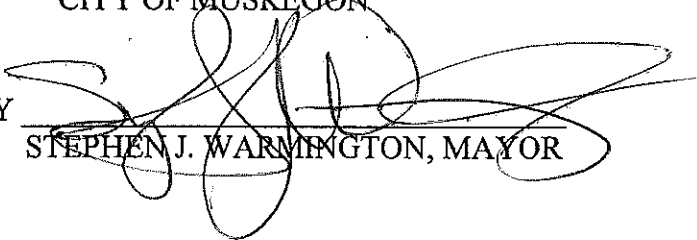
MAYOR'S ENDORSEMENT AND WARRANT

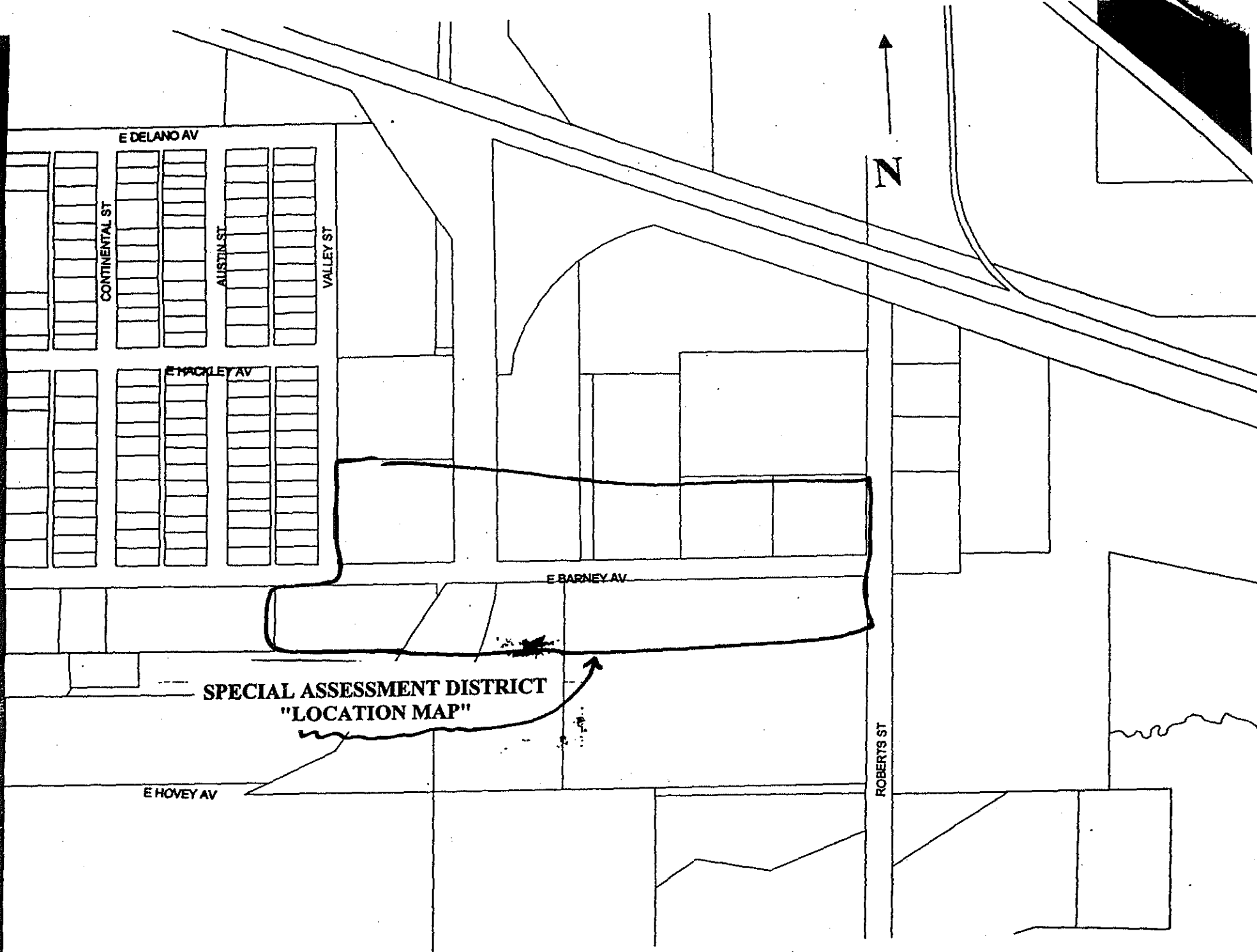
Barney Ave., from Valley to Roberts

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON, MAYOR



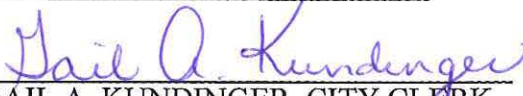
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1527 BARNEY, VALLEY TO ROBERTS

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 1st DAY OF MARCH, 2002.



GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
18th DAY OF March, 2002.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

Linda S. Potter
MY COMMISSION EXPIRES 9-25-02

March 1st, 2002

BAY CARTAGE CO
2653 OLTHOFF ST
MUSKEGON, MI 49444-2680

Property Parcel Number: 24-133-300-0002-00 at 0 E BARNEY AVE

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

Barney Avenue, Valley Street to Roberts Street.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, March 12th, 2002 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED *March 12th, 2002* YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$226,000.00 of which \$115,832.99 (51.3%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$9,451.00 based on 260 feet assessable front footage at \$36.35 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$9,451.00. Following are the terms of the special assessment:

***Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$945.10
Due Date: MAY 14th, 2002***

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

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Procedure for protesting special assessments under to the Michigan State Tax Tribunal.

Step 1: you must protest at the first hearing or by writing 30 days following the meeting.

Step 2: This protest becomes an official record. Either in the minutes of the meeting, or a copy of your letter. This ensures that your rights are confirmed.

Step 3: After the completion of the project in your area, a second hearing will be held to confirm the Special assessment district. After this time you may file a official protest with the Michigan State Tax Tribunal. At which time your earlier protest will be used as record.

MICHIGAN TAX TRIBUNAL
1033 S. Washington Ave.
P.O. Box 30232
Lansing, MI 48909

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL**

**SPECIAL ASSESSMENT DISTRICT:
BARNEY AVE., ROBERTS TO VALLEY (H-1527)**

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

All parcels abutting Barney Ave. from Roberts to Valley

PLEASE TAKE NOTICE that a hearing to confirm the special assessment district will be held at the City of Muskegon Commission Chambers on **MARCH 12, 2002 at 5:30 p.m.**

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

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

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

Gail A. Kundering, City Clerk

Publish: **MARCH 2, 2002**

ADA POLICY

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

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

RECEIVED
CITY OF MUSKEGON

MAR 23 2001

CITY OF MUSKEGON

Resolution No. 2001-28(d)

ENGINEERING DEPT.

Resolution At First Hearing Creating Special Assessment District
For **Barney Street from 2.5' East of the Easterly R-OW line of Valley to 20' West of the
Westerly R-O-W line of Roberts**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 13, 2001** 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 13, 2001**, there were 17.79 % 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 Spataro and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **35.86%** 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, Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki

Nays Benedict

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 13, 2001**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

BARNEY Street from VALLEY TO ROBERTS

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of All properties abutting Barney from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 13 TH DAY OF MARCH, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CREATING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Barney Avenue from 2.5' east of the easterly ROW of Valley Street to 20' west of the westerly ROW of Roberts Street. .

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON MARCH 3, 2001.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 2ND DAY OF MARCH, 2001.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF March, 2001.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

H-1527

HEARING DATE MARCH 12TH, 2002

Barney Avenue, Valley Street to Roberts Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-133-300-0002-00	0	BARNEY AVE	BAY CARTAGE CO	2653 OLTHOFF ST	MUSKEGON	MI 49444-2	\$9,451.00	\$0.00	\$9,451.00
24-133-300-0014-00	0	BARNEY AVE	GETTYRIDGE	696 PINE MEADOWS	WILLIAMSTON	MI 48895-1	\$10,431.72	\$0.00	\$10,431.72
24-133-300-0001-00	0	BARNEY AVE	MCINTYRE JOHN R/LI	PO BOX 1088	MUSKEGON	MI 49443	\$1,454.00	\$0.00	\$1,454.00
24-133-300-0015-00	0	BARNEY AVE	TRIDONN DEVELOPM	1838 RUDDIMAN	MUSKEGON	MI 49445	\$7,698.93	\$0.00	\$7,698.93
24-861-000-0193-00	0	VALLEY ST	TRINITY VILLAGE II LT	DIVIDEND HOUSING	MUSKEGON	MI 49444-0	\$9,534.61	\$0.00	\$9,534.61
24-133-300-0009-00	951	BARNEY AVE	INTRA CITY DISPATCH	951 E BARNEY AVE	MUSKEGON	MI 49444	\$11,227.06	2,094.64	\$13,321.70
24-133-300-0001-10	1000	BARNEY AVE	MUSKEGON TOOL PR	1000 E BARNEY AVE	MUSKEGON	MI 49444	\$9,087.50	3,112.78	\$12,200.28
24-133-300-0004-00	1122	BARNEY AVE	JOHNSTONS ENTERP	7300 CLYDE PARK S	GRAND RAPID	MI 49509	\$10,347.75	2,893.37	\$13,241.12
24-133-300-0005-00	2285	ROBERTS ST	BAY CARTAGE CO	2653 OLTHOFF ST	MUSKEGON	MI 49444-2	\$6,932.76	1,959.79	\$8,892.55
24-133-300-0016-00	2399	ROBERTS ST	BT OH INC	PO BOX 28606	ATLANTA	GA 30358-0	\$29,607.08	\$0.00	\$29,607.08

Tabled

Date: February 12, 2002

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Pension Ordinance Clarification

SUMMARY OF REQUEST: Section 10(d) of the City's Police & Fire Retirement System ordinance provides that *"a member who remains in the employ of the city but ceases to be a police officer or a firefighter shall remain a member of the retirement system for the duration of his City employment."* This provision recently came into play when the former Fire Marshall assumed the position of Director of Inspections. The current ordinance does not, however, specify the benefits or contributions pertaining to an affected employee. Attached is a technical correction ordinance intended to address this matter. It provides that the contributions and benefits will be the same as if the member had not left employment with the Police or Fire Departments.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None. The position was budgeted with the pension benefits accorded to a Fire Department position.

STAFF RECOMMENDATION: Approval.

PARMENTER O'TOOLE

Attorneys at Law

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

January 28, 2002

Tim Paul
Finance Director
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

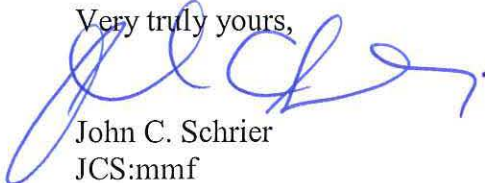
Re: Police/Fire Retirement System

Dear Mr. Paul:

Enclosed is an Ordinance Amendment providing for benefits and contributions for members who leave a police or fire bargaining unit and accept a position normally subject to the General Employee's Retirement System (Bob Grabinski), which as been revised based upon our previous discussion.

If you have any further questions or concerns, please let me know.

Very truly yours,



John C. Schrier
JCS:mmf

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____

An ordinance amending Appendix A of the Code of the City of Muskegon concerning Police-Fire Retirement System Ordinance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The Police-Fire Retirement System Ordinance is amended as follows:

1. Section 10. **RETIREMENT SYSTEM MEMBERSHIP**

Section 10 shall be amended to read as follows:

Section 10. (a) The membership of the retirement system shall include all police officers and firefighters who are in the employ of the city and all police officers and firefighters who become employed by the city, except as provided in subsection (b) of this section.

(b) The membership of the retirement system shall not include:

- (1) Temporary or civilian employees of the police or fire departments,
- (2) Special officers or special firefighters, or
- (3) Privately employed police officers or firefighters.

(c) Except as provided in subsection (d) of this section and except for the purposes of section 11, subsection (c), should any member cease to be employed by the city as a police officer or a firefighter he shall thereupon cease to be a member.

(d) A member who remains in the employ of the city but ceases to be a police officer or a firefighter shall remain a member of the retirement system for the duration of his city employment. A member who retains membership in this retirement system pursuant to Section 10(d) shall be required to make contributions and is afforded retirement benefits as if the member had not left employment within the Police or Fire Department.

(e) In any case of doubt as to the membership status of any person the board shall decide the question within the meaning of the provisions of this ordinance.

In all other respects Appendix A of the Code of the City of Muskegon shall remain in full force and effect.

This ordinance adopted:

Ayes: _____
Nays: _____

Adoption Date: _____
Effective Date: _____
First Reading: _____
Second Reading: _____

CITY OF MUSKEGON

By: _____
Gail A. Kunding
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 _____ day of _____, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2002

Gail A. Kunding, CMC/AAE
Clerk, City of Muskegon

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

Commission Meeting Date: March 12, 2002

Date: March 6, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Option to Purchase Buildable Large Vacant Lots
in Jackson Hill Neighborhood for Finlay
Properties, Inc. for Senior Housing Development**

SUMMARY OF REQUEST:

To approve an option agreement between the City of Muskegon and Findlay Properties, Inc. for two large parcels of vacant land in Jackson Hill Neighborhood (designated as parcel numbers 24-205-020-0008-00 and 24-205-0019-0012-20) and described as:

Parcel No. 1: CITY OF MUSKEGON REVISED PLAT OF 1903 S 44 FT LOT 7 ALL LOT 8 & 9 & THAT PART OF LOT 10 LYING W OF MCLAREN ST BLK 20 ALSO LOTS 2 & 3 BLK 21 ALSO LOTS 4 & 5 BLK 22 S OF SUMNER AVE

Parcel No. 2: CITY OF MUSKEGON REVISED PLAT OF 1903 S 108.35 FT LOT 9 ALL LOT 12 EXC N 99 FT OF E 132 FT OF LOT 12 BLK 19 ALSO THAT PART OF LOT 10 BLK 20 LYING E OF MCLAREN

FINANCIAL IMPACT:

The sale of these lots for construction of a senior housing development will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee (LRC) recommended approval of the sale of this property to Findlay Properties, Inc. for a senior housing development at their February 26, 2002 meeting.

OPTION AGREEMENT

THIS AGREEMENT is made March 12, 2002, between the **City of Muskegon** ("Owner"), of 933 Terrace St., Muskegon, MI 49440, and **Finlay Development, LLC**, a Florida limited liability company, ("Purchaser"), of 4300 Marsh Landing Boulevard, Suite 101, Jacksonville Beach, Florida, with reference to the following facts:

RECITALS

A. Owner owns parcels of real property located in the City of Muskegon, County of Muskegon, State of Michigan, as legally described on attached **Exhibit A**, together with all easements, rights-of-way, and appurtenances thereto ("Property").

B. In consideration of Purchaser investing time and money to investigate development of the site, Owner is willing to grant an exclusive option to purchase the Property according to the terms and conditions set forth in this Option Agreement.

THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND ADEQUACY OF WHICH IS ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. **Grant of Option.** Owner grants to Purchaser the exclusive option to purchase the Property ("Option").
2. **Period of Option.** This Option shall remain open, irrevocable and subject to exercise at any time from the day this option is executed by Purchaser until 5:00 P.M., December 31, 2002, ("Option Period"). After said date and time the option shall terminate.
3. **Option Fee.** Upon execution of this option agreement by the Purchaser, Purchaser shall deliver to the Owner a duplicate original of the signed option together with certified funds in the amount of **\$1000.00**, being the consideration for this option. The fee is separate consideration, not refundable, and shall not be credited against the purchase price.
3. **Exercise of Option.** This Option shall be exercised by Purchaser giving Owner written notice within the Option Period.
4. **Price and Terms of Payment.** The purchase price for the Property will be \$45,000 ("Purchase Price"). At closing, Purchaser shall tender to Owner the Purchase Price by paying Owner, in cash, the Purchase Price.
6. **Closing.** If this option is properly exercised, the closing shall take place at the closing offices of Transnation Title Insurance Company, Muskegon, Michigan, within ten days

after Owner has obtained (or Purchaser has obtained on behalf of Owner) a title insurance commitment evidencing marketable title in the Owner or prior to the expiration of this option, whichever is later. Purchaser will notify Owner of the time and date of closing. In the event the title commitment as furnished by Owner is objected to by Purchaser, Owner shall have twenty-eight 28 days after receiving written notice, to remedy any claimed defects in title. In the event the same cannot be adequately remedied to Purchaser's satisfaction, this Agreement may be terminated by Purchaser or Purchaser may proceed with closing subject to any such defects in title. Purchaser shall pay all costs of such title commitment. If the Option is exercised and closing occurs, Owner shall pay the cost of the owner's policy of title insurance.

7. **Costs at Closing.** The parties will pay the following costs at closing: Owner will pay for the title insurance premium and the documentary stamps if any; Purchaser will pay recording costs. Each party will pay its own attorneys fees.

5. **No Real Estate Broker.** Neither party has retained the services of a real estate broker. In the event any claim is made for real estate brokerage fees they shall be the responsibility of the party with whom the Broker has a contract and each party shall hold the other harmless from any such liability.

6. **Documentation at Closing.** At closing, Owner shall tender to Purchaser a quit claim deed to the premises above described, together with any necessary documentation required to comply with the requirements of any title insurance commitment.

7. **Taxes, Special Assessments and Other Indebtedness.** Taxes, if any, shall be prorated as if paid in advance on a fiscal year basis. The parties understand that there are no current taxes, since the property is held in City ownership.

8. **Right to Inspect.** Owner grants Purchaser the right to enter the Property at reasonable times for the purpose of performing any and all inspections deemed reasonably necessary by Purchaser, including survey, soil borings, environmental investigations and testing. Owner has no knowledge of and make no representations regarding the presence or non-presence, now or in the past, of hazardous wastes or substances, or of underground storage tanks on the Property which is the subject of this agreement, nor with respect to any environmental conditions affecting the Property. Purchaser agrees to restore the Property in its same or better condition following completion of the inspection period.

9. **Liens and Encumbrances.** Purchaser shall not cause liens, conditions of title or other encumbrances to occur on the Property during the Option Period.

10. **Notices.** Any notice that either party may give or is required to give under this Option Agreement shall be in writing and, if mailed, be effective three days after being sent by first class mail, postage prepaid, addressed to the other party at the other party's address as set forth in this Option Agreement, or at any other address that the other party provides in writing.

11. **Failure to Exercise Option.** If Purchaser fails to timely exercise this option, then this option and right to purchase shall cease.

16. **General Provisions.**

a. **Risk of Loss.** Following execution of this Option Agreement and until closing on the purchase of the Property, the risk of loss because of damage to or destruction of any improvements located on the Property shall be solely that of Owner. Following closing, risk of loss shall shift to Purchaser.

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

c. **Assignment.** The Owner having determined that Purchaser is uniquely acceptable to it for the development of the Property, no assignment of this option without the written consent of the Owner is permitted. Owner shall have sole and unlimited discretion to refuse to accept any assignee as an interested party in this agreement.

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

e. **No Third Party Beneficiary.** This Option Agreement shall benefit only the parties to this Option Agreement, and not any third party.

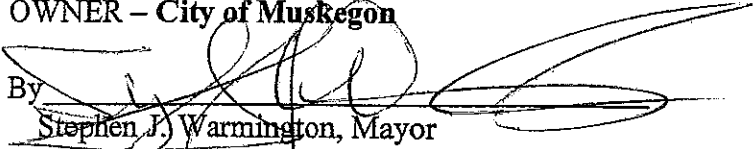
f. **Severability.** In case any one or more of the provisions contained in this Option Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Option Agreement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

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Option Agreement, and in any instrument provided for herein, shall survive the closing date and continue in full force and effect after the consummation of this purchase and sale.

h. **Modification of the Option Agreement.** This Option Agreement shall not be amended except by a writing signed by Owner and Purchaser.

Signatures are on the next page.

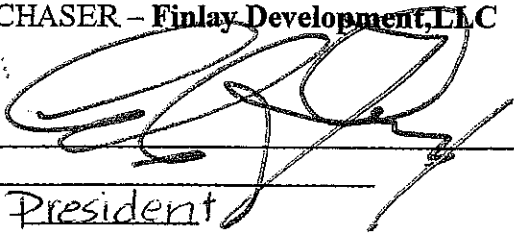
OWNER - City of Muskegon

By 
Stephen J. Warmington, Mayor

By Linda Potter
Linda Potter, Deputy City Clerk

Date: March 12, 2002

PURCHASER - Finlay Development, LLC

By 
Title: President

Date: 3/19/02

Legal Description

The South 44 feet of Lot 7, all of Lots 8 and 9, and that part of Lot 10 lying West of McLaren Street, all in Block 20; also Lots 2 except the Northerly 66 feet and 3 of Block 21; also the South 108.35 feet of Lot 9 of Block 19; also Lot 12 except the North 99 feet of the East 132 feet of the said Lot 12, Block 19; also that part of Lot 10, Block 20 lying East of McLaren Street, all in the Revised Plat of 1903 of the City of Muskegon, in the County of Muskegon, State of Michigan.

Commission Meeting Date: March 12, 2002

Date: March 6, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Contract for Payments in Lieu of Taxes For Finlay Properties, Inc. Housing Development- Jackson Hill

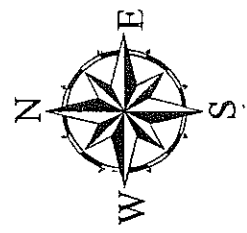
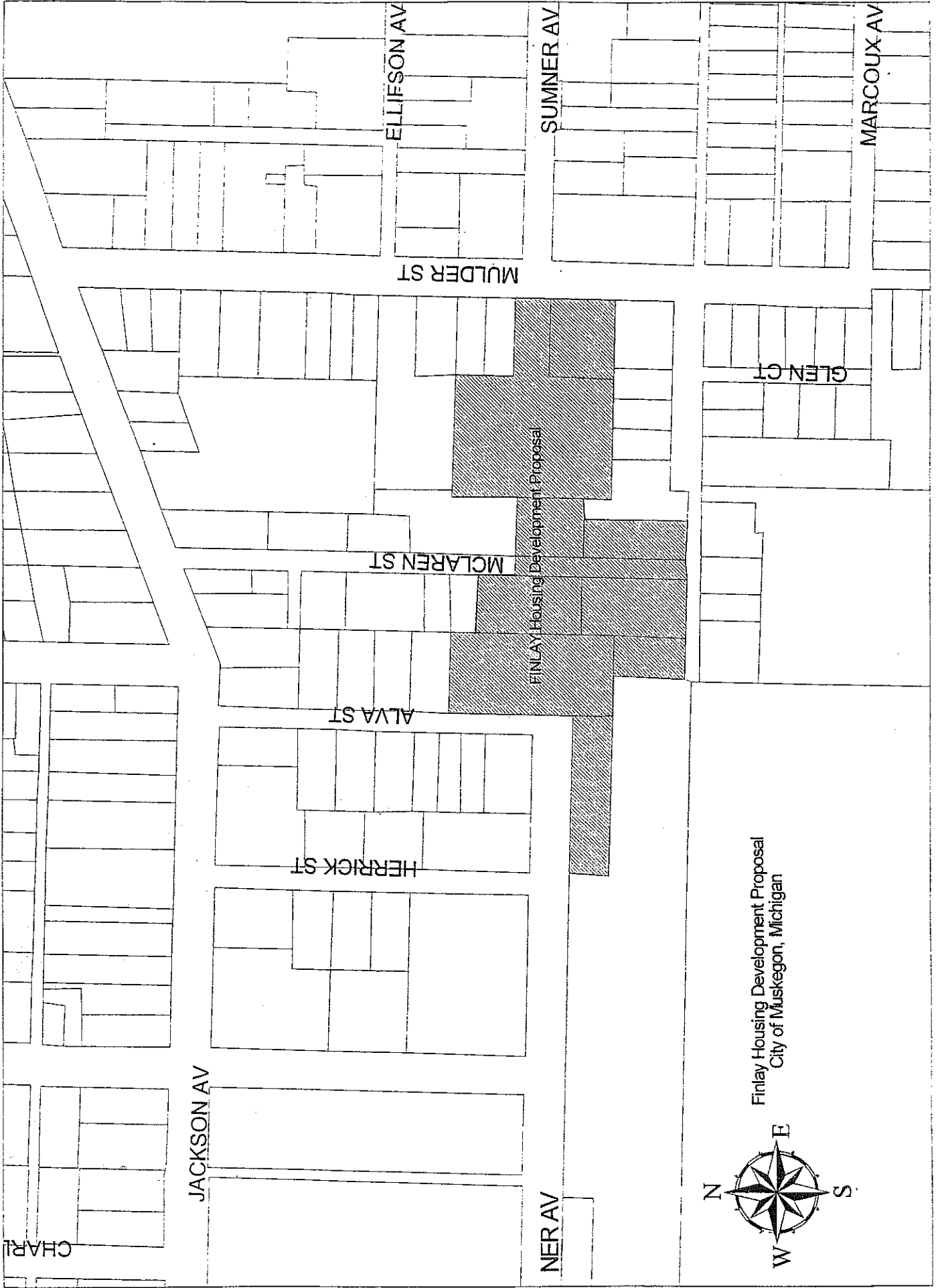
SUMMARY OF REQUEST: A contract providing for payments in lieu of taxes for the Finlay Properties, Inc. development (see map attached) has been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of Finlay Properties, Inc. have met with City staff, as well as members of the Jackson Hill Neighborhood Association. The Association has been very supportive of their project.

FINANCIAL IMPACT: Payments under the contract are recommended to be four percent (4%) of the highest contract rents for all eligible units, whether occupied or not

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff's recommends that the City Commission approve the attached Contract and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.



Finlay Housing Development Proposal
City of Muskegon, Michigan

CITY OF MUSKEGON
CONTRACT FOR HOUSING EXEMPTION

This Agreement between Finlay Development, LLC, a Florida limited liability company, 4300 Marsh Landing Boulevard, Suite 101, Jacksonville Beach, Florida 32250 ("Developer") and City of Muskegon, 933 Terrace Street, Muskegon, Michigan ("City") is made pursuant to the following terms:

RECITALS

A. Developer has acquired an option to purchase a site in the City of Muskegon for the construction of a proposed low-income housing project (for the elderly) as defined in City Ordinance 2-6(e)(3), (the "Project").

B. Developer and an affiliate of Developer, to be formed, have or will enter into an agreement to form a limited dividend housing association to function as owner of the proposed low-income housing project. The owning entity to be formed will be identified as Finlay Interests 47 Limited Dividend Housing Association Limited Partnership, a Michigan limited partnership.

C. The City encourages construction and financing of the said low-income housing project which is identified by the working name of The Village at Jackson Hill.

D. To further enable and encourage the construction of the housing project, Developer and the City enter into this Agreement.

E. The legal description of the Project is set forth in Exhibit A attached to this Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Grant of Exemption. As contemplated and pursuant to Act 346 of the Public Acts of 1966, as amended, the State Housing Development Authority (the "Act"), the City hereby grants an exemption from all property taxes attributable to the buildings which consist of rental units offered to eligible low income persons and families as defined by the Michigan State Housing Development Authority (the "Authority").

2. Term of Exemption. This exemption shall continue for the period of time the housing units remain subject to income and rent restrictions pursuant to Section 42 of Internal Revenue Service Codes of 1986, as amended (IRS Codes), or the Authority Regulatory Agreement not to exceed 25 years. The City agrees to be contractually bound by this Agreement to honor the exemption status of the proposed project as provided therein and in this Agreement for the entire period during which the Project is financed by the Authority or receives low income housing tax credits under Section 42

of the IRS Codes, provided that the said loan or a loan originally financed by the low income housing tax credits continues outstanding and not in default as more particularly set forth in Section 2-6 subsection (2) of the Ordinance, not to exceed 25 years.

3. Responsibilities of the Developer. The Developer agrees to perform the following:

3.1 The Developer shall pay the service charge and payment in lieu of taxes set forth in Section 2-6(F) of the Ordinance in a timely manner (on or before July 1, of each year during the time the exemption is in effect). For said purposes the Developer recognizes and will abide by all of the collection provisions of the ordinance, including without limitation, the acceptance of the lien provisions status of the payments in lieu of taxes in the event of default as set forth in 2-6(h), (i), and (j) of the Ordinance. The service charge shall equal four percent (4%) of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not and whether or not the rents are paid.

3.2 The Developer agrees to file all information required by the Ordinance and further to meet its obligations to the Authority in connection with the Authority's administration of the low income housing tax credit program.

4. Term. This Agreement shall continue in effect for the entire period of eligibility for the exemption as set forth in the Ordinance. The City considers itself bound by this Agreement for the entire term hereof.

5. Interpretation of Financing. The City agrees that the financing of the mortgage by the use of low income housing tax credits constitutes financing of the loan by the Authority in fulfillment of the requirements of Section 2-6(e)(3) of the Ordinance.

6. Third Party Beneficiary. This Agreement shall benefit the parties named, including the limited dividend housing association to be formed, and further shall benefit the Authority, or such other mortgagee as may have financed the housing project, which may enforce this Agreement, both as its interest may appear, and on behalf of the Developer and its successors and assigns. No other party is a beneficiary of this Agreement.

7. Counterparts. This Agreement may be executed in several counterparts and an executed copy hereof may be relied upon as an original.

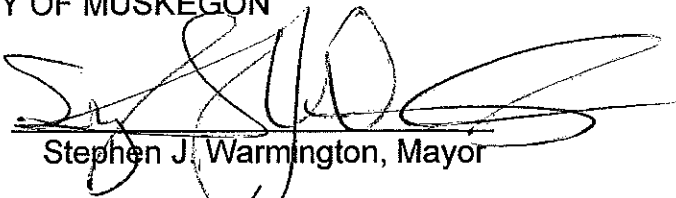
8. Binding and Benefit. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, administrators, personal representatives, successors and assigns.

9. Effective Date. The effective date of this Agreement is the date that Developer or its assignee acquires the property.

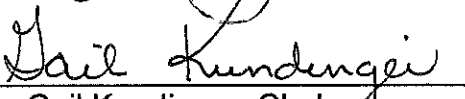
IN WITNESS WHEREOF, the parties have signed this Agreement on the dates indicated below.

Dated: March 12, 2002

CITY OF MUSKEGON

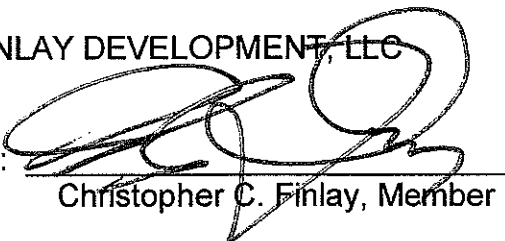
By: 
Stephen J. Warmington, Mayor

Dated: March 12, 2002


Gail Kunderger, Clerk

Dated: March 19, 2002

FINLAY DEVELOPMENT, LLC

By: 
Christopher C. Finlay, Member

3/6/02

FINLAY PROPERTIES

Muskegon

Muskegon, MI

The Village at Jackson Hill**Operating Assumptions**

Rehab Units 0
 New Units 40
 Total Units 40

Unit Type	Set-aside	Bedrooms	Baths	# of Units	Unit Size	Max Net Rent	Monthly Rent	Annual Rent
1	40%	1	1	7	750	\$ 459	\$ 376	\$ 31,600.80
2	40%	2	1	13	950	\$ 552	\$ 453	\$ 70,590.00
3	45%	1	1	6	750	\$ 516	\$ 433	\$ 31,190.40
4	45%	2	1	12	950	\$ 621	\$ 522	\$ 75,096.00
5	60%	1	1	1	750	\$ 689	\$ 550	\$ 6,600.00
6	60%	2	1	1	950	\$ 828	\$ 675	\$ 8,100.00
7								\$ -
8								\$ -
9								\$ -
10								\$ -
11								\$ -
12								\$ -
Totals		68	40	40	35,200			\$ 223,177.20
Average		1.65	1		880		\$ 465	\$ 5,579.43

	Max Gross Rents			Utility Allowance		Max Net Rents		
	40%	45%	60%			40%	45%	60%
Efficiency						\$ -	\$ -	\$ -
1 bedroom	\$ 459	\$ 516	\$ 689	\$ 73		\$ 386	\$ 443	\$ 616
2 bedroom	\$ 552	\$ 621	\$ 828	\$ 90		\$ 463	\$ 532	\$ 739
3 bedroom				\$ -		\$ -	\$ -	\$ -
3 bedroom								

Date: March 4, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Arena Compressor Donation

SUMMARY OF REQUEST:

To donate the old arena compressor to The Winter Sports Complex

FINANCIAL IMPACT:

The City purchased the compressor for about \$50,000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve, pending determination of possible city use of the compressor

COMMITTEE RECOMMENDATION:

Leisure Services Board recommends approval

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-5181

Cemetery

231/724-6783
FAX/726-5617

Civil Service

231/724-6716
FAX/724-4405

Clerk

231/724-6705
FAX/724-4178

**Comm. & Neigh.
Services**

231/724-6717
FAX/726-2501

Engineering

231/724-6707
FAX/727-6904

Finance

231/724-6713
FAX/724-6768

Fire Dept.

231/724-6792
FAX/724-6985

Income Tax

231/724-6770
FAX/724-6768

Info. Systems

231/724-6744
FAX/722-4301

Leisure Service

231/724-6704
FAX/724-1196

Manager's Office

231/724-6724
FAX/722-1214

Mayor's Office

231/724-6701
FAX/722-1214

Inspection Services

231/724-6715
FAX/726-2501

Planning/Zoning

231/724-6702
FAX/724-6790

Police Dept.

231/724-6750
FAX/722-5140

Public Works

231/724-4100
FAX/722-4188

Treasurer

231/724-6720
FAX/724-6768

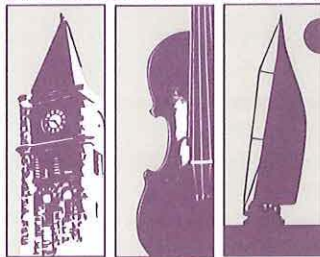
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: March 4, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Arena Compressor Donation

The Winter Sports Complex has requested that we donate to them the used ice compressor from the arena. Originally we paid about \$50,000 for the compressor. The compressor became expendable when the renovations were done a few years ago.

At their meeting on October 15th, 2001, the Leisure Services Board approved giving the compressor to the Winter Sports Complex.

The first week on November, I met with the Lakeside Neighborhood Association about projects they would like to see done at Seyferth. One of the projects they requested was a refrigerated ice rink. That request was sent on with other options to the Community Foundation for consideration by the Seyferth Family.

Because it made no sense to give away a compressor that could be used at Seyferth, I did not send on the request from the Sports Council to the Commission. To the best of my knowledge, the Winter Sports Complex is not yet ready to build the refrigeration unit at this time. The Seyferth Family has indicated that they will not make any decisions about future projects at Seyferth until they return to Muskegon this spring.

While I understand that the Winter Sports Complex is now counting on the compressor for their use, I would recommend that that we put off making that decision until we decide whether we would like to build a refrigerated ice rink at Seyferth.

This issue is being brought to the City Commission at this time because the Leisure Services Board recommended at their meeting in February that we bring it to you at this time.

Thank you for your consideration.

City of Muskegon

Equipment Lease Agreement

2002-34(a)

This lease agreement is made effective on March 15, 2002, between the **City of Muskegon** ("Lessor"), a Michigan municipal corporation located at 933 Terrace St., Muskegon, Michigan 49440, and **Muskegon Sports Council**, a Michigan Non-profit Corporation, ("Lessee"), located at P.O. Box 5085, North Muskegon, MI 49445.

Background

A. Lessor owns a certain compressor for the purpose of making ice ("Equipment").

B. Lessee requires the Equipment for the following purpose ("Purpose"):

To use for making ice and maintaining ice surfaces in various facilities at the Winter Sports Complex in the Muskegon State Park.

C. Lessee desires to lease the Equipment from Lessor and Lessor desires to lease such Equipment to Lessee for the Purpose stated above and pursuant to the terms and conditions of this Agreement.

Therefore, the parties agree as follows:

1. **Lease.** Lessor leases to Lessee, and Lessee leases from Lessor the Equipment owned by Lessor, which is specifically described on **Schedule A**.
2. **Term.** The term of this lease shall be for twenty (20) years, commencing on March 15, 2002. Renewals may be negotiated.
3. **Transportation, Installation and Maintenance of Equipment.** Lessee shall be responsible for providing for the pick-up, assembly, insatallation, maintenance and return of the Equipment and all costs associated with those functions.
4. **Rental.** Lessee agrees to pay Lessor as rent for the Equipment the sum of \$1.00 per year. The sums payable under this lease shall not entitle Lessee to any equity interest in the Equipment.
5. **Taxes.** Lessee shall pay all taxes, assessments, and other governmental charges levied against the Equipment or this lease agreement.
6. **Insurance.** Lessee agrees to procure and pay the premium for liability insurance, covering both damage to persons and property incurred during the use of the Equipment, in an amount not less than \$100,000.00 with an insurance company satisfactory to Lessor. The insurance policy shall name both parties as insured parties. The insurance policy shall cover liability for any loss, damage, injury, or other casualty to persons or property caused or occasioned by or arising from any use of the Equipment by or negligence of Lessee or any of Lessee's agents, servants,

visitors, licensees, or employees during the lease term. The insurance policy also shall provide for full standard extended risk insurance covering damage to the Equipment by fire, wind, storm, or other insurable casualties, in an amount equal to the full insurable replacement value of the Equipment. A copy of the insurance policy(ies) or certificate(s) of coverage shall be provided to Lessor at the time of pick-up.

7. Responsibility for Care, Use, and Maintenance of Equipment.

a. Lessee shall maintain the Equipment in good condition and repair and shall pay for all damage or destruction of the Equipment during the lease term.

i. The cost for the destruction of an item of equipment shall be its replacement cost less reasonable depreciation.

ii. The cost for damage resulting during the term shall be the decrease in value resulting from such damage and the cost for repairs that are necessary to such Equipment.

b. Lessee agrees that the Equipment will be operated by competent employees and will be used solely for the Purpose stated above.

c. Lessee agrees not to change, alter, or remove, or permit to be changed, altered, or removed, any insignia, lettering, serial number, or model name on the Equipment. If requested by Lessor, Lessee shall identify the Equipment conspicuously with a sign or lettering indicating Lessor's ownership.

d. In the event of any loss, theft, or destruction of all or any part of the Equipment, or damage of it beyond repair, Lessee shall notify Lessor promptly and hold the Equipment or any wreckage available for disposal.

e. Lessee agrees not to permit others to use the Equipment, for hire or otherwise, without first obtaining the written consent of Lessor.

8. Ownership. The Equipment is, and shall at all times remain, the sole and exclusive property of Lessor; Lessee shall have no right, title, or interest in it except as expressly set forth in this lease.

9. Personal Property. The Equipment is, and shall at all times remain, personal property and shall not become a fixture or become a part of the real estate upon which it is located.

10. Assignment; Subletting. Lessee agrees not to assign, sublease, or transfer the leasehold interest in the Equipment granted under this lease without first receiving the prior written consent of Lessor.

11. **Quiet Enjoyment.** Lessor covenants and agrees with Lessee that if Lessee performs all of the conditions and covenants in this lease, Lessee shall peaceably and quietly hold, possess, and use the Equipment.

12. **Default.** If Lessee (1) defaults in making any payment under this lease or violates or fails to perform any of the terms and provisions contained in this lease, or (2) becomes insolvent, files a petition in bankruptcy, has a receiver appointed, executes an assignment for the benefit of creditors, ceases doing business as a going concern, has a writ of attachment, garnishment, execution, or other legal process issued against Lessee, the Equipment, or any of Lessee's other property, or attempts to remove, sell, transfer, encumber, sublet, or part with possession of the Equipment, then Lessor or its agents may, without demand or notice, terminate this lease agreement and enter, with or without process of law, into any premises of or under the control or jurisdiction of Lessee or any agent of Lessee where the Equipment may be and take possession of the Equipment, and may disconnect and separate the Equipment from any other property using all necessary force permitted by law. Lessee expressly waives all further rights to possession of the Equipment and all claims for injury suffered through or loss caused by the repossession.

13. **Relationship between Parties.** The parties agree that the only relationship created under this Agreement is that of Lessee and Lessor. In no way does this Agreement create a partnership, association, joint venture, or any other relationship

14. **Notices.** Any notice specified in this lease shall be deemed properly given if delivered in writing personally or by certified mail to the parties at their addresses listed above, or at any other addresses that may be communicated by the parties to each other in writing.

15. **Severability.** If any provisions of this lease are determined to be illegal or unenforceable, then the remaining provisions shall nevertheless be binding with the same force and effect as if the illegal or unenforceable parts were deleted.

16. **Headings.** The headings contained in this lease are for convenience only and are not to define, explain, modify, or aid in interpreting the contents of this lease.

17. **Binding Effect; Third Parties.** This lease shall be binding upon and shall inure to the benefit of Lessor and Lessee and their respective heirs, administrators, successors, and assigns. No benefit from this agreement shall enure to any person or entity not a party to this agreement.

18. **Governing Law.** This lease agreement shall be subject to and governed by the laws of the state of Michigan, and the parties consent to jurisdiction of the Michigan courts over this agreement and over the parties in any proceeding to enforce this agreement.

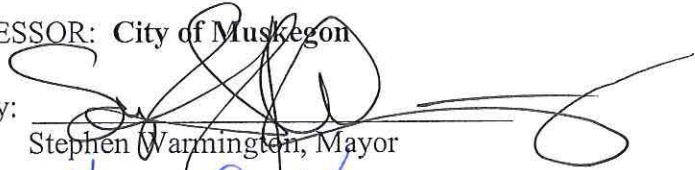
19. **Counterparts.** This lease may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

20. **Gender and Number.** As used in this lease, unless the context clearly indicates the contrary, the singular number shall include the plural, the plural the singular, and the use of any gender or neuter shall be applicable to all genders and neuters.

The parties have executed duplicate copies of this lease agreement.

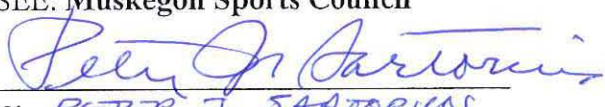
Date Signed April 22, 2002

LESSOR: City of Muskegon

By: 
Stephen Warmington, Mayor

By Gail A. Kunderger
Gail A. Kunderger, Clerk

LESSEE: Muskegon Sports Council

By 
Name: PETER J. SARTORIUS

Title: PRESIDENT

Date signed: April 18, 2002

Description of Leased Equipment

York Chiller Package.

Model No. YCWJ77VUO/46PES

Serial No. YKAM 953819

TO: Mayor and City Commissioners
 FROM: Lee J. Slaughter, Assistant City Manager
 DATE: February 28, 2002
 RE: Tentative Agreement Reached with SEIU 517M, Unit 2

SUMMARY

Staff recommends approval of the set of tentative agreements reached with Unit 2 of the Service Employees International Union (SEIU) 517M on January 24, 2002. Tentative Agreements were ratified by the union at a meeting held last night, February 27, 2002.

FINANCIAL IMPACT

The overall financial packet is little over 12% of payroll. The packet includes four major economic agreements:

Wages:

Contract Yrs.	<u>2002</u>	<u>2003</u>	<u>2004</u>
	3.00%	3.00%	3.00%

Multiplier:

Increased from 2.1% to 2.25%, effective 1/1/02

Longevity:

Years of Service:	5	10	15	20	25
% of Base Pay (\$15,000):	2%,	4%,	6%,	8%,	10%
Effective 1/1/03					

Dental Plan:

Increased Orthodontic Maximum from \$1000 to \$1500 effective 1/1/02.

BUDGET CHANGE

None

STAFF RECOMMENDATION

Staff recommends approval.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 3/12/02

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 6, 2002

RE: Seaway Industrial Park Development Agreement

SUMMARY OF REQUEST:

To approve a development agreement with Robert Grooters Development Company for the sale of property in the Seaway Industrial Park and the creation of a Renaissance Zone for the project.

FINANCIAL IMPACT:

The City would receive income taxes from the development. The development would be exempt from property taxes if a Renaissance Zone is created.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the development agreement.

COMMITTEE RECOMMENDATION:

None.

DATE: March 11, 2002

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Discussion and authorization for staff to appeal the decision by Historic District Commission regarding the demolition of 1121 and 1129 Peck St.

SUMMARY OF REQUEST: These two properties were declared dangerous buildings by the Housing Board of Appeals in January and February 2002 respectively. Because these properties are located within a historic district, they were presented to the Historic District Commission for their concurrence on March 5, 2002. The HDC denied the request to demolish or forward to the City Commission for your concurrence.

Staff is requesting that City Commission discuss the issue and if it is found to be appropriate authorize staff to appeal the HDC decision to the State Historic Preservation Office and possibly 14th Circuit Court to overturn the decision.

A copy of the file is attached for background information. Other pertinent information includes the following:

- ◆ The city has boarded both structures on four occasions.
- ◆ The cost for rehabilitation is approximately \$100,000 for each structure.
- ◆ Evidence was found in both structures that entry had been made and fires started in the fireplaces.

Staff Recommendation: Authorize staff through the City Attorney to pursue an appeal of the HDC decision.

DATE: February 19, 2002
TO: Historical District Commission
FROM: Robert B. Grabinski, Director of Inspection Services
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-09 Address: 1129 Peck

SUMMARY OF REQUEST: This is to request that the Historical District Commission concur with the findings of the Housing Board of Appeals that the structure located at **1129 PECK ST.** is unsafe, substandard and a public nuisance.

Case# & Project Address: 00-09 1129 Peck St. Muskegon, MI

Location and ownership: This property is located in the McLaughlin neighborhood and is owned by Peck Properties (Robert Cooper) of Grand Rapids, Michigan.

Staff Correspondence: A dangerous building inspection was conducted 10/5/99. A notice to repair or demolish was issued 10/6/99. The case was brought before the HBA 1/6/00 and the board's decision at that time was to issue civil infractions, seeking injunctive relief. A board up letter was issued 3/30/00. The City of Muskegon had it boarded on 5/30/00. On November 3, 2000 Robert Cooper faxed a letter of intent to Mr. Grabinski stating he was committed to either fixing the property or selling to someone who would fix it. The City of Muskegon had it boarded again 1/8/02. On 2/7/02 the case was again brought before the HBA. Mr. Cooper was not present at the meeting, but did fax a letter stating he had an interested buyer, nothing in writing yet. On that date the HBA voted to demolish the structure.

Owner Contact: None

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$25,900

Estimated cost to repair: \$70,000

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

Historical District Recommendation: The HDC will consider this item at it's meeting March 5, 2002.

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: February 11, 2002

To: Peck Properties, Robert Cooper, P.O. Box 3316, Grand Rapids, MI
49501-3316

Owners Name & Address

None

Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, February 7, 2002 does hereby order that the following structure(s) located at **1129 Peck St.**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

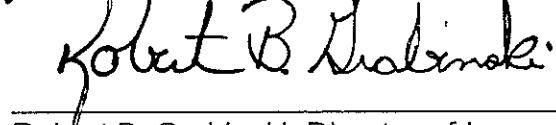
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

Robert B. Grabinski, Director of Inspections

PECK PROPERTIES, L.L.C.
P.O. Box 3316
Grand Rapids, Mi. 49501-3316

February 7, 2002

By Fax (231) 728-4371

Ms. Lorraine Grabinski
City of Muskegon Inspection Department

Re: Housing Board of Appeals Meeting 2/7/02
1129 Peck Street

Dear Lorraine:

This follows up on my phone call to you this afternoon. I had intended to be present at tonight's meeting but have been unexpectedly been called away on client matters. I wanted to let the Board know that I have located a prospective purchaser for this property. It is a young couple who have just relocated to the area who are interested in fixing this property up, with the intent of living there when the rehab work is done. They indicate that they are interested in beginning work on this property as soon as possible. We have been discussing this for the past week, and I expect that we will have a signed agreement in a week or so. Based on this, I ask that the Board consider defer taking any action on this property until its next meeting to give me the chance of finalizing a sale.

Thank you.

Sincerely,



Robert P. Cooper, Manager

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS
NOTICE OF HEARING**

Date: January 28, 2002

Address of the Property: 1129 Peck St., Muskegon MI

Description of the Structure: N 59 ft. Lot 17 & Sly 2 ft. Lot 18 Blk 362

TO: Peck Properties, Robert Cooper, P.O. Box 3316, Grand Rapids, MI 49501-3316
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

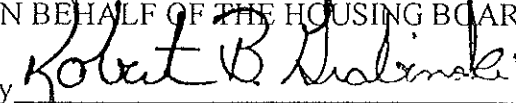
Please take notice that on Thursday, February 7, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the notice and order to repair issued 10/6/99.

At the hearing on Thursday, February 7, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By



Robert B. Grabinski, Director of Inspections

ROBERT P. COOPER

ATTORNEY AT LAW

BRIDGEWATER PLACE
POST OFFICE BOX 3316 • GRAND RAPIDS, MICHIGAN 49501-3316
TELEPHONE 616/235-8802 • FAX 616/235-8804
EMAIL • BOB.COOPER@GATEWAY.NET

November 3, 2000

Via Fax - 231-728-4371

Mr. Robert Grabinski
Fire Marshall & Director of Inspection Services
City of Muskegon

Re: 1121 and 1129 Peck, Muskegon, Michigan

Dear Mr. Grabinski:

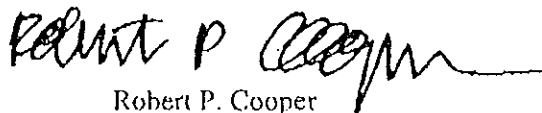
I am confirming my efforts to reach you to discuss these two properties. These properties were formerly owned by Waterland Development. Peck Properties, L.L.C. made a mortgage loan to Waterland Development to finance the purchase of these properties. Waterland Development defaulted on its mortgage loan and deeded these properties to Peck Properties in lieu of foreclosure. The properties have been listed for sale.

I received a phone call last week that the City of Muskegon wished to have these properties demolished and had scheduled a hearing with the City Commission to approve the demolition. I want to let you know that I have never received any notice regarding the City's plans. The ownership of Peck Properties, L.L.C. is a matter of public record, as is my name and address as the Manager of Peck Properties, L.L.C. To date, I still have not received any notice.

Peck Properties, L.L.C. is committed to either fix these properties up, or to sell them to someone who will. I am willing to work with the City to develop a plan and strategy to accomplish this. Demolition is not a solution and I will vigorously oppose it.

Please contact me at your earliest convenience to discuss this matter.

Very truly yours,



Robert P. Cooper

RPC/sdh

Action

231/724-6703
FAX/724-6708

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

Water Filtration
231/724-4106

MUSKEGON



West Michigan's Shoreline City

May 30, 2000

Waterland Development
1050 W Western Suite 401
Muskegon MI 49441

Dear Property Owner:

Subject: Board up of 1129 Peck -May 19, 2000

In the past few months the Inspection Services Department wrote to you requesting that you board up the structure and allowed ten days for it to be completed.

Our inspection of the property revealed that the structure was not boarded by the required date, therefore, we contracted with a private contractor to have the structure boarded up. The structure was boarded in accordance with City codes at a cost of \$660.86. A copy of the invoice for services is attached.

Please make your check or money order for reimbursement to the City of Muskegon payable to the City of Muskegon. Payment may be mailed or paid at the City Treasurer's office. Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

If you have any questions, please contact this office at 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

Executive Action
724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

MUSKEGON



West Michigan's Shoreline City

Date: March 30, 2000

Premier One
Real Estate, LLC
PO Box 12
Montague MI 49437

Water land Development
500 Western
Muskegon MI 49441

Dear Property Owner:

Subject: Board-up: 1129 Peck, Muskegon, MI

The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. **Boarding must be done with exterior grade plywood at least ½ inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.**

Please note, however, that under City ordinance a property may not remain boarded up for longer than 180 consecutive days.

As a dangerous building, your structure(s) must be secured within ten (10) days of the date of this notice. If the building is not secured within this time frame, the City of Muskegon will take action to have it secured and the cost assessed against the property. Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

If you have any questions concerning this matter, please do not hesitate to contact me at 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

Action

703

72-1214

essor

616/724-6708

FAX/724-4178

Cemetery

616/724-6783

FAX/726-5617

Civil Service

616/724-6716

FAX/724-6790

Clerk

616/724-6705

FAX/724-4178

Comm. & Neigh.

Services

616/724-6717

FAX/726-2501

Engineering

616/724-6707

FAX/727-6904

Finance

616/724-6713

FAX/724-6768

Fire Dept.

616/724-6792

FAX/724-6985

Income Tax

616/724-6770

FAX/724-6768

Info. Systems

616/724-6975

FAX/724-6768

Leisure Service

616/724-6704

FAX/724-6790

Manager's Office

616/724-6724

FAX/722-1214

Mayor's Office

616/724-6701

FAX/722-1214

Neigh. & Const.

Services

616/724-6715

FAX/726-2501

Planning/Zoning

616/724-6702

FAX/724-6790

Police Dept.

616/724-6750

FAX/722-5140

Public Works

616/724-4100

FAX/722-4188

Treasurer

616/724-6720

FAX/724-6768

Water Dept.

616/724-6718

FAX/724-6768

MUSKEGON



West Michigan's Shoreline City

January 11, 2000

Waterland Development
1050 W. Western
Muskegon, Mi. 49440

Dear Property Owner:

Subject: Dangerous Building Case #00-08 - 1121 Peck and
Dangerous Building Case #00-09 - 1129 Peck

The Muskegon Housing Board of Appeals agreed with staff recommendation at their meeting on 1/6/2000 to issue civil infractions for these properties seeking injunctive relief.

Sincerely,

Robert Grabinski
Fire Marshal/Inspection Services

1-6-00

#00-09 – 1129 PECK – WATERLAND DEVELOPMENT, 1050 W. WESTERN

Robert Johnson, supported by William Anderson, made a motion to accept staff recommendation to issue Civil Infraction tickets on 1129 Peck Street seeking injunctive relief. A roll call vote was taken:

YES:

NAYS:

EXCUSED:

ABSENT:

Greg Borgman
Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner

Clint Todd

The motion carried.

#00-10 – 1721 PINE – SHELLINE WHITE, 1712 PINE, MUSKEGON

No one attended the meeting. Bob Grabinski said that there has been no contact with the owner. Staff recommendation is to declare the building to be substandard, unsafe, a public nuisance and forward to the City Commission for concurrence. A motion was by Robert Johnson, supported by Greg Borgman to declare the building substandard, unsafe, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

YES:

NAYS:

EXCUSED:

ABSENT:

Greg Borgman
Robert Johnson
Fred Nielsen
William Anderson
Randy Mackie
John Warner

Clint Todd

The motion carried.

#00-10A – 151 W. SOUTHERN – EDWARD HOUGHTALING, 752 WILSON

Ed Houghtaling attended the meeting and also stated that his address was 2345 Dowd. He said that he had the upstairs done but that a tenant had trashed the downstairs. Bob Grabinski said that we had a complaint and that the housing inspector felt that it should be declared a dangerous building. There is no Certificate of Compliance. It has been revoked and the house has been posted. Mr. Houghtaling asked what he has to do. He said that the foundation is his concern because he said it was approved before he bought the house. Staff recommendation is that the building be declared substandard, unsafe, a

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

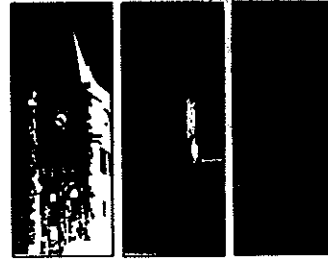
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: March 30, 2000

Premier One
Real Estate, LLC
PO Box 12
Montague MI 49437

Water land Development
500 Western
Muskegon MI 49441

Dear Property Owner:

Subject: Board-up: 1129 Peck, Muskegon, MI

The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. **Boarding must be done with exterior grade plywood at least ½ inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.**

Please note, however, that under City ordinance a property may not remain boarded up for longer than 180 consecutive days.

As a dangerous building, your structure(s) must be secured within ten (10) days of the date of this notice. If the building is not secured within this time frame, the City of Muskegon will take action to have it secured and the cost assessed against the property. Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

If you have any questions concerning this matter, please do not hesitate to contact me at 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

Action

724-1214

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

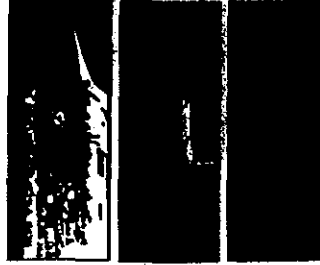
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration

MUSKEGON



West Michigan's Shoreline City

October 6, 1999

Waterland Development
1050 W. Western
Muskegon, MI 49441

Dear Property Owner:

Subject: 1129 Peck
N 59 FT LOT 17 & SLY 2 FT LOT 18 BLK 36✓

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

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

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

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

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski".

Robert Grabinski

Fire Marshal/Inspection Services

nlc

DANGEROUS BUILDING INSPECTION

10/5/99

1129 Peck

RESIDENTIAL DWELLING

1. Open foundation wall on home.
2. Deteriorating front steps and porch - rotting decking.
3. Deteriorating side steps and porch.
4. Siding missing, rotting, exposed to weather - paint flaking off home.
5. Roof soffit and fascia deteriorating.
6. Roof covering on home falling - structural.
7. Large tree branches on connected apartment roof, and home.
8. Home has several boarded up windows.
9. Vehicles being parked in back yard.
10. Antenna collapsing, ready to fall off roof.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE **DOES** MEET THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Raltinowski 10/7/99
HENRY RALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRED IN: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

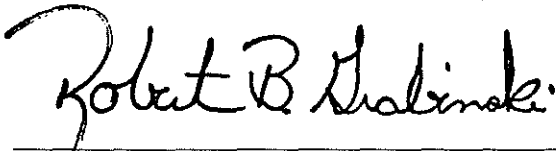
1121 Peck St.
(*INTERIOR INSPECTION*)

Inspection noted:

1. Replace roof – sub –structure must be inspected and certified prior to covering.
2. Electrical system (entire structure) to be replaced.
3. Plumbing system and fixtures to be replaced.
4. Heating system to be replaced.
5. Repair all interior walls.
6. Repair all ceilings.
7. Smoke detectors to be installed.
8. Floor coverings to be repaired or replaced.
9. Stairway and banister to be repaired.
10. Repair or replace all broken windows.
11. Repair or replace all broken or missing doors.
12. Siding to be repaired or replaced.
13. Basement steps to be repaired or replaced.
14. Tuckpoint all openings in concrete for basement walls.
15. Repair or replace exterior stairs.
16. Repair or replace all missing and/or damaged fascia and soffit.
17. All gas piping to be repaired and/or replaced with a pressure test and inspection prior to restoring natural gas service.

Note: All exterior repairs must be presented to the Historic District Commission for approval prior to obtaining necessary permits.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.



Robert B. Grabinski
Director of Inspections

3-8-02
DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

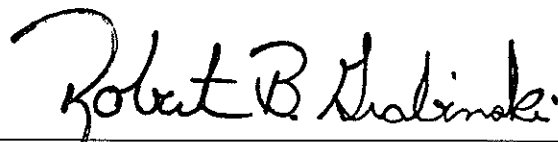
1129 Peck St.
(INTERIOR INSPECTION)

Inspection noted:

1. Replace roof – sub –structure must be inspected and certified prior to covering, also repair structural damage from tree falling on roof.
2. Electrical system (entire structure) to be replaced.
3. Plumbing system and fixtures to be replaced.
4. Heating system to be replaced.
5. Repair all interior walls.
6. Repair all ceilings.
7. Smoke detectors to be installed.
8. Floor coverings to be repaired or replaced.
9. Repair interior stairs.
10. Repair or replace all broken windows.
11. Repair or replace all broken or missing doors.
12. Siding to be repaired or replaced.
13. Repair or replace exterior stairs.
14. Repair or replace all missing and/or damaged fascia and soffit.
15. All gas piping to be repaired and/or replaced with a pressure test and inspection prior to restoring natural gas service.

Note: All exterior repairs must be presented to the Historic District Commission for approval prior to obtaining necessary permits.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.



Robert B. Grabinski
Director of Inspections

3-8-02
DATE