

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 27, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - a. Resolution recognizing the Muskegon Catholic Central Choir and Band.
COMMUNITY RELATIONS COMMITTEE
 - b. Resolution recognizing the Local Youth Government Program.
COMMUNITY RELATIONS COMMITTEE

CONSENT AGENDA:

- a. Approval of Minutes. CITY CLERK
- b. Fireworks Display for Shrine Circus. CITY CLERK
- c. Sale of Buildable Vacant Lot on Dowd Street. PLANNING & ECONOMIC DEVELOPMENT
- d. Policy for sale of City Owned Land. PLANNING & ECONOMIC DEVELOPMENT
- e. 2001 Street Sweeping Contract. PUBLIC WORKS
- f. Traffic Department Materials and Services. PUBLIC WORKS
- g. CZM Grant Application. LEISURE SERVICES
- h. Hackley Hospital Agreement. LEISURE SERVICES
- ❑ PUBLIC HEARINGS:
 - a. Division Street from Laketon Avenue to Southern Avenue. ENGINEERING
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:

❑ **UNFINISHED BUSINESS:**

- a. SECOND READING Police/Fire Retirement System Ordinance Amendment.

❑ **NEW BUSINESS:**

- a. Development Agreement between the City of Muskegon and Lakefront LLC. PLANNING & ECONOMIC DEVELOPMENT
- b. RECONSIDERATION: Denial of Alley Vacation in Jeannot Court, Block 2. PLANNING & ECONOMIC DEVELOPMENT (This item was on meeting of January 23, 2001 and City Commission approved to deny the request to vacate) Item brought back to commission by Commissioner Aslakson.
- c. Renaissance Zone Request/ Dudley Corporation (Shoreline Inn & Suites). PLANNING & ECONOMIC DEVELOPMENT
- d. Getty Street Corridor Study. PLANNING & ECONOMIC DEVELOPMENT
- e. Appointment of Members to the District Library Board. CITY MANAGER
- f. Lakeshore Trail Phase IV Professional Firm. LEISURE SERVICES
- g. DNR Trust Fund Grant Application. LEISURE SERVICES
- h. Stormwater Committee Intergovernmental Agreement. PUBLIC WORKS
- i. Purchase of Property from Muskegon County for the Shoreline Dr. Extension. PLANNING & ECONOMIC DEVELOPMENT

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **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: February 27, 2001
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 Worksession that was held on Monday, February 12, 2001, and the Regular Commission Meeting that was held on Tuesday, February 13, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 27, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon Michigan at 5:30 p.m., Tuesday, February 27, 2001.

Mayor Nielsen opened the meeting by introducing Rev. Joe L Lane II who offered the prayer after which the members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Fred J Nielsen; Vice-Mayor Scott Sieradzki; Commissioner John Aslakson, Jone Wortelboer Benedict, Clara Shepherd, Lawrence Spataro. Absent: Commissioner Robert Schweifler, (excused).

2001-19 HONORS AND AWARDS:

a. Resolution recognizing the Muskegon Catholic Central Choir and Band.
COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: A resolution was requested and approved by the Community Relations Committee recognizing the Muskegon Catholic Central High School Band and Choir members. In January, 51 students of the aforementioned group traveled to Italy and did a fine job of representing our community. A representative from Muskegon Catholic Central will accept the resolution.

Resolution was presented by Mayor Fred J Nielsen to Representative from Muskegon Catholic Central.

b. Resolution recognizing the Local Youth Government Program.
COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: A resolution was requested and approved by the Community Relations Committee recognizing the Local Youth Government Program. Muskegon High School government teacher(s) will accept the resolution.

Recognition will be at the March 13, 2001 City Commission Meeting.

2001-20 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Worksession that was held on Monday, February 12, 2001, and the Regular Commission Meeting that was held on Tuesday, February 13, 2001.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Fireworks Display for Shrine Circus. CITY CLERK

SUMMARY OF REQUEST: Jody Jordan is requesting approval of a fireworks display for March 2 & 3, 2001, at the L.C. Walker Arena. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval, subject to Fire Marshall Grabinski's inspection.

c. Sale of Buildable Vacant Lot on Dowd Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant buildable lot on Dowd Street designated as parcel number 24-665-000-0421-00 described as ORCHARD GROVE ADDITION S 83 FT LOTS 421-422, & 423 to Mr. Thomas and Mrs. Rebecca Fredericksen of 152 W Forest Avenue. The subject property is 83 X 117 feet and is being offered to the Fredericksens for \$6,000. The Fredericksens plan to use the land for the construction of a single-family home. The appraised value of the lot is \$6,000 and the Fredericksens submitted the only bid of \$6,000.

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

BUDGET ACTIONS REQUIRED: None

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

d. Policy for sale of City Owned Land. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To ensure a certain minimum standard for homes placed on city-owned lots and to establish financial incentives in the form of land discounts to encourage additional investment in the home.

FINANCIAL IMPACT: The City will be selling buildable lots at a discount rate.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: The Land Reutilization Committee reviewed the policy and recommended it be adopted.

f. Traffic Department Materials and Services. PUBLIC WORKS

SUMMARY OF REQUEST: Contract with the Muskegon County Road Commission for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the last twelve years. By bidding together with MCRC and other municipalities we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT: Sign materials to be jointly bid:

Sign blanks.....\$ 3,000.00 approx.

Sign posts.....\$ 3,300.00 approx.

Sign sheeting.....\$ 6,600.00 approx.

Centerline painting.....\$ 10,800.00 approx.

Total \$ 23,700.00 (\$26,300.00 in 2000)

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

g. CZM Grant Application. LEISURE SERVICES

SUMMARY OF REQUEST: To submit an application to the Coastal Management program to continue the dune walkway in Kruse Park.

FINANCIAL IMPACT: \$100,000 project - \$50,000 grant - \$50,000 local match

BUDGET ACTIONS REQUIRED: None, will come from the golf course fund

STAFF RECOMMENDATION: Approval

h. Hackley Hospital Agreement. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize a contract with Hackley Hospital for the construction of the Laketon Trail through their property.

FINANCIAL IMPACT: Hackley hospital will pay up to \$25,000 for the design of the trail

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Aslakson, second by Vice Mayor Sieradzki to

approve the consent agenda with the exception of item e.

ROLL CALL: AYES; Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Shepherd

NAYS; None

ADOPTED

2001-21 ITEM REMOVED FROM THE CONSENT AGENDA

e. 2001 Street Sweeping Contract. PUBLIC WORKS

SUMMARY OF REQUEST: This project is to provide street sweeping for the City of Muskegon. The city contracts with a vendor to provide four sweeps each year of all city streets. For the past four years this service has been provided by Tri-Us Services Inc., Kent City Michigan. We have had a good working relationship with Tri-Us Services Inc. and have been very pleased with their performance to date. We are asking that the 1997-1999 contract, which we have with this company, be extended another year. We have contacted Tri-Us Services and they have offered to extend us their 1999 contract price with the addition of a 3 ½ Percent Fuel Allowance. The CPI-U of Detroit was 3.7% from Dec. 99 to Dec. 00. This would suggest that 3 ½ percent is a reasonable figure. Tri-Us Services offers to perform street sweeping for 2001 for the price of \$107,775.33. In 1997 the other bidder, Sanisweep, Inc. offered a price of \$123,867.76.

FINANCIAL IMPACT: \$107,775.33

BUDGET ACTIONS REQUIRED: None. This project is included in the Year 2001 Public Works Budget.

STAFF RECOMMENDATION: Staff recommends that the contract extension price of \$107,775.33, from Tri-Us Services, Inc., be accepted. We will Update Bonding and Insurance as required.

Motion by Commissioner Aslakson, seconded by Vice Mayor Sieradzki to approve the contract extension price for Tri-Us Services, Inc.

ROLL CALL: AYES; Spataro, Aslakson, Nielsen, Shepherd, Sieradzki

NAYS; Benedict

ADOPTED

2001-22 PUBLIC HEARINGS:

a. Division Street from Laketon Avenue to Southern Avenue. ENGINEERING

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

FINANCIAL IMPACT: None at this time

BUDGET ACTIONS 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.

The Public Hearing opened at 5:47 p.m. to hear and consider any comments from the public. City Engineer, Mohammed Al-Shatel, explained the item. Comments were heard from the following; Anita Alviar, 1641 Division, Nancy Serio, 1638 Division, Mike Blohm, 1749 Division, Martha Pritzel, 1613 Division, Jim Wilcox, 1675 Division, & Irma Kuhn, 1500 blk of Division (owner of an empty lot) all were opposed. Chris Patricio, 1656 Division brought opposed votes from the following addresses; 860 W. Laketon, 1776 Division, 1741 Division, 1722 Division, 1656 Division, 1645 Division, 861 W Southern, 1589 Division, 1571 Division, 1878 Division, 1728 Division, 1734 Division, 1691 Division. Barbara Wenk, Hume Home Administrator, in favor of vote. Public Hearing closed at 6:26 p.m..

Motion by Vice Mayor Sieradzki, seconded by Commissioner Aslakson to close the public hearing.

ROLL CALL: AYES; Aslakson, Benedict, Nielsen, Shepherd, Sieradzki, Spataro.

NAYS; None

ADOPTED

Motion by Commissioner Aslakson, seconded by Commissioner Spataro to create a special assessment district.

ROLL CALL: AYES; Shepherd, Spataro, Aslakson

NAYS; Nielsen, Sieradzki, Benedict

FAILED

COMMUNICATIONS: NONE

CITY MANAGER'S REPORT: NONE

2001-23 UNFINISHED BUSINESS:

a. SECOND READING Police/Fire Retirement System Ordinance Amendment.

SUMMARY OF REQUEST: To adopt the ordinance amending the Police-Fire Retirement Ordinance as submitted. This requires a second reading since Vice Mayor Sieradzki was not present for the vote taken on February 13, 2001.

Motion by Commissioner Sieradzki, seconded by Commissioner Aslakson to adopt the police/fire retirement ordinance amendment

ROLL CALL: AYES; Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson

NAYS; None

ADOPTED

2001-24 NEW BUSINESS:

a. Development Agreement between the City of Muskegon and Lakefront

LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City is participating with the public improvements on the Lakefront LLC property (former Teledyne property), through the Clean Michigan Initiative (CMI) Grant and a special assessment to the property owners. The public improvements include a new roadway and utilities through the site. In order to move forward on the construction of public improvements (and to meet the requirements of the CMI grant), a development agreement between the City of Muskegon and Lakefront LLC has been prepared. Lakefront LLC partners have signed the document and the City Commission is asked to approve the document, as well.

FINANCIAL IMPACT: The cost of the public improvements will be paid for with the CMI grant, as well as a special assessment to the property owners.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To approve the attached "Development Agreement" between Lakefront LLC and the City of Muskegon, and to authorize the Mayor and Clerk to sign.

Motion by Commissioner Shepherd, seconded by Commissioner Spataro to approve the development agreement between the City of Muskegon and Lakefront LLC.

ROLL CALL: AYES; Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

NAYS: None

ADOPTED

- b. RECONSIDERATION: Denial of Alley Vacation in Jeannot Court, Block 2.**
PLANNING & ECONOMIC DEVELOPMENT (This item was on the meeting of January 23, 2001 and City Commission approved to deny the request to vacate) Item brought back to commission by Commissioner Aslakson.

SUMMARY OF REQUEST: To reconsider this item at this meeting so as to allow the original petitioners an opportunity to speak on this item. There was a mix up with the notice of the meeting that this item would be presented at and those individuals never received an opportunity to speak before the City Commission on this request. City Commission voted to deny the request for the vacation of east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada Street, Windsor Ave., and Franklin Street. This vote was taken at the January 23, 2001 meeting.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the proposed alley, as described above, with the condition that all City easement rights be retained.

Motion by Commissioner Aslakson, seconded by Commissioner Benedict to

approve the request to vacate the existing east/west alley of block 2 Jeannot Ct.

ROLL CALL: AYES; Spataro, Aslakson, Benedict, Nielsen, Shepherd

NAYS; Sieradzki

ADOPTED

c. Renaissance Zone Request/ Dudley Corporation (Shoreline Inn & Suites). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Dudley Corporation, 2920 Business One Drive, Kalamazoo, Michigan, has requested the establishment of a Renaissance Zone for the completion of a new hotel project located at 301 Terrace Point Drive, Muskegon, Michigan.

FINANCIAL IMPACT: Existing and future real and personal property taxes will be exempted for a period of 13 years. Additional income taxes on the creation of 28 full-time equivalent jobs will be collected by the City of Muskegon.

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: To approve the attached resolution and development agreement establishing a Renaissance sub-zone for the hotel project property, 301 Terrace Point Drive, contingent upon the issuance of a \$115,000 letter of credit by a federally insured bank with the City of Muskegon as the sole loss payee.

Motion by Commissioner Benedict, seconded by Commissioner Aslakson to deny the request to establish a Renaissance Zone the hotel project at 301 Terrace Point Drive.

ROLL CALL: AYES; Sieradzki, Aslakson, Benedict, Nielsen,

NAYS; Spataro, Shepherd

ADOPTED

d. Getty Street Corridor Study. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: At the February 15th Planning Commission meeting, there was a public hearing and the Getty Street Corridor Study was adopted and recommended for City Commission approval. The plan targets a specific approach of achieving the objectives of urban design, circulation improvement, land use compatibility, and economic development enhancement. As a sub-area plan, Getty Street Corridor Study becomes a part of the Master Plan.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Adopt the plan by passing the attached resolution.

Motion by Commissioner Aslakson, seconded by Commissioner Benedict to

concur with the recommendations of the Planning Commission to adopt the Getty Street Corridor Study as an addendum to the Master Plan.

ROLL CALL: AYES; Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson

NAYS; None

ADOPTED

e. Appointment of Members to the District Library Board. CITY MANAGER

SUMMARY OF REQUEST: To make three appointments to the District Library Board.

Motion by Commissioner Aslakson, seconded by Commissioner Spataro to appoint Mr. Harold Anderson to the District Library Board for the term ending 2002.

ROLL CALL: AYES; Nielsen, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

NAYS: None

ADOPTED

Motion by Commissioner Benedict, seconded by Vice Mayor Sieradzki to appoint Mr. James Austin to the District Library Board for the term ending 2003.

ROLL CALL: AYES; Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen

NAYS; None

ADOPTED

Motion by Commissioner Spataro, seconded by Vice Mayor Sieradzki to appoint Ms. Janice Kilgore to the District Library Board for the term ending 2004.

ROLL CALL: AYES; Sieradzki, Spataro, Aslakson

NAYS; Shepherd, Benedict, Nielsen

FAILED

Motion by Commissioner Aslakson, seconded by Commissioner Benedict to appoint Ms. Inez Jones to the District Library Board for the term ending 2004.

ROLL CALL: AYES; Sieradzki, Aslakson, Benedict, Nielsen, Shepherd

NAYS; Spataro

ADOPTED

f. Lakeshore Trail Phase IV Professional Firm. LEISURE SERVICES

SUMMARY OF REQUEST: To extend the Contract with FTC&H and OCBA to design and provide construction management for Phase IV of the Lakeshore Trail.

FINANCIAL IMPACT: Not to exceed \$61,500

BUDGET ACTIONS REQUIRED: None, money will come from the Golf Course Fund

STAFF RECOMMENDATION: Approve

Motion by Commissioner Benedict, seconded by Commissioner Aslakson to approve the extension of the contract for Phase IV of the Lakeshore Trail project.

ROLL CALL: AYES; Spataro, Aslakson, Benedict, Nielsen, Shepherd, Sieradzki

NAYS: None

ADOPTED

g. DNR Trust Fund Grant Application. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to apply for a DNR Trust Fund Grant to redevelop Sheldon Park.

FINANCIAL IMPACT: \$360,000 project with \$100,000 local match required for Sheldon Park

BUDGET ACTIONS REQUIRED: Match would need to be included in the 2002 budget

STAFF RECOMMENDATION: Approval

Motion by Vice Mayor Sieradzki, seconded by Commissioner Benedict to authorize staff to apply for a DNR Grant to redevelop Sheldon Park.

ROLL CALL: AYES; Aslakson, Benedict, Nielsen, Shepherd, Sieradzki, Spataro

NAYS; None

ADOPTED

h. Stormwater Committee Intergovernmental Agreement. PUBLIC WORKS

SUMMARY OF REQUEST: To approve an intergovernmental agreement that would establish a Muskegon Area Municipal Storm Water Policy Committee. This committee is to be composed of delegates from Muskegon County governmental units that are subject to EPA stormwater regulations. The committee will make recommendations concerning the attainment of the voluntary storm water permit.

FINANCIAL IMPACT: None

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Aslakson, seconded by Commissioner Benedict to approve the Stormwater Committee Intergovernmental Agreement.

ROLL CALL: AYES; Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson

NAYS; None

ADOPTED

i. Purchase of Property from Muskegon County for the Shoreline Dr. Extension. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Approval of the purchase agreement and resolution to purchase four pieces of property currently owned by Muskegon County, to accommodate the proposed Shoreline Drive right-of-way. Three of the properties are located between Western Ave. and Ottawa St., and the fourth is located between Ottawa St. and Seaway Dr. Together, the four properties total approx. 40,000 square feet. The properties together appraised at \$136,400.

FINANCIAL IMPACT: \$136,400 plus closing costs, to be paid for by transportation bonds

BUDGET ACTIONS REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval and to have the Mayor and Clerk sign the resolution and the purchase agreement

Motion by Commissioner Benedict, seconded by Commissioner Shepherd to approve the purchase agreement for the extension of Shoreline Drive

ROLL CALL: AYES; Nielsen, Shepherd, Sieradzki, Spataro, Aslakson, Benedict

NAYS; None

ADOPTED

ANY OTHER BUSINESS: Commissioner Shepherd reminded the Commission of the Volunteer Reception to be held on March 10th

PUBLIC PARTICIPATION: Eloise Hieftje, 1960 Cutler, expressed concern over the increasing population of stray cats and the need for regulations regarding cats.

Motion by Commissioner Benedict, seconded by Commissioner Aslakson to refer the item to staff.

ROLL CALL: AYES; Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen,

NAYS; None

ADOPTED

Alberta Brown, 464 Monroe, (representing Greater Muskegon Area Sister Cities Organization) requests the City to Contribute to the organization to enable 20 local students to go to Omoto Japan, as part of the Homestay program. Contribution will help to defray the costs of the trip.

Motion by Commissioner Spataro, seconded by Commissioner Aslakson to refer to staff to review and bring back with their recommendation.

ROLL CALL: AYES; Sieradzki, Spataro, Aslakson, Benedict, Nielsen, (Excused-Shepherd)

NAYS; None

ADOPTED

ADJOURNMENT: Meeting adjourned at 9:50 p.m.

Respectfully submitted,


Gail Kunding, City Clerk

GK/da

AGENDA ITEM

CITY COMMISSION MEETING February 27, 2001

TO: HONORABLE MAYOR AND CITY COMMISSIONERS
FROM: Community Relations Committee
DATE: February 16, 2001
RE: Resolution recognizing the Muskegon Catholic Central Choir and Band

SUMMARY OF REQUEST

A resolution was requested and approved by the Community Relations Committee recognizing the Muskegon Catholic Central High School Band and Choir members. In January, 51 students of the aforementioned group traveled to Italy and did a fine job of representing our community.

A representative from Muskegon Catholic Central will accept the resolution.

FINANCIAL IMPACT

None

BUDGET ACTION REQUIRED

None

STAFF RECOMMENDATION

Approval



City of
Muskegon
 State of Michigan

WHEREAS, the City of Muskegon pauses to honor and acknowledge the Muskegon Catholic Central High School band and choir members who traveled to Italy in January of this year; and

WHEREAS, the City of Muskegon is proud of your success and is thankful to have such fine individuals from the Muskegon area to represent our community; and

WHEREAS, your group had the incredible privilege of performing in front of and being recognized by the Holy Father, Pope John Paul II, in the Vatican; and

WHEREAS, we would like to express our public recognition and acknowledgment of the exemplary performance the students gave while in Italy. This experience reflected positively on Muskegon Catholic Central High School and the City of Muskegon as a whole.

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside February 27, 2001, to recognize the Muskegon Catholic Central band and choir students on a notable accomplishment.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 27th day of February, 2001.



 Fred J. Nielsen, Mayor

Date: February 27, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Shrine Circus

SUMMARY OF REQUEST: Jody Jordan is requesting approval of a fireworks display for March 2 & 3, 2001, at the L.C. Walker Arena. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval, subject to Fire Marshall Grabinski's inspection.

2001-20(b)

**PERMIT
FOR FIREWORKS DISPLAY**

Act 358, P.A. 1968

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

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO: Jody Jordan

NAME Jordan Productions, Inc.

ADDRESS 4040 S. Pearl, Las Vegas, NV 89121 AGE 32

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

L. C. Walker Arena

ADDRESS 955 Fourth Street, Muskegon, MI 49440

NUMBER & TYPES OF FIREWORKS:

2 - Slow Sparkle 2 - Aerial

2 - Fast Sparkle

2 - Concession

DISPLAY: L. C. Walker Arena, 955 Fourth Street

EXACT LOCATION

Muskegon, MI

March 2 and 3, 2001

CITY, VILLAGE, TOWNSHIP

DATE

TIME

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$1,000,000.

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the CITY

(city, village, township)

of

MUSKEGON

(name of city, village, township)

on the 27th day of February, 2001.



Fred J. Nielsen, Mayor

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

FOR FIREWORKS DISPLAY PERMIT

Act 358, P.A. 1968

DATE OF APPLICATION

1/9/2001

1. TYPE OF DISPLAY:

☒ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

JODY JORDAN

ADDRESS

4040 S. PEARL, LAS VEGAS, NV, 89121

AGE: Must be 21 or over

32

IF A CORPORATION: Name of President

JORDAN PRODUCTIONS, INC.

ADDRESS

SAME

3. PYROTECHNIC OPERATOR

NAME

Jody Jordan

ADDRESS

AGE: Must be 21 or over

EXPERIENCE:

NUMBER OF YEARS

7 YEARS

NUMBER OF DISPLAYS

100-150 SHOWS

WHERE

ON TOUR WITH SHANE CIRCUS

NAME OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

Jody Jordan

ADDRESS

4040 S. PEARL, LAS VEGAS, NV, 89121

Name of Michigan Attorney or Resident Agent

SALADIN SHANE TUMPLE

ADDRESS

4000 SALADIN DR, S.E., GRAND RAPIDS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

WALKER ARENA, 955 4th ST, MUSKOGEE, MI, 49840

DATE

MAR 2-3, 2001 (FRI-SAT)

TIME

AS SCHEDULED

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

INDIAN FIREWORKS: 3 DISPLAYS OVER CIRCUS RINGS

2 SLOW SPARKLE

2 FAST SPARKLE

2 CONCUSSION

2 - AERIAL

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

PIRE SPECIALTY BOX 4/LARK

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

(to be set by municipality)

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

BROOKS & ASSOCIATES - RICH BROOKS

ADDRESS

1338 PARK AVE, RIVER FOREST, IL 60208

ACORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)

1-11-01

ISSUER

RICHARD A. BROOKS AND ASSOCIATES, LTD.
338 PARK AVE.
RIVER FOREST, IL. 60305
708 771 3553

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

COMPANIES AFFORDING COVERAGE

COMPANY A	DIAMOND STATE INSURANCE COMPANY
COMPANY B	
COMPANY C	
COMPANY D	

INSURED

JORDAN PRODUCTIONS, INC.
4040 S. PEARL STREET
LAS VEGAS, NV 89121

COVERAGE

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

Q LTY	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	L7138067-1	10-15-00	10-15-01	GENERAL AGGREGATE \$ 2,000,000
	☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS - COM/OP AGG \$ 1,000,000
	☐ CLAIMS MADE ☒ OCCUR				PERSONAL & ADV INJURY \$ 1,000,000
	☐ OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one firm) \$ 50,000
					MED EXP (Any one person) \$
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$
	☐ ANY AUTO				BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE \$
	☐ HIRED AUTOS				
	☐ NONOWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN AUTO ONLY \$
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	☐ UMBRELLA FORM				AGGREGATE \$
	☐ OTHER THAN UMBRELLA FORM				\$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS \$
	☐ THE PROPRIETOR/ PARTNER/EXECUTIVE OFFICERS ARE:				EACH ACCIDENT \$
	☐ INCL				DISEASE - POLICY LIMIT \$
	☐ EXCL				DISEASE - EACH EMPLOYEE \$
	OTHER SHOW DATES: MARCH 2-3, 2001	LOCATION: MUSKEGON, MI			

DESCRIPTION OF OPERATIONS, LOCATIONS, VEHICLES & SPECIAL ITEMS

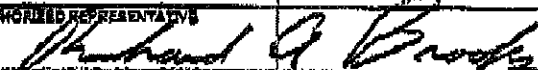
ADDITIONAL INSURED IN REGARD TO THE OPERATIONS OF THE NAMED INSURED: THE CITY OF MUSKEGON, COUNTY OF MUSKEGON AND ARENA MANAGEMENT GROUP, L.L.C., SALADIN SHRINE TEMPLE AAOOMS, THE IMPERIAL COUNCIL, AAOOMS, AN IOWA CORP. AND ALL ITS AFFILIATED CORPORATIONS, SHRINERS HOSPITAL FOR CHILDREN, A COLORADO CORP. AND ALL THEIR APPENDENT ENTITIES.

CERTIFICATE HOLDER

ARENA MANAGEMENT GROUP, L.L.C., CITY OF MUSKEGON AND COUNTY OF MUSKEGON, ALL ELECTED OFFICIALS, ALL EMPLOYEES AND VOLUNTEERS, ALL BOARD, COMMISSIONS AND AUTHORITIES AND VOLUNTEERS THEREOF.
544 FOURTH STREET
MUSKEGON, MI 49840

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

AUTHORIZED REPRESENTATIVE



ACORD 25 (1/99)

© ACORD CORPORATION 1999

933 Terrace Street
Muskegon MI 49440

City of Muskegon

Phone: (231) 724-6705
Fax: (231) 724-4178

Fax

To: Tim McClorey or
Keith Potter

From: City Clerk's Office
Linda

Fax: 2/2/01

Phone: 2-8-01

Re: 2

☐ Urgent ☐ For Review ☐ Please Reply ☐ Please Recycle

•Comments:

Please check insurance
for Shriners Circus fireworks
display at the LC Walker
Arena.

Thanks,
Linda

Linda,
2/2/01
Approved. Pending
insurance is satisfactory
and site is inspected
by this office upon
Circus Arrival + set-up.
Thanks,
Bob

Insurance OK per Tim 2-13-01 gpf

Administration 231-726-2939
FAX 231-726-4620
Tickets 231-726-2400L.C. Walker
arena

Operated by Arena Management Group, L.L.C.

ATTN: Linda FROM: Pam
COMPANY: City Clerks off. DATE: 2/7/01
FAX #: 724-4178 TOTAL # OF PAGES: 2 (Including Cover)

Re: Shrine Circus fireworks permit

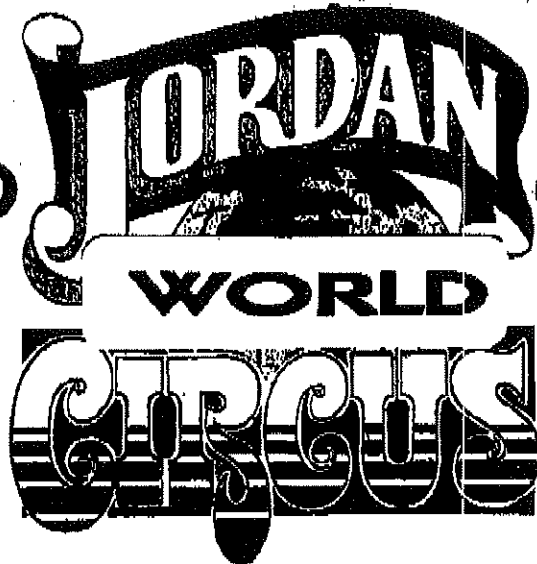
Linda,

Jodi Jordan has been out of town. No one has been in the office. They called me a few minutes ago & faxed this over.

They wanted to say thanks for reminding them. Mrs. Jordan has been ill and couldn't get to this.

Thanks! - Pam

14. Fax.doc



TO: PAW
FAX # (231) 726-9260
FROM: DARYL JORDAN
DATE: 1-9-2001
RE: FIREWORKS Display Permit

THIS TRANSMITTAL HAS 2 PAGES INCLUDING COVER.

COMMENTS: AS PER YOUR REQUEST, HERE IS THE
FIREWORKS APPLICATION.

REGARDS: [Signature]

4040 SOUTH PEARL STREET
LAS VEGAS, NEVADA 89121
(702) 456-2642 • FAX (702) 451-2822



Administration 231•726•2939

FAX 231•726•4620

Tickets 231•726•2400

Operated by Arena Management Group, L.L.C.

ATTN: Linda

FROM: Pam

COMPANY: City of Musk. Clerks office

DATE: 11.10.01

FAX #1 724-4178

TOTAL # OF PAGES: 3 (Including Cover)

Re: Pyro tech. Application
for Jordan World Circus.

- This is for the Shrine Circus
Mar. 2-3, 2001.

- Pam

14. Fax. 500



955 4th Street at Shoreline Drive • Muskegon, Michigan • 49440-1099

Commission Meeting Date: February 27, 2001

Date: February 12, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Buildable Vacant Lot on Dowd Street

SUMMARY OF REQUEST:

To approve the sale of the vacant buildable lot on Dowd Street designated as parcel number 24-665-000-0421-00 described as ORCHARD GROVE ADDITION S 83 FT LOTS 421-422, & 423 to Mr. Thomas and Mrs. Rebecca Fredericksen of 152 W. Forest Avenue. The subject property is 83 x 117 feet and is being offered to the Fredericksens for \$6,000. The Fredericksens plan to use the land for the construction of a single-family home. The appraised value of the lot is \$6,000 and the Fredericksens submitted the only bid of \$6,000.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

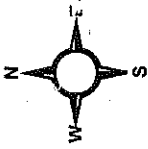
STAFF RECOMMENDATION:

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

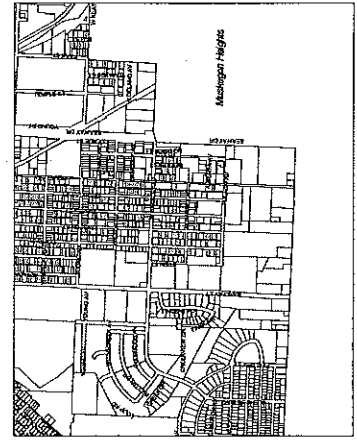
COMMITTEE RECOMMENDATION:

None

City-Owned Property Map Vacant Lot on Dowd Street



☆ = Subject Property(ies) to be sold



Resolution No. 2001-20(c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT IN CAMPBELL FIELD NEIGHBORHOOD FOR \$6,000.

WHEREAS, Mr. Thomas J. and Mrs. Rebecca J. Fredericksen have placed a \$200 deposit for the parcel designated as parcel number 24-665-000-0421-00, located on Dowd Street;

WHEREAS, Mr. Thomas J. and Mrs. Rebecca J. Fredericksen have submitted the only bid of \$6,000 for the parcel designated as parcel number 24-665-000-0421-00, located on Dowd Street;

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs;

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-665-000-0421-00, located on Dowd Street be sold to the above-mentioned buyer.

The South 83 feet of Lots 421-422, & 423 of ORCHARD GROVE ADDITION;

Adopted this 27th day of February, 2001

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

Nays: None

Absent Schweifler

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

Attest: Gail Kunderger
Gail Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on February 27, 2001.

By: Gail Kunderger
Gail Kunderger, Clerk

QUIT-CLAIM DEED

2001-20(c)

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

QUIT CLAIMS to THOMAS J. FREDERICKSEN and REBECCA J. FREDERICKSEN, husband and wife, of 152 W. Forest Avenue, Muskegon, MI 49441,

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

The South 83 feet of Lots 421-422 and 423, of ORCHARD GROVE ADDITION;

for the sum of Six Thousand Dollars(\$6,000).

PROVIDED, HOWEVER, Grantees, or their assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantees or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantees or their assigns. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, twenty-five percent (25%) completion of the dwelling described in the said building permit. In the event of reversion of title of the above described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home. This covenant shall run with the land.

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

Dated this 27th day of February, 2001.

Signed in the presence of:

CITY OF MUSKEGON

Linda Potter
Linda Potter

Debra Atkinson
Debra Atkinson

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

and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28th day of February, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

TRANSACTION TITLE INSURANCE CO

Date: March 19, 2001
Escrow Number: 414011

Property Address: v/l Dowd
Muskegon, Michigan 49441

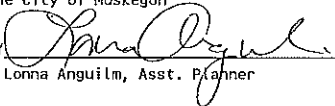
	SELLER'S STATEMENT	
	DEBIT	CREDIT
Purchase Price	\$	\$ 6,000.00
EXISTING LOAN		
Deposit of earnest money	200.00	
CLOSING FEES	150.00	
OWNERS PREMIUM	170.00	
Real Estate Commission		
Sub Total	\$ 520.00	\$ 6,000.00
Amount due Seller	\$ 5,480.00	
TOTALS	\$ 6,000.00	\$ 6,000.00

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

Seller(s) Signature(s):

The City of Muskegon

BY


Lonna Anguilm, Asst. Planner

FILE # 414011
DATE: March 19th 2001
PROPERTY ADDRESS: v/l Dowd

The undersigned hereby acknowledge receipt of a Request to Rescind/Withdraw Homestead Exemption form (Michigan Department of Treasury Form No. 2602) as same is required by Public Act 237 of 1994.

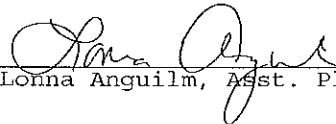
Please check one of the following:

☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

☐ The undersigned have fully and properly completed the forms and request that Transnation Title Insurance Company file the form with the appropriate local tax collecting unit. The undersigned acknowledge and agree that the Company will mail the form by first class mail, and that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event that said form is not received or properly processed by the local tax collecting unit.

SELLER(S):

The City of Muskegon

BY  _____
Lonna Anguilm, Asst. Planner

SURVEY WAIVER

Date: March 19, 2001

RE: 414011

To: TRANSNATION TITLE INSURANCE CO

Property Address:

v/l Dowd

Muskegon, Michigan 49441

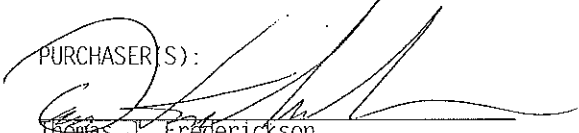
County: Muskegon

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

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

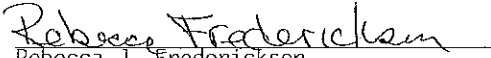
We hereby release TRANSNATION TITLE INSURANCE CO, its employees and/or agents, from any responsibility and/or liability concerning or pertaining to survey matters, including, but not limited to size of lot or land, location of boundary line, location of building and encroachments.

PURCHASER(S):

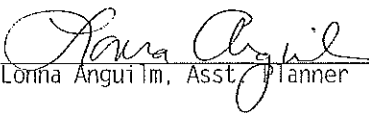

Thomas J. Frederickson

SELLER(S):

The City of Muskegon


Rebecca J. Frederickson

BY


Lonna Anguilm, Asst Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

} SS

Title Commitment # 414011

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

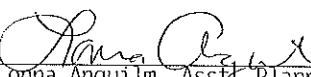
v/l Dowd
Muskegon, Michigan 49441

AND

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

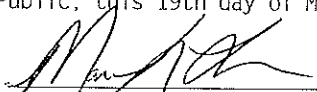
Seller(s):

The City of Muskegon

BY 
Lonna Anguilm, Asst. Planner

Subscribed and sworn to, before me a Notary Public, this 19th day of March, 2001

MARI K. LARSON
Notary Public, Muskegon County, MI
My Commission Expires 8-13-02


Notary Public _____ County _____
My Commission Expires: _____

QUIT-CLAIM DEED

2001-20(c)

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

QUIT CLAIMS to THOMAS J. FREDERICKSEN and REBECCA J. FREDERICKSEN, husband and wife, of 152 W. Forest Avenue, Muskegon, MI 49441,

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

The South 83 feet of Lots 421-422 and 423, of ORCHARD GROVE ADDITION;

for the sum of Six Thousand Dollars(\$6,000).

PROVIDED, HOWEVER, Grantees, or their assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantees or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantees or their assigns. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, twenty-five percent (25%) completion of the dwelling described in the said building permit. In the event of reversion of title of the above described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home. This covenant shall run with the land.

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

Dated this 27th day of February, 2001.

Signed in the presence of:

CITY OF MUSKEGON

Linda Potter
Linda Potter

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

Debra Atkinson
Debra Atkinson

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 28th day of February, 2001, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

2001-20(c)

THIS AGREEMENT is made 2/20, 2000, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 (ASeller), and **THOMAS J. FREDERICKSEN and wife, REBECCA J. FREDERICKSEN**, of 152 W. Forest Avenue, Muskegon, Michigan 49441 ("Buyer").

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

The South 83 feet of Lots 421-422 and 423,
of ORCHARD GROVE ADDITION

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Six Thousand Dollars (\$6,000), payable, in cash, to Seller at Closing.

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to construct on the

premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

6. **Zoning Contingency.** This purchase agreement is contingent upon the Buyer obtaining all necessary zoning adjustments, such as variances, site plan approvals, or other zoning actions, in order to allow construction of the home which is depicted in certain plans and specifications which have been submitted to the city for review of the design. If the said necessary adjustments have not been finally approved by the City's appropriate bodies within 6 months of the date of this agreement, then the city shall have no obligation to close the transaction, and the Buyer may also determine to terminate the agreement. The Seller/City, by this agreement, has no responsibility or duty to grant or deny any zoning adjustment, which decision shall be entirely left to the appropriate body.

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

8. **Condition of Premises and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF BUYER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT HE HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER.

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

10. **Closing.** The closing date of this sale shall be on or before May 29, 2001, 200__ ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Linda Potter
Linda Potter

Debra Atkinson
Debra Atkinson

Brook Stenhagen

Donna Mayol

SELLER: CITY OF MUSKEGON

Fred J. Nielsen
Fred J. Nielsen, Mayor

Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:
Thomas J. Fredericksen
Thomas J. Fredericksen
Social Security No. 378 56 0898

Rebecca J. Fredericksen
Rebecca J. Fredericksen
Social Security No. 380-58-0011

Drafted by: G. Thomas Johnson
PARMENTER O'TOOLE
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786
Telephone: 231/722-1621

AGENDA Item No. _____

MUSKEGON CITY COMMISSION MEETING – February 27, 2001

To: Honorable Mayor and City Commissioners
From: Planning Department 
Date: February 19, 2001
Subject: Policy for sale of city-owned land

SUMMARY OF REQUEST

To ensure a certain minimum standard for homes placed on city-owned lots and to establish financial incentives in the form of land discounts to encourage additional investment in the home. The existing policy is attached.

FINANCIAL IMPACT

The City will be selling buildable lots at a discount rate.

BUDGET ACTION REQUIRED

None

RECOMMENDATION

The Land Reutilization Committee reviewed the policy and recommended it be adopted.

RESOLUTION # 2001-20(d)

MUSKEGON CITY COMMISSION

RESOLUTION TO ADOPT AN AMENDMENT
TO THE RESIDENTIAL LAND SALE POLICY

WHEREAS, the City of Muskegon owns many building lots and wishes to promote infill housing on such lots, and;

WHEREAS, the City wants to promote high quality, affordable single-family housing in the community and;

WHEREAS, the City is willing to discount the price of city-owned lots to encourage additional investment in a new home;

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby adopts the following policy amendment for the sale of city-owned buildable lots:

(to be added under "buildable lots")

Home Design

Any person wishing to purchase land from the city for the purposes of constructing a single family or duplex structure (in areas zoned for duplexes) shall adhere to the following standards.

- 1. The structure shall have a minimum of 1,260 square feet of usable living space per unit (excluding all basement area).*
- 2. The roof of the structure shall have a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5").*
- 3. A single-story home shall have a variable roof line on the front elevation (e.g. gable, dormer or offset).*
- 4. The building design shall be approved by the city and shall include at least two of the following.*
 - a. A covered front porch with design amenities (e.g., decorative*

- railing). (potential \$300 lot credit)*
 - b. A picture or bay window in the front elevation. (potential \$500 lot credit)*
 - c. A starburst or other siding design features in roof gables or over doorways or windows. (potential \$200 lot credit)*
 - d. Shutters or other acceptable outdoor window treatments (potential \$100 lot credit).*
 - e. Brick or stone accents in the front elevation (potential \$1,000 lot credit).*
 - f. Decorative windows (potential \$200 lot credit)*
- 5. A second story may be a potential \$2,000 lot credit but may not be included as one of the two required design elements.*
 - 6. A "stick-built" home may be a potential \$2,000 lot credit but may not be included as one of the two required design elements.*
 - 7. In no case shall the total number of credits amount to more than \$2,500.*
 - 8. The house shall have a garage or at least an 8 foot x 8 foot painted or vinyl covered wood storage shed constructed as per City requirements for sheds.*
 - 9. All bedrooms shall have at least one hundred (100) square feet of livable floor area.*
 - 10. At the time the building permit application is submitted the plot plan and building design will be reviewed to determine compliance with all requirements of this policy.*
 - 11. Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection.*
 - 12. At least two (2) shade trees shall be provided on site of at least two and one-half (2.5") inches in diameter four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement.*

13. *The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner.*

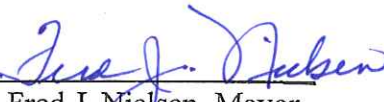
The aforementioned conditions and credits shall be incorporated into a sales contract between the city and the buyer.

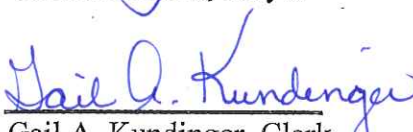
Adopted this 27th day of February, 2001.

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

Nays: None

Absent: Schweifler

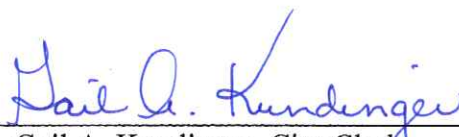
By 
Fred J. Nielsen, Mayor

Attest 
Gail A. Kunding, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 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. Kunding, City Clerk

City of Muskegon

Policy for Sale of City-Owned Residential Property

Objective

The City of Muskegon (the City) wishes to expand its residential tax base while simultaneously alleviating itself of the significant cost burden associated with year-round maintenance of vacant lots. The City reserves the right to join and split lots to assist with this process. All property will be sold as is. **All sales are subject to City Commission approval.**

Pursuant to the above, the City will periodically implement neighborhood marketing strategies. Elements of this policy may be superceded by a marketing strategy, if said strategy is approved by the City Commission as an exception to this policy, and only while said strategy is being utilized to market properties identified by the strategy.

Non-Buildable Lots

Non-Buildable lots are defined as lots that are insufficient in size or configuration for new construction under the Zoning Ordinance. These lots may only be sold to adjacent property owners; neighborhood organizations; or valid non-profit agencies, to expand/improve or beautify existing property. In the event that both adjacent owners seek to purchase a property, the City shall divide the property in the most equitable manner. Factors considered before approvals of property sales include but are not limited to the following:

- Amount of existing property owned by interested parties
- Current upkeep of existing property owned by interested parties
- Evidence of unresolved zoning, building code or any other violations issued by the City

These lots will be sold for \$100. The price of property sold to multiple buyers will be divided evenly amongst all entities.

Buildable Lots

Buildable lots are defined as lots of legal record which are suitable in size and configuration under the Zoning Ordinance, for the construction of single-family homes, and may only be sold for such a purpose. As a condition of sale, structures built on these properties must be owner occupied for a minimum of 5

years. The buyer must ¹commence construction within 18 months of the date of purchase, or the property will revert back to the City's ownership, free and clear of any claim of the buyer. ~~Additionally, buyers must preserve as many trees and as much natural topography as possible.~~ Buyers requiring frontage of 130' or more must build homes with a minimum of 2,500 square feet of living space and go before the Land Reutilization Committee (LRC) for a recommendation. All structures must conform to all City building and zoning requirements. These lots shall be sold for market value.

Large Blocks of Land

This type of lot is defined as contiguous property that would allow for the construction of a minimum of 3 single-family residential structures. It is the preference of the City that these lots be sold as a single parcel to individuals with the means to develop the land for multiple single family units or multi-family units such as townhouses, site condos; and the like. Development must conform to either Single Family or Multiple Family building/zoning requirements. All interested parties must comply with preliminary site review requirements as determined by the Zoning Administrator.

Process for Purchasing Land

The procedure for purchasing city-owned property can be found in a brochure produced by the Planning Department, entitled "Purchase of City-Owned Residential Property".

Recording of the Deed

All property sales must be recorded with the Muskegon County Register of Deeds. This is the sole responsibility of the buyer. All sales will be handled as quit claim deeds.

Property Survey

All costs and activities associated with a survey are the sole responsibility of the buyer.

Environmental

Properties will be sold as is. Any environmental analysis is the sole responsibility of the buyer.

¹ "Commence Construction" means that a buyer has been issued a residential building permit by the City of Muskegon and also (in the sole opinion of the City of Muskegon's Building Official) that at least twenty-five percent (25%) of the dwelling has been completed.

Title Evidence/Insurance

Quitting title of tax reverted properties sold and properties spit for minimal amounts such as non-buildable lots, shall be the responsibility of the buyer.

Financing

Financing the acquisition of City-owned property and subsequent construction (if applicable) is the sole responsibility of the buyer. Failure to provide proof of adequate financing may be used as a basis for denial of a sale.

Appeal Procedure

Any denial of a sale can be appealed to the LRC using the appeals procedure as defined by the LRC. All sales whether appealed or not go before the City Commission for approval before a sale can be initiated.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: February 19, 2001
SUBJECT: Traffic Department materials and services

SUMMARY OF REQUEST:

Contract with the Muskegon County Road Commission for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the last twelve years. By bidding together with MCRC and other municipalities we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT:

Sign materials to be jointly bid:

Sign blanks	\$ 3,000.00 approx.
Sign posts	\$ 3,300.00 approx.
Sign sheeting	\$ 6,600.00 approx.
Centerline painting	\$10,800.00 approx.

Total \$ 23,700.00 (\$26,300.00 in 2000)

BUDGET ACTION REQUIRED:

None, this item is requested each year in the appropriate Highway budgets.

STAFF RECOMMENDATION:

Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

City of Muskegon Traffic Department

Memo

To: Bob Kuhn
From: Staff
Date: 02/19/01
Re: Sign Materials & Services: Annual Contract

Again this year we are requesting permission to bid jointly for our sign materials and services with the Muskegon County Road Commission as we have done for the past twelve years. They are getting ready to go out for bids on these items and thus we do not have any actual quotes for 2001.

For sign blanks: (the cost varies with the price of aluminum)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
sign blanks →	\$1.37/sq. ft.	\$1.48/sq. ft.	\$1.37/sq. ft.	\$1.29/sq. ft.	\$1.50/sq. ft.

For sign posts: (this may be the only commodity that has gone down each of the last five years!)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
2# x 11' posts →	\$8.96/ea	\$8.29/ea	\$5.91/ea	\$5.60/ea	\$5.45/ea.
3# x 12' posts →	\$11.30/ea	\$10.30/ea	\$9.66/ea	\$9.22/ea	\$8.92/ea.

For sheeting: Our standard has always been 3M sheeting, they are the only bid usually received by MCRC, they like us, use 3M sheeting exclusively. 3M also has supplied us with a sheeting roller at no cost and to maintain the warranty on their sheeting they also supply us with inks at no cost. The cost of sheeting has risen only very slightly over the last few years, this year most items will rise from anywhere from 2% to 5%.

Centerline painting: Before 1997, we contracted with the MCRC for this work. In 1997 they sold their equipment and we jointly bid with all other cities and townships in the County. In 1997 M&M Pavement Marking, Inc. was awarded the bid and has since been extended the contract every year since at the same unit prices. Our overall cost in 1999 and 2000 was higher because we painted over significant amounts of faded PPM.

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
	\$9,629 (MCRC)	\$7,024 (M&M)	\$7,815 (M&M)	\$10,041 (M&M)	\$10,082 (M&M)

Date: February 19, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: CZM Grant Application

SUMMARY OF REQUEST:

To submit an application to the Coastal Management program to continue the dune walkway in Kruse Park

FINANCIAL IMPACT:

\$100,000 project - \$50,000 grant - \$50,000 local match

BUDGET ACTION REQUIRED:

None, will come from the golf course fund

STAFF RECOMMENDATION:

Approve

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

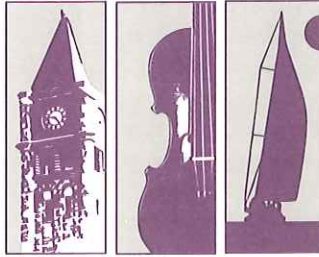
Public Works
231/724-4100
FAX/722-4188

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

February 19, 2001

To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: CZM Grant Application

I am seeking authorization to submit a Coastal Management (CZM) Grant to continue the dune walkway at Kruse Park. This project will construct the walkway north from the currently northerly most dune overlook. We will also put stairs to the beach from both areas. This project will connect our current walkway to the top of the next dune.

The estimated project cost is \$100,000. We will be asking for \$50,000 from CZM and will match that figure with money from the golf course fund. If funded, the project would walkway would be constructed in 2002.

At their February meeting, the Leisure Services Board recommended approval of the grant submittal.

I would ask that you authorize staff to submit the application and adopt the attached resolution.

Thank you for your consideration.

RESOLUTION NO. 2001-20(g)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR
KRUSE PARK DUNE WALKWAY CONSTRUCTION

WHEREAS, the City of Muskegon wishes to continue to construct a dune walkway in Kruse Park, and to provide stairs from the walkway to Lake Michigan; and

WHEREAS, the City of Muskegon would like to extend the trail northerly to connect with the top of the next dune; and

WHEREAS, funding is available from the U.S. Department of the Interior through the Coastal Management Program; and

WHEREAS, total project costs are estimated at \$100,000, 50% of which would be funded by the Coastal Program and 50% would be local match;

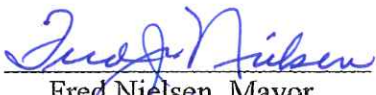
NOW, THEREFORE, BE IT RESOLVED, that the City Commission approve the submission of the grant application to the Coastal Management Program in the amount of \$100,000 for the continuation of the dune walkway at Kruse Park and commits that the local match shall be provided if the project is funded.

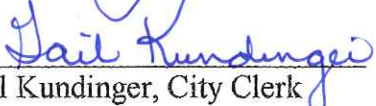
Adopted this 27th day of February, 2001

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

NAYS: None

ABSENT: Schweifler

BY 
Fred Nielsen, Mayor

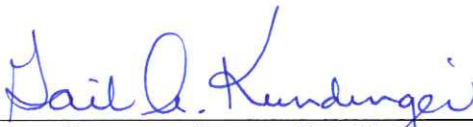
ATTEST 
Gail Kunding, City Clerk

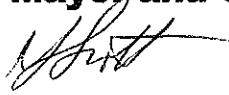
CERTIFICATION
2001-20(g)

This resolution was adopted at a regular meeting of the City Commission, held on February 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. Kunding, City Clerk

Date: February 19, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Hackley Hospital Agreement

SUMMARY OF REQUEST:

To authorize a contract with Hackley Hospital for the construction of the Laketon Trail through their property

FINANCIAL IMPACT:

Hackley Hospital will pay up to \$25,000 for the design of the trail

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
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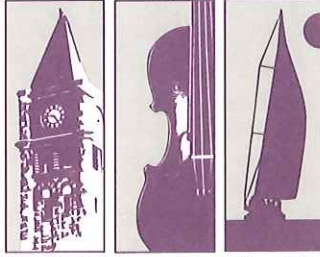
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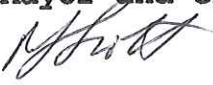
MUSKEGON



West Michigan's Shoreline City

Date: February 19, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Hackley Hospital Agreement

Attached please find a letter from Hackley Hospital agreeing to allow the City to build the Laketon Trail through their property. Further, they agree to pay up to \$25,000 for the design of the trail using their firm, BETA Design Group. Our Engineering staff will be the project engineer.

The only problem with the attached letter is that we cannot indemnify the Hospital.

The project is funded through a \$400,000 T-21 grant through the State of Michigan. The grant, however, does not allow reimbursement for design and engineering costs. This agreement with Hackley Hospital will actually save the city money from the overall project cost.

Therefore, I would request that you authorize staff to finalize a contract with Hackley Hospital and that you authorize the mayor and Clerk sign the agreement.

Thank you for your consideration.



Personalized healthcare, close to home

1700 Clinton St. 231.726.3511 phone
Muskegon, MI 800.825.4677 toll-free
49443-3302 www.hackley.org

an affiliate of Hackley Health

February 7, 2001

Richard Scott, Director
Parks and Recreation Department
City of Muskegon
933 Terrace Street - P.O. Box 536
Muskegon, MI 49443-0536

Re: Laketon Avenue Non-Motorized Pathway

Dear Mr. Scott:

Pursuant to the above referenced project, this is to notify you that Hackley Hospital will cover the basic pathway engineering design costs. It is our understanding said costs are estimated at \$25,000.00. In return for this participation, the City of Muskegon will cover construction costs for the new pathway as it traverses the hospital's Laketon frontage.

Relative to the engineering design, it is our further understanding the City will oversee the services and payment of the design consultant, all aspects of pathway bidding and construction, and related matters.

Please inform us of the process for the transfer of funds.

Sincerely,

Gayle Miller
Chief Operating Officer

cc. Jim Roberge, Director
Support Services



HackleyHospital

Personalised healthcare, close to home

1700 Clinton St. 231.726.3511 phone
Muskegon, MI 800.825.4677 toll-free
49443-3302 www.hackley.org

an affiliate of Hackley Health

February 7, 2001

Richard Scott, Director
Parks and Recreation Department
City of Muskegon
933 Terrace Street - P.O. Box 536
Muskegon, MI 49443-0536

Re: Laketon Avenue Non-Motorized Pathway

Dear Mr. Scott:

On behalf of Hackley Hospital, we are pleased to extend to the City of Muskegon an easement for placement of the Laketon Avenue Non-Motorized Bicycle Path. Pursuant to the hospital, the extended path will traverse property under the ownership of Hackley Hospital generally described as:

- 1) The Laketon Avenue frontage located between Leahy Street and Peck Street. The frontage property is located on the north side of the Laketon Avenue right-of-way and currently possesses a pedestrian sidewalk installed and maintained by the hospital. It is our understanding the sidewalk will be replaced by the new path.
- 2) The Laketon Avenue frontage, east of Sanford Street for a distance of one (1) block (block end). The frontage property is located on the north side of the Laketon Avenue right-of-way, and abuts same. The parcel represents approximately one-half of the Laketon Avenue frontage (easterly portion), between Peck Street and Sanford Street.

Within the above locations, Hackley Hospital grants, at no cost, to the City of Muskegon a permanent easement for placement of a non-motorized pathway subject to the following:

- 1) The constructed (paved) portion of the path shall not exceed an approximate width of (10) feet.
- 2) The City of Muskegon shall be responsible for pathway construction and ongoing maintenance.
- 3) The City of Muskegon shall assume full responsible for all liability associated with the design, construction, maintenance and use of the path and shall hold Hackley Hospital harmless from, and shall be responsible for, any and all claims arising out of said design, construction, maintenance and use.

Laketon Avenue Non-Motorized Pathway
Page 2

- 4) In the event the pathway is abandoned by the City of Muskegon, the permanent easement shall thereafter become null and void. All rights to the easement shall revert to Hackley Hospital, at no cost.
- 5) Hackley Hospital grants the City of Muskegon permission to enter the hospital property adjoining the pathway right-of-way for purposes of pathway construction and maintenance. Such permission is based on the premise that the City will use due care and caution pursuant to the disruption of the grounds and nearby land uses. Furthermore, the City shall repair and pay for damages, if any, to said adjoining property as a result of the pathway construction and maintenance.
- 6) Pursuant to the future planning and development of the Hackley Hospital Campus, it shall be understood that Hackley Hospital may request approval to place an access connection (i.e. driveway) to that segment of Laketon Avenue, located between Peck Street and Hoyt Street, resulting in a crossing of the non-motorized path. This easement does not grant Hackley Hospital the right of such connection. Rather, it specifies the possibility of same and the willingness of the City to consider a connection, if requested.

We are excited over the new path and look forward to its construction. Please do not hesitate to call if there are questions or the informational needs.

Sincerely,



Gayle Miller
Chief Operating Officer

cc. Jim Roberge, Director
Support Services

AGREEMENT FOR CONSTRUCTION AND EASEMENT
PEDESTRIAN AND NON-MOTORIZED PATHWAY

The parties to this agreement, effective on the date of signing, are the City of Muskegon, 933 Terrace Street, Muskegon, MI ("City") and Hackley Hospital, a Michigan non-profit hospital corporation, 1700 Clinton Street, Muskegon, Michigan ("Hackley").

Recitals

A. City intends to place a pedestrian and non-motorized vehicle path upon property owned by Hackley on the north side of Laketon Avenue on Hackley's frontage between Leahy Street and Peck Street, and Hackley's frontage located between Sanford Street, east to the property owned by Packren Company (Exhibit A, attached), an entity presently owned by Dr. Packren and others.

B. Hackley considers the installation and maintenance by the City of the said path to be beneficial to its property and the neighborhood in which the hospital and its various facilities are located.

THEREFORE, IN CONSIDERATION OF THE MUTUAL BENEFITS AND CONSIDERATION OFFERED AND ACCEPTED BY THE PARTIES, AND INCORPORATING THE ABOVE RECITALS, THE PARTIES AGREE AS FOLLOWS:

1. Commitments and Performances by the City.

1.1 The City shall construct, design and maintain at its cost a pedestrian and non-motorized vehicle path, to be located within the easement granted by Hackley, as set forth in this agreement. The construction shall be characterized by good workmanship and shall be performed utilizing materials, design and construction methods and maintenance practices in accordance with said good workmanship. Maintenance shall include the hard-surfaced path as well as the balance of the property located within the described easement.

1.2 The construction shall be located within the boundaries of the easement, and the hard surface shall not exceed a width of ten (10) feet. The City may utilize Hackley's land adjacent to the easement during construction or maintenance activities but shall restore the said land and all instrumentalities within the land owned by Hackley outside the easement in the event they are disturbed or damaged.

1.3 The City shall use due care and caution to avoid disruption of the grounds and nearby land uses owned by Hackley. The City shall repair and pay for damages, if any, to adjoining property owned by Hackley as a result of any construction or maintenance activities.

1.4 In the event Hackley, in the future, desires to place an access connection or driveway from Laketon Avenue across the path in the frontage between Peck Street and Hoyt Street, the City shall consider and determine whether to allow the said crossing of the easement and the path. An agreement to modify the easement and provide for said crossing shall not be unreasonably refused by the City.

2. Commitments and Performance by Hackley.

2.1 Hackley agrees to furnish to the City sufficient funds to cover the basic pathway engineering design costs, said costs to include the engineering design and the production of construction drawings. Said costs are estimated at Twenty-five Thousand (\$25,000) Dollars. In the event said costs will exceed Twenty-five Thousand (\$25,000) Dollars, the City shall immediately inform Hackley before incurring additional liability for said design costs. All other costs of construction shall be borne by the City.

2.2 In connection with the said basic pathway engineering design, the City shall oversee the services and payment of the design consultant, bidding of the project, construction and other functions necessary to be performed in connection with the design and construction of the path.

2.3 Hackley shall grant to the City an easement along the frontage on Laketon Avenue described in this agreement, the said easement to be _____ (_____) feet in width; provided, that the paved portion of the path shall not exceed a width of ten (10) feet within the easement. The form of easement is attached as Exhibit B.

2.4 Hackley shall execute and deliver the easement when the legal description has been determined to the satisfaction of the parties, which may occur at any time before or during construction, most likely after design has been completed. The City shall supply the legal description at the earliest practical time.

3. General Agreements.

3.1 The City shall arrange with Hackley for notification regarding the selection of a design consultant and for the transfer of funds as needed for the payment of the consultant. In the event the City sends out and seeks proposals for various consultants, Hackley shall be notified of the persons to whom requests for proposal are sent and, also, the names and business addresses of the responding consultants. In the event Hackley desires to review the proposals before award, it shall notify the City in writing and the City shall accommodate that review.

3.2 The easement shall be granted by a recordable document in the form attached as Exhibit B, which shall provide for the City's use of the easement, restoration of any damage to surrounding property which is disturbed or otherwise damaged by the City's

construction or maintenance, and shall further provide for termination in the event of abandonment by the City. Otherwise, the document shall provide for a permanent easement.

4. Miscellaneous.

4.1 This agreement shall benefit only the parties to this agreement, and not any third party.

4.2 This agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

WITNESSES:

Debra Atkinson
DEBRA ATKINSON
Shawn T. Hull
Shawn T. Hull

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor
And Gail A. Kunding
Gail A. Kunding, Clerk

HACKLEY HOSPITAL

By Angela R. Miller
Its President Chief operating officer

And _____

Its Secretary

Date Signed: _____, 2001

Exhibit A

[Legal Description to be supplied by the City]

Exhibit B

The Form of Easement

EASEMENT FOR PEDESTRIAN AND NON-MOTORIZED VEHICLE PATH

THIS AGREEMENT is made this 27th day of February, 2001, between **HACKLEY HOSPITAL**, a Michigan non-profit hospital corporation, 1700 Clinton, Muskegon, MI 49442, **Grantor**, and the **CITY OF MUSKEGON**, a Michigan municipal corporation, 933 Terrace Street, Muskegon, MI 49440, **Grantee**.

1. RECITALS:

1.1 Grantor has an interest in certain real property located in the City of Muskegon, County of Muskegon, and State of Michigan. Grantor is willing to grant and convey to the Grantee an easement for the purposes and upon the terms and conditions hereinafter set forth over and across that portion of the land owned by Grantor.

2. AGREEMENT

2.1 Grantor, for and in consideration of One (\$1) Dollar and other good and valuable consideration, the receipt whereof is hereby confessed and acknowledged, does by these presents convey and quit claim to Grantee and its successors and assigns, forever, or unless abandoned by the Grantee, a permanent, exclusive easement and right for a Pedestrian and Non- Motorized Vehicle Path, to enter upon the easement, to construct, operate, maintain, repair, inspect, replace, improve, and remove the said sidewalk.

The legal description of the easement granted by this instrument is set forth on attached Exhibit A.

2.2 Grantor warrants that it solely owns in fee simple and has marketable title to the land (the burdened property) upon which the easement is located.

THE GRANTEE AGREES:

2.3 Any construction, maintenance, or replacement shall be performed by Grantee so as not to unreasonably interfere with the use of land in which the easement is located. Upon completion of the construction, maintenance, replacement or repairs, Grantee will restore the easement and, if damaged, any abutting land of Grantor's, to the same condition as it was prior to such construction, maintenance, replacement or repairs and without cost to the Grantor. The Grantee shall cooperate with the Grantor to cause the least inconvenience to Grantor during such construction, maintenance, alteration, and repairs and complete such work as soon as reasonably possible.

2.4 The easement granted has a width of _____ (_____) feet; however, the paved portion of the path shall not exceed ten (10) feet in width.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed as of the year and day first above written.

WITNESSES:

GRANTOR: HACKLEY HOSPITAL

By Gayle R. Miller

Its CHIEF OPERATING OFFICER

By _____

Its _____

WITNESSES:

Debra Atkinson
DEBRA ATKINSON

Shawn J. Hull
Shawn T. Hull

GRANTEE: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing Easement for Pedestrian and Non-Motorized Vehicle Path was acknowledged before me this _____ day of _____, 2001, by _____ and _____, the _____ and _____ respectively, of HACKLEY HOSPITAL, who stated that they executed this Easement for and on its behalf.

Notary Public, Muskegon Co., Michigan
My Comm. expires _____

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing Easement for Pedestrian and Non-Motorized Vehicle Path was acknowledged before me this 13th day of April, 2001, by FRED J. NIELSEN and GAIL A. KUNDINGER, the Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a Michigan municipal corporation, for and on its behalf.

Debra Atkinson

PREPARED BY AND WHEN
RECORDED RETURN TO:
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Avenue, P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Notary Public, Muskegon Co., Michigan
My Commission expires: 4-3-2004

Exhibit A

Legal Description

AGENDA ITEM NO. _____
CITY COMMISSION MEETING February 27, 2001

To: Honorable Mayor and City Commissioners
From: Robert Kuhn, Public Works Director
Date: February 12, 2001
RE: 2001 Street Sweeping Contract

SUMMARY OF REQUEST:

This project is to provide street sweeping for the City of Muskegon. The city contracts with a vendor to provide four sweeps each year of all city streets. For the past four years this service has been provided by Tri - Us Services Inc., Kent City Michigan. We have had a good working relationship with Tri - Us Services Inc. and have been very pleased with their performance to date. We are asking that the 1997-1999 contract, which we have with this company, be extended another year. We have contacted Tri - Us Services and they have offered to extend us their 1999 contract price with the addition of a 3 ½ Percent Fuel Allowance. The CPI-U for Detroit was 3.7% from Dec. 99 to Dec. 00. This would suggest that 3 ½ percent is a reasonable figure. Tri - Us Services offers to perform street sweeping for 2001 for the price of \$107,775.33. In 1997 the other bidder, Sanisweep, Inc. offered a price of \$123,867.76.

FINANCIAL IMPACT:

\$107,775.33

BUDGET ACTION REQUIRED:

None. This project is included in the Year 2001 Public Works Budget.

STAFF RECOMMENDATION:

Staff recommends that the contract extension price of \$107,775.33, from Tri - Us Services, Inc., be accepted. We will Update Bonding and Insurance as required.

COMMITTEE RECOMMENDATION:

TRI-US SERVICES, INC.

4725 - 15 Mile Rd., Kent City, MI 49330
(616) 675-5555

January 19, 2001

Kelly DeFrench
Dept. of Public Works & Utilities
1350 E. Keating
Muskegon, MI 49442

RE: Street Sweeping Contract

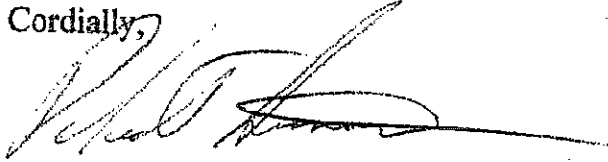
Dear Kelly:

This letter is to inform you of our intent to renew our existing contract. Our contract is for sweeping the street in the City of Muskegon. Our current contract for 1997, 1998, 1999 & 2000 is \$104,130.76 per year. Our contract price for 2001 is \$104,130.76 plus a 3.5% fuel surcharge. The 2001 contract price is **\$107,775.33**.

Please accept this letter as confirmation for the renewal of the contract for one (1) year. The contract price will be the above listed price.

If you have any questions or concerns, please contact me at (616) 675-5555 or 1-800-903-8226.

Cordially,



Robert (Bob) Simons
Owner

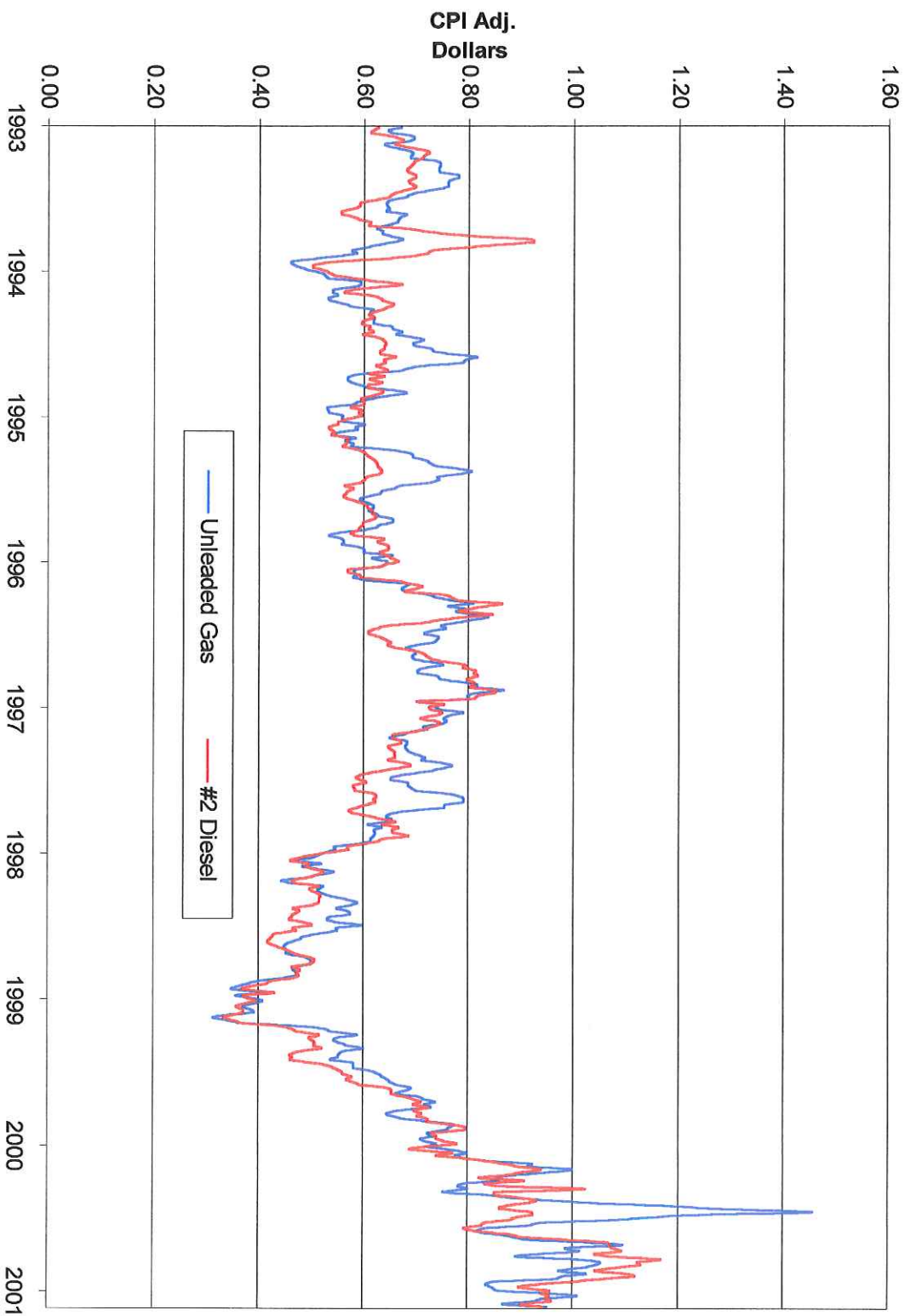
RLS/jls



Street Sweeping Bid Tabulation January 28th 1997

Company	Regular Per Curb Mile	Trunkline Per Curb Mile	Special Per Hour	Total Bid
Tri-Us Sweeping	\$77.00	\$72.00	\$90.00	\$104,130.76
Sani-Sweep	\$89.51	\$135.52	\$100.00	\$123,867.76

Muskegon Area Wholesale Fuel Prices Adjusted for Inflation



Date: February 27, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
DIVISION STREET, LAKETON TO SOUTHERN

Failed

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For Division Street from Laketon Avenue to Southern Avenue

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

RECITALS:

1. A hearing has been held on **February 27, 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 **February 27, 2001**, there were _____% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners _____ and _____
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **26.77%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **FEBRUARY 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. Kunding, Clerk

EXHIBIT A

**Division Street from
Laketon Avenue to Southern Avenue**

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of THE **Division Street from Laketon Avenue to Southern Avenue**

PROPOSED SPECIAL ASSESSMENT DISTRICT

ENGINEERING FEASIBILITY STUDY
Division Street from
Laketon Avenue to Southern Avenue

The proposed milling and resurfacing of Division Street, Laketon to Southern, see attached special assessment district map, was initiated by the City due to the roadway's condition which has reached a critical level. We feel that the proposed work will extend the life of this section of roadway by at least 10-years. On the other hand, waiting much longer could cause additional and more serious distresses that prevent this type of improvement from being effective and render reconstruction (removing and replacing the pavement) as the only available option. And that would almost double the construction cost as well as that of the assessment.

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 \$170,000 with the length of the project being approximately 1,600 lineal feet or 2,571.85 of assessable front footage. This translates into an estimated improvement cost of \$66.10 per assessable foot. However, based on the 2001 assessment figure for this type of improvement the assessment will not exceed \$17.70 per assessable foot.

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 14, 2001

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 milling and resurfacing of Division Street located between Laketon Avenue and Southern 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 14, 2001.

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 \$ 17.70 appears reasonable in light of analysis that indicates a probable enhancement of \$17.75. 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

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

February 16, 2001



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:

Division Street, Laketon Avenue to Southern Avenue

The proposed special assessment district will be located as follows:

All parcels abutting Division Street from Laketon Avenue to Southern Avenue

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 FEBRUARY 27, 2001 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 to confirm the special assessment roll after the project is under way. 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 \$170,000.00 of which approximately 26.77% (\$45,521.75) 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

Enclosures

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
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: **FEBRUARY 27, 2001**

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of
Laketon Avenue to the south ROW line of Southern Avenue

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:

Parcel Number

MAP Number:

Assessable Frontage:

Estimated Front Foot Cost:

ESTIMATED TOTAL COST

Property Description

W 67.5 FT LOTS 6-7 EX S 42 FT OF LOT 7 BLK 488

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 _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

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

MILLER TIMOTHY R

CITY OF MUSKEGON
DIVISION AVENUE H-1526
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the sidewalk assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2000, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$22,800
2	26,040
3	29,340
4	32,580
5	35,160
6	37,800
7	40,380
8	43,020
For each extra, add	3,240

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation. Sidewalk repairs must be completed by the City of Muskegon. Costs incurred from repairs done by a private contractor or by doing them yourself, will not be reimbursed.

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
SPECIAL ASSESSMENT DISTRICT**

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

Division, Laketon to Southern

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

All parcels abutting Division Street from Laketon Avenue to Southern Avenue

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 FEBRUARY 27, 2001 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: FEBRUARY 17, 2001

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**

24-205-488-0009-00	KOONE IRMA L	ASSESSABLE FEET:	82
24-30-25-437-013	848 W FOREST AVE	COST PER FOOT:	\$17.70
@ 848W FOREST AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,451.40
24-205-488-0010-00	PANZERO VINCENT	ASSESSABLE FEET:	30.5
24-30-25-437-012	860 W FOREST	COST PER FOOT:	\$17.70
@ 860W FOREST AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$539.85
24-776-001-0008-00	DAVID MICHAEL	ASSESSABLE FEET:	61.9
24-30-25-484-012	3816 HIGHGATE	COST PER FOOT:	\$17.70
@ 860W LAKETON A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,095.63
24-205-488-0006-10	MILLER TIMOTHY R	ASSESSABLE FEET:	50
24-30-25-437-001	861 W SOUTHERN AVE	COST PER FOOT:	\$17.70
@ 861W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$885.00
24-670-000-0011-00	CARTER LARRY D	ASSESSABLE FEET:	45
24-30-25-477-028	878 IRELAND AVE	COST PER FOOT:	\$17.70
@ 878 IRELAND AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$796.50
24-205-489-0012-10	CITY OF MUSKEGON	ASSESSABLE FEET:	66
24-30-25-436-010	879 DIVISION ST	COST PER FOOT:	\$17.70
@ 879 DIVISION ST		ESTIMATED P.O. COST:	\$1,168.20
24-205-505-0013-09	MADISON PETER J	ASSESSABLE FEET:	73.7
24-30-25-481-049	890 W LAKETON AVE	COST PER FOOT:	\$17.70
@ 890W LAKETON A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,304.49

24-205-489-0011-00	FIERROS JOSE M CASTANON/J	ASSESSABLE FEET:	49.5
24-30-25-436-011	1571 DIVISION ST	COST PER FOOT:	\$17.70
@ 1571 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$876.15
24-205-488-0007-00	LOCKE DAVID W/KAREN	ASSESSABLE FEET:	42
24-30-25-437-008	1576 DIVISION	COST PER FOOT:	\$17.70
@ 1576 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$743.40
24-205-489-0010-00	MAJORS ALFRED	ASSESSABLE FEET:	66
24-30-25-436-020	1581 DIVISION ST	COST PER FOOT:	\$17.70
@ 1581 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,168.20
24-205-488-0008-00	FORS WILLIAM	ASSESSABLE FEET:	60
24-30-25-437-009	234 HOUSTON AVE.	COST PER FOOT:	\$17.70
@ 1584 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,062.00
24-205-489-0009-00	WILLI DANIEL I	ASSESSABLE FEET:	73.5
24-30-25-436-021	1589 DIVISION ST	COST PER FOOT:	\$17.70
@ 1589 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,300.95
24-205-505-0001-10	PRITZL MARTHA	ASSESSABLE FEET:	71
24-30-25-477-010	1613 DIVISION	COST PER FOOT:	\$17.70
@ 1613 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,256.70
24-205-505-0001-00	PEAKE DUANE D	ASSESSABLE FEET:	71
24-30-25-477-011	1621 DIVISION ST	COST PER FOOT:	\$17.70
@ 1621 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,256.70

24-775-000-0008-00	CITY OF MUSKEGON	ASSESSABLE FEET:	45
24-30-25-478-001	933 TERRACE ST	COST PER FOOT:	\$17.70
@ 1624 DIVISION ST MUSKEGON MI 49443		ESTIMATED P.O. COST:	\$796.50
24-775-000-0009-00	STATE MANAGEMENT INC	ASSESSABLE FEET:	40
24-30-25-478-009	25 GREYSTONE MANOR	COST PER FOOT:	\$17.70
@ 1630 DIVISION ST LEWES DE 19958		ESTIMATED P.O. COST:	\$708.00
24-205-505-0005-00	ALVIAR ANITA M	ASSESSABLE FEET:	44
24-30-25-477-025	1641 DIVISION ST	COST PER FOOT:	\$17.70
@ 1637 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$778.80
24-775-000-0010-00	SERIO BOBBY LEE	ASSESSABLE FEET:	40
24-30-25-478-010	1638 DIVISION	COST PER FOOT:	\$17.70
@ 1638 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$708.00
24-205-505-0005-10	ALVIAR ANITA M	ASSESSABLE FEET:	44
24-30-25-477-026	1641 DIVISION ST	COST PER FOOT:	\$17.70
@ 1641 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$778.80
24-775-000-0011-00	BISSON GREG	ASSESSABLE FEET:	40
24-30-25-478-011	1644 DIVISION ST	COST PER FOOT:	\$17.70
@ 1644 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$708.00
24-205-505-0005-20	DAULT RANCY D	ASSESSABLE FEET:	44
24-30-25-477-027	1645 DIVISION ST	COST PER FOOT:	\$17.70
@ 1645 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$778.80

24-776-003-0011-00	BOUCHER IRENE	ASSESSABLE FEET:	41.25
24-30-25-478-012	1652 DIVISION ST	COST PER FOOT:	\$17.70
@ 1652 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$730.13
24-776-003-0010-00	PATRICIO GREGORY I	ASSESSABLE FEET:	41.25
24-30-25-478-013	1656 DIVISION ST	COST PER FOOT:	\$17.70
@ 1656 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$730.13
24-776-003-0009-00	GREAT LAKES HOUSING INC	ASSESSABLE FEET:	41.25
24-30-25-478-014	2897 TAFT SW #C	COST PER FOOT:	\$17.70
@ 1664 DIVISION ST GRAND RAPIDS MI 49509		ESTIMATED P.O. COST:	\$730.13
24-776-003-0008-00	O CONNOR DONNA	ASSESSABLE FEET:	41.25
24-30-25-478-015	1721 FRANKLIN	COST PER FOOT:	\$17.70
@ 1670 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$730.13
24-670-000-0013-00	WILCOX JAMES F/HELEN M	ASSESSABLE FEET:	45
24-30-25-481-010	1675 DIVISION ST	COST PER FOOT:	\$17.70
@ 1675 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$796.50
24-776-002-0014-00	O CONNOR DONNA	ASSESSABLE FEET:	88
24-30-25-482-001	1721 FRANKLIN	COST PER FOOT:	\$17.70
@ 1688 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,557.60
24-205-505-0007-07	BROWN FLOYD W	ASSESSABLE FEET:	89
24-30-25-481-037	3985 HARBOR POINTE DR	COST PER FOOT:	\$17.70
@ 1691 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,575.30

24-205-505-0007-08	O CONNOR DONNA M TRUST	ASSESSABLE FEET:	42
24-30-25-481-038	1721 FRANKLIN ST	COST PER FOOT:	\$17.70
@ 1699 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$743.40
24-776-002-0013-00	SETTLE JO ANN	ASSESSABLE FEET:	43.5
24-30-25-482-009	1700 DIVISION ST	COST PER FOOT:	\$17.70
@ 1700 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$769.95
24-205-505-0008-00	LOWERY ERNEST H	ASSESSABLE FEET:	45
24-30-25-481-039	1707 DIVISION ST	COST PER FOOT:	\$17.70
@ 1707 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$796.50
24-776-002-0011-00	HERNANDEZ SALVADOR	ASSESSABLE FEET:	87
24-30-25-482-010	1708 DIVISION	COST PER FOOT:	\$17.70
@ 1708 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,539.90
24-205-505-0009-07	SMITH CAROL L	ASSESSABLE FEET:	37
24-30-25-481-040	1711 DIVISION ST	COST PER FOOT:	\$17.70
@ 1711 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$654.90
24-205-505-0009-08	SANREGRET JANEY L	ASSESSABLE FEET:	50
24-30-25-481-041	1719 DIVISION	COST PER FOOT:	\$17.70
@ 1719 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$885.00
24-776-002-0010-00	MOREHOUSE IRENE M	ASSESSABLE FEET:	43.5
24-30-25-482-012	MOREHOUSE, BARBI K	COST PER FOOT:	\$17.70
@ 1722 DIVISION ST MUSKEGON MI 49441-0000		ESTIMATED P.O. COST:	\$769.95

24-205-505-0009-09	ANDERSON JANET	ASSESSABLE FEET:	47
24-30-25-481-042	1725 DIVISION	COST PER FOOT:	\$17.70
@ 1725 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$831.90
24-776-002-0009-00	BARNARD FLORENCE/ET AL	ASSESSABLE FEET:	43.5
24-30-25-482-013	1728 DIVISION ST	COST PER FOOT:	\$17.70
@ 1728 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$769.95
24-205-505-0009-10	NOWAKOWSKI STANLEY/CARRI	ASSESSABLE FEET:	42
24-30-25-481-043	1731 DIVISION ST	COST PER FOOT:	\$17.70
@ 1731 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$743.40
24-776-002-0008-00	SHUTRAN MARYANN/ROBERT	ASSESSABLE FEET:	43.5
24-30-25-482-014	1734 DIVISION ST	COST PER FOOT:	\$17.70
@ 1734 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$769.95
24-205-505-0010-01	PADILLA ENRIQUE/BELIA	ASSESSABLE FEET:	55
24-30-25-481-044	1741 DIVISION	COST PER FOOT:	\$17.70
@ 1741 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$973.50
24-205-505-0011-02	BLOHN MICHAEL	ASSESSABLE FEET:	88
24-30-25-481-045	1749 DIVISION ST	COST PER FOOT:	\$17.70
@ 1749 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,557.60
24-776-001-0015-00	VANDENBOSCH JOHNNIE L	ASSESSABLE FEET:	66.25
24-30-25-484-001	1451 FRANKLIN	COST PER FOOT:	\$17.70
@ 1752 DIVISION ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,172.63

H-1526

Division Street, Laketon Avenue to Southern Avenue

24-776-001-0013-00	WISZYNSKI JOSEPH	ASSESSABLE FEET:	81.5
24-30-25-484-010	1762 DIVISION ST.	COST PER FOOT:	\$17.70
@ 1762 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,442.55

24-205-505-0012-03	ADKINS JOSEPH A	ASSESSABLE FEET:	88
24-30-25-481-046	1769 DIVISION ST APT 1	COST PER FOOT:	\$17.70
@ 1769 DIVISION ST MUSKEGON MI 49441-2345		ESTIMATED P.O. COST:	\$1,557.60

24-205-505-0013-07	BROWN MARY G/EDWARD	ASSESSABLE FEET:	40
24-30-25-481-047	1773 DIVISION ST	COST PER FOOT:	\$17.70
@ 1773 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$708.00

24-776-001-0011-00	MILLER AVERY S	ASSESSABLE FEET:	63
24-30-25-484-011	1776 DIVISION ST	COST PER FOOT:	\$17.70
@ 1776 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,115.10

24-205-505-0013-08	BELONGA DELORES J	ASSESSABLE FEET:	40
24-30-25-481-048	1781 DIVISION ST	COST PER FOOT:	\$17.70
@ 1781 DIVISION ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$708.00

SUM OF ASSESSABLE FOOTAGE:	<u>2571.85</u>	SUM OF ESTIMATED P.O. COST:	<u>\$45,521.75</u>
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TOTAL NUMBER OF ASSESSABLE PARCELS	43
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% OF TOTAL PROJECT:	26.7774970588235
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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 27 TH DAY OF FEBRUARY, 2001 THE CITY COMMISSION ADOPTED A RESOLUTION CREATING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Division Street from Laketon Avenue to Southern Avenue _

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 FEBRUARY 17, 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 16TH DAY OF FEBRUARY, 2001.

GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2001.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

FEB 21 2001

To have your vote count, please

Return This Card By: **FEBRUARY 27, 2001**

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

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:	1707	DIVISION ST
Parcel Number	24-205-505-0008-00	
MAP Number:	24-30-25-481-039	
Assessable Frontage:	45	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$796.50	

Property Description

S 43 FT LOT 8 BLK 505

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 _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

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

LOWERY ERNEST H

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

FEB 21 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of
Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1699	DIVISION ST
Parcel Number	24-205-505-0007-08	
MAP Number:	24-30-25-481-038	
Assessable Frontage:	42	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$743.40	

Property Description

S 21 FT OF E 132 FT OF LOT 7 & N 21 FT OF LOT 8 BLK 505

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 DONNA M. O'CONNOR Owner _____

Signature Donna M. O'Connor Signature _____

Address 1721 FRANKLIN MUSKOGEE Address _____

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

O'CONNOR DONNA M TRUST

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of
Laketon Avenue to the south ROW line of Southern Avenue

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Assessment Information

Property Address: 1638 DIVISION ST
Parcel Number: 24-775-000-0010-00
MAP Number: 24-30-25-478-010
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$17.70 per Foot

ESTIMATED TOTAL COST \$708.00

Property Description

SUBDIVISION OF ENTIRE LOTS 1 & 2 AND PART OF LOT 3 BLK 503 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

Bob Seitz

Owner

Karl Seitz

Signature

Bob Seitz

Signature

Karl Seitz

Address

1638 Division St

Address

1638 Division St

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

SERIO BOBBY LEE

MEDNA
FEB 21 2001
City Clerk's Office

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of
Laketon Avenue to the south ROW line of Southern Avenue

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Assessment Information

Property Address:	1688	DIVISION ST
Parcel Number	24-776-002-0014-00	
MAP Number:	24-30-25-482-001	
Assessable Frontage:	88	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$1,557.60	

Property Description

SUB DIVISION OF PART OF LOT 3 BLK 506 LOTS 14 & 15 BLK 2

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner DONNA M. O'CONNOR Owner _____

Signature Donna M. O'Connor Signature _____

Address 1721 Franklin St. Muskegon Address _____
49404

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

O'CONNOR DONNA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED
FEB 21 2001

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1781	DIVISION ST
Parcel Number	24-205-505-0013-08	
MAP Number:	24-30-25-481-048	
Assessable Frontage:	40	Feet
Estimated Front Foot Cost:	\$17.70 , per Foot	
ESTIMATED TOTAL COST	\$708.00	

Property Description

S 40 FT OF N 96 FT OF E 175 FT OF LOT 13 BLK 505

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

Dolores J. Belonga

Owner

Signature

1781 DIVISION STREET

Signature

Address

1781 DIVISION STREET

Address

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

BELONGA DOLORES J

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED
FEB 21 2001
CITY CLERK'S OFFICE

To have your vote count, please
Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1708	DIVISION ST
Parcel Number	24-776-002-0011-00	
MAP Number:	24-30-25-482-010	
Assessable Frontage:	87	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$1,539.90	

Property Description

SUB DIVISION OF PART OF LOT 3 BLK 506 LOT 11 AND 12 BK 2

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Owner

Signature

Signature

Address

Address

1708 _____

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

RECEIVED
FEB 21 2001
City Clerk's Office

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please

Return This Card By: **FEBRUARY 27, 2001**

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

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:	1749	DIVISION ST
Parcel Number	24-205-505-0011-02	
MAP Number:	24-30-25-481-045	
Assessable Frontage:	88	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$1,557.60	

Property Description

LOT 11 EX W 245 FT BLK 505 R&M EXEMPTION-95-ROOF-\$500 AV

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

Owner

Michael Blohm

Signature

Signature

M. Blohm

Address

Address

1749 DIVISION

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

BLOHM MICHAEL

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

RECEIVED
FEB 21 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

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: 1621 DIVISION ST
Parcel Number 24-205-505-0001-00
MAP Number: 24-30-25-477-011
Assessable Frontage: 71 Feet
Estimated Front Foot Cost: \$17.70 per Foot

ESTIMATED TOTAL COST \$1,256.70

Property Description

3 71 FT OF E 132 FT LOT 1 BLK 505

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 _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

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

PEAKE DUANE D

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

FEB 21 2001

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1613	DIVISION ST
Parcel Number	24-205-505-0001-10	
MAP Number:	24-30-25-477-010	
Assessable Frontage:	71	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$1,256.70	

Property Description

E 97 FT OF S 71 FT OF N 105 FT LOT 1 BLK 505 EX W 5.26 FT OF N 37.5 FT THEREOF

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

Martha Britz

Owner

Signature

Martha Britz

Signature

Address

1613 Division

Address

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

PRITZL MARTHA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED
FEB 21 2001
City Clerk's Office

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1734	DIVISION ST
Parcel Number	24-776-002-0008-00	
MAP Number:	24-30-25-482-014	
Assessable Frontage:	43.5	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$769.95	

Property Description

SUB DIVISION OF PART OF LOT 3 BLK 506 LOT 8 BLK 2

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner MARY ANN SHUTROW
Signature Mary Ann Shutrow
Address 1734 Division

Owner _____
Signature _____
Address _____

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

SHUTROW MARY ANN POSSESSOR

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1670	DIVISION ST
Parcel Number	24-776-003-0008-00	
MAP Number:	24-30-25-478-015	
Assessable Frontage:	41.25	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$730.13	

RECEIVED

FEB 21 2001

City Clerk's Office

Property Description

SUB DIVISION OF PART OF LOT 3 BLK 506 LOT 8 BLK 3

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 DONNA M. O'CONNOR Owner Donna O'Connor

Signature Donna O'Connor Signature _____

Address 1721 Franklin St. Address _____

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

O'CONNOR DONNA

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please

Return This Card By: **FEBRUARY 27, 2001**

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

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:	1728	DIVISION ST
Parcel Number	24-776-002-0009-00	
MAP Number:	24-30-25-482-013	
Assessable Frontage:	43.5	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$769.95	

RECEIVED

FEB 21 2001

CITY CLERK'S OFFICE

Property Description

SUB DIVISION OF PART OF LOT 3 BLK 503 LOT 9 BLK 2

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Flurence C Barnard

Owner

Signature

Flurence C Barnard

Signature

Address

1728 Division St.

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address: 1675 DIVISION ST
Parcel Number 24-670-000-0013-00
MAP Number: 24-30-25-481-010
Assessable Frontage: 45 Feet
Estimated Front Foot Cost: \$17.70 per Foot
ESTIMATED TOTAL COST \$796.50

RECEIVED
FEB 26 2001

Property Description

ORCHARD HILL A SUBDIVISION OF LOT 6 & S 44 FT OF LOTS 2-4 & 5 OF BLK 505 LOTS 13 & 14 EX W 4 FT OF LOT 14

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 _____

Owner James F. Wilcox / Helen M. Wilcox

Signature _____

Signature [Signature] / Helen M. Wilcox

Address _____

Address 1675 Division St., Muskegon, MI 49441

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

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Assessment Information

Property Address:	1652	DIVISION ST
Parcel Number	24-776-003-0011-00	
MAP Number:	24-30-25-478-012	
Assessable Frontage:	41.25	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$730.13	

RECEIVED
FEB 26 2001
City Clerk's Office

Property Description

SUB DIVISION OF PART OF LOT 3 BLK 508 LOT 11 BLK 3

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

Irene Boucher

Owner

Signature

Irene Boucher

Signature

Address

1652 Division

Address

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

BOUCHER IRENE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: **FEBRUARY 27, 2001**

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1773	DIVISION ST
Parcel Number:	24-205-505-0013-07	
MAP Number:	24-30-25-481-047	
Assessable Frontage:	40	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$708.00	

Property Description

S 40 FT OF N 56 FT OF E 175 FT LOT 13 BLK 505

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner MARY C BROWN

Owner _____

Signature Mary C Brown / JCB

Signature _____

Address 1773 DIVISION ST. MURKIN

Address _____

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

BROWN MARY CLEVAPO

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

FEB 23 2001

City Clerk's Office

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of
Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1762	DIVISION ST
Parcel Number	24-776-001-0013-00	
MAP Number:	24-30-25-484-010	
Assessable Frontage:	81.5	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$1,442.55	

Property Description

SUB DIVISION OF PART OF LOT 3 BLK 506 N 1/2 LOT 12 BLK 1 ENTIRE LOT 13 & S 18 1/2 FT OF LOT 14

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	_____	Owner	<u>Pauline Wiszynski</u>
Signature	_____	Signature	<u>Pauline Wiszynski</u>
Address	_____	Address	<u>1762 Division Muskogee 49411</u>

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

WISZYNSKI JOSEPH

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: **FEBRUARY 27, 2001**

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1719	DIVISION ST
Parcel Number	24-205-505-0009-08	
MAP Number:	24-30-25-481-041	
Assessable Frontage:	50	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$885.00	

RECEIVED

FEB 26 2001

City Clerk's Office

Property Description

S 50 FT OF N 87 FT OF E 132 FT LOT 9 BLK 505

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 AMY M. KRAMER

Signature Amy Kramer

Address 1719 DIVISION
MUSE MI 49441

Owner Janey L. Sanregret

Signature Janey L. Sanregret

Address 2701 HUIZER GA 30760

Thank you for taking your time to vote on this important issue. MUSE MI 49441

SANREGRET JAN EY L

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of
Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1711	DIVISION ST
Parcel Number	24-205-505-0009-07	
MAP Number:	24-30-25-481-040	
Assessable Frontage:	37	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$654.90	

Property Description

N 37 FT CF E 132 FT LOT 9 BLK 505

RECEIVED
FEB 26 2001
CITY CLERK'S 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 Carol Smith

Owner _____

Signature Carol L. Smith

Signature _____

Address 1711 Division St

Address _____

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

SANTEE CARROLL

DECLINED
FEB 28 2001
City Clerk's Office

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please

Return This Card By: **FEBRUARY 27, 2001**

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	890 W LAKETON AVE
Parcel Number	24-205-505-0013-09
MAP Number:	24-30-25-481-049
Assessable Frontage:	73.7 Feet
Estimated Front Foot Cost:	\$17.70 per Foot
ESTIMATED TOTAL COST	\$1,304.49

Property Description

E 125 FT OF S 80 FT LOT 13 EX W 11 FT OF N 37 FT THEREOF & EX A TRIANGULAR PC IN SE COR COM AT SE COR LOT 13 TH N 3.7 FT TH SWLY TO S LINE OF LOT TH E 3.7 FT TO BEG BLK 505

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 _____

Owner PETER MADISON

Signature _____

Signature Pete Madison

Address _____

Address 890 W LAKETON AVE

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

MADISON PETER J

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
Project Description: All parcels abutting Division Street from the North ROW line of
Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address:	1741	DIVISION ST
Parcel Number	24-205-505-0010-01	
MAP Number:	24-30-25-481-044	
Assessable Frontage:	55	Feet
Estimated Front Foot Cost:	\$17.70	per Foot
ESTIMATED TOTAL COST	\$973.50	

RECEIVED

FEB 27 2001

Property Description

LOT 10 EX W 150 FT BLK 505

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

Owner

Signature

Signature

Enrique Padilla

Address

Address

1741 Division MVR 900 1741

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

PERMIT TO ENTER DOCUMENT

IN CONSIDERATION OF the benefit to be derived from work to be done by the CITY OF MUSKEGON on a portion of the property described as follows 24-831-000-0024-00 and known as 2261 BARCLAY ST consisting of adjustment to lawns, sidewalks, parking areas and driveways due to the Reconstruction of Barclay Street and the associated underground improvements to such work and authorizes the CITY OF MUSKEGON, its agents and employees, to enter upon the premises and perform such acts as may be necessary to perform such work. This permit shall terminate on completion of this project or no later than the end of December 2001.

IN WITNESS WHEREOF, we have set our hands and seals this 26 day of FEB., 2001

RECEIVED
FEB 27 2001

Susan K. Bregow

Witness

Thomas C. Kest

Property Owner

Witness

Property Owner

SPECIAL ASSESSMENT HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: FEBRUARY 27, 2001

Project Title: Division Street, Laketon Avenue to Southern Avenue
 Project Description: All parcels abutting Division Street from the North ROW line of Laketon Avenue to the south ROW line of Southern Avenue

INSTRUCTIONS

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Assessment Information

Property Address: 860 W FOREST AVE
 Parcel Number: 24-205-488-0010-00
 MAP Number: 24-30-25-437-012
 Assessable Frontage: 30.5 Feet
 Estimated Front Foot Cost: \$17.70 per Foot
ESTIMATED TOTAL COST: \$539.85

Property Description

LOT 10 & W 32 FT LOT 11, BLK 498

Your vote COUNTS!

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

I AM IN FAVOR ☐

I AM OPPOSED ☒

Owner: [Signature]

Owner: [Signature]

Signature: _____

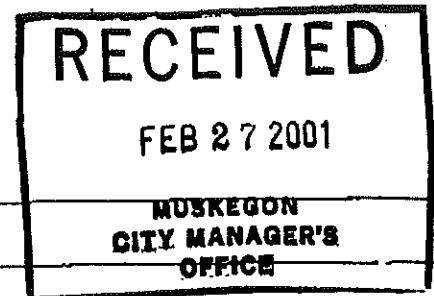
Signature: [Signature]

Address: _____

Address: 860 W Forest Ave

Thank you for taking your time to vote on this important issue

City Commissioner
Engineering
City Clerk
City Manager
2/27/01
§



To: Muskegon City Commission
From: Steve Gaudron, Main Neighborhood Assoc.
Date: 2-27-2001
Re: Southern Avenue Paving

Tonight you will be considering the special assessment for this project. On behalf of our board and a member of our members I will ask that you support this improvement. Without continued improvement to our streets we will not be able to address the rebuilding of our neighborhoods and the city as a whole.

While some immediate residents may be hesitant to contribute to the cost, I am more than willing to contribute my part in the formula. To do otherwise and not support the rebuilding of the city, I believe, is short sighted and risks further decline both real and perceived.

Leadership often demands having to make moves outside the comfort level of a few for the good of the many. This is our special situation. Until we begin to see ourselves not only as a block or neighborhood but as city and all the parts dependant on each other, we will not thrive.

I will make every attempt to see you all tonight if humanly possible. Thanks for your consideration your leadership and bravery in making the hard choices for our future and your personal legacy.

H-1526 DIVISION STREET, LAKETON TO SOUTHERN

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

		TOTAL NUMBER OF PARCELS =43							
		FOR		OPPOSE					
		#	ADD	MAP #	FT	#	ADD	MAP #	FT
TOTAL ASSESSABLE FRONT FOOTAGE	FEET	PERCENTAGE							
FRONT FEET OPPOSED	2571.85				50	6	1613	24-30-25-477-010	71
					37	7	1621	24-30-25-477-011	71
					43.5	10	1638	24-30-25-478-010	40
						14	1652	24-30-25-478-012	41.25
					43.5	17	1670	24-30-25-478-015	41.25
						18	1675	24-30-25-481-010	45
						19	1688	24-30-25-482-001	88
						21	1699	24-30-25-481-038	42
						22	1700	24-30-25-482-009	43.5
						23	1707	24-30-25-481-039	45
						24	1708	24-30-25-482-010	87
						27	1722	24-30-25-482-012	43.5
						32	1741	24-30-25-481-044	55
						33	1749	24-30-25-481-045	88
						35	1762	24-30-25-484-010	81.5
						37	1773	24-30-25-481-047	40
						39	1781	24-30-25-481-048	40
						41	860 F	24-30-25-437-012	30.5
						44	890 L	24-30-25-481-049	73.7
TOTAL FRONT FEET IN FAVOR	1504.65	58.50%							
NOT RESPONDING - FRONT FEET IN FAVOR	1330.65	51.74%							
RESPONDING FRONT FEET IN FAVOR	174.00	6.77%							
FRONT FEET OPPOSED	1067.20	41.50%							
TOTAL ASSESSABLE FRONT FOOTAGE	2571.85								

TOTAL 174.00 1,067.20

COMMISSION MEETING DATE: February 27, 2001

To: Honorable Mayor and City Commission

Date: February 21, 2001

From: Gail Kunding, City Clerk

RE: Second Reading of Ordinance Amending Police-Fire Retirement System Ordinance.

SUMMARY OF REQUEST: To adopt the ordinance amending the Police-Fire Retirement Ordinance as submitted. This requires a second reading since Vice Mayor Sieradzki was not present for the vote taken on February 13, 2001.

2nd reading
on 2/27/01

February 13, 2001

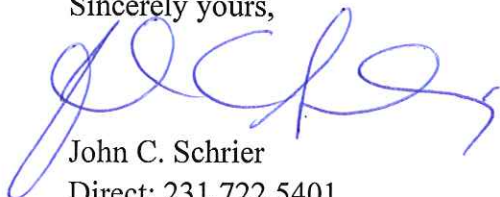
Gail Kunding
City Clerk
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

Re: Police-Fire Retirement System: Early Retirement Ordinance

Dear Ms. Kunding:

Enclosed please find ten copies of the Ordinance and Notice of Adoption for the Police-Fire Retirement System concerning the Police Command settlement.

Sincerely yours,



John C. Schrier

Direct: 231.722.5401

Fax: 231.728.2206

E-Mail Address: jcs@parmenterlaw.com

Enclosure

c: Tim Paul
Lee Slaughter
Bryon Mazade
Tony Kleibecker

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

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

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

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

Retired
Robert L. Forsythe
Arthur M. Rude

Paul T. Sorenson, 1920-1966
George A. Parmenter, 1903-1993
Cyrus M. Poppen, 1903-1996
Harold M. Street, 1912-2000

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2041

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 2. **DEFINITIONS**

Section 2(n) shall be amended to read as follows:

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

- (i) Payments based on unused sick leave subject to the following maximum:
The amount computed on the maximum amount of sick leave a member could accrue over the period of credited service used in computing his final average compensation.
- (ii) Holiday pay,
- (iii) Vacation Pay (current year accrual), provided, for police command officers who retire after January 1, 1992, and for police patrol officers, the amount of vacation pay to be included in compensation shall include accrued and unused vacation days from the period of one (1) year prior to the member's retirement date for a maximum of 20 accrued unused days. Vacation pay (current year accrual), provided, for firefighters and officers who retire after January 1, 1993, the amount of vacation pay to be included in compensation shall include accrued and unused vacation days from the period of one year prior to the member's retirement date, for a maximum of 12 accrued unused days.
- (iv) Longevity pay,
- (v) Pay while absent from work on account of illness,
- (vi) Termination or severance pay,

- (vii) Overtime pay on or after January 1, 1976 to firefighter members, and
- (viii) Educational bonus for police command officers effective January 1, 2001.
- (ix) Items of a similar nature as determined by the board.

Compensation shall not include:

- (i) Overtime pay to police officer members,
- (ii) Overtime pay prior to January 1, 1976 to firefighter members,
- (iii) Allowances for clothing, equipment, travel, and similar items,
- (iv) Reimbursement of expenses,
- (v) The value of any fringe benefit not specifically included, and
- (vi) Items of a similar nature as determined by the board.

2. Section 12.2 Early Retirement Incentive for Police Command (2001)

Section 12.2 shall be added and shall read in its entirety as follows:

(a) A member may retire in accordance with Section 12.1 of this ordinance upon satisfaction of all of the following conditions:

- 1. The member is a police command officer on January 1, 2001 and represented by a labor organization at the time of the member elects to take the early retirement benefits provided for in Section 12.1;
- 2. The member is at least fifty (50) years of age; and,
- 3. The member has twenty-five (25) or more years of credited service.

A member who satisfies all of the above criteria may accept the benefits of this early retirement program. In order to qualify for the benefits, the eligible member must declare their intent to retire by March 1, 2001, and leave employment between April 15, 2001, and September 1, 2001.

(b) Upon retirement pursuant to this Section, a person shall be paid a pension computed according to Section 15. Each member who retires pursuant to this section shall receive an extra three (3) years of credited service for retirement benefit purposes only. The extra service credit, however, does not modify the maximum pension amount.

(c) Other than the obligation to pay pensions pursuant to Section 12.1(b), this Section shall become null and void on September 2, 2001.

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

Nays: None

Adoption Date: 2-27-01

Effective Date: 3-16-01

First Reading: 2-13-01

Second Reading: 2-27-01

CITY OF MUSKEGON

By:

Gail A. Kunderger

Gail A. Kunderger
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of February, 2001, 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: February 27, 2001

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

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

Commission Meeting Date: February 27, 2001

Date: February 20, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
**RE: Development Agreement Between the City of
Muskegon and Lakefront LLC**

SUMMARY OF REQUEST: The City is participating with the public improvements on the Lakefront LLC property (former Teledyne property), through the Clean Michigan Initiative (CMI) Grant and a special assessment to the property owners. The public improvements include a new roadway and utilities through the site. In order to move forward on the construction of public improvements (and to meet the requirements of the CMI grant), a development agreement between the City of Muskegon and Lakefront LLC has been prepared. Lakefront LLC partners have signed the document and the City Commission is asked to approve the document, as well.

FINANCIAL IMPACT: The cost of the public improvements will be paid for with the CMI grant, as well as a special assessment to the property owners.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached "Development Agreement" between Lakefront LLC and the City of Muskegon, and to authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

DEVELOPMENT AGREEMENT

This Development Agreement between the City of Muskegon, of 933 Terrace Street, Muskegon, Michigan ("City"), and Lakefront Development, L.L.C., of 175 West Apple Avenue, Muskegon, Michigan ("Developer"), is effective as of the 27th day of February, 2001 ("Agreement").

RECITALS

A. Developer is a party to a certain agreement pursuant to which it has agreed to purchase lands described on Exhibit A (the "Development Property"), which lands it intends to include in a development known as Muskegon Lakefront ("Muskegon Lakefront").

B. In order to develop Muskegon Lakefront, public street, water, sanitary sewer, storm drains and sewers, curbs and gutters, and underground utilities, including gas, electric, and telecommunications (all collectively referred to herein as "Infrastructure") need to be installed. Developer intends that the Infrastructure shall be located on land to be conveyed to City, from the Development Property, for public highway purposes.

C. Developer has petitioned City for a planned unit development ("PUD") for the Muskegon Lakefront to include a mixed-use development containing office, retail, residential condominium, and marina uses, together with public access to Muskegon Lake. City has, pursuant to Resolution 2000-75(a), accepted and approved the PUD with conditions.

D. City has established a waterfront redevelopment plan which encompasses the entire lakeshore of Muskegon Lake within the Muskegon city limits, which waterfront redevelopment plan includes extension and construction of Shoreline Drive, development and construction of a lakeshore trail for pedestrian/bicycle purposes ("Lakeshore Trail"), and the redevelopment of numerous properties within the lakeshore area, including the Development Property.

E. City has applied for and obtained a grant from the State of Michigan for waterfront redevelopment, the major purpose of which is to construct the Infrastructure as public improvements on the Development Property.

F. The effect of the construction and installation of the Infrastructure and the related activities and investment by City pursuant to the waterfront redevelopment plan will result in measurable economic benefit to City and to Developer in excess of the project costs for which the grant has been made and in excess of the costs to construct the Infrastructure.

G. In recognition of the measurable economic benefit to Developer of the installation and construction of the Infrastructure and the related activities and investment by City pursuant to its waterfront redevelopment plan, which economic benefit exceeds the amount of the Grant Funds referred to in paragraph 2.1 hereof, Developer has volunteered and agreed to subject the Development Property to a special assessment by City in an amount not

to exceed Five Hundred Fifty Thousand Dollars (\$550,000), plus any amount by which the cost for the construction and installation of Infrastructure exceeds One Million Five Hundred Eighty Nine Thousand Seven Hundred Eighty Four Dollars (\$1,589,784) (collectively, the "Special Assessment Amount").

NOW, THEREFORE, THE PARTIES AGREE, in consideration of the mutual covenants and conditions herein stated, including the recitals above stated, the receipt and adequacy of such consideration being acknowledged by the parties hereto, as follows:

1. Land conveyance and access rights.

1.1 Developer shall convey to City that portion of the Development Property which is reasonably necessary for public highway purposes in order to construct the Infrastructure in accordance with the PUD and final site plan approval by City of the Muskegon Lakefront (the "Public Highway Property"). Developer shall convey easements to City, if deemed necessary by City, for the extension and/or location of Infrastructure outside the Public Highway Property. In accordance with the PUD for the Muskegon Lakefront, as evidenced by a development plan dated June 20, 2000, a copy of which is attached hereto as Exhibit B, and an undated plan, a copy of which is attached hereto as Exhibit C, Developer shall convey to City a portion of the Development Property identified as a "bike/pedestrian path" ("Path Property") linked to the Lakeshore Trail, which Path Property shall include shoreline along Muskegon Lake and sufficient property to construct and maintain the "bike/pedestrian path". Developer shall also convey to City (or to another governmental entity with the consent of City) the area noted as lot or unit O, as identified on Exhibit C hereto ("Park"). The Path Property shall be open to public access and subject to the regulatory control of City sufficient to maintain such public access; provided that the maintenance, repair and replacement of the improvements to the Path Property and other reasonable regulatory control of the Path Property shall be the responsibility of Developer and the successive owners of the Development Property. Closing shall take place at the Muskegon office of First American Title Insurance Company or such other location as the parties shall agree after all conditions precedent have been satisfied, at which time Developer shall execute and deliver to City a warranty deed for the Public Highway Property and the Park, easements for the Path Property and any other easement required hereunder.

1.2 Developer agrees that the City and the Michigan Department of Environmental Quality ("MDEQ"), at all relevant times hereafter including the period beginning with the date of this Agreement and ending not earlier than two (2) years after the Closure Date as defined in the Waterfront Redevelopment Grant Agreement hereinafter referenced, shall have the right to access the Development Property for purposes of conducting site inspections, oversight, evaluations and other similar activities related to said Waterfront Redevelopment Grant Agreement.

2. **Conditions precedent to the transfer of Public Highway Property, including further performances by Developer.**

2.1 The MDEQ shall have approved unconditionally, or upon conditions fully acceptable to City in its sole discretion, and executed and delivered a Waterfront Development Grant Agreement providing Grant Funds to City in an amount not less than One Million Six Hundred Eleven Thousand Dollars (\$1,611,000), which Grant Funds may be used in the amount of One Million Five Hundred Eighty Nine Thousand Seven Hundred Eighty Four Dollars (\$1,589,784) for the construction and installation of Infrastructure.

2.2 With respect to the Development Property, Developer shall have filed with City and others all requisite first filings for final approval of a plat under City's Subdivision Control Ordinance (Chapter 19 of the Code of Ordinances) and the Land Division Act of the State of Michigan as amended, or filed with City a condominium Master Deed which it has recorded and which reflects compliance with zoning and Planned Unit Development approvals of City and the terms and provisions of this Agreement.

2.3 A survey of the Public Highway Property, Path Property and Park, prepared and sealed by a land surveyor registered in the State of Michigan, shall be supplied to City by Developer.

3. **Use issues in the development.** Developer shall impose restrictive covenants on the lots or units in the Muskegon Lakefront, which covenants shall run with the land. The covenants shall provide for underground utilities, restrictions on use of the Development Property as provided in the approved PUD plan, setbacks and area regulations at least equivalent to those required under the City zoning ordinance or the approved PUD plan, and otherwise as may be agreeable to Developer. In the discretion of Developer, said covenants shall be in addition to and may be stricter than the zoning ordinance requirements of City. The restrictive covenants shall be reviewed and approved by City before recording for compliance with the requirements of this paragraph 3.

4. **Infrastructure.** Provided that: (i) Developer has consented to the establishment of a special assessment district and the approval of a special assessment roll and City has adopted and approved the same, (ii) the Public Highway Property, the Park and easements for the Path Property have been conveyed to City, (iii) the restrictive covenants have been recorded, and (iv) all other conditions precedent have been satisfied, then City shall construct the Infrastructure. All engineering services, specifications, plans and contract documents with respect to the Infrastructure shall be prepared on behalf of City in accordance with its normal standards for such work and shall conform to any site plan and zoning approvals granted by City and shall remain the property of City. Any construction and installation shall be made in accordance with all health, environmental and other laws and regulations of City, Muskegon County, State of Michigan and United States of America.

5. **Special assessment.** Developer shall execute all documents necessary to consent to and approve the Infrastructure, the special assessment district and the special assessment roll. The special assessment district shall encompass the entirety of the Development Property.

5.1 **Lien and payment.** The Special Assessment Amount shall be imposed as a lien on the entire Development Property. The special assessment roll shall not be divided or apportioned among any lots, parcels or divisions of the Development Property, whether created by a change in ownership or otherwise. In lieu of the provisions of Section 15 of the City Charter, City shall discharge the lien with respect to any lot or unit of the Development Property in accordance with the following schedule, provided that all annual payments of principal and interest required by the special assessment roll which have then become due and payable have been made and further provided that all ad valorem real property taxes with respect to such lot or unit which have then become due and payable have been paid. The principal payment required shall be an amount equal to the stated percentage of the original principal portion of the Special Assessment Amount.

<u>Lot or Unit</u>	<u>Principal Payment Required</u>
A	8.777%
B	8.355
C	7.147
D	6.831
E	6.306
F	2.365
G	6.043
I	7.882
J	6.253
K	6.148
L	2.627
M	2.627
N	7.882
O	0.000
P	17.341
Q	<u>3.416</u>
	100.000%

The lien with respect to lot or unit O shall be discharged without a payment of principal on the Special Assessment Amount only if lot or unit O is conveyed and transferred to a governmental entity for the Park. City may, in its sole discretion and on terms and conditions it deems reasonable, discharge the lien with respect to one lot or unit, if such lot or unit is conveyed and transferred to a governmental entity to operate an incucenter consistent with the Smart Zone Application filed by City. The lien with respect to lot or unit H shall not be discharged until the entirety of the Special Assessment Amount has been paid in full, together with accrued interest.

5.2 Payment of special assessment. The special assessment roll shall provide for interest on any portion of the Special Assessment Amount which shall remain unpaid from time to time at the rate of six percent (6%) per annum, or if City has incurred debt, by note or bond, in order to finance, in whole or in part, construction of the Infrastructure, then interest shall be at the rate equal to the interest rate on such debt plus one percent (1%). The special assessment roll shall provide for payment of accrued interest on an annual due date, together with annual principal payments in an amount equal to ten percent (10%) of the Special Assessment Amount. Interest shall accrue from the date of confirmation of the special assessment roll.

5.3 Public utility services. The Special Assessment Amount shall not include the cost of service and maintenance charges for the Infrastructure. Connection fees and service charges shall be charged and paid in accordance with City ordinances and practices.

5.4 Superiority of special assessment lien. The special assessment lien shall be superior to all other liens and encumbrances on the Development Property and shall not be subordinate to any other encumbrance until the Special Assessment Amount is paid, together with any accrued interest.

5.5 Procedures and provisions regarding special assessment. Except as otherwise provided in this Agreement, the procedures and provisions of Chapter XIII of the City Charter shall in all respects govern and control the special assessment contemplated by this Agreement.

6. Warranties and liabilities concerning Infrastructure. The Infrastructure to be installed by City on the Public Highway Property are public improvements. No warranties or commitments of any kind or description, either express or implied, are made by City to Developer or any other person as a result of the engineering, design, construction, maintenance, condition or performance of the Infrastructure. All governmental immunities shall remain in effect and are claimed by City. Developer acknowledges and consents to all said immunities. Developer acknowledges that the design, construction and maintenance of the Infrastructure is a governmental function.

7. Events of default. Developer shall be in default of this Agreement upon the happening of any of the following:

7.1 **Bankruptcy or insolvency.** The filing of any bankruptcy by Developer or creditors of Developer, either under state or federal laws, or judicial determination of insolvency of Developer.

7.2 **Failure to pay special assessments.** Any failure to pay the special assessment installment in any year or any installment due upon any sale of any lot, condominium unit, or property in the subdivision or condominium, including principal and accrued interest in accordance with the special assessment roll and this Agreement.

7.3 **Failure of performance.** The failure of Developer to perform any duty or observe any condition or covenant in this Agreement.

8. **Remedies on default.** In the event of any default by Developer in performing its obligations as required by this Agreement, which default remains uncured for a period of 30 days after written notice from City to Developer, the following remedies shall be available to City:

8.1 **Acceleration of special assessment installments.** In the event any special assessment installment or amount due upon the sale of a lot or condominium unit has not been paid, City may, at its option, immediately give notice to Developer and the entire special assessment balance shall be accelerated and due forthwith. The amount may be placed on the tax roll and City may cumulatively pursue all additional remedies available to it in order to collect the balance due. At City's option, the special assessment acceleration may be forgone (but not waived) and past due installments of principal and interest may be placed on the tax roll.

8.2 **Utilities.** City may shut off any utility service including water or sewer service to any properties which have not paid a special assessment payment which is past due or which are delinquent in the paying of service charges, connection fees, interest, penalties or any other charge in connection with any utility service.

8.3 **Termination.** After the giving of notice of default as required above and the failure of Developer to cure such default, then City may, in its sole discretion, terminate this Agreement for default by Developer.

9. **Benefit.** This Agreement is binding upon and inures only to the benefit of the parties to this Agreement. No third party beneficiary is intended by this Agreement.

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

11. **Non-waiver.** The excusing or waiver of any default of Developer by City shall not prevent or estop the enforcement and remedy of later or similar defaults or violations of this Agreement.

12. **Assignment.** Neither this Agreement nor any benefit or responsibility provided in this Agreement may be transferred or assigned to any other person or entity without the express written consent of both parties to this Agreement. Nonetheless, it is understood that Developer has not, as of the date of this Agreement, acquired title to the Development Property. In the event the special assessment district and the special assessment roll need to be approved and adopted before the Developer has acquired title to the Development Property, then the consent of Developer required by paragraph 5 hereof shall also be executed by the then title holder of the Development Property.

CITY OF MUSKEGON

Linda Potter
Linda Potter

Debra Atkinson
Debra Atkinson

By: Fred J. Nielsen
Fred J. Nielsen
Its Mayor

And Gail A. Kunding
Gail A. Kunding
Its Clerk

Witnesses:

Bess Spyrke
Walter Omm

MUSKEGON LAKEFRONT, L.L.C.

By: [Signature]
Its: member

EXHIBIT A

Legal Description of Development Property



J990419

9-28-99

Teledyne Property being purchased by Lakefront Development, LLC

Part of Blocks 554 and 558 of the Revised Plat of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, described as follows: COMMENCING at the most Southerly corner of Block 556 of said plat; thence North 62 degrees 44 minutes 00 seconds West 1248.69 feet along the Northerly line of Terrace Street extended; thence Westerly 269.86 feet along said Northerly line on a 302.48 foot radius curve to the left, the chord of which bears North 88 degrees 17 minutes 30 seconds West 261.00 feet; thence North 46 degrees 09 minutes 15 seconds West 85.84 feet along the line between Lots 5 and 6 of said Block 558 to the TRUE PLACE OF BEGINNING, said point being on the Northerly line of that parcel of land taken by the City of Muskegon for the construction of Shoreline Drive, a pedestrian walkway and the relocation of the railroad right of way, (said Northerly line being described in Schedule A attached to City of Muskegon Resolution No. 98-87(f) and adopted by the City Commission on July 28, 1998); thence continuing along said line between Lots 5 and 6 of said Block 558, North 46 degrees 09 minutes 15 seconds West 448.41 feet; thence North 27 degrees 25 minutes 55 seconds East 850.00 feet to an intermediate traverse line along the shore of Muskegon Lake, said point being called "A", (said point "A" being approximately 85' from the waters edge of Muskegon Lake; (the following eight (8) calls being along said intermediate traverse line) thence South 65 degrees 45 minutes 16 seconds East 874.97 feet; thence North 26 degrees 49 minutes 35 seconds East 136.75 feet; thence South 63 degrees 46 minutes 08 seconds East 283.79 feet; thence North 29 degrees 04 minutes 15 seconds East 189.14 feet; thence South 60 degrees 19 minutes 21 seconds East 182.84 feet; thence South 26 degrees 40 minutes 26 seconds East 320.52 feet; thence North 86 degrees 15 minutes 34 seconds East 281.56 feet; thence South 50 degrees 57 minutes 54 seconds East 490.90 feet to a point on the Northerly line of said parcel taken by the City, said point being called "B"; thence Northeasterly 131.86 feet, along a 1272.34 foot radius curve to the left, the chord of which bears North 70 degrees 58 minutes 46 seconds East 131.80 feet to the Northeasterly line of said Block 554; thence Northwest along said Northeasterly line to the waters edge of Muskegon Lake; thence recommencing at said point "B"(the following seven (7) calls being along the Northerly line of said parcel taken by the City), thence Southwesterly 416.86 feet, along a 1272.34 foot radius curve to the right, the chord of which bears South 83 degrees 20 minutes 04 seconds West 415.00 feet; thence North 87 degrees 16 minutes 46 seconds West 904.15 feet; thence North 02 degrees 43 minutes 14 seconds East 55.00 feet; thence North 87 degrees 16 minutes 46 seconds West 120.00 feet; thence South 02 degrees 43 minutes 14 seconds West 55.00 feet; thence North 87 degrees 16 minutes 46 seconds West 222.59 feet; thence Southwesterly 635.15 feet, along a 803.25 foot radius curve to the left, the chord of which bears South 70 degrees 04 minutes 05 seconds West 618.73 feet to the place of beginning. Together with all lands lying between the intermediate traverse line and the waters edge of Muskegon Lake and the Northeasterly line of said Block 554. Containing 34.2 acres more or less. Together with and subject to easements of record.

EXHIBIT B

PUD or Development Plan Showing Property to be Conveyed

Commission Meeting Date: February 27, 2001

Date: February 14, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Denial of Alley Vacation in Jeannot Court, Block 2

SUMMARY OF REQUEST:

Request for denial of vacation of the existing east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Planning Commission recommended denial of the request for vacation of the proposed alley at their 12/13/00 meeting. The vote was:

Yes (Denial):	Abraham, Mazade, Nielsen, Smith, Sartorius, Coleman, Kleaveland
No:	Aslakson
Absent:	Veltkamp

COMMISSION MEETING DATE: February 27, 2001

To: Honorable Mayor and City Commission
Date: February 21, 2001
From: Gail Kunding, City Clerk
RE: Alley Vacation in Jeannot Court, Block 2

SUMMARY OF REQUEST: To reconsider this item at this meeting so as to allow the original petitioners an opportunity to speak on this item. There was a mix up with the notice of the meeting that this item would be presented at and those individuals never received an opportunity to speak before the City Commission on this request.

City Commission voted to deny the request for the vacation of east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada Street, Windsor Ave., and Franklin Street. This vote was taken at the January 23, 2001 meeting.

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

December 13, 2000

Hearing: Case 2000-47: Request for vacation of the existing east/west alley in Jeannot Court, Block 2 (bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.), by Helen Johnson.

BACKGROUND

In 1994, the west half of this alley was vacated, at the request of WESCO, Inc. Ms. Johnson is currently requesting to vacate the remaining portion of this east/west alley. There is an existing north/south alley in the same block, which is not part of this request, and will remain open as a dead-end alley if this request is approved.

The City Engineer has no objections to vacating this portion of alley, provided that all easement rights are retained. The Fire Marshal has no objection to vacating this portion of alley. Staff has not yet received comments from the Department of Public Works.

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES
[EXCERPT]

December 13, 2000

The meeting was called to order at 4:04 p.m. by Chairman P. Sartorius, and roll was taken.

MEMBERS PRESENT: M. Kleaveland, B. Mazade, F. Nielsen, L. Abraham, D. Coleman,
P. Sartorius, J. Aslakson, , B. Smith

MEMBERS ABSENT: P. Veltkamp, excused

STAFF PRESENT: D. Steenhagen, L. Anguilm, B. Moore

OTHERS PRESENT: Steve Gunn, *Muskegon Chronicle*; Charles Johnson, 1954 Jarman;
John Johnson, son of applicant Helen Johnson; Joe from WESCO,
2125 Carter, Norton Shores; Student from Muskegon High School,
445 Houston

PUBLIC HEARINGS

Case 2000-47 - Request for vacation of the existing east/west alley in Jeannot Court, Block 2 (bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.), by Helen Johnson - D. Steenhagen gave the staff report and indicated that in 1994, the west half of this alley was vacated, at the request of WESCO, Inc. Ms. Johnson is currently requesting to vacate the remaining portion of this east/west alley. There is an existing north/south alley in the same block, which is not part of this request, and will remain open as a dead-end alley if this request is approved. Staff recommends the request be approved. The City Engineer has no objections to vacating this portion of alley, provided that all easement rights are retained. The Fire Marshal has no objection to vacating this portion of alley. Staff has not yet received comments from the Department of Public Works. J. Johnson and C. Johnson both spoke on behalf of their mother, Helen Johnson. They explained the reasons for the request and answered questions from Commissioners. They stated that there has been a large increase in traffic through the remaining alley since the west half was vacated in 1994. They also felt that since WESCO has been using the alley that damage has been done on their property by large delivery trucks entering and exiting through the east end of the alley. Joe, representing WESCO, explained the reason that it would pose a hardship on the business if the alley was closed. Their trucks do use the alley for deliveries to avoid disturbing the neighbors on Nevada Street. A motion to close the public hearing was made by B. Mazade, supported by M. Kleaveland, and unanimously approved. A motion to recommend to the City Commission that the vacation of the east/west alley in Jeannot Court, Block 2 be denied because it is a public alley and objections were raised by neighboring property owners, was made by M. Kleaveland, supported by F. Nielsen, and approved by majority vote, with J. Aslakson voting no.

CITY OF MUSKEGON
RESOLUTION #2001-24(b)

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the existing east/west alley in Jeannot Court, Block 2; and

WHEREAS, the Planning Commission held a public hearing on December 13, 2000 to consider the petition and subsequently recommended denial of the vacation; and

WHEREAS, due notice had been given of said hearing as well as the January 23, 2001 and February 27, 2001 City Commission meetings to consider the recommendation of the Planning Commission;

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

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

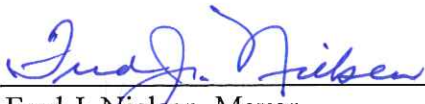
BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be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

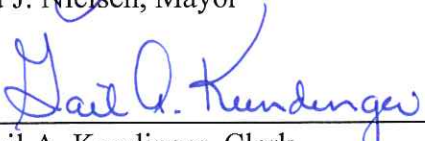
Adopted this 27th day of February, 2001.

Ayes: Spataro, Aslakson, Benedict, Nielsen, Shepherd

Nays: Sieradzki

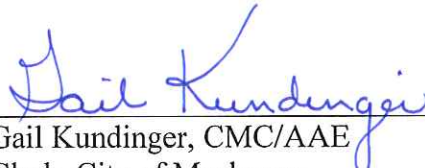
Absent: Schweifler

By: 
Fred J. Nielsen, Mayor

Attest: 
Gail A. Kunderger, Clerk

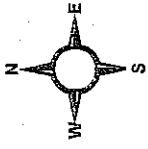
CERTIFICATION
2001-24(b)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on February 27, 2001.



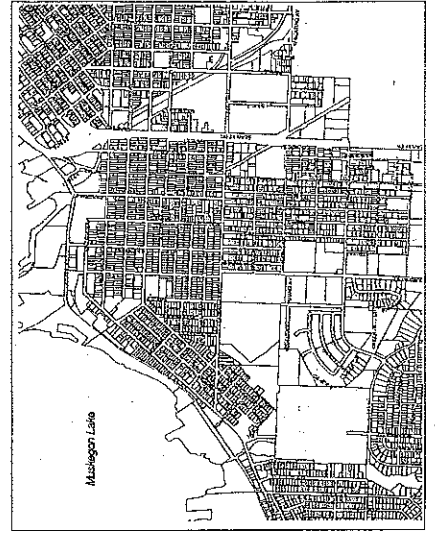
Gail Kunding, CMC/AAE
Clerk, City of Muskegon

**City of Muskegon
Planning Commission
Case #2000-47**



 = Subject Property(ies)

 = Notice Area



600 Feet

300

0

300

Commission Meeting Date: February 27, 2000

Date: February 20, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
RE: Renaissance Zone Request – Dudley Corporation (Shoreline Inn & Suites)

SUMMARY OF REQUEST:

The Dudley Corporation, 2920 Business One Drive, Kalamazoo, Michigan, has requested the establishment of a Renaissance Zone for the completion of a new hotel project located at 301 Terrace Point Drive, Muskegon, Michigan. (Please see attached memorandum for additional information.)

FINANCIAL IMPACT:

Existing and future real and personal property taxes will be exempted for a period of 13 years. Additional income taxes on the creation of 28 full-time equivalent jobs will be collected by the City of Muskegon.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and development agreement establishing a Renaissance sub-zone for the hotel project property, 301 Terrace Point Drive, contingent upon the issuance of a \$115,000 letter of credit by a federally insured bank with the City of Muskegon as the sole loss payee.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING REQUEST TO
Apply for Renaissance Zone Designation & Consent to Tax Exemption
Dudley Corporation – Shoreline Inn & Suites**

WHEREAS, in accordance with House Bill 4733 and Senate Bill 625, the Michigan Economic Development Corporation has been authorized to call for applications for Renaissance Zones; and

WHEREAS, the City of Muskegon is committed to the economic growth and well being of its residents; and

WHEREAS, the City of Muskegon is in agreement with the concepts of Renaissance Zones and desires to utilize such zones for the revitalization of certain areas within the City; and

WHEREAS, the Muskegon City Commission realizes that the full financial effect of designating the subject property a Renaissance Zone will be absorbed by the City of Muskegon Downtown Development Authority; and

WHEREAS, the applicant (the Dudley Corporation) has met the requirements for Renaissance Zone status as outlined in the City of Muskegon Development Agreement Policy for Expanding Existing or Establishing New Renaissance Sub-Zones; and

WHEREAS, the applicant (the Dudley Corporation) has entered into a development agreement acceptable to the city; and

WHEREAS, the City of Muskegon desires to obtain Renaissance Zone designation to be effective January 1, 2002.

NOW, THEREFORE, BE IT RESOLVED, that the Muskegon City Commission hereby approves of the application to the State of Michigan pursuing designation as a Renaissance Zone for property commonly known as the Shoreline Inn & Suites, 301 Terrace Point Drive, Muskegon, Michigan, to wit:

That part of Lot 5 Block 558 and that part of Lot 10 Block 563 described as:
Commencing at intersection of NEly line of Terrace St. being Swly line of Block 557
extending to centerline of vacant Water Street, thence N 62 degrees 44 min 00 Sec W
381.45 feet along NEly of Terrace Street; thence Wly along N line of Terrace Street
along a curve to the left with a radius of 302.48 feet, an arc distance of 477.51 feet & a
long chord of S 72 degrees 02 minutes 30 seconds W 429.45 feet, thence S 26 degrees
49 minutes 00 seconds W 311.08 feet along Nwly line of Terrace Street, thence Nwly

along a curve to the right with a radius of 603 feet, an arc distance of 385.66 feet & a long chord of N 44 degrees 20 minutes 28 seconds W 379.11 feet to POB, thence continuing Nly along a curve to the right with a radius of 603 feet, an arc distance of 309.82 feet, and a long chord of N 11 degrees 17 minutes 56 seconds E 306.43 feet, thence N 86 degrees 34 minutes 29 seconds W 64.54 feet, thence S 73 degrees 53 minutes 45 seconds W 208.42 feet, thence S 16 degrees 06 minutes 15 seconds E 100.41 feet, thence S 63 degrees 11 minutes 00 seconds E 332.63 feet to POB.

BE IT FURTHER RESOLVED, that the Muskegon City Commission consents to the exemption of all taxes levied against all persons or property located within the designated Renaissance Zones and is aware that the following estimated property tax revenue forfeiture will result for the zones first full year of operation:

1) City of Muskegon:	\$4,300
2) Muskegon County:	\$2,810
3) Muskegon Community College:	\$1,000
4) Muskegon ISD:	\$1,200
5) Muskegon Public Schools:	<u>\$11,060</u>
6) Total of All Taxing Jurisdictions:	\$20,370

Resolution declared adopted.

AYES:

NAYS:

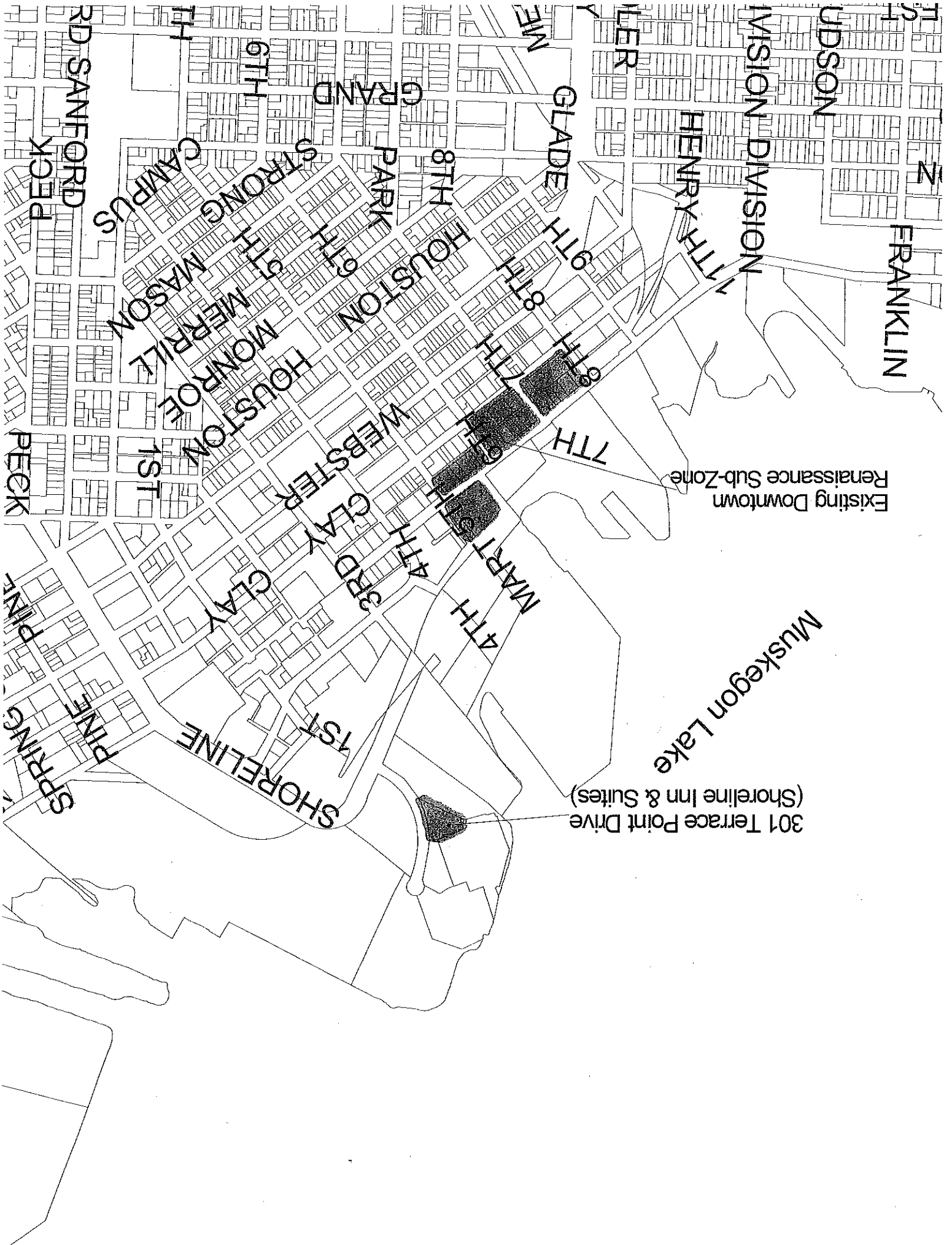
ABSENT:

By: _____
Fred J. Nielsen, Mayor

Attest: _____
Gail Kunderinger, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a special meeting held on February 27, 2001.

Gail Kunderinger, Clerk



FRANKLIN

UDSON

IVISION DIVISION

HENRY

LER

GLADE

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PARK

GRAND

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Memorandum

To: Honorable Mayor & City Commissioners

From: Planning & Economic Development

Date: February 20, 2001

RE: Dudley Corporation Renaissance Zone Request

Project Overview:

The Dudley Corporation has requested that the City of Muskegon create a new Renaissance sub-zone at 301 Terrace Point Drive pursuant to the City Development Agreement Policy for Expanding Existing or Establishing New Renaissance Sub-Zones.

The subject project began in 1999, however, construction was halted in 2000 due to the lack of financing. Subsequently, the applicant has secured financing that is contingent upon the City establishing the property as a Renaissance Zone.

The Dudley Corporation has complied with the terms and requirements of the City policy and has signed a development agreement. On February 19, 2001, Portage Commerce Bank forwarded a letter to the City confirming that the requisite letter of credit in the amount of \$115,000 has been approved for issuance with the City as the sole payee. Furthermore, the project general contractor, Pioneer Construction, has submitted a letter to the City confirming that the project will be complete by October 15, 2002. If the project is **not** complete by the above stated date, the City, at its sole discretion, may redeem the letter of credit.

Renaissance Zone Program Intent:

The primary issue with this request is the intent of the Renaissance Zone program and the need to balance the intent with the need to assist development projects. According to the City Renaissance Zone Policy, as approved by the City Commission, the goal of the program is to "encourage investment and create jobs while re-utilizing vacant, contaminated, and underutilized properties in blighted portions of the community".

A. Project Conformance with Program Intent:

This particular request creates a paradox in the stated goal and intent of the program. Renaissance Zones are intended to be utilized in specific areas where development is not likely to otherwise occur. It is staff's position, with much input from local business leaders, that the subject parcel is prime developable, waterfront property.

The project does create jobs and investment and the property may be characterized as having been vacant. Further, the subject property has been underutilized for the past 20 years and is known to contain certain levels of environmental contamination. However, the property is not considered to be in a blighted portion of the community.

In short, other than the specific financial situation of the project in question, the ability of the project to meet the goals and intent for a Renaissance Zone is questionable.

B. Project Status – Impact on Community Image:

The current state of the project is a detriment to the image of the community. Whether valid or not, having an unfinished major capital investment creates a negative perception. This is a concern given the amount of private interest in the downtown waterfront that has developed over the past few years.

C. Project Impact – Precedent & Business Community Reaction

Other property owners, businesses, and/or developers who are undertaking projects on property that is highly appealing to private investment may also wish to receive the benefit of a Renaissance Zone. Deviating from the original intent of the program may be viewed as creating an unfair environment to other property owners, businesses, or developers.

Another concern is the effect of Renaissance Zones on the Downtown Development Authority or other tax increment finance authorities. The revenue created by the taxes on new development is crucial to the City's ability to pay bond obligations. In the Downtown Development Authority, the current bonds will not be paid off until 2019.

Conclusion:

The request by the Dudley Corporation causes three important issues to surface. It is the position of staff that the application in question does not meet with the general goal of the program because the project was deemed to be viable by the developer and construction had begun prior to the request for zone status. The property is also located on a prime piece of lakefront property. However, the negative image that is prevalent in both the local community and the region as well as with private developers may constitute appropriate grounds for approving the application for Renaissance Zone status for the Shoreline Inn & Suites property to the State of Michigan.

Given the development agreement that the City has reached with the applicant, there is sufficient financial incentive (or liability) to the applicant if the terms of the development agreement are not met. The applicant has until October 15, 2002, to have the structure completed and open for business.

Summary of Staff Concerns:

1. Deviation from Intent of Renaissance Zone Program
2. Negative image created by unfinished structure
3. Perception of setting unfair development practices
4. Potential future impact on outstanding financial obligations of the City and other bonding authorities

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON RENAISSANCE ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49441 ("City") and DUDLEY CORPORATION, of 2920 Business One Drive, Kalamazoo, Michigan 49001 (the "Company").

Recitals:

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

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

NOW, THEREFORE, THE PARTIES AGREE:

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

- 1.1 The Application prepared and filed by the Company.
- 1.2 A copy of the Renaissance Zone Act, as amended to date.
- 1.3 City of Muskegon **Development Agreement Policy for Expanding Existing or Establishing New Renaissance Sub-Zones.**
- 1.4 Exhibit containing site/building requirements for this project applying Article VII of the Development Agreement Policy, and including the legal description of the Zone.

2. **COMPANY AGREEMENT.** The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner:

2.1 The completion of the Hotel Building and all improvements on Terrace Point Drive, Muskegon, Michigan, to comply with all construction codes, to meet its needs to operate its business on the property on or before October 1, 2002.

2.2 The installation on the premises of all fixtures, furniture and equipment by the same date.

2.3 The opening of the full business in the hotel by October 15, 2002.

2.4 The investment of the amounts set forth in the Application by the same date.

2.5 The creation of 28 full time equivalent jobs within the first two years of operation.

2.6 The performance of all other undertakings set forth in the Application.

2.7 Payment in full of all real and personal property taxes due for all years for property owned or controlled by the Company or any affiliate in Muskegon County and full payment of any taxes to the State as may be required by the State Administrative Board, prior to the creation of the Renaissance Zone on the properties.

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

2.9 During the entire period for which the Renaissance Zone status is in effect, the level of jobs and utilization of improvements and equipment as set forth in the Application shall be sustained and maintained.

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

2.11 The Company shall maintain and periodically replace furniture, fixtures and equipment and shall maintain all improvements so as to minimize physical or functional obsolescence.

2.12 The Company shall improve the properties and improvements, as contemplated in Article VII of the Development Agreement Policy, in accordance with the provisions of any submission or required documentation covering site/building requirements. These requirements shall be in addition to any zoning or site plan requirements of the Planning Commission or City Commission.

3. AGREEMENT BY THE CITY. Provided this Agreement has been executed, and further provided all applications concerning Renaissance Zone status have been filed and are complete, the City shall, in a timely manner, proceed with the appropriate applications to the State of Michigan Administrative Board and any other State Board as required by statute, and arrange appropriate hearings or review with all local review entities required by law. The City may consider this Agreement in a meeting separate from and prior to the meeting or meetings in which the City or any entity considers the creation of the district or approval of the applicant for Renaissance Zone status.

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

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

4.2 The closing of the Company's facilities in the City. Closing shall mean, for purposes of this Agreement, the removal, without transfer to another site within the City, of substantially all of the hotel facilities, and the elimination within the City of substantially all the jobs created or retained thereby, which are set forth in the Company's applications and all submissions accompanying it.

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

4.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on the equipment and improvements as represented in the attachments within the times required hereby.

4.5 The bankruptcy or insolvency of the Company.

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

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

5. REMEDIES ON DEFAULT. In the event of any of the above defaults the City shall have the following remedies. The amounts due by reason of the exercise of the remedies shall be immediately payable by the surety executing the bond required by this Agreement.

5.1 In the event of default as specified above and after investigation of the facts and a public hearing, the Company and its surety shall be immediately liable for amounts below, to be paid forthwith to the City, and, to the extent allowed by law, the Renaissance Zone status of the Company shall be revoked or void. Regardless of the continued existence of the Renaissance Zone status, the following consequences of a finding default shall apply:

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

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

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

5.1.4 The Company shall immediately reimburse the State of Michigan the amount of Single Business Tax excused by reason of the renaissance Zone statutes.

5.1.5 The Company shall continue to pay all taxes that would become due in the absence of Zone status until the Company's property in the Renaissance Zone is restored to the tax roll.

5.2 Failure to Install Improvements. In the event the improvements, furniture, fixtures and equipment have not been completed or installed by the time set forth in this Agreement, and a default is determined to exist, the property and improvements existing at the said time shall be placed on the next tax roll; and; in addition; the Company shall reimburse the City, taxing units or State for all abated taxes on said property as set forth above. The amount of the bond necessary to recoup the taxes due as set forth above shall be paid to the City to be applied to city and county taxes as above.

5.3 Failure to Expend the Funds Represented. Whether or not the installations have been completed, if the Company has not expended the funds it has represented on its Application that it would invest for the installation of improvements, furniture, fixtures and equipment, the Company shall be considered in default, and the Company shall show cause to the City why its Renaissance Zone status should not be determined to be revoked or void. The amount of the bond necessary to recoup the taxes due as set forth above shall be paid to the City to be applied to city and county taxes as above.

5.4 Job Creation and Retention. In the event the promised numbers of jobs have not been created or retained, and the City determines that a default has occurred, the amount of the bond necessary to recoup the taxes due as set forth above shall be paid to the City to be applied to city and county taxes as above.

5.5 Other Violations. For any material violations of this Agreement, and a finding of default, the City reserves the right to seek declaration by a court or entity with authority that the Renaissance Zone status of the Company is void or revoked. The amount of the bond necessary to recoup the taxes due as set forth above shall be paid to the City to be applied to city and county taxes as above.

5.6 Special Assessment. For any amount due to be paid to the City as a result of a finding of default, the Company consents that the City shall have a civil action against the Company and its surety for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company, personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes.

5.7 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action that may result in invocation of the remedies above. It shall take the following into consideration:

- .1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City.
- .2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.
- .3 Whether the effect on the City's finances of the Company's action is material and substantial.
- .4 Whether the circumstance affecting the status of the Company was created by occurrences beyond the control of the Company or could have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.

6. Performance Guaranty. The Company shall deposit with the City a surety Bond issued by a surety licensed in the State of Michigan and acceptable to the City, or in the alternative, an irrevocable letter of credit on a bank organized as a national bank or under the laws of the State of Michigan (either being called the "Guaranty Document," or "bond," and a surety company or the bank being called "surety") in the amount of \$115,000. The Guaranty Document shall unconditionally obligate the surety or bank to pay for the account of the Company an amount to the City in the event of default, to be equal to the taxes abated to the date of default, together with all taxes which may be subsequently abated in the event Renaissance Zone status cannot be revoked or voided for any subsequent period the default continues, plus any costs to the City caused by the failure of the company to comply, including, without limitation, any costs of cure incurred by the City to bring the improvements on the property into compliance with this Agreement or planning or zoning requirements. In the event Renaissance Zone status is effectively revoked and the Company or surety has paid to the City or the appropriate authority all amounts required by Section 5 hereof to the date of revocation, the Company's property in the Renaissance Zone shall be restored to the tax rolls and this Agreement and the performance guaranty shall be deemed discharged and terminated.

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

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

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

10. Effective Date. This Agreement shall be effective on the date the State Administrative Board approves the Renaissance Zone affecting the Company's property described in this Agreement.

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

CITY OF MUSKEGON,
a municipal corporation

By _____
Fred J. Nielsen, Mayor

and _____
Gail A. Kunding, Clerk

Dated: _____, 2001

DUDLEY CORPORATION

By John W. Payne, CEO
Its CEO

and _____

Its _____

Dated: 2-6, 2001

Pioneer
INCORPORATED
GENERAL CONTRACTORS
www.pioneerinc.com

550 KIRTLAND STREET, S.W.
GRAND RAPIDS, MICHIGAN 49507
TELEPHONE (616) 247-6966
FAX # (616) 247-0186



February 16, 2001

RECEIVED

FEB 20 2001

Cathy Brubaker-Clarke
Dir. Of Community & Economic Development
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon MI 49443-0536

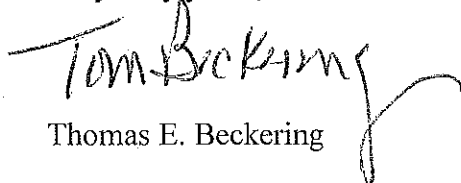
CITY OF MUSKEGON
PLANNING DEPARTMENT

Re: Dudley Corporation, John Payne CEO
Hotel Project

To Whom It May Concern:

This letter is written to confirm that Pioneer Incorporated could complete the above project by October 15, 2002 provided all schedules, delivery of materials and payments are made within the schedule provided. We do not anticipate any problems in reaching this date.

Very truly yours,


Thomas E. Beckering

/bam

PORTAGECOMMERCEBANK

February 19, 2001

City of Muskegon
Attn: Matthew E. Dugener
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Re: Dudley Corporation

Dear Mr. Dugener;

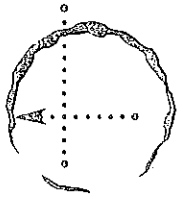
Pursuant to our phone conversation today, Portage Commerce Bank has approved the issuance of a Letter of Credit for the benefit of The City of Muskegon on behalf of the above referenced client. The amount of the Letter of Credit will be \$115,000 and will bear an expiration date of 12/31/02. The letter is renewable on an annual basis thereafter. The letter of credit should be issued the week of February 22, 2001. I will fax the proposed letter for your review. If you should have any questions, please do not hesitate to call me.

Sincerely,



Allan T. Reiff
Senior Vice President

cc: Mr. John Payne



Westwood

February 27, 2001

City of Muskegon City Commission

**RE: Authorization of Renaissance Sub-Zone
301 Terrace Point Drive**

Dear City Commissioners:

Over time Westwood has seen a resurgence and revitalization in the City of Muskegon and the surrounding area. This resurgence is due, in part, to developers discovering what we already knew--Muskegon is a golden opportunity for good, solid development. These developments have already begun - the Amazon building renovation, Lakefront Development, L.L.C.'s waterfront development, the renovation of the Frauenthal Center, and our own projects at the West Village Mall and the soon to be reconstructed Muskegon Hotel. Many of these projects also had other support, through renaissance zone designation, as brownfield redevelopment, or solely with community support. These types of developments, with the City's support, will continue to fuel Muskegon's future.

Westwood understands that a request has been made to the City to designate the Shoreline Inn & Suites development as a renaissance zone. While the use of renaissance zones by the City is and will continue to be an excellent tool to help development projects, Westwood has two fundamental concerns with this request. Renaissance Zones in Michigan were created for use in areas where development was stagnant or would not otherwise occur. The existing downtown renaissance zone in Muskegon is a good example. That renaissance zone has let developers, like Westwood, redevelop an area that otherwise would not be developed because of new construction costs. Use of a renaissance zone in that area allowed the City to work with developers to create new interest in a blighted area. The proposed new renaissance sub-zone does not fulfill that function. Instead, the new sub-zone will provide a break to a fully developable waterfront property in an area that has seen and will continue to see strong demand and growth.

Of equal importance is the potential use of one of a limited number of renaissance sub-zones for an existing development. This use is contrary to the purposes of the renaissance zone program and takes away the ability of the City to implement at least one renaissance zone in other areas of the City that need financial assistance. The City should take care in considering this requested renaissance zone, especially when numerous other

The Westwood Group, L.L.C.

Muskegon City Commission
February 27, 2001
Page 2 of 2

existing and proposed development projects in similar areas have not yet been granted renaissance zone status.

Westwood does not intend this letter as opposition to development. Instead, Westwood's fundamental concerns, and its opposition to this request, lie with the need for consistent use of renaissance sub-zones to help those projects for which the renaissance zone program was started.

Thank you for the time you have taken to review this submission.

Sincerely,

The Westwood Group, L.L.C.

A handwritten signature in dark ink, appearing to read 'Mark A. VandenBosch', written over a horizontal line.

Mark A. VandenBosch
General Counsel

cc: Mr. Michael J. Bowen

**CITY OF MUSKEGON
DEVELOPMENT AGREEMENT POLICY**

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

I. Background

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

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

II. Goals

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

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

III. Intent

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

IV. Process

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

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

V. Tax Revenue Investment Cap

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

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

FINAL

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

EXAMPLE:

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

Where:

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

VI. Development Agreement Parameters

Successful applicants will be required to enter into a development agreement with the City committing to the investment and/or job creation it has proposed and posting a performance bond or other guarantee of performance acceptable to the City. The performance bond amount will be determined on a case by case basis. At a minimum, the bond amount shall include, but not be limited to, the amount of real property taxes exempted, the value of site and building improvements as well as a percentage (i.e. 2%) of the total exemption value to cover potential legal costs incurred by the City in the course of administering the Renaissance Zone program. The development agreement will be drafted on a case by case basis but shall include, at a minimum, the following:

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

VII. Site/Building Requirements

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

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

VIII. Evaluation Factors

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

FINAL

Primary:

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

Secondary:

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

IX. Threshold Criteria

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

Threshold Criteria

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

X. Other Conditions

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

Commission Meeting Date: February 27, 2001

Date: February 16, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Getty Street Corridor Study

SUMMARY OF REQUEST:

At the February 15th Planning Commission meeting, there was a public hearing and the Getty Street Corridor Study was adopted and recommended for City Commission approval. The plan targets a specific approach of achieving the objectives of urban design, circulation improvement, land use compatibility, and economic development enhancement. As a sub-area plan, Getty Street Corridor Study becomes a part of the Master Plan.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Adopt the plan by passing the attached resolution.

COMMITTEE RECOMMENDATION:

None

AGENDA Item No.

RESOLUTION # 2001-24(d)

MUSKEGON CITY COMMISSION

**RESOLUTION OF SUPPORT
ADOPTING THE GETTY STREET CORRIDOR STUDY**

WHEREAS, the City of Muskegon adopted a Master Land Use Plan in June of 1997;

WHEREAS, the Master Plan discusses the importance of revitalizing city's commercial corridors;

WHEREAS, staff has developed a corridor study for Getty Street in response to the interests shown by business leaders and concerned citizens;

WHEREAS, a public hearing was held by the Planning Commission on February 15, 2001, where the Getty Street Corridor Study was subsequently adopted,

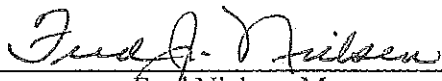
NOW, THEREFORE, BE IT RESOLVED that the City Commission also hereby adopts the Getty Street Corridor Study.

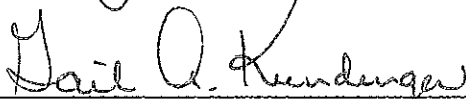
Adopted this 27th day of February, 2001

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

Nays: None

Absent: Schweifler

By 
Fred Nielsen, Mayor

Attest 
Gail A. Kunding, Clerk

CERTIFICATION
2001-24(d)

This resolution was adopted at a regular meeting of the City Commission, held on February 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
Gail A. Kunderger, City Clerk

Comments Received from the Public

The following comments were received from the public during the 30-day comment period of January 4 – February 4, 2001. A public hearing was also held during the Planning Commission meeting on February 15, 2001 where comments from the attending public are also listed below.

1. "The north bound through traffic lights (over the left through lane) are too close together at Getty and Sherman intersection. This is a mistake that should be addressed." *Butch Borgerding*
2. "I would like to see improved shoulders or bicycle lanes, and sidewalks for pedestrians." *Leon G. Bakke*
3. The major concerns include the heavy traffic (a hazard to school children navigating the area), the deterioration of street curbs (and the short height of these curbs), and a messy area. She supports the planned improvements and would also like to see façade improvements and possibly areas for flowers. *H. Viscea (Madison St.)*
4. As a business owner, he is supportive of the plan but wants to know what these improvements and enhancements include (whether these improvements are for existing or potential businesses). *J. VanderStelt (VanderStelt Greenhouse)*
5. Although a retired dentist, he still owns the building on Getty where he practiced his profession for years. He is impressed of the plan and would like to see it moving forward. He believes the plan is needed to reverse the present course of decay and deterioration. *Dr. Kenneth VanHemert*
6. As a resident in a neighborhood, she supports the plan and would like to see more code enforcement such as preventative measures to keep the area in better condition. *Judy Miesch (Emerson Street)*

COMMISSION MEETING DATE: February 27, 2001

To: Honorable Mayor and City Commission
Date: February 21, 2001
From: Gail Kunding, City Clerk
RE: Appointments to the District Library Board

SUMMARY OF REQUEST: To make three appointments to the District Library Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

TALENT BANK APPLICATION

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: Inez H. Jones DATE: 02/26/01

HOME ADDRESS: 1095 Langeland
(Street, City, State, Zip)

HOME PHONE #: (231) 777-3765 WORK PHONE #: _____

OCCUPATION: Retired Administrative Assistant
(If retired, give former occupation)

EDUCATION: High School - Some College Credit

PERSONAL & COMMUNITY ACTIVITIES: Muskegon County Museum Trustee, Republican Executive Committee, Muskegon Community Solidarity

INTEREST IN SERVING: To help preserve the Hackley Library

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

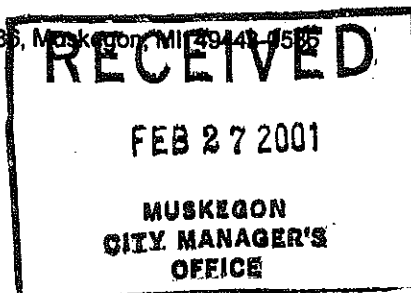
- | | |
|---|---|
| 1. <u>Mayor Fred Nielsen</u>
(Name) | <u>773-3786</u>
(Phone Number) |
| 2. <u>Pastor Robert Johnson</u>
(Name) | <u>733-1694 or 798-2131</u>
(Phone Number) |
| 3. <u>John McGarry</u>
(Name) | <u>722-0278</u>
(Phone Number) |

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|--|
| ☐ Board of Canvassers | ☐ Housing Commission |
| ☐ Board of Review | ☐ Image Committee |
| ☐ Cemetery Committee | ☐ Income Tax Board of Review |
| ☐ Citizen's Police Review Board | ☐ Land Reutilization Committee |
| ☐ City Employees Pension Board | ☐ Leisure Services Board |
| ☐ Civil Service Commission | ☐ Loan Fund Advisory Committee |
| ☐ CDBG-Citizen's District Council | ☐ Local Develop. Finance Authority |
| ☐ Downtown Development Authority/Brownfield Board | ☐ Local Officer's Compensation Com. |
| ☐ Election Commission | ☐ Mechanical Board of Examiners |
| ☐ Electrical Board of Appeals | ☐ Planning Commission |
| ☐ Equal Opportunity Committee | ☐ Plumbing Board of Appeals |
| ☐ Historic District Commission | ☐ Police/Fireman's Pension Board |
| ☐ Hospital Finance Authority | ☐ Tax Increment Finance Authority |
| ☐ Housing/Building Code Board of Appeals | ☐ Zoning Board of Appeals |
| | ☒ Other <u>District Library Advisory Council</u> |

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Manager's Office, 933 Terrace St., P. O. Box 535, Muskegon, MI 49441-0535



NAME: James K. Austin DATE: 2-22-01
HOME ADDRESS: 2447 Lakeshore Dr. Muskegon MI 4944.
(Street, City, State, Zip)
HOME PHONE #: 755-3215 WORK PHONE #: Ret.
OCCUPATION: school administrator
(If retired, give former occupation)
EDUCATION: B. A - M. A - Univ of Michigan
PERSONAL & COMMUNITY ACTIVITIES: Many
INTEREST IN SERVING: Part of Professional Experience

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Joe Schillen</u>	<u>759-6482</u>
(Name)	(Phone Number)
2. <u>Jerry Baake</u>	<u>unlisted</u>
(Name)	(Phone Number)
3. <u>Fred Nelson</u>	<u>773-3786</u>
(Name)	(Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

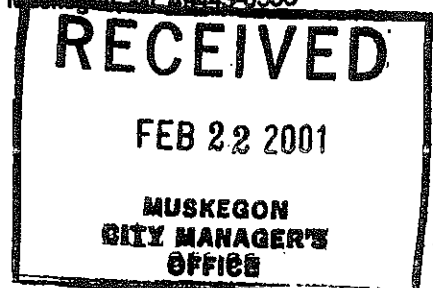
- ☐ Board of Canvassers
- ☐ Board of Review
- ☐ Cemetery Committee
- ☐ Citizen's Police Review Board
- ☐ City Employees Pension Board
- ☐ Civil Service Commission
- ☐ CDBG-Citizen's District Council
- ☐ Downtown Development Authority/Brownfield Board
- ☐ Election Commission
- ☐ Electrical Board of Appeals
- ☐ Equal Opportunity Committee
- ☐ Historic District Commission
- ☐ Hospital Finance Authority
- ☐ Housing/Building Code Board of Appeals

- ☐ Housing Commission
- ☐ Image Committee
- ☐ Income Tax Board of Review
- ☐ Land Reutilization Committee
- ☐ Leisure Services Board
- ☐ Loan Fund Advisory Committee
- ☐ Local Develop. Finance Authority
- ☐ Local Officer's Compensation Com.
- ☐ Mechanical Board of Examiners
- ☐ Planning Commission
- ☐ Plumbing Board of Appeals
- ☐ Police/Fireman's Pension Board
- ☐ Tax Increment Finance Authority
- ☐ Zoning Board of Appeals
- ☒ Other District Library Advisory Council
- ☒ Library Board

* Attach Additional Sheets or Resume if Desired.

Return this form to:

City Manager's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536



**CITY OF MUSKEGON
TALENT BANK APPLICATION**

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: HAROLD H. ANDERSEN DATE: FEB 26 2001
HOME ADDRESS: 1077 JEFFERSON APTS APT 617 MUSKEGON MI 49440
(Street, City, State, Zip)
HOME PHONE #: 231 722-7723 WORK PHONE #: BLDG MGR. JT
OCCUPATION: Retired High School Social Studies Teacher 9 1/2 Years
(If retired, give former occupation)
EDUCATION: 12 MUSKEGON JHS McCarty, & Univ Mich RA

PERSONAL & COMMUNITY ACTIVITIES: Several Clubs in past & here
Presently Senior Center 2500 15

INTEREST IN SERVING: Active life long advocate of HPL Still 4-6 hrs a wk
Member Church of Libran Talk regularly with personal & family

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Mr. Neilson</u>	<u>724-6701</u>
(Name)	(Phone Number)
2. <u>Mr. R.C. Ford</u>	
(Name)	(Phone Number)
3. <u>Mr. Sobush Supt of MP Schools</u>	<u>720-2000</u>
(Name)	(Phone Number)

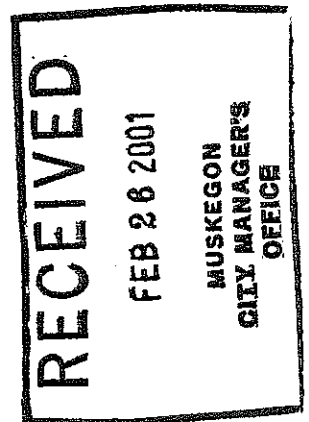
PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|---|
| ☐ Board of Canvassers | ☐ Housing Commission |
| ☐ Board of Review | ☐ Image Committee |
| ☐ Cemetery Committee | ☐ Income Tax Board of Review |
| ☐ Citizen's Police Review Board | ☐ Land Reutilization Committee |
| ☐ City Employees Pension Board | ☐ Leisure Services Board |
| ☐ Civil Service Commission | ☐ Loan Fund Advisory Committee |
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| ☐ Downtown Development Authority/Brownfield Board | ☐ Local Officer's Compensation Com. |
| ☐ Election Commission | ☐ Mechanical Board of Examiners |
| ☐ Electrical Board of Appeals | ☐ Planning Commission |
| ☐ Equal Opportunity Committee | ☐ Plumbing Board of Appeals |
| ☐ Historic District Commission | ☐ Police/Fireman's Pension Board |
| ☐ Hospital Finance Authority | ☐ Tax Increment Finance Authority |
| ☐ Housing/Building Code Board of Appeals | ☐ Zoning Board of Appeals |
| | ☒ Other <u>District Library</u> |

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Manager's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

Mr. Mazade Called & called me today after 1:30 PM
Ken James -
- v -
Harold H. Andersen



**CITY OF MUSKEGON
TALENT BANK APPLICATION**

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: Janice M Kilgore DATE: February 26, 2001

HOME ADDRESS: 1075 Albert Ave Muskegon, MI 49442
(Street, City, State, Zip)

HOME PHONE #: 231-767-8127 WORK PHONE #: 231-767-9700

OCCUPATION: Teachers Aide
(If retired, give former occupation)

EDUCATION: K-12 - 1 1/2 years of College

PERSONAL & COMMUNITY ACTIVITIES: Port City Football Club, Volunteer After School Activities

INTEREST IN SERVING: Former School Librarian - Reading is the Key to understanding

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Kelly Cioe</u> (Name)	H# <u> </u> / W# <u>767-9700</u> (Phone Number)
2. <u>Laura Mazzeo</u> (Name)	H# <u> </u> / W# <u>231-767-9700</u> (Phone Number)
3. <u>Pat Green</u> (Name)	H# <u> </u> / W# <u>231-767-9700</u> (Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|--|
| ☐ Board of Canvassers | ☐ Housing Commission |
| ☐ Board of Review | ☐ Image Committee |
| ☐ Cemetery Committee | ☐ Income Tax Board of Review |
| ☐ Citizen's Police Review Board | ☐ Land Reutilization Committee |
| ☐ City Employees Pension Board | ☐ Leisure Services Board |
| ☐ Civil Service Commission | ☐ Loan Fund Advisory Committee |
| ☐ CDBG-Citizen's District Council | ☐ Local Develop. Finance Authority |
| ☐ Downtown Development Authority/Brownfield Board | ☐ Local Officer's Compensation Com. |
| ☐ Election Commission | ☐ Mechanical Board of Examiners |
| ☐ Electrical Board of Appeals | ☐ Planning Commission |
| ☐ Equal Opportunity Committee | ☐ Plumbing Board of Appeals |
| ☐ Historic District Commission | ☐ Police/Fireman's Pension Board |
| ☐ Hospital Finance Authority | ☐ Tax Increment Finance Authority |
| ☐ Housing/Building Code Board of Appeals | ☐ Zoning Board of Appeals |
| | * 1 (X) Other <u>District Library Advisory Council</u> |

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Manager's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

CITY OF MUSKEGON

RESOLUTION NO. 2001-24(e)

A resolution approving appointments to a District Library Board.

WHEREAS, the City Commission of the City of Muskegon has reviewed and approved the District Library Agreement between the City and the Public Schools of the City of Muskegon; and,

WHEREAS, the creation of the Hackley Public Library as a district library is in the best interests of the public and the citizens of the City of Muskegon; and,

WHEREAS, the Muskegon Public Schools may not enter in to the District Library Agreement until certain restrictions on the 1888 gift of Charles H. Hackley for the Hackley Public Library are released; and

WHEREAS, the Muskegon Public Schools have filed a proceeding in Muskegon County Circuit Court to release such restrictions on the Hackley Gift; and

WHEREAS, the City Commission has approved the District Library Agreement, subject to release of the restrictions on the Hackley Gift; and,

WHEREAS, that upon the release of such restrictions on the Hackley Gift by order of the Muskegon County Circuit Court, the Mayor and Clerk are hereby authorized to execute the District Library Agreement on behalf of the City of Muskegon, and to take all action as necessary or appropriate to establish the Hackley Public Library as a district library.

NOW, THEREFORE, BE IT RESOLVED that the City Commission appoints the following members to the District Library Board:

	<u>Name</u>	<u>Term Ending</u>
1.	<u>Harold H. Andersen</u>	June 30, 2002
2.	<u>James K. Austin</u>	June 30, 2003
3.	<u>Inez H. Jones</u>	June 30, 2004

Upon vote for the adoption of the resolution, the vote was:

Yeas: 6	Nays: 0
Yeas: 6	Nays: 0
Yeas: 5	Nays: 1

CITY OF MUSKEGON

By

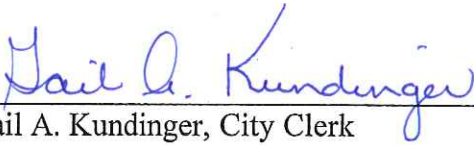
Gail A. Kunding
Gail A. Kunding, City Clerk

CERTIFICATION

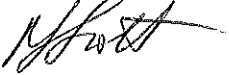
2001-24(e)

STATE OF MICHIGAN COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission, of the City of Muskegon, Michigan, at a meeting held on the 27th day of February, 2001, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.



Gail A. Kunding, City Clerk

Date: February 19, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Lakeshore Trail Phase IV Professional Firm

SUMMARY OF REQUEST:

To extend the Contract with FTC&H and OCBA to design and provide construction management for Phase IV of the Lakeshore Trail

FINANCIAL IMPACT:

Not to exceed \$61,500

BUDGET ACTION REQUIRED:

None, money will come from the Golf Course Fund

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

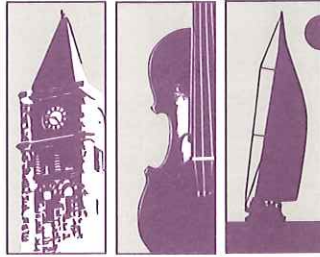
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: February 19, 2001

To: Honorable Mayor and City Commissioners

From: Ric Scott *RS*

Re: Lakeshore Trail Phase IV Professional Firm

The City of Muskegon has received funding for Phase IV of the Lakeshore Trail that runs from Fisherman's Landing to the Arena through a T-21 grant. Staff would like to extend the contract with FTC&H and OCBA that designed Phase III of the trail, to cover this section as well.

We have negotiated a not-to-exceed price of \$61,500 to provide all services for this \$400,000 project. This firm was the low bidder for phase III of the trail.

This project needs to get under construction this season because the funding runs out in October. We have been on hold for this project, because we had to wait for the design of Shoreline Dr.

We would ask that you approve the hiring of FTC&H and authorize the Mayor and Clerk sign the agreement with FTC&H and OCBA for this project.

Thank you for your consideration.

Date: February 19, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: DNR Trust Fund Grant Application

SUMMARY OF REQUEST:

To authorize staff to apply for a DNR Trust Fund Grant to redevelop Sheldon Park

FINANCIAL IMPACT:

\$360,000 project with \$100,000 local match required for Sheldon Park

BUDGET ACTION REQUIRED:

Match would need to be included in the 2002 budget

STAFF RECOMMENDATION:

Approve

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

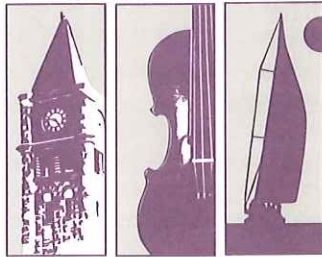
Public Works
231/724-4100
FAX/722-4188

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

February 19, 2001

To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: DNR Trust Fund Grant Application

I am requesting authorization to submit a grant application to the DNR Trust Fund and to adopt the attached resolution. I am requesting that we apply to redevelop Sheldon Park. The application deadline is April 1, 2001.

Sheldon Park is one of two major parks that have not received major renovation in the last 15 years. Sheldon needs an irrigation system, paved parking lot, playground equipment, restroom, and other site amenities. The estimated cost is \$360,000, which would require a \$100,000 local match.

At their February meeting, the Leisure Services Board recommended that the grant be submitted.

Thank you for your consideration.

RESOLUTION NO. 2001-24(g)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR
SHELDON PARK DEVELOPMENT UNDER THE MNRTF.

WHEREAS, the City of Muskegon wishes to redevelop Sheldon Park; and

WHEREAS, grant applications are now being received by the Michigan
Department of Natural Resources for Michigan Natural Resources
Trust Fund (MNRTF) grants, which will provide up to 75% funding
for the project; and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon approve the submission of the grant application to the
MNRTF for \$360,000 for the Redevelopment of Sheldon Park; and

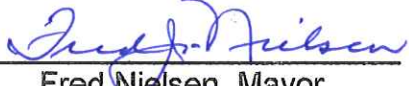
BE IT FURTHER RESOLVED, that the City's \$100,000 match will be provided,
and the City hereby commits itself to complete this project if the
grant application is approved.

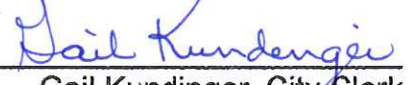
Adopted this 27th day of February, 2001

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

NAYS: None

ABSENT: Schweifler

BY 
Fred Nielsen, Mayor

ATTEST 
Gail Kundinger, City Clerk

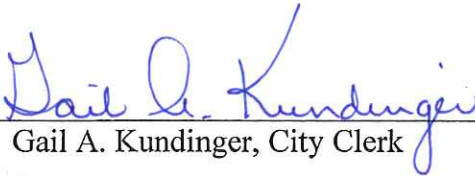
CERTIFICATION

2001-24(g)

This resolution was adopted at a regular meeting of the City Commission, held on February 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. Kunding, City Clerk

Date: February 12, 2001
To: Honorable Mayor and City Commissions
From: Ken Meyer
RE: Stormwater Committee Intergovernmental Agreement

SUMMARY OF REQUEST:

To approve an intergovernmental agreement that would establish a Muskegon Area Municipal Storm Water Policy Committee. This committee is to be composed of delegates from Muskegon County governmental units that are subject to EPA stormwater regulations. The committee will make recommendations concerning the attainment of the voluntary storm water permit.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached agreement.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION NO. 2001-24(h)

A resolution approving the formation of the Muskegon Area Municipal Storm Water Policy Committee by the Intergovernmental Agreement as given herein.

Muskegon Area Municipal
Storm Water
Policy Committee
Intergovernmental Agreement

This agreement made this 27th day of February, 2001, by and between the City Of Muskegon, City Of Muskegon Heights, City Of Norton Shores, City Of Roosevelt Park, City Of North Muskegon, Township Of Muskegon, Township Of Fruitport, Township Of Laketon, Township Of Dalton, Township Of Sullivan, And County Of Muskegon within the County of Muskegon, Michigan herein after designated as "Participating Municipalities."

WITNESSETH:

WHEREAS, The Environmental Protection Agency (EPA) has finalized Phase II storm water regulations as published in the Federal Register on December 8, 1999 (64FR68722) and

WHEREAS, Phase II regulations designate the above urbanized municipalities as operator/owners of municipal separate storm sewer systems (MS4's) and

WHEREAS, Phase II regulations require small MS4's to have storm water management programs detailed in a National Pollution Discharge Elimination Systems permit (NPDES) to be issued no later than March 10, 2003, and

WHEREAS, as an alternative to the NPDES permit, regulated MS4's in the State of Michigan may apply for a Michigan Voluntary General Permit (MVGP) administered by the Michigan Department of Environmental Quality.

NOW THEREFORE, it is resolved that the undersigned municipalities hereby agree to establish the Muskegon Area Municipal Storm Water Policy Committee. The Committee shall be comprised of one (1) delegate and one (1) alternate member of each municipality to represent their respective units of government.

The purpose of the Committee shall be to develop a recommended plan to comply with EPA regulations. The Committee shall deliver said recommendation to the participating municipalities on or before June 30, 2001.

Upon vote for the adoption of the resolution, the vote was:

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

NAYS: None

CITY OF MUSKEGON

By

Gail A. Kunding
Gail A. Kunding, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 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. Kunding
Gail A. Kunding, City Clerk

CITY OF MUSKEGON

RESOLUTION NO. 2001-24(i)

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on February 27, 2001.

A resolution to approve and authorize the purchase of real property from the County of Muskegon for use in the establishing, construction and maintaining of Shoreline Drive..

Recitals

1. The City has been engaged, for several years, in the design and acquiring property for Shoreline Drive.
2. That certain properties owned by the County of Muskegon are needed for the Shoreline Drive, and the County Commission has approved the sale of the said properties to the City at the prices offered, which are supported by appraisals obtained by the city. A proposed purchase agreement has been submitted for approval by this Commission, which appears to be in order.

THEREFORE, THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. That the commission approves the purchase by the City of the properties listed on the attached Exhibit 1 at the prices set forth therein, for consideration of \$136,400.00 plus the expenses called for in the agreement.
2. That the Mayor and Clerk are directed and authorized to execute all documents and record deeds conveying the properties to the City after closing as called for in the agreement.

RESOLUTION ADOPTED:

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

NAYS: None

ABSENT: Schweifler

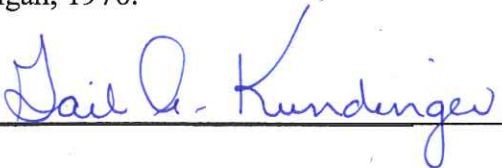
CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

2001-24(i)

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 27th day of February, 2001, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.



Gail A. Kunderger, City Clerk

EXHIBIT 1

Legal descriptions and allocation of purchase price for each of the parcels:

1. That part of Lots 6 through 12, Block 170 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, described as: Beginning at a point on the South line of said Block 170 said point being 91.70 feet Westerly from the Southeasterly corner of said Block 170, thence South 88 degrees 02 minutes 01 seconds East 91.70 feet along the South line of said Block 170, to the Southeasterly corner thereof, thence North 25 degrees 53 minutes 39 seconds East 48.63 feet, along the Easterly line of said Block 170, thence Southwesterly 120.13 feet, along a 669.29 foot radius non-tangent curve to the right, having a central angle of 10 degrees 17 minutes 02 seconds and a chord which bears South 70 degrees 12 minutes 59 seconds West 119.97 feet to the place of beginning.

Purchase price allocation: \$14,600

2. Lots 4 and 5 of Block 170 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan.

Purchase price allocation: \$79,400

3. Part of Lot 3, Block 170 of the revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the most southerly corner of Lot 3, thence Northeasterly along the Westerly line of Ottawa Street 44 feet, thence Northwesterly to a point on the Easterly line of Western Avenue 38 feet Northerly of the most Westerly corner of Lot 3, thence Southwesterly 38 feet to the most Westerly corner of Lot 3, thence Southeasterly to beginning.

Purchase price allocation: \$22,000

4. Lot 5 of Block 169 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, except that part lying Easterly of the Westerly right-of-way line of US-31 (Seaway Drive).

Purchase price allocation: \$20,400

Commission Meeting Date: February 27, 2001

Date: February 21, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBK*
RE: Purchase of property from Muskegon County for the
Shoreline Dr. extension

SUMMARY OF REQUEST:

Approval of the attached purchase agreement and resolution to purchase four pieces of property currently owned by Muskegon County, to accommodate the proposed Shoreline Drive right-of-way. Three of the properties are located between Western Ave. and Ottawa St., and the fourth is located between Ottawa St. and Seaway Dr. Together, the four properties total approx. 40,000 square feet. The properties together appraised at \$136,400.

FINANCIAL IMPACT:

\$136,400 plus closing costs, to be paid for by transportation bonds.

BUDGET ACTION REQUIRED:

None.

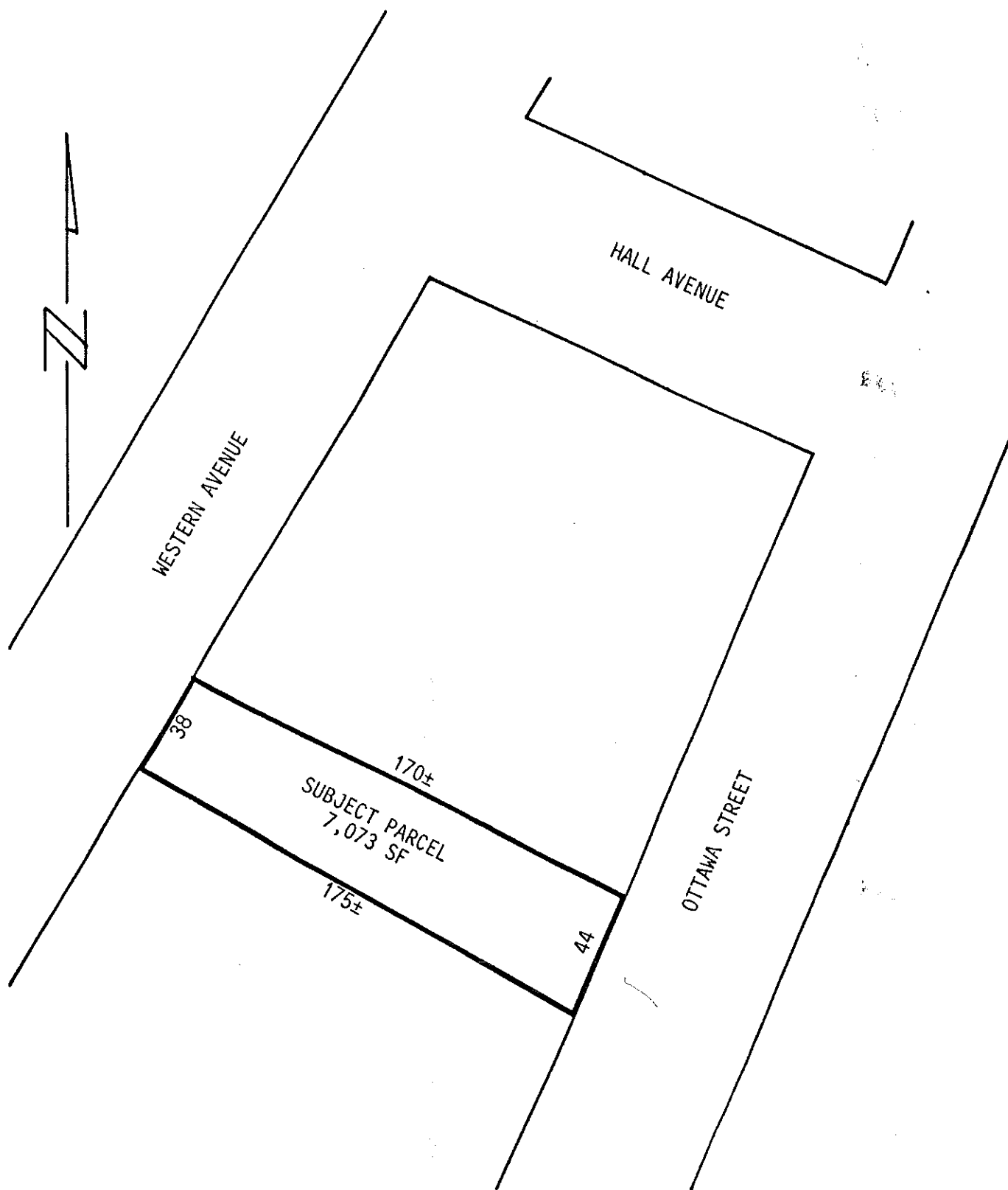
STAFF RECOMMENDATION:

Staff recommends approval of the purchase and that the Mayor and Clerk sign the resolution and purchase agreement.

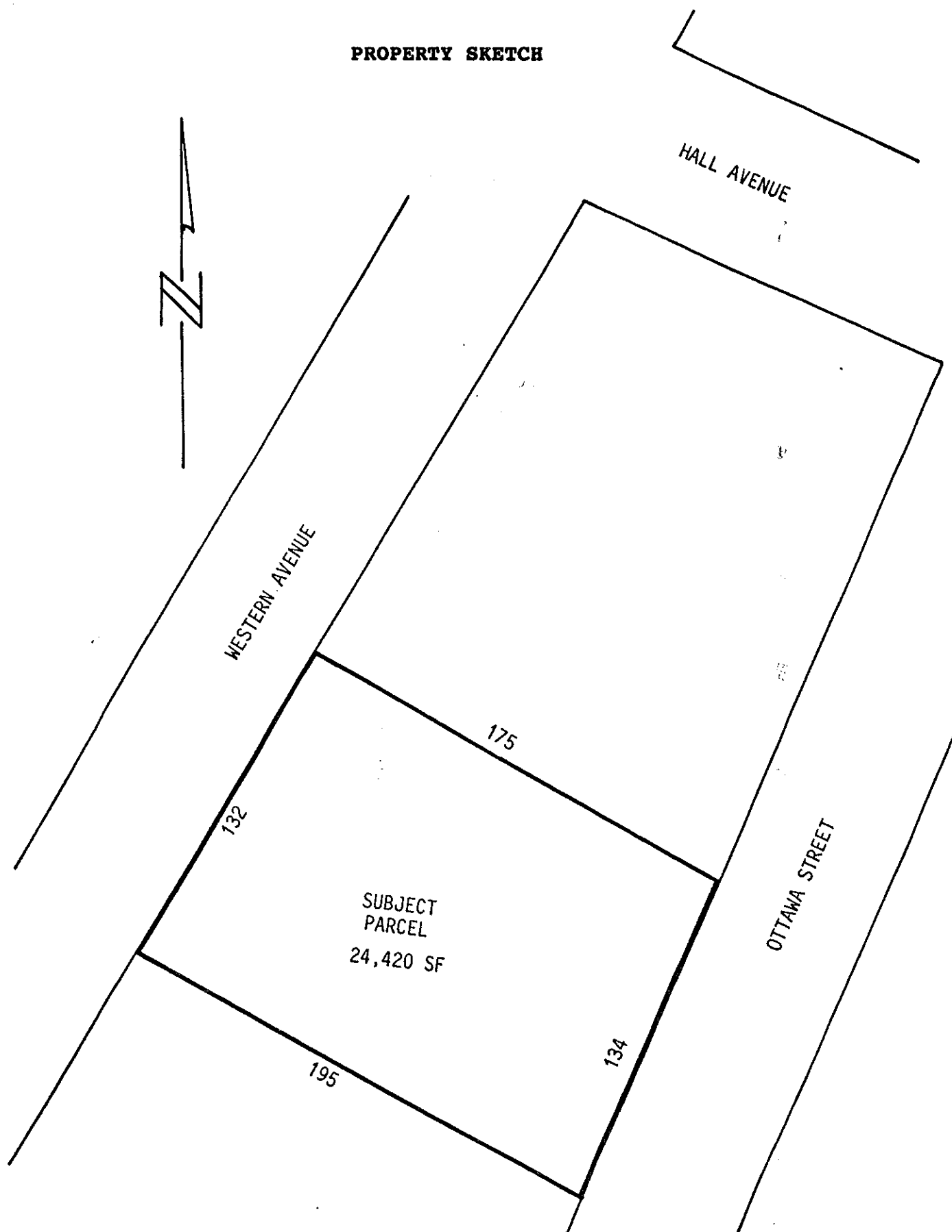
COMMITTEE RECOMMENDATION:

None.

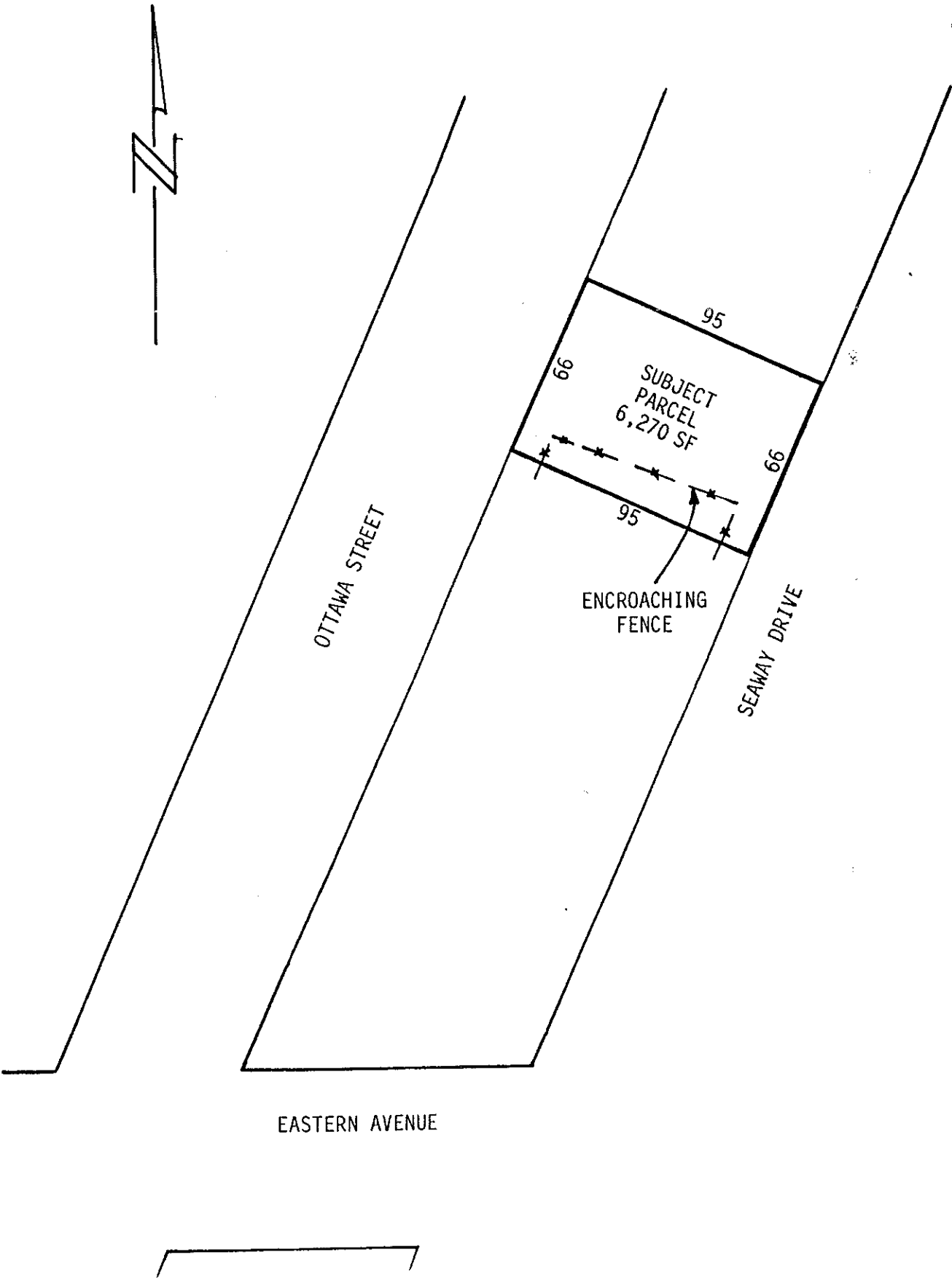
PROPERTY SKETCH



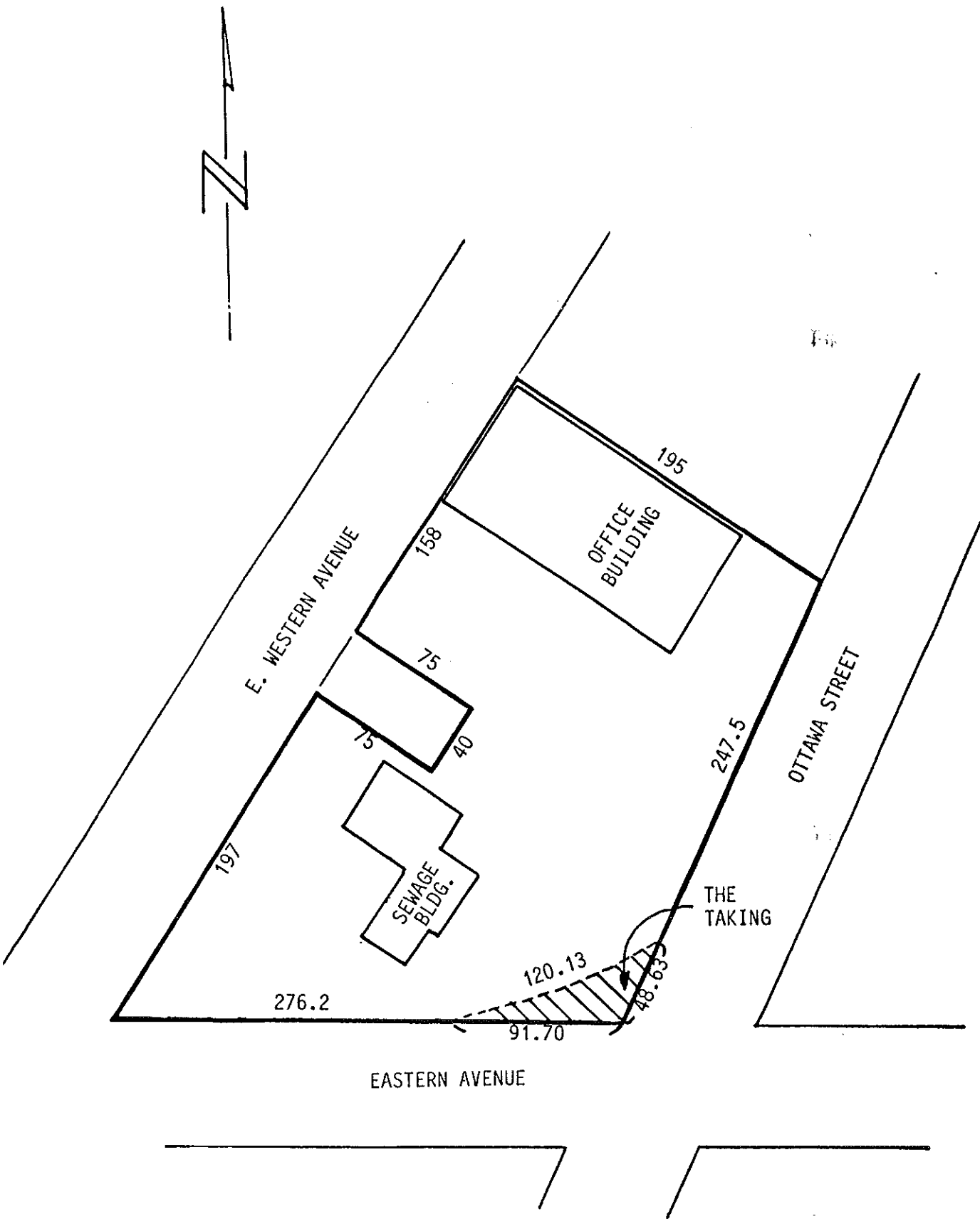
PROPERTY SKETCH



PROPERTY SKETCH



PROPERTY SKETCH



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made June 18, 2001, by and between the COUNTY OF MUSKEGON, a duly organized county and municipal corporation of the State of Michigan, of 990 Terrace Street, Muskegon, Michigan, 49442 ("Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

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

The legal descriptions of the four parcels subject to this Agreement are attached as Exhibit 1.

2. Purchase Price and Manner of Payment. The purchase price for the Premises shall be One Hundred Thirty-six Thousand Four Hundred (\$136,400) Dollars, payable in cash or city check to Buyer at Closing. The allocation of the purchase price to each parcel is set forth in Exhibit 1 for convenience. The purchase price reflects appraised values as determined by Stephen P. Nedeau, MAI, SRA, as of September, 2000

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

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to Closing, a commitment for title insurance issued by Transnation Title Insurance Company for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment are, in the sole discretion of Buyer, deemed unreasonable, Seller shall have forty-five (45) days from the date Seller is notified in writing of such unreasonableness of restriction and such unmarketability of title to remedy such objections. If Seller resolves such restrictions and remedies to 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.

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

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

7. Environmental Matters. Seller represents to Buyer that it has no knowledge as to the placement of hazardous substances on the property. However, Seller makes no warranties or representations with regard to the environmental condition of the property. Buyer may, at its own expense, condition closing upon completion of Phase I or Phase II Environmentals. If Buyer is not satisfied with the results of said environmental studies, then Buyer may notify Seller that it terminates this agreement with no liability for said termination.

8. Condition of Premises and Examination by Buyer. No implied warranties of habitability, quality, condition, fitness for a particular purpose, or any other implied warranties shall operate between seller and buyer, and buyer expressly waives any and all such implied warranties. Buyer understands and agrees that the premises are taken "as is," subject, however, to the express covenants, conditions and/or express warranties contained in this purchase agreement. Buyer further says that it has personally inspected the premises and is satisfied with the condition of the land, and the buildings and improvements thereon.

9. Covenants Related to Construction Activities of Buyer. Buyer intends to utilize the property for the construction, maintenance and repair of a public highway and right of way known as "Shoreline Drive." Buyer will carry on activities on and adjacent to the properties conveyed pursuant to this agreement, and there are no limitations thereon, except those set forth in this paragraph, the provisions of which are made necessary because Seller is presently engaged in the design and construction of a sewer force main in the vicinity of the properties and Buyer's activities. Further, Seller needs assurances concerning access to its remaining properties, in particular, the main Wastewater System pumping station at Ottawa and Eastern Avenues. For those reasons, Buyer covenants with Seller:

9.1 Buyer will not begin major grading or excavating for the Shoreline Drive and related rights of way in the immediate vicinity of the new force main route until the year 2002. This does not apply to the new railroad route or the bike path route, which are a substantial distance removed from the sewer line and the pump station. This does not

apply to demolition activities in the vicinity, or the moving of billboards and other such preliminary activities. Buyer expects to begin those activities forthwith.

9.2 Buyer shall conduct construction activities, when begun in the vicinity of the pump station and force main, so as to coordinate with Seller's construction activity, and avoid interference with said activity, and further shall conduct its construction and maintenance of the road and right of way so as to reasonably avoid interference in the operation of the force main or pump station. The parties agree and understand that some portion of the force main may underlie the new right of way.

9.3 Buyer shall provide permanent, sufficient and continuous access to the pump station property for any vehicles or equipment needed by Seller, including cranes and other heavy equipment.

10. Real Estate Commission. Both parties acknowledge that they have not engaged a real estate broker or consultant in connection with their purchase or sale of the property. In the event it should be determined that either Seller or Buyer have engaged such a real estate broker or consultant and that as a result of such engagement, real estate commission or expenses are incurred in connection with this transaction, then the party having engaged such real estate broker or consultant shall indemnify and hold the other party harmless from any liability, including reasonable attorney fees, occasioned by release of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

11. Closing. The closing date of this sale shall be on or before July 13, 2001 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing if required.

12. Delivery of Deed. Seller shall execute and deliver a 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 for the recording of any instrument that must be recorded to clear title to the extent required by this Agreement. Buyer shall pay for the cost of recording the county's deed to be delivered at Closing.

16. General Provisions.

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

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

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

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

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

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

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

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

WITNESSES:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

Doris Doriot

BUYER: CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kunderinger
Gail A. Kunderinger, City Clerk

SELLER: COUNTY OF MUSKEGON

By Kenneth Hulka
Kenneth Hulka, Chairperson
County Board of Commissioners

By Susan Doriot
Susan Doriot, County Clerk

PREPARED BY:

G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Avenue, P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

EXHIBIT 1

Legal descriptions and allocation of purchase price for each of the parcels:

1. That part of Lots 6 through 12, Block 170 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, described as: Beginning at a point on the South line of said Block 170 said point being 91.70 feet Westerly from the Southeasterly corner of said Block 170, thence South 88 degrees 02 minutes 01 seconds East 91.70 feet along the South line of said Block 170, to the Southeasterly corner thereof, thence North 25 degrees 53 minutes 39 seconds East 48.63 feet, along the Easterly line of said Block 170, thence Southwesterly 120.13 feet, along a 669.29 foot radius non-tangent curve to the right, having a central angle of 10 degrees 17 minutes 02 seconds and a chord which bears South 70 degrees 12 minutes 59 seconds West 119.97 feet to the place of beginning.

Purchase price allocation: \$14,600

2. Lots 4 and 5 of Block 170 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan.

Purchase price allocation: \$79,400

3. Part of Lot 3, Block 170 of the revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the most southerly corner of Lot 3, thence Northeasterly along the Westerly line of Ottawa Street 44 feet, thence Northwesterly to a point on the Easterly line of Western Avenue 38 feet Northerly of the most Westerly corner of Lot 3, thence Southwesterly 38 feet to the most Westerly corner of Lot 3, thence Southeasterly to beginning.

Purchase price allocation: \$22,000

4. Lot 5 of Block 169 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, except that part lying Easterly of the Westerly right-of-way line of US-31 (Seaway Drive).

Purchase price allocation: \$20,400

TRANSNATION TITLE INSURANCE CO

Date:

Escrow Number: 415471

Property Address: V/L Ottawa/Western
Muskegon, Michigan

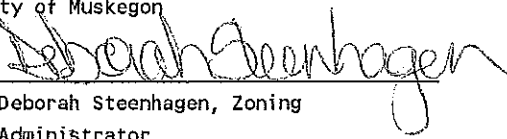
PURCHASER'S STATEMENT

	DEBIT	CREDIT
Purchaser Price	\$ 136,400.00	\$
Rent Adjustment		
CLOSING FEES	150.00	
OWNERS PREMIUM	568.50	
Recording Fees	13.00	
Sub Total	\$ 137,131.50	\$
Due from Purchaser		\$ 137,131.50
TOTALS	\$ 137,131.50	\$ 137,131.50

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

Purchaser(s) Signature(s):

City of Muskegon

BY 
Deborah Steenhagen, Zoning
Administrator

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

FILE # 415471

DATE: July 5th 2001

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

Please check one of the following:

☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

☐ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

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

Please check one of the following:

☒ The undersigned do not request Transnation Title Insurance Company to file the form on their behalf.

☐ The undersigned request that the Company mail the form by first class mail and acknowledges that the Company shall not be liable in the event that any of the information provided on said form is inaccurate or incomplete, or in the event said form is not received or properly processed by the local tax collecting unit.

PURCHASER(S):

City of Muskegon

BY Deborah Steenhagen
Deborah Steenhagen, Zoning
Administrator

EXHIBIT 1

Legal descriptions and allocation of purchase price for each of the parcels:

1. That part of Lots 10 and 11, Block 170 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, described as: Beginning at a point on the South line of said Block 170 said point being 91.70 feet Westerly from the Southeasterly corner of said Block 170, thence South 88 degrees 02 minutes 01 seconds East 91.70 feet along the South line of said Block 170, to the Southeasterly corner thereof, thence North 25 degrees 53 minutes 39 seconds East 48.63 feet, along the Easterly line of said Block 170, thence Southwesterly 120.13 feet, along a 669.29 foot radius non-tangent curve to the right, having a central angle of 10 degrees 17 minutes 02 seconds and a chord which bears South 70 degrees 12 minutes 59 seconds West 119.97 feet to the place of beginning.

Purchase price allocation: \$14,600

2. Lots 4 and 5 of Block 170 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan.

Purchase price allocation: \$79,400

3. Part of Lot 3, Block 170 of the revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, described as follows: Commencing at the most southerly corner of Lot 3, thence Northeasterly along the Westerly line of Ottawa Street 44 feet, thence Northwesterly to a point on the Easterly line of Western Avenue 38 feet Northerly of the most Westerly corner of Lot 3, thence Southwesterly 38 feet to the most Westerly corner of Lot 3, thence Southeasterly to beginning.

Purchase price allocation: \$22,000

4. Lot 5 of Block 169 of the Revised Plat of 1903, City of Muskegon, Muskegon County, Michigan, except that part lying Easterly of the Westerly right-of-way line of US-31 (Seaway Drive).

Purchase price allocation: \$20,400

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

} SS

Title Commitment # 415471

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

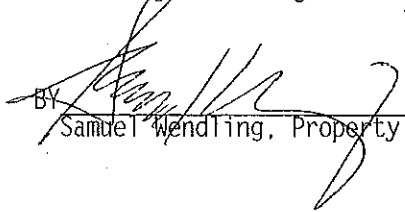
V/L Ottawa/Western
Muskegon, Michigan

AND

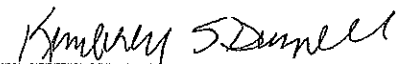
1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land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

Seller(s):

The County of Muskegon

BY 
Samuel Wendling, Property Manager

Subscribed and sworn to, before me a Notary Public, this 5th day of July, 2001



Notary Public _____ County

My Commission Expires: _____

KIMBERLY S. DURNELL

SURVEY WAIVER

Date: July 5, 2001

RE: 415471

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

Property Address:
V/L Ottawa/Western
Muskegon, Michigan
County: Muskegon

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

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

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

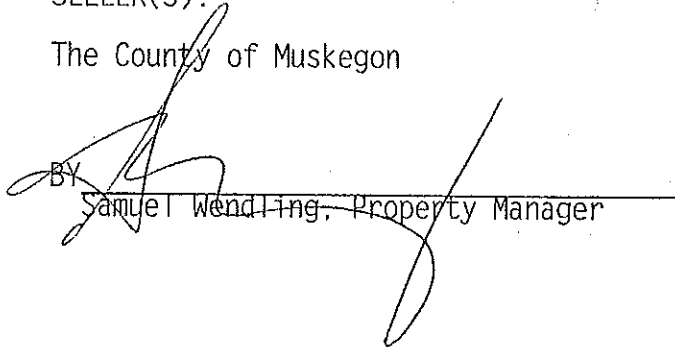
PURCHASER(S):

City of Muskegon

BY 
Deborah Steenhagen, Zoning
Administrator

SELLER(S):

The County of Muskegon

BY 
Samuel Wendling, Property Manager

Commission Meeting Date: February 27, 2001

Date: February 14, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Denial of Alley Vacation in Jeannot Court, Block 2

SUMMARY OF REQUEST:

Request for denial of vacation of the existing east/west alley only in Jeannot Court, Block 2, bounded by Laketon Ave., Nevada St., Windsor Ave. and Franklin St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Planning Commission recommended denial of the request for vacation of the proposed alley at their 12/13/00 meeting. The vote was:

Yes (Denial):	Abraham, Mazade, Nielsen, Smith, Sartorius, Coleman, Kleaveland
No:	Aslakson
Absent:	Veltkamp