

CITY OF MUSKEGON
CITY COMMISSION MEETING
FEBRUARY 26, 2002
CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - a. Recognition of Richard M. Freye
- ❑ PRESENTATIONS:
 - a. Michigan AmeriCorps Signature Service Project
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Sale of Buildable Vacant Lot on Adams Drive. PLANNING & ECONOMIC DEVELOPMENT
 - c. FIRST READING: Zoning Ordinance Amendments for Parking Standards. PLANNING & ECONOMIC DEVELOPMENT
 - d. Amendment to Future Land Use Map – East Sherman Corridor. PLANNING & ECONOMIC DEVELOPMENT
 - e. First Reading: Rezoning for Property Located at 1888 E. Sherman Blvd. PLANNING & ECONOMIC DEVELOPMENT
 - f. Summer Celebration. LEISURE SERVICES
 - g. Consideration of Bids for Randolph Sanitary Sewer (S-569). ENGINEERING
 - h. Discontinue the Housing Stock Review Committee. COMMUNITY RELATIONS COMMITTEE
- ❑ PUBLIC HEARINGS:
 - a. Request for an Industrial Facilities Exemption Certificate – DSC Products, Inc. PLANNING & ECONOMIC DEVELOPMENT
 - b. Create Special Assessment District for Division, Southern to Western. ENGINEERING

- c. Create Special Assessment District for Washington, Division to Franklin. ENGINEERING
- d. Create a Special Assessment District for Houston, First to Third. ENGINEERING
- e. 2002-2003 CDBG/HOME Funding. COMMUNITY & NEIGHBORHOOD SERVICES

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

- a. Contract for Payments in Lieu of Taxes for Arbors at Jackson Hill. PLANNING & ECONOMIC DEVELOPMENT

❑ **NEW BUSINESS:**

- a. Finlay Housing Proposal. PLANNING & ECONOMIC DEVELOPMENT
- b. Consideration of Proposals for Engineering Services on: Seaway Industrial Park.
- c. Notice of Intent Resolution 2002 Special Assessment Bonds (Sidewalks). FINANCE
- d. Final Amendments to 2001 Budget. FINANCE
- e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 768 Scott. INSPECTIONS
- f. Purchase of 850 Wood. COMMUNITY & NEIGHBORHOOD SERVICES
- g. Approval of Resolution to sell 315 Catawba. COMMUNITY AND NEIGHBORHOOD SERVICES

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION: To discuss pending litigation**

- *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.



City of
Muskegon
 State of Michigan

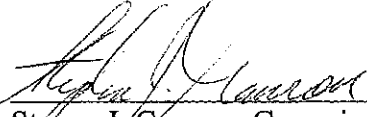
- WHEREAS,** the City of Muskegon pauses to honor and recognize Richard M. Freye who just recently passed away; and
- WHEREAS,** Richard M. Freye was nominated to City Commission in August of 1979, and then elected to City Commission in November of 1979; and
- WHEREAS,** Richard M. Freye served his community through participation on the Public Facilities Committee, the Community-Industrial Development Committee, the Chase Hammond Golf Course Commission, the Torrent House Preservation Board, the Recreation & Parks Board, the Depot Proposal Review Committee, and the Election Commission; and
- WHEREAS,** Richard M. Freye also served as Vice Mayor of the City from 1982 – 1983, and was appointed as an alternate to the Michigan Municipal League; and
- WHEREAS,** the City of Muskegon is proud and thankful to have had such an individual in our community who showed care, concern and value for the lives of many in our community.

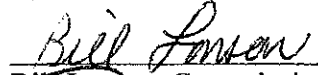
NOW, THEREFORE, BE IT RESOLVED, that I, Steve Warmington, Mayor of the City of Muskegon, and speaking on behalf of the City Commission and citizens in Muskegon, do hereby set aside this evening to recognize our friend, Richard M. Freye, for his contribution to this community.

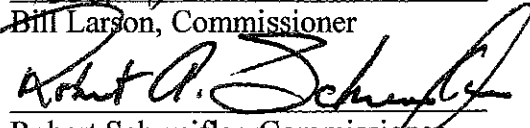
IN WITNESS WHEREOF, we hereunto set our hands and cause the seal of the City to be affixed this 26th day of February 2002.

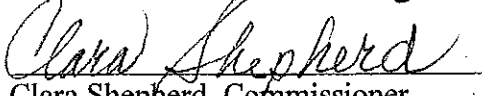

 Steve Warmington, Mayor


 Karen Buie, Vice Mayor

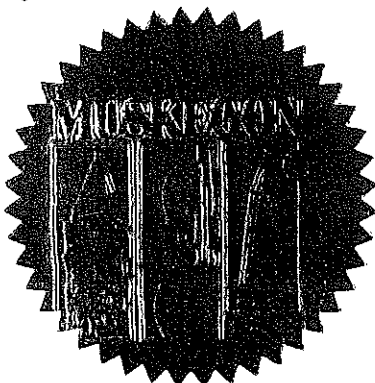

 Steven J. Gawron, Commissioner


 Bill Larson, Commissioner


 Robert Schweifler, Commissioner


 Clara Shepherd, Commissioner


 Lawrence Spataro, Commissioner



Date: February 26, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, February 11, 2002; and the Regular Commission Meeting that was held on Tuesday, February 12, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 26, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30, Tuesday February 26, 2002.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Commissioners Larson, Schweifler, Shepherd, Spataro, Mayor Warmington, Vice Mayor Buie and Commissioner Gawron.

2002-21 HONORS AND AWARDS

a. Recognition of Richard M. Freye

Commissioner Larson read to the public, a Resolution recognizing and honoring Richard M. Freye, a former City Commissioner who had recently passed away.

2002-22 PRESENTATIONS

a. Michigan AmeriCorps Signature Service Project

Program Director, Kris Collee from the Volunteer Muskegon's AmeriCorps explained, to the Commissioners and public, Michigan's AmeriCorps Signature Service Projects, hosted by the Volunteer Muskegon's AmeriCorps on Saturday, May 11, 2002. She explained the origin of the AmeriCorps and the many projects the Corps is involved with.

2002-23 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission worksession that was held on Monday, February 11, 2002; and the Regular Commission meeting that was held on Tuesday, February 12, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the Minutes.

b. Sale of Buildable Vacant Lot on Adams Drive. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot on Adams Drive (designated as parcel number 24-613-000-0789-00) described as W 55 ft. of Urban Renewal Plat No. 4, Lot 789 to Roosevelt Sherrod, of 1310 Creston, Muskegon, MI. The lot is 55 x 160 ft. and is being offered to Mr. Sherrod for \$3,500. He plans to use the land to combine with another lot he owns adjacent to it on Roberts Street for the construction of a 1,781 sq. ft., single-family home facing on Adams Drive. The home will contain 3 bedrooms, a full basement and a 2-stall attached garage. The appraised value of the lot is \$3,500 and Mr. Sherrod submitted the only bid of \$3,500.

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 resolution and to authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION: LRC recommended approval of this request at their January 22, 2002 meeting.

d. Amendment to Future Land Use Map – East Sherman Corridor. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to endorse the Planning Commission's adoption of an amendment to the Future Land Use Map of the Master Land Use Plan, regarding land uses along E. Sherman Blvd., east of US-31.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the City Commission endorse the amendment to the Future Land Use Map of the Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission has adopted the amendment and recommends that the City Commission endorse the amended map.

e. FIRST READING: Rezoning Request for Property Located at 1888 E. Sherman Blvd. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone owned by the Muskegon County School Employees Credit Union, located at 1888 E. Sherman Blvd., from 1-2 General Industrial to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 2/14 meeting. The vote was unanimous.

f. Summer Celebration Request. LEISURE

SUMMARY OF REQUEST: The Summer Celebration Committee has requested the use of various City facilities and services at no cost for the 2002 event. However, they are willing to provide a partial reimbursement depending on the financial success of the festival.

FINANCIAL IMPACT: Approximately \$45,000

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: Leisure Services Board recommends approval.

h. Discontinue the Housing Stock Review Committee. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: The Community Relations Committee voted to discontinue the Housing Stock Review Committee. The committee was originally created with the understanding that it was a temporary committee to work with the Inspections Department. The Community Relations Committee wants to thank the Housing Stock Review committee members and encourage them to apply for openings on other committees.

Motion by Commissioner Schweifler, second by Vice Mayor Buie to approve the consent agenda with items c and g removed for further discussion.

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

Nays: None

MOTION PASSED

2002-24 ITEMS REMOVED FROM CONSENT AGENDA

g. Consideration of Bids for Randolph Sanitary Sewer (S-569). ENGINEERING

SUMMARY OF REQUEST: The contract, S-569, to construct 8" sanitary sewer along Randolph from Westwood to the west end be awarded to Link Contractors out of Twin Lake since they were the lowest (see bid tabulation) responsible bidder with a bid price of \$10,566.00.

FINANCIAL IMPACT: The construction cost of \$10,566.00 plus associated engineering cost which is estimated at an additional 15% of the construction cost.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to link Contractors.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve the project and to award the contract to Link Contractors for the bid price of \$10,566.00.

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

MOTION PASSED

c. FIRST READING: Zoning Ordinance Amendments for Parking Standards.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the parking standards of the Zoning Ordinance in order to update and modernize the requirements, as described in the proposed ordinance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their meeting on 2/14/02. The vote was unanimous.

Motion by Commissioner Larson, second by Commissioner Schweifler to approve amendments of the Zoning Ordinance.

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

MOTION PASSED

2002-25 PUBLIC HEARING

a. Request for an Industrial Facilities Exemption Certificate - DSC Products, Inc. **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, DSC Products, Inc. 1979 Latimer Drive, Muskegon, Michigan has requested the issuance of an Industrial Facilities Exemption Certificate. Since the total capital investment for this project is \$305,000 in real property, \$415,000 personal property, as well as creating 7 new jobs, this request qualifies DSC Products, Inc. for a twelve (12) year exemption for real property and a seven (7) year exemption for personal property. DSC's current workforce is 36.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion (see Summary Sheet)

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and seven (7) years for personal property.

COMMITTEE RECOMMENDATION: None

The public hearing opened at 6:10pm to hear and consider any comments from the public. No comments were heard from the public.

Motion by Commissioner Schweifler, Second by Commissioner Larson to close the Public Hearing at 6:13pm and to approve the resolution granting an Industrial Facilities Exemption Certificate for the term of twelve (12) years for real property and seven (7) years for personal property.

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

Nays: None

MOTION PASSED

b. Create Special Assessment District for Division, Southern to Western.
ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:14pm to hear and consider any comments from the public. There was an objection to the project heard by Suzanne McIntyre, 862 W. Southern and objection to the cost to house owners and not to the project heard by Louise Johnson, 1533 Division St.

Motioned by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:27pm and to approve to create the special assessment by adopting the resolution and assign Commissioner Gawron and Commissioner Spataro to the Board of Assessors.

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

Nays: None

MOTION PASSED

c. Create Special Assessment District for Washington, Division to Franklin.
ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 6:27pm to hear and consider any comments from the public. There was an objection from Josh Vanderstash of 1006 Washington and in favor was Eugene La Roux of 3558 Mohawk, Norton Shores (owner of 1021 Washington).

Motion by Commissioner Gawron, second by Commissioner Schweifler to close Public Hearing at 6:45pm and approve to create the special assessment and assign Commissioner Gawron and Commissioner Spataro to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

d. Create a Special Assessment District for Houston, First to Third.
ENGINEERING

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

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

A Public Hearing was opened at 6:46pm to hear and consider any comments from the public. There were objections from Leonard Gokey(Ruth) of 194, Houston Ave., and George Gokey of 200 Houston Ave.

Motion by Commissioner Shepherd, second by Vice Mayor Buie to close the Public Hearing at 6:59pm and to approve to create the special assessment and assign Commissioner Shepherd and Commissioner Larson to the Board of Assessors by adopting the resolution.

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

Nays: None

e. 2002-2003 CDBG/HOME Funding. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To have a public hearing in order to receive comments from the public concerning the City's Annual Community Development Block Grant and HOME entitlement. The Community and Neighborhood Service Department solicited proposals from the public beginning in November of 2001.

The packet that you have contains all the proposals received by the CNS department from both outside agencies and City departments. The City of Muskegon is scheduled to receive \$1,376,000 in CDBG funds and \$137,000 in HOME funds.

The purpose of this public hearing is to give an overview of the program and to obtain comments from the public if there are any.

FINANCIAL IMPACT: None

BUDEGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To have the public hearing.

COMMITTEE RECOMMENDATION: None

A Public Hearing was opened at 7:00pm to hear and consider any comments from the public. There were no comments made by the public.

Motion by Commissioner Larson, second by Vice Mayor Buie to close the Public Hearing at 7:06pm.

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

Nays: None

Not Present: Schweifler, Shepherd

MOTION PASSED

2002-26 CITY MANAGER'S REPORT

City Manager Bryon Mazade requested to remove from the Agenda under New Business item b.

2002-27 UNFINISHED BUSINESS

a. Contract for Payments in Lieu of Taxes for Arbors at Jackson Hill. **PLANNING & ECONOMIC DEVELOPMENT**

STAFF OF REQUEST: A contract providing for payments in lieu of taxes for Arbors at Jackson Hill (currently property owned Don Balcom (see map) has been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of the Sterling Group have met with City Staff, as well as members of the Jackson Hill Neighborhood Association. Although the Association was supportive of their project, in concept, they were not presented with the income levels for the tenants (since those numbers were only received by the City immediately prior to the 2/12/02 Commission meeting). This item was tabled by the City Commission at the February 12 meeting. Since that time, Sterling has modified some of their numbers to include a larger percentage of tenants in the 60% of median income range (see memo).

STAFF RECOMMENDATION: Staff's recommendation is for the City Commission to make a decision on this item based on future policy regarding PILOTS.

FINANCIAL IMPACT: Payments under the contract are recommended to be eight percent (8%) of the highest contract rents for all eligible units, whether occupied or

not. This amount is four percent (4%) higher than our previous PILOT Agreements for other projects.

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The City Commission Working Session reviewed this item at their 2/11/02 meeting and had concerns with the number of 40-45% area median income units.

Motion by Commissioner Spataro, second by Commissioner Schweifler to deny request for PILOT for Abors at Jackson Hill.

ROLL VOTE: Ayes: Spataro

Nays: Shepherd, Warmington, Buie, Gawron, Larson, Schweifler

MOTION FAILED

Motion by Commissioner Shepherd, second by Vice Mayor Buie to approve request for PILOT for Arbors at Jackson Hill.

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

Nays: Spataro

MOTION PASSED

2002-28 NEW BUSINESS

a. Finlay Housing Proposal. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Craig Jeup from Finlay Properties, Inc. has been working with City Staff for several months on a possible housing development in Jackson Hill. Mr. Jeup is interested in purchasing several lots from the City of Muskegon, which are located above the Smith Ryerson Park. He is planning to develop approximately 40 senior citizen units, which will be duplexes, triplexes and/or fourplexes. Mr. Jeup will be requesting a PILOT for the project, which will come before the Commission in March. Also, Mr. Jeup has met with the Jackson Hill Neighborhood Association and they are supportive of the project. The project is consistent with the Jackson Hill Housing Plan, which was developed over two years ago. The Plan anticipated multi-family in this area. The neighborhood was also interested in having senior housing in their neighborhood for their existing residents, as they become interested in moving from their single-family homes into apartment-style living. The request before the Commission is to authorize staff to continue working with the developer as he attempts to secure land control of the site (see outline).

FINANCIAL IMPACT: None at this time (in the next few weeks the developer will be requesting a PILOT, also the City would receive revenue from the sale of the lots).

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize staff to continue working with the developer on land control and the PILOT application.

Motion by Commissioner Schweifler, second by Commissioner Shepherd to authorize staff to continue working with the developer on land control and the PILOT application.

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

Nays: None

MOTION PASSED

b. Consideration of Proposals for Engineering Services on: Seaway Industrial Park

This item was removed during the City Manager's Report.

c. Notice of Intent Resolution 2002 Special Assessment Bonds (Sidewalks). FINANCE

SUMMARY OF REQUEST: The City is in the midst of an aggressive citywide sidewalk improvement program. To finance the up front costs, it is periodically necessary to issue special assessment bonds. These bonds will be paid from special assessments levied against benefiting property owners. The first step in the borrowing process is adoption a Notice of Intent Resolution which notifies citizens of the City's intent to borrow and allows for a 45-day period during which petitions could be filed to force a referendum on the issue.

FINANCIAL IMPACT: The only immediate financial impact is the costs of publishing the Notice of Intent in the Chronicle.

The resolution indicates the City may borrow up to \$1,500,000; the actual amount will be considerably less. The bonds will be paid from special assessments over 10 years and will carry, as a secondary pledge, the City's limited full faith and credit. This means that if special assessment income falls short of the amount needed to make annual debt service payments, the City's General Fund will be required to make up the shortfall.

If bonds are issued, the full financial impact will not be known until bonds are sold and interest rates determined.

BUDGET ACTION REQUIRED: None at this time. The annual debt service costs will be budgeted in future years as well until the bonds are retired.

STAFF RECOMMENDATION: Approval of the notice of intent resolution.

COMMITTEE RECOMMENDATION: None

Motion by Commissioner Larson, second by Commissioner Spataro to approve the Notice of Intent Resolution 2002 Special Assessment Bonds (Sidewalks)

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

Nays: None

MOTION PASSED

d. Final Amendments to 2001 Budget. FINANCE

SUMMARY OF REQUEST: Adoption of the year-end amendments to the City's 2001 Budget to assure compliance with the State Uniform Budget Act. This act requires that budgets for "governmental-type" funds (i.e. general fund, special revenue funds, and debt service funds) be amended so that expenditures are not reported in the City's audit as exceeding legal appropriations.

FINANCIAL IMPACT: These budget amendments establish the final 2001 authorized revenue estimates and spending limits for the various City departments and funds. The schedule shows how the amended budget varies from the original budget (and subsequent budget reforecast) previously approved by the City Commission.

BUDGET ACTION REQUIRED: Self-explanatory

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: None

Motion by Commissioner Schweifler, second by Vice mayor Buie to approve the budget amendments in the 2001 Budget.

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

Nays: None

MOTION PASSED

e. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 768 Scott. INSPECTIONS

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 768 Scott is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds

BUDET ACTION REQUIRED: None

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

Motion by Commissioner Shepherd, second by Commissioner Larson to concur with the Housing Board of Appeals decision to demolish.

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

Nays: None

MOTION PASSED

f. Purchase of 850 Wood. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: to approve the purchase of the property located at 850

Wood (City of Muskegon revised plat of 1903 W1/4 feet of Lot 5 Block 46) from John Wesley AME Zion Church 886 Wood for the appraised price of \$10,000.

If approved by the Commission, the CNS department will request bids from qualified contractors for the rehabilitation of the structure. After rehabilitation is completed this totally rehabilitated American Gothic home will be sold to a qualified family.

FINANCIAL IMPACT: Funding for purchase will be allocated from 2001 HOME funding.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve request for purchase of 850 Wood St.

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

Nays: None

MOTION PASSED

g. Approval of Resolution to sale 315 Catawba. COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: to approve the resolution and instruct the Community and Neighborhood Services department to complete the sale of the tax-reverted obtained rehabilitated structure at 315 Catawba to Michael Harman to be used as an owner-occupied single family residence.

FINANCIAL IMPACT: The HOME fund will receive \$43,762.93 in program income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee approved the rehabilitation and the Commission in March of 2001 approved the awarding of the rehabilitation contract.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the resolution to sell 315 Catawba.

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

Nays: None

MOTION PASSED

2002-29 CLOSED SESSION: To discuss pending litigation

Motion by Commissioner Schweifler, second by Vice Mayor Buie to go into closed session at 8:40pm.

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

Nays: None

MOTION PASSED

Motion by Commissioner Shepherd, second by Commissioner Schweifler to return to open session at 9:01pm.

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

Nays: None

Motion by Commissioner Shepherd, second by Commissioner Schweifler to concur with the recommendation of City Attorney.

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

Nays: None

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 9:04pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Kunding".

Gail Kunding, CMC/AEE
City Clerk

Commission Meeting Date: February 26, 2002

Date: February 14, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBL
RE: Sale of Buildable Vacant Lot on Adams Drive

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot on Adams Drive (designated as parcel number 24-613-000-0789-00) described as W 55 ft. of Urban Renewal Plat No. 4, Lot 789 to Roosevelt Sherrod, of 1310 Creston, Muskegon, MI. The lot is 55 x 160 ft. and is being offered to Mr. Sherrod for \$3,500. He plans to use the land to combine with another lot he owns adjacent to it on Roberts Street for the construction of a 1,781 sq. ft. single-family home facing on Adams Drive. The home will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The appraised value of the lot is \$3,500 and the Mr. Sherrod submitted the only bid of \$3,500.

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:

LRC recommended approval of this request at their January 22, 2002 meeting.

Resolution No. 2002-23(b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT ON ADAMS DRIVE IN MARQUETTE NEIGHBORHOOD FOR \$3,500.

WHEREAS, Roosevelt Sherrod has placed a \$400 deposit for the parcel designated as parcel numbers 24-613-000-0789-00, located on Adams Drive;

WHEREAS, Roosevelt Sherrod has submitted the only bid of \$3,500 for the parcel designated as parcel numbers 24-613-000-0789-00, located on Adams Drive;

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 24-613-000-0789-00, located on Adams Drive be sold to the above-mentioned buyer.

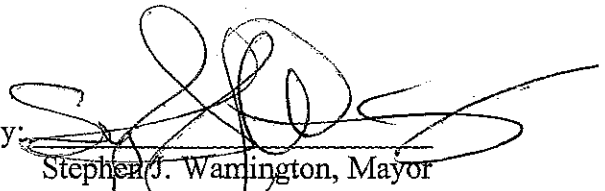
W 55 FT OF URBAN RENEWAL PLAT NO. 4 LOT 789;

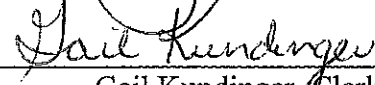
Adopted this 26th day of February, 2002

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

Nays: None

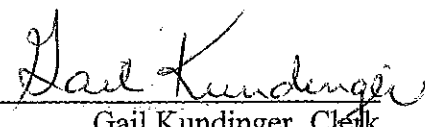
Absent None

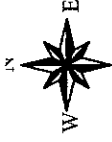
By: 
Stephen J. Warmington, Mayor

Attest: 
Gail Kunding, 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 26, 2002.

By: 
Gail Kunding, Clerk



REAL ESTATE PURCHASE AGREEMENT

2002-23(b)

THIS AGREEMENT is made February 26, 2002, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **ROOSEVELT SHERROD**, a married man, of 1310 Creston Street, Muskegon, MI 49442 ("Buyer").

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

The West 55 feet of Urban Renewal Plat No. 4, Lot 789.

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 Three Thousand Five Hundred Dollars (\$3,500).

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 and

driveway. The home shall be substantially completed within eighteen (18) months 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. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

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

8. **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.

9. **Closing.** The closing date of this sale shall be on or before May 26, 2002 ("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.

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

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

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

13. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law. In addition, Seller shall be responsible to pay for the recording of any instrument that must be recorded to clear title to the Premises, to the extent required by this Agreement.

Buyer shall pay for the cost of recording the deed to be delivered at Closing.

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

John Krukowski
Jo Ann Krukowski
Margaret M. Platt
Margaret M. Platt

SELLER: CITY OF MUSKEGON

Stephen J. Warmington
Stephen J. Warmington, Mayor

Gail A. Kunderger
Gail A. Kunderger, Clerk

BUYER:

Roosevelt Sherrod
Roosevelt Sherrod

Social Security No. 384-66-3655

QUIT-CLAIM DEED

2002-23(b)

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

QUIT CLAIMS to ROOSEVELT SHERROD, a married man, of 1310 Creston Street, Muskegon, MI 49442,

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

The West 55 feet of Urban Renewal Plat No.4, Lot 789;

for the sum of Three Thousand Five Hundred Dollars (\$3,500).

PROVIDED, HOWEVER, Grantee, or his 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 Grantee or his assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or his assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "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, substantial 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, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions 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 28 day of February, 2002.

Signed in the presence of:

JoAnn Krukowski
JoAnn Krukowski

Margaret M. Platt
Margaret M. Platt

CITY OF MUSKEGON

By Stephen J. Warrington
Stephen J. Warrington, 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 28 day of February, 2002, STEPHEN J. WARMINGTON 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
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231.722.1621

Jo Ann M Krukowski
Jo Ann M Krukowski
Notary Public, Muskegon County, Michigan
My commission expires: 5-13-05

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

Commission Meeting Date: February 26, 2002

Date: February 18, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Amendment to Future Land Use Map of Master Land Use Plan

SUMMARY OF REQUEST:

Request to endorse the Planning Commission's adoption of an amendment to the Future Land Use Map of the Master Land Use Plan, regarding land uses along E. Sherman Blvd., east of US-31.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends that the City Commission endorse the amendment to the Future Land Use Map of the Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission has adopted the amendment and recommends that the City Commission endorse the amended map.

CITY OF MUSKEGON

RESOLUTION #2002- 23(d)

**RESOLUTION OF SUPPORT ENDORSING THE AMENDED FUTURE LAND USE MAP
OF THE CITY OF MUSKEGON MASTER LAND USE PLAN**

WHEREAS, a public hearing on the proposed amendment to the Future Land Use Map was held by the Planning Commission on February 14, 2002, where the amended map was subsequently adopted, as required by State Law;

WHEREAS, the Planning Commission wishes to also receive the endorsement of the City Commission for this amendment to the Future Land Use Map;

NOW, THEREFORE BE IT RESOLVED, that the City Commission endorses the amended Future Land Use Map of the Master Land Use Plan.

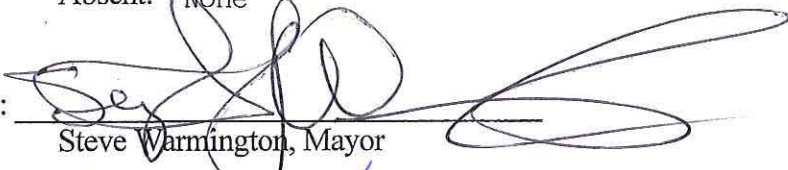
Resolution adopted this 26th day of February, 2002.

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

Nays: None

Absent: None

By:


Steve Warmington, Mayor

Attest:


Gail A. Kunderinger, Clerk

CERTIFICATION

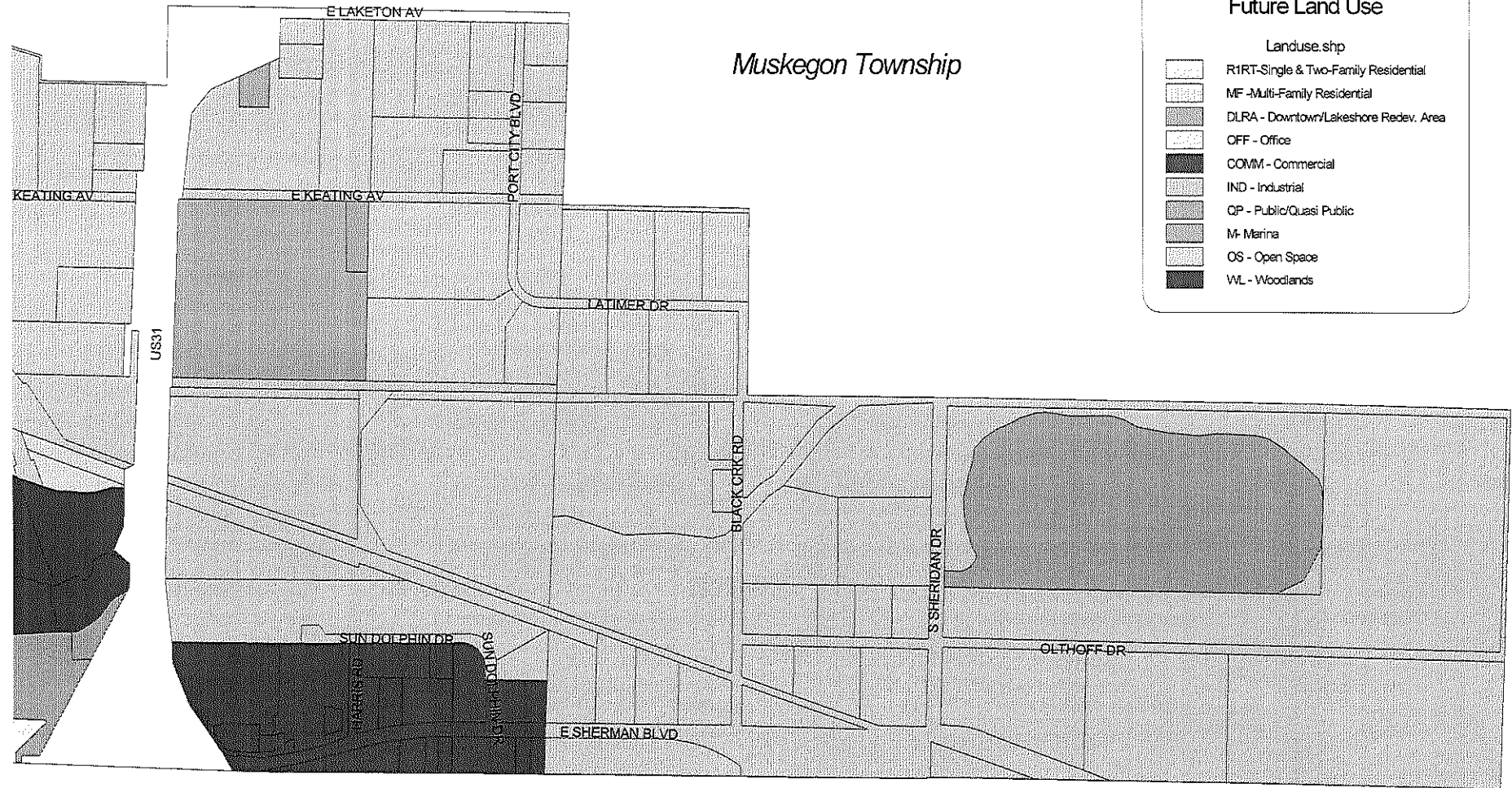
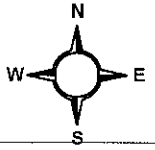
This resolution was adopted at a regular meeting of the City Commission, held on February 26, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderinger, Clerk

City of Muskegon Proposed Amendment to Future Land Use Map Excerpt = Port City Industrial Park Area and Sherman Blvd. East of US-31



Fruitport Township

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

November 15, 2001

Hearing; Case 2001-37: Request for an amendment to the Master Land Use Plan to look at issues related to Sherman Blvd., east of US-31.

BACKGROUND

Since last month's meeting, staff has done research into the Sherman Blvd. corridor, as requested by the Planning Commission. Several maps are enclosed in this packet for review, including the current zoning, future land use, and existing businesses. Staff has also spoken with Connie Smith, Fruitport Township Supervisor. Fruitport does not currently have a Master Plan or Future Land Use Map, but are currently undergoing a master planning process. Staff has shared copies of Muskegon's zoning map, future land use map, and master plan for the area bordering Fruitport Twp. with Ms. Smith, and we have agreed to update each other on each of our processes regarding this area. A copy of Fruitport Twp.'s zoning map is being sent to staff and will be available at the Planning Commission meeting. Ms. Smith anticipates that their master planning process will take at least a year to complete.

Staff has driven the Sherman Blvd. corridor and taken pictures of several of the businesses (see below). As the pictures and maps show, the corridor is heavily based toward retail businesses from US-31, east to approximately Sundolphin Dr. From that point further east, both sides of the street mainly contain either small industrial uses or vacant property. There are several new businesses currently under construction - the Goodwill store reviewed by the Planning Commission in September, the Wendy's restaurant reviewed in July, and a combination convenience store, gas station and car wash, which was recently approved and did not require Planning Commission review. These can all be seen on the enclosed map of existing businesses.

In 1998, when the property for ABC Warehouse was rezoned on the south side of Sherman Blvd., there was one property owner, Pacer Transit, who opposed rezoning the entire south side of Sherman within the City limits to B-4. They stated that they were an existing industrial use and wished their property to remain zoned as I-2, so that they would not become a nonconforming use. Therefore, the B-4 rezoning was restricted to everything west of and including the ABC Warehouse property.

Staff has spoken to several of the property owners along the corridor. Their comments are summarized below:

- Lakeshore Orthotics & Prosthetics, 1887 E. Sherman Blvd., Mary Phister
Ms. Phister feels that a move to retail in the area would be good. If no opportunities for retail

are available along Sherman, the retailers will go to the Sternberg area instead. The downtown isn't a viable option anymore in her mind. She feels that the city is correct to amend the Master Plan to allow more retail uses to go in the Sherman area - there are nice businesses going in there, and with the restaurants and hotel there will bring more people to the area if there is a good variety of shopping opportunities.

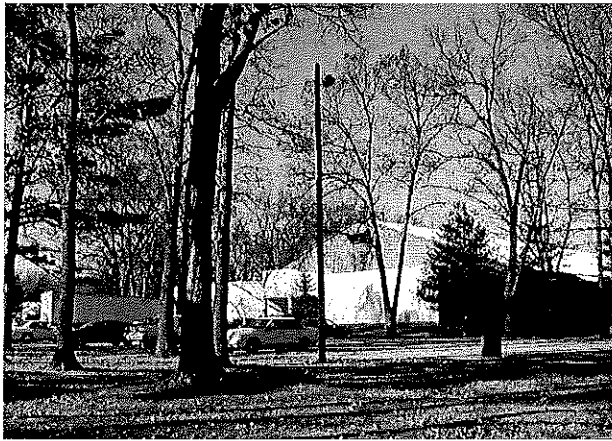
- Pacer Transit, 2031 E. Sherman Blvd., Greg Beauregard
Mr. Beauregard spoke against rezoning his property to commercial in 1998 and still feels the same way. He stated that he would like to see the corridor remain industrial - he believes that industrial uses bring in more income for the city, and that the city needs more industries, not retail uses. He strongly feels that his property should remain industrial and would not want to become a nonconforming use by being rezoned commercial. He has no desire to leave the city.
- Frito Lay, 2541 Black Creek Rd., Ava Macari
Staff left a message for Ms. Macari and will bring her comments to the meeting.
- Reid Tool Supply Co., 2170 E. Sherman Blvd., Michael Norkus
Staff left a message for Mr. Norkus and will bring his comments to the meeting.

Staff will continue to survey existing businesses and property owners and will bring any additional comments to the meeting.

Staff understands that a major interchange, such as the Sherman Blvd./US-31 one, tends to draw a great deal of retail and commercial uses. There is already a hotel in the area, several restaurants (both fast-food and sit-down), and many shopping opportunities as well. Several of the recent businesses who have opened along the interchange are not new to the Muskegon area, but are transplants from other parts of Muskegon, which then leaves other facilities empty. This phenomena can lead to blight and additional abandonment if there is more commercial space available than a region can support. Recent transplants from other places in the city include Goodwill, and the Bargain Books store.

Another point that staff wishes the Planning Commission to consider is that Sundolphin Dr. is a distance of approximately 1500 feet from the exit ramp from US-31. The businesses currently located between US-31 and Sundolphin are close to the interchange, easily visible from the exit ramp (and the freeway itself) and constitute a concentration of highway commercial. If the commercial uses start spreading further down Sherman Blvd., out of easy view from the exit ramp and freeway, how far will most people drive when there is a good amount of shopping and dining choices closer to the freeway? Will the businesses located further down the corridor be as viable as the ones located closer to the interchange? How much are we promoting strip commercial development, which can cause blight if the end result is empty storefronts elsewhere? If strip commercial spills over into Fruitport Township will that have the potential of further draining Muskegon of commercial uses? If we "seal off" the commercial with existing industrial uses, the spillover into Fruitport may be less.

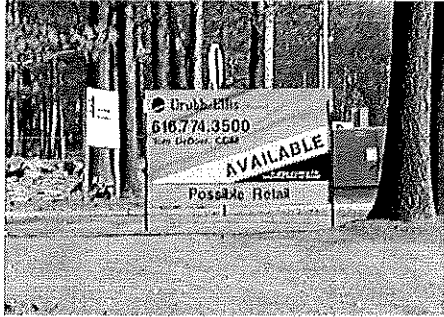
Below are a couple of photos which staff took while driving the corridor, of existing industrial uses along Sherman Blvd., which appear to be viable and flourishing. There are several other existing industrial uses as well, which are not pictured.



Below is a picture of the former Campbell Grinder building, currently under renovation for Goodwill. It is very obvious that the building was not built for retail purposes, as it is not of the quality seen further east on the corridor, where buildings were built specifically for retail purposes. It was most likely less expensive to retro-fit the existing industrial building for Goodwill, than to tear it down and rebuild a new building.



And lastly is a picture of a sign currently located in front of the Dyna-Torque facility, which is currently zoned I-2, but is located between the Muskegon County School Employees Credit Union, and Sundolphin Dr. (on the other side of which is the new Goodwill store), both of which are commercial uses. Is the real estate sector promoting premature conversion of industrial land?



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

February 14, 2002

Hearing; Case 2001-37: Request for an amendment to the Master Land Use Plan to look at issues related to Sherman Blvd., east of US-31.

BACKGROUND

As requested by the Planning Commission at the November, 2001 meeting, staff has sent notices to the property owners and tenants along this stretch of US-31, informing them of the date and time of the public hearing. An article also appeared in the Muskegon Chronicle on this issue. Staff has prepared a proposed amendment to the Future Land Use Map, based on discussion at the November meeting about which areas should remain industrial and which areas would be more appropriate as commercial. The proposed amendment is included in this packet for review. Staff has received letters from Fruitport Township, in support of commercial zoning for this area, and from THF Realty, owners of the Westshore Plaza Shopping Center development on the south side of Sherman Blvd. THF has concerns with the amount of traffic that additional commercial zoning along the corridor will create.

Commission Meeting Date: February 26, 2002

Date: February 18, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for property located at 1888 E. Sherman Blvd.

SUMMARY OF REQUEST:

Request to rezone property owned by the Muskegon County School Employees Credit Union, located at 1888 E. Sherman Blvd., from I-2, General Industrial to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/14 meeting. The vote was unanimous.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2067

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

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

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

THAT PART OF THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 34, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION; THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 641.00 FEET; THENCE NORTH 00 DEGREES 41 MINUTES EAST 650.00 FEET FOR POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST 350.00 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES WEST 335 FEET MORE OR LESS TO THE NORTHERLY LINE OF SHERMAN BOULEVARD; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF SHERMAN BOULEVARD 351 FEET MORE OR LESS TO A POINT WHICH IS SOUTH 00 DEGREES 41 MINUTES WEST OF THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 41 MINUTES EAST 302 FEET MORE OR LESS TO POINT OF BEGINNING.

This ordinance adopted:

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

Nays: None

Adoption Date: February 26, 2002

Effective Date: March 12, 2002

First Reading: February 26, 2002

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of 1888 E. Sherman Blvd. from RI-2 to B-4)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of February, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: February 26, 2002.



Gail Kunderinger, CMC/AAE
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on February 26, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from I-2 "General Industrial" to B-4 "General Business"

THAT PART OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 34, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SAID SECTION; THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 641.00 FEET; THENCE NORTH 00 DEGREES 41 MINUTES EAST 650.00 FEET FOR POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 34 MINUTES 26 SECONDS WEST 350.00 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES WEST 335 FEET MORE OR LESS TO THE NORTHERLY LINE OF SHERMAN BOULEVARD; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF SHERMAN BOULEVARD 351 FEET MORE OR LESS TO A POINT WHICH IS SOUTH 00 DEGREES 41 MINUTES WEST OF THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 41 MINUTES EAST 302 FEET MORE OR LESS TO POINT OF BEGINNING.

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

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

Published March 2, 2002

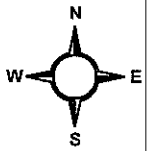
CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

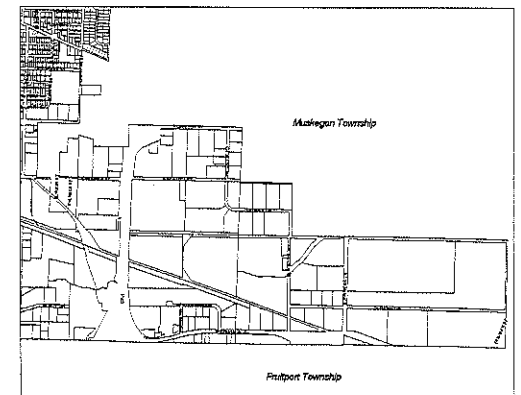
City of Muskegon Planning Commission Cases #2001-37 and #2002-4



- ☆ = Subject Property for rezoning
- = Notice Area for Land Use Plan Public Hearing

Fruitport Township

2000 0 2000 4000 Feet



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

February 14, 2002

Hearing; Case 2002-4: Request to rezone property located at 1888 E. Sherman Blvd. from I-2, General Industrial to B-4, General Business, by the Muskegon County School Employees Credit Union.

BACKGROUND

Applicant: Muskegon County School Employees Credit Union

Address/Location of Subject Property: 1888 E. Sherman Blvd.

Current Use: Credit Union

Current Zoning: I-2, General Industrial

Proposed Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The subject property is located on Sherman Blvd., east of the Target commercial development. This parcel is also part of the certified Port City Industrial Park and is currently zoned I-2, General Industrial.
2. Across the street from the subject property is the eastern edge of a large retail development, which lies partially within the City of Muskegon, but mostly within Fruitport Township. This development contains Sam's Club, Wal-Mart, ABC Warehouse, as well as many other retail stores and several restaurants.
3. The two properties to the west of the subject property have recently been rezoned from I-2 to B-4, located at 1818 and 1848 E. Sherman. A third property, further east and across Sundolphin St., was also recently rezoned from I-2 to B-4 (1974 E. Sherman).
4. The subject property contains the Muskegon County School Employees Credit Union. The credit union is currently under a Planned Unit Development in the I-2 district.
5. The Future Land Use Map currently shows the subject property to be "Commercial".
6. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to retain the industrial orientation of Sub-Area 1. Accordingly, the rezoning of land for additional non-industrial use shall be discouraged, provided however, parcels located along Sherman Boulevard and Laketon Avenue may be used for non-industrial purposes which are ancillary to the area's industrial focus. Such uses include, but are not limited to, financial institutions, health/fitness clubs, office supply stores, computer sales and servicing, employment centers, and other uses with the potential to serve local industrial needs.

- ◆ At the extreme southwest corner of the sub-area, near the Sherman Boulevard and US-31 intersection, one finds a new regional retail strip center anchored by a Target department/variety store. Other uses include retail outlets specializing in electronics, computers, and pet supplies and a family style restaurant... Along Sherman, east of the retail center, lie a combination of industrial and service facilities. Service uses include a financial institution and tennis/fitness club.
7. Sub-Area Issues:
 - ◆ There is likely to be continued demand to convert industrial properties along Sherman Boulevard to non-industrial (retail or service sector) use.
 - ◆ As the level of retail traffic grows, conflicts with industrial park traffic are likely to increase.
 8. The Master Plan recommends for this sub-area:
 - ◆ Maintain the sub-area's industrial focus.
 - ◆ Along Sherman Boulevard and Laketon Avenue maintain the current industrial zoning status to restrict conversion of industrial property to uses considered inconsistent with the area's land use focus.
 9. Although the subject property is located in a Certified Business Park, the legislation regarding these parks has recently changed. Formerly called "Certified Industrial Parks", it used to not be possible to change from industrial zoning for any parcels in an existing certified park without losing the industrial park certification. However this has changed, and it is now possible to rezone parcels within a certified park to commercial zoning without losing the park's certification.
 10. By changing the zoning of any parcels located within the Certified Business Park, it would no longer be possible for the existing LDFA to capture any tax increments for those particular properties. However, the LDFA in the Port City Industrial Park is not currently capturing any tax increments, and it is not likely that it will in the near future.
 11. The credit union had explored the option of rezoning their property in the past. However at that time, it was not possible for properties within the industrial park to be zoned anything other than industrial. Now that it is possible to change to a commercial zoning, the credit union would like their property to becoming conforming for their use.
 12. Several of the existing commercial and retail uses within the park are currently zoned I-2. The Target development is also under Planned Unit Development (PUD). It is not anticipated that property will revert back to industrial use at any time in the near future, and therefore staff will be exploring the possibility of rezoning that property to commercial as well.
 13. See Case #2001-37 for correspondence received regarding this case.

ORDINANCE EXCERPTS

ARTICLE XV - I-2 GENERAL INDUSTRIAL DISTRICTS

PREAMBLE

The I-2 General Industrial Districts are established primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in addition to I-1 Light Industrial District uses, the manufacturing, processing and compounding of semifinished or finished products from raw materials.

SECTION 1500: PRINCIPAL USES PERMITTED

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

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

SECTION 1501: SPECIAL LAND USES PERMITTED

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

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

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

...

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

...

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

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

SECTION 1300: PRINCIPAL USES PERMITTED

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

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

SECTION 1301: SPECIAL LAND USES PERMITTED

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

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

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

...

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

...

PHOTOS



DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify the petitioned change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

Date: February 19, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Summer Celebration Request

SUMMARY OF REQUEST:

The Summer Celebration Committee has requested the use of various City facilities and services at no cost for the 2002 event. However, they are willing to provide a partial reimbursement depending on the financial success of the festival.

FINANCIAL IMPACT:

Approximately \$45,000

BUDGET ACTION REQUIRED:

None

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

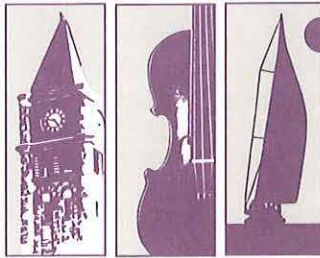
FAX/724-6768

Water Filtration

231/724-4106

FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

February 19, 2002

To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Summer Celebration Request

The Muskegon Summer Celebration Committee has requested the use of various City facilities and services at no cost for the 2002 event.

The festival events will be about the same as in 2001. The 11-day event will kick off on Thursday, June 27th and will run through Sunday, July 7. The concerts at Heritage Landing, the carnival at Heritage Landing, and Art-in-the-Park at Hackley Park will continue to be major attractions.

The Committee is requesting that all City staff time associated with inspections, security, set-up, clean up, signage, traffic control, and other activity be donated to the festival. However, the festival is willing to reimburse the city for part of it's expense depending on the financial success of the festival. Last year the festival reimbursed the city \$15,000

At their meeting on January 28, 2001, the Leisure Services Board recommended approval of the request Staff recommends that you concur with their recommendation.

Thank you for your consideration.

**MUSKEGON
SUMMER
CELEBRATION**

January 7, 2002

Ric Scott, Director of Leisure Services
City of Muskegon
PO Box 536
Muskegon, MI 49443-0536

Dear Mr. Scott:

The Muskegon Summer Celebration Committees are preparing for the 2002 festival to be held Thursday, June 27 through Sunday, July 7. We are humbly requesting the following from City of Muskegon for the 2002 festival:

- Fireworks permits for July 4 and July 7.
- Permission for exclusive use of Hackley Park from June 27 through July 7.
- Permission to use picnic tables, garbage cans, fencing, park benches and other city equipment as necessary at no charge.
- Permission for the exclusive use of Clay Avenue between Third and Sixth Streets, Western Avenue from Fourth to Seventh Streets, and Fourth, Fifth and Sixth Streets between Webster and Western and the city parking lot along Western Avenue across from the LC Walker Arena for Art in the Park/Village Craft Market on July 5, 6, & 7.
- Grant exclusive peddling and selling rights of any article from a stand, stall, vehicle, pack or basket, or in any other manner, on any of the following streets in the City in downtown Muskegon during the festival: Webster, Muskegon, Pine, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Clay, Western, Shoreline Drive Morris, Terrace, Thayer, Jefferson, and Division.
- That the City notify the Summer Celebration of any request for use of City facilities during the time of the Summer Celebration before granting permission for its use.
- Permission for the exclusive use of Shoreline Drive from Terrace to Fourth and Fourth from Shoreline Drive to Webster on Saturday, June 29 from 9:30 a.m. to 1:30 p.m. for the parade route. In addition Clay from Third to Fourth on Saturday, June 29 from 9:00 a.m. to 2:30 p.m. for bus parking and vehicle parking for parade disbanding.

- Permission for the exclusive use of Western Avenue from Fourth to Seventh Streets on Saturday, June 29 from 8:00 a.m. until 5:00 p.m. for the Street Fair.
- Permission to use Western Avenue between Seventh and Eighth and the adjacent grassy area June 27 – July 7 for other POSSIBLE festival activities.
- We would ask that the past policy of the City providing police, fire, DPW, and Leisure Services staff at no cost to the festival be continued. The Summer Celebration is prepared, barring a financial disaster, to provide a partial reimbursement to the City for those costs.

On behalf of the Summer Celebration Committee, I want to thank you and the City for your continued support of the festival. Without that help it would not enjoy the success it does. We look forward to working with you again in 2002.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Austin", written over a horizontal line.

Joe Austin, Executive Director

Cc: Tim Achterhoff, Chairperson, Board of Trustees

Date: February 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Randolph sanitary Sewer (S-569)

SUMMARY OF REQUEST:

The contract, S-569, to construct 8" sanitary sewer along Randolph from Westwood to the west end be awarded to Link Contractors out of Twin lake since they were the lowest (see attached bid tabulation) responsible bidder with a bid price of \$10,566.00.

FINANCIAL IMPACT:

The construction cost of \$10,566.00 plus associated engineering cost which is estimated at an additional 15% of the construction cost.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Award the contract to link Contractors.

COMMITTEE RECOMMENDATION:

**Engineer's Estimate for S-569 RANDOLPH, WESTWOOD TO END (SEWER EXTENSION)
CITY OF MUSKEGON**

LINE ITEM	ITEM DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE
	6" SEWER BID ITEMS				
1	TRAFFIC CONTROL	1	LS	\$500.00	\$ 500.00
2	SANITARY SEWER, 6", PVC SDR 35	300	FEET	\$20.00	\$ 6,000.00
3	TRENCH REPAIR, SPECIAL	300	FEET	\$20.00	\$ 6,000.00
4	MANHOLE, STANDARD, 0' TO 10' DEEP, 2' INSIDE DIA	1	EACH	\$1,000.00	\$ 1,000.00
5	MANHOLE, STANDARD, 0' TO 10' DEEP, 4' INSIDE DIA	1	EACH	\$2,000.00	\$ 2,000.00
6	MANHOLE CASTING, EAST JORDAN #1000 OR EQUAL	2	EACH	\$500.00	\$ 1,000.00
7	TOTAL				\$ 16,500.00
	ALTERNATE BID FOR 8" SEWER				
1	TRAFFIC CONTROL	1	LS	\$ 500.00	\$ 500.00
2	SANITARY SEWER, 8", PVC, SDR 35	270	FEET	\$ 22.00	\$ 5,940.00
3	SANITARY WYE, 8"x 6", PVC, SDR 35	1	EACH	\$ 300.00	\$ 300.00
4	SANITARY SEWER, 6", PVC, SDR 35	30	FEET	\$ 20.00	\$ 600.00
5	TRENCH REPAIR, SPECIAL	300	FEET	\$ 20.00	\$ 6,000.00
6	MANHOLE, STANDARD, 0' TO 10' DEEP, 2' INSIDE DIA	1	EACH	1000	\$ 1,000.00
7	MANHOLE, STANDARD, 0' TO 10' DEEP, 4' INSIDE DIA	1	EACH	\$ 2,000.00	\$ 2,000.00
8	MANHOLE CASTING, EAST JORDAN #1000 OR EQUAL	2	EACH	\$ 500.00	\$ 1,000.00
9	TOTAL				\$ 17,340.00

**S-569 RANDOLPH, WESTWOOD TO END (SEWER EXTENSION)
CITY OF MUSKEGON**

BID TABULATION

LINE ITEM	ITEM DESCRIPTION	QTY	UNIT	LAKESIDE CONSTRUCTION		NORTHERN PLUMBING & PIPELINE		DIVERSIFIED CONTRACTORS		JACKSON-MERKEY		LINK CONTRACTORS		OPPER EXCAVATING	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	6" SEWER BID ITEMS														
1	TRAFFIC CONTROL	1	LS	\$500.00	\$500.00	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$975.00	\$975.00	\$645.00	\$645.00	\$500.00	\$500.00
2	SANITARY SEWER, 6", PVC SDR 35	300	FEET	\$22.00	\$6,600.00	\$27.75	\$8,325.00	\$20.00	\$6,000.00	\$22.50	\$6,750.00	\$14.20	\$4,260.00	\$32.00	\$9,600.00
3	TRENCH REPAIR, SPECIAL	300	FEET	\$15.00	\$4,500.00	\$21.50	\$6,450.00	\$7.00	\$2,100.00	\$12.00	\$3,600.00	\$11.08	\$3,324.00	\$36.00	\$10,800.00
4	MANHOLE, STANDARD, 0' TO 10' DEEP, 2' INSI	1	EACH	\$900.00	\$900.00	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$1,290.00	\$1,290.00	\$625.00	\$625.00	\$752.00	\$752.00
5	MANHOLE, STANDARD, 0' TO 10' DEEP, 4' INSI	1	EACH	\$1,100.00	\$1,100.00	\$1,050.00	\$1,050.00	\$1,500.00	\$1,500.00	\$1,535.00	\$1,535.00	\$820.00	\$820.00	\$1,768.00	\$1,768.00
6	MANHOLE CASTING, EAST JORDAN #1000 OR	2	EACH	\$300.00	\$600.00	\$275.00	\$550.00	\$400.00	\$800.00	\$450.00	\$900.00	\$270.00	\$540.00	\$300.00	\$600.00
	TOTAL				\$14,200.00		\$17,625.00		\$12,900.00		\$15,050.00		\$10,214.00		\$24,020.00
	ALTERNATE BID FOR 8" SEWER														
1	TRAFFIC CONTROL	1	LS	\$500.00	\$500.00	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$975.00	\$975.00	\$645.00	\$645.00	\$500.00	\$500.00
2	SANITARY SEWER, 8", PVC, SDR 35	270	FEET	\$24.00	\$6,480.00	\$29.75	\$8,032.50	\$25.00	\$6,750.00	\$24.00	\$6,480.00	\$15.40	\$4,158.00	\$32.50	\$8,775.00
3	SANITARY WYE, 8"x 6", PVC, SDR 35	1	EACH	\$50.00	\$50.00	\$55.00	\$55.00	\$75.00	\$75.00	\$60.00	\$60.00	\$28.00	\$28.00	\$21.60	\$21.60
4	SANITARY SEWER, 6", PVC, SDR 35	30	FEET	\$22.00	\$660.00	\$27.75	\$832.50	\$20.00	\$600.00	\$20.00	\$600.00	\$14.20	\$426.00	\$32.00	\$960.00
5	TRENCH REPAIR, SPECIAL	300	FEET	\$15.00	\$4,500.00	\$21.50	\$6,450.00	\$7.00	\$2,100.00	\$12.00	\$3,600.00	\$11.08	\$3,324.00	\$36.00	\$10,800.00
6	MANHOLE, STANDARD, 0' TO 10' DEEP, 2' INSI	1	EACH	\$900.00	\$900.00	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$1,335.00	\$1,335.00	\$625.00	\$625.00	\$752.00	\$752.00
7	MANHOLE, STANDARD, 0' TO 10' DEEP, 4' INSI	1	EACH	\$1,100.00	\$1,100.00	\$1,050.00	\$1,050.00	\$1,500.00	\$1,500.00	\$1,590.00	\$1,590.00	\$820.00	\$820.00	\$1,768.00	\$1,768.00
8	MANHOLE CASTING, EAST JORDAN #1000 OR	2	EACH	\$300.00	\$600.00	\$275.00	\$550.00	\$400.00	\$800.00	\$450.00	\$900.00	\$270.00	\$540.00	\$300.00	\$600.00
	TOTAL				\$14,790.00		\$18,220.00		\$14,325.00		\$15,540.00		\$10,566.00		\$24,176.60

Joan C. Fredricks

Gar M. Fredricks
1740 Randolph St.
Muskegon, MI 49441

Home Phone 231.755.1453

February 25, 2002

City of Muskegon,
Department of Public Works
933 Terrace Street
Muskegon, MI 49440

To Whom It May Concern,

I am writing this letter in response to the recent proposal to connect our residence to the city sewer system.

We have lived in this house at 1740 Randolph street for twelve years now. When we bought the home, the septic system was thoroughly checked and cleaned out by the previous owner. The septic system was found to be in good shape at that time. My husband and I live here, just the two of us. We often spend the weekends at a small cottage up north. We go out of town sometimes for three months at a time. My husband is retired. We do not have large water bills. They are the highest in the summer, when we run the underground sprinkling. We are not wasteful people. We seldom use the garbage disposal. We do not perform any automotive work on our vehicles and we are very selective about what is flushed down the toilet and drains. Because of this, we have never had a backup or clog in our drain(s).

Our house was built by an engineer, very particular about the construction. The driveway, concrete, basement floors, etc. are much thicker than normal. The house was very well built. This is only the second house we have owned in Glenside in the last forty years. We do not plan to move. Our house, with a walk-out basement facing Ruddiman Creek, provides for quite a serene setting. We have two and 1/2 baths, one being located just inside the back lower (mudroom) entrance. It is a full bath complete with a shower stall. The floor level of this bathroom is approximately eleven or twelve feet below the street level out front (Randolph). I have talked to a few people about the necessary equipment needed to pump the waste up to the street level, to tie into the city sewer and I don't think it sounded inexpensive to install or maintain, should there be a problem.

In closing I would like to say that I don't feel we should have to bear the complete and unnecessary expense and the future up-keep for installing and maintaining equipment, pumps, piping, etcetera, just to have us "tied-in" to the City's sewer system. I don't want to go "out of town" and worry about a leak in the "pump" that sends the waste uphill to the street level and come home to find an inch of sewage on my basement floor because the piping somehow froze up and split - . I think that we should be allowed to continue the use of our septic system "as is", and when (and if) there is ever a problem that calls for replacement of the tank, we would then have the option of connecting to the system. Our septic system works perfectly, without exception. Based on all the facts presented in this letter, I would like to mention the old adage - "Why fix it....., if it isn't broken?".

I also believe there are other things that need attention and could help to improve the situation at Ruddiman Creek, like the raccoon population. I just know that the few of us that still have a septic system are not the cause of any pollution.

Sincerely,



Joan C. Fredricks

**Breakdown for total costs incurred during the replacement
of our Septic system on 17 April, 2000**

1. Installation of five (5) concrete units, with a baffle off of the secondary dry well.

Cost = \$2,090

2. Landscaping, resulting from the subsequent destruction of the front yard.

Cost = \$1,102.29

- ⇒ Design fee \$150
- ⇒ 8 juniper \$55.60
- ⇒ 3 blue Holly \$38.85
- ⇒ 5 Evergreen Azalea \$39.75
- ⇒ 1 Frazier Fur \$150
- ⇒ 4 Yew \$32
- ⇒ 5 Euonemous \$40
- ⇒ 3 Rhododendrons \$45
- ⇒ 3 2 gallon Azalea \$40.99
- ⇒ Seed \$15.88
- ⇒ 15 lb. perennial \$23.96
- ⇒ 50 lb. Pea gravel \$7.08
- ⇒ Tan Oxford stone \$35.88
- ⇒ Tan Holland pavers \$13.65
- ⇒ Brown Holland pavers \$13.65
- ⇒ Hand split Cedar fencing \$50
- ⇒ Hardwood chips \$100
- ⇒ Underground sprinkling system \$250

Total costs incurred = \$3192.29

Costs (quoted and potential) to us if new sewer line is installed:

1. City hookup fee = \$600
2. Run and connect existing line(s) from our house to the new main = \$1485
Note: this is the amount quoted to us by Link Contractors on 26 February, 2002
3. Possibility of a grinder pump installation = \$1000

Total quoted and potential costs = \$3085

Commission Meeting Date: February 26, 2002

Date: February 21, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendments for Parking Standards

SUMMARY OF REQUEST:

Request to amend the parking standards of the Zoning Ordinance in order to update and modernize the requirements, as described in the proposed ordinance (attached).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their meeting on 2/14/02. The vote was unanimous.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2068

An ordinance to amend the Zoning Ordinance of the City to repeal and reserve Section 2327 (Restricted Parking Areas) and Section 2328 (Off-Street Parking Space Layout, Standards, Construction, and Maintenance) of Article XXIII (General Provisions) of the Zoning Ordinance; delete #1(e) of Section 401 (Special Land Uses Permitted) of Article IV (R One Family Residential Districts); delete #9 of Sections 401, and 701, #12 of Section 601, #6 of Section 801 and #5 of Section 901 (Special Land Uses Permitted) of Articles IV (R One Family Residential Districts), VI (RT Two-Family Residential Districts), VII (RM-1 Low Density Multiple-Family Residential Districts), VIII (RM-2 Medium Density Multiple-Family Residential Districts) and IX (RM-3 High Density Multiple-Family Residential Districts); repeal and reserve Section 511 (Off-Street Parking) of Article V (MHP Mobile Home Park Districts); delete #4(b) of Section 1301 (Special Land Uses Permitted) of Article XIII (B-4 General Business Districts); and to amend Section 2326 (Off-Street Parking and Loading) of Article XXIII (General Provisions).

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to repeal and reserve Sections 2327 (Restricted Parking Areas) and Section 2328 (Off-Street Parking Space Layout, Standards, Constructions, and Maintenance).

Article IV of the Zoning Ordinance of the City of Muskegon is hereby amended to delete #1(e) from Section 401 (Special Land Uses Permitted).

Articles IV and VII of the Zoning Ordinance of the City of Muskegon are hereby amended to delete #9 from Sections 401 and 701 (Special Land Uses Permitted).

Article VI of the Zoning Ordinance of the City of Muskegon is hereby amended to delete #12 from Section 601 (Special Land Uses Permitted).

Article VIII of the Zoning Ordinance of the City of Muskegon is hereby amended to delete #6 from Section 801 (Special Land Uses Permitted).

Article IX of the Zoning Ordinance of the City of Muskegon is hereby amended to delete #5 from Section 901 (Special Land Uses Permitted).

Article V of the Zoning Ordinance of the City of Muskegon is hereby amended to repeal and reserve Sections 511 (Off-Street Parking).

Article XIII of the Zoning Ordinance of the City of Muskegon is hereby amended to delete #4(b) from Section 1301 (Special Land Uses Permitted).

Article XXIII of the Zoning Ordinance of the City of Muskegon is hereby amended to replace the existing language with the following language in Section 2326 (Off-Street Parking and Loading):

Section 2326 OFF-STREET PARKING AND LOADING

1. Intent: It is the intent of this section that off-street parking spaces shall be provided and adequately maintained by each property owner in every district for the parking of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered, or enlarged under the provisions of this Ordinance.
2. Scope: At the time any building or structure is erected, enlarged or increased in capacity, or a new land use is established, off-street parking spaces for new or additional development shall be provided according to the requirements of this section and table 1-b.
3. Parking and Loading Plan Review: Whenever three (3) or more vehicle parking spaces are required for a given use of land, plans, specifications for the construction or alteration of an off-street parking area shall be submitted for approval by the Zoning Administrator before a development permit is issued. Such plans and specifications shall indicate the location, precise use of buildings, size, design, surfacing, marking, lighting, drainage, curbing and curb cuts, entrances, exits, landscaping, and other detailed features as required by the provisions and standards of this zoning ordinance and other applicable laws and rules.
4. Location of Parking Areas: In all districts, except Business Districts (B-1 through B-5), off-street parking and loading areas shall be located on the same lot or on an adjacent lot in the same zoning district as the building, structure, or the parking area is intended to serve. In the case of Business Districts, parking may be provided within three hundred (300) feet so long as the parking is not located in a residential zone.
5. Parking Areas Existing Before the Effective Date of this Ordinance: No parking area or parking space or loading area which exists at the time this Ordinance becomes effective shall be relinquished or reduced in any manner below the requirements established by this Ordinance.
6. Uses of Parking Areas: Parking spaces and loading areas shall be used exclusively for the parking of vehicles associated with a building, structure or land use in a manner consistent with the purpose for which it is designed. No commercial activity or selling of any kind shall be conducted within required parking areas. Permitted temporary uses may operate in overflow parking areas or setback areas provided no clear vision or other safety hazard is present. Vehicles shall not be repaired, stored, or displayed for sale or hire in parking lots unless the principal use is classified for such uses.
7. Design and access standards: Multi-family, commercial and industrial land use areas shall meet the screening, landscaping, and lighting standards of this ordinance.
8. Maintenance Standards: Parking and loading areas in all districts shall be paved, marked and defined by curbing or curb stops.

9. Maximum parking: The maximum amount of parking permitted for any use or group of uses shall not exceed the minimum parking requirements by more than one-third (33%)
10. Loading space required: In order to prevent undue interference with public use of streets, parking lots and alleys, uses such as manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use. Loading spaces shall:
 - a. Be provided as area additional to off-street parking space and shall not be considered as supplying off-street parking space.
 - b. Not interfere with fire access.
 - c. Provide adequate space for standing, loading, and unloading services and be not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for similar uses similarly involving the receipt or distribution by vehicles of materials or merchandise.
 - d. Have access provided as directly as possible from a public street or alley and be arranged so as to provide sufficient off-street maneuvering space.
11. Joint Use of Parking Areas: The joint use of parking facilities by two or more uses may be allowed whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
 - a. Computing Capacities: In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time each day. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced by the Planning Commission below the same total of the individual space requirements.
 - b. Record of Agreement: A copy of an agreement between joint users shall be provided to the City. The agreement shall include provisions which assure continued long-term use and maintenance of the parking facility by each party, and their successors in interest, including owners and occupants of the premises which are served by the parking facility.
12. Dimensional requirements: Each parking space shall be a minimum of eight (8) feet wide by eighteen (18) feet long. Maneuvering isles shall be a minimum of twelve (12) feet wide for one-way traffic and twenty-two (22) feet for two-way traffic. Excessively wide isles shall not be permitted.

TABLE IB: PARKING STANDARDS

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, fraternities, sororities	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities < 6 persons	Four (4) spaces.
Convalescent homes, convents or similar uses	One (1) space for each four (4) beds, plus one (1) space for every three (3) employees.
Mobile home parks	Two (2) spaces for each mobile home site, plus one (1) space for each mobile home park employee.
Multiple family dwellings	Two (2) spaces for each dwelling unit.
Single and two family dwellings	Two (2) spaces for each dwelling unit.
CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC & PRIVATE RECREATION & RELATED USES	
Educational and social institutions:	
Auditoriums and gyms (incidental to) schools, churches, and institutional buildings of similar use with fixed seats	One (1) space for each six (6) seats, plus one (1) space for every two (2) employees.
Auditoriums (other than incidental to schools and churches), lodge halls, fraternal organizations, private clubs, public meeting halls, community centers, or buildings of similar use without fixed seats	One (1) space for every six (6) persons of legal capacity as established by fire, building or health codes.
Charitable or philanthropic organizations	One (1) space for each four hundred (400) sq. ft. of usable floor area.
Elementary and junior high schools	Two (2) per classroom, plus separate parking where the school contains an auditorium and/or stadium or gym.
High schools and colleges	One (1) space for every employee, plus one (1) space for each five (5) students.
Hospitals, sanitariums	One (1) space for each three (3) patient beds, plus one (1) space for each three (3) employees.
Orphanages	One (1) per employee and one (1) per six (6) beds.
Libraries, museums, post offices	One (1) space for every eight hundred (800) sq. ft. of usable floor area, plus one (1) space for every four (4) employees.
Nursery school, home day care or child care centers	One (1) space for each four hundred (400) sq. ft. of usable floor area.
Private golf clubs, swimming pool clubs, tennis clubs, lodges or other similar uses	One (1) space for every two (2) member families or individuals, plus spaces required for each accessory use, such as a restaurant or bar.

Municipal buildings	One (1) space for each four hundred (400) sq. ft. of usable floor area.
Religious institutions: Churches or temples	One (1) space for each six (6) seats or twelve (12) feet of pews in the main unit of worship.
Utility and public service installations	One (1) space per four hundred (400) sq. ft. of gross floor area.
COMMERCIAL & RELATED USES	
Automatic Teller Machine (ATM) (free standing, not applicable when associated with another use)	Two (2) spaces per machine.
Automobile service and repair garages, gasoline filling and service stations (see convenience retail establishments)	Three (3) spaces for each repair and service stall, plus one (1) space for every employee.
Barber shops and beauty parlors	Two (2) spaces for each of the first two (2) beauty or barber chairs, and one-half (1/2) space for each additional chair.
Business service establishments: • Advertising and mailing • Banks and credit unions (excluding drive-thrus) • Employment services • Investment companies • Real estate companies	One (1) space for every four hundred (400) sq. ft. of useable floor area.
Business, vocational or trade schools	One (1) space per three-hundred (300) sq. ft. of gross floor area.
Catering service rental hall	One (1) space per every three persons permitted in the structure by fire code.
Clinics and professional offices of doctors, dentists, or similar professions	One (1) space for each fifty (50) sq. ft. of usable floor area in waiting rooms, and one (1) space for each examining room, dental chair, or similar use area.
Clothing, furniture, appliance, hardware, shoe repair, personal services (other than beauty and barber shops), and other retail	One (1) space for every four hundred (400) sq. ft. of usable floor area.
Mini-storage	One (1) space for every two (2) storage units (adjacent to the units) plus one for each employee
Convenience retail establishments	Three (3) spaces per each one thousand (1,000) sq. ft. of gross floor area.
Drive-through banks, cleaners, drug stores, and similar businesses	Space for five (5) cars between the sidewalk area and the pickup window, and one (1) space for every four hundred (400) sq. ft. of usable floor area if there is no customer space inside.
Food Service Establishments:	
• Drive-through restaurants or fast-food establishments	One (1) space per fifty (50) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.

Carry-out food or walk-up establishment including bakeries, ice cream shops and delicatessens if carry-out only, or if all seating is exterior only.	One (1) space for each employee, plus ten (10) spaces.
Restaurant or establishment for sale and consumption of beverages, food or refreshments on the premises including drive-in, but not including drive-through, restaurants	One (1) space for each two (2) persons allowed within the maximum occupancy load as established by the fire marshal.
Funeral homes and mortuaries	One (1) space for every twenty-five (25) sq. ft. of usable floor area of chapels and assembly rooms.
Antique shop, household equipment, showroom of a plumber, decorator, electrician or similar trade, and other similar uses (including resale shops but not flea markets)	One (1) space for each eight hundred (800) sq. ft. of usable floor area, plus one (1) additional space shall be provided for each two (2) persons employed therein.
Garden or nursery center, greenhouse (if it has retail sales)	One (1) space for each four hundred (400) sq. ft. of usable floor area, plus one (1) space for each two thousand (2,000) sq. ft. of exterior sales area.
General offices	One (1) space for every four hundred (400) sq. ft. of usable floor area.
General retail stores, except otherwise specified herein	One (1) space for every three hundred (300) sq. ft. of usable floor area.
Health or fitness club	One (1) space for each four hundred (400) sq. ft. of usable floor area.
Hotels, motels	One (1) space for each guest room, plus one (1) additional space for every five (5) employees.
Laundromats and coin operated dry cleaners	One (1) space for each five (5) washing and/or dry-cleaning machines.
Music, dance, martial arts and voice schools	One (1) space per three (3) students at any one time.
Open air business	One (1) space per three thousand (3,000) sq. ft. of exterior sales area, except for open air flea markets which require one (1) space for each three hundred (300) sq. ft. of exterior sales area.
Office supply, factory and mill supplies, and related activities	One (1) space for each four hundred (400) sq. ft. of gross floor area.
Personal service establishment (other than beauty or barber shop)	One (1) space per four hundred (400) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Planned commercial or shopping center	One (1) space for each four hundred (400) sq. ft. of usable floor area.
Repair services	One (1) space for each four hundred (400) sq. ft. of usable floor area, plus one (1) space for each employee.
Supermarket, self-service food store	One (1) space for every two hundred (200) sq. ft. of usable floor area.

Taverns, bars	One (1) space for every seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater.
Vehicle wash (automatic)	One (1) space for each one (1) employee. In addition, reserved parking spaces equal in number to two (2) times the maximum capacity of the vehicle wash. Maximum capacity of the vehicle wash shall mean the greatest number of vehicles possibly undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Vehicle wash (self-service or coin operated)	Two (2) stacking spaces for each washing stall, in addition to, the stall itself.
Indoor Entertainment	
Video or pinball arcade or similar uses	One (1) space per game, provided that where such games are an accessory use, one (1) space is required for each game above four (4) games.
Bingo parlor	One (1) space for each three (3) seats or one (1) per two hundred (200) sq. ft. of usable floor area, whichever is greater.
Bowling alleys	Five (5) spaces for each alley, plus one (1) space for each employee, plus spaces for each accessory use, such as a bar or restaurant.
Dance halls, pool and billiard rooms, exhibition halls, roller and ice skating rinks	One (1) space for each two (2) persons allowed within the maximum occupancy load as established by fire, building or health codes, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).
Indoor racquet courts	Three (3) spaces per court, plus one (1) space per employee on the largest shift, plus spaces for any other principal or accessory uses, plus one (1) space for every three (3) seats of spectator seating (one seat equals two feet of bench length).
Theaters and commercial auditoriums	One (1) space for each three (3) seats, plus one (1) for each two (2) employees.
Outdoor Entertainment	
Boat, canoe, jet ski and bicycle rental	Five (5) spaces per employee where it is the principal use; where it is an accessory use, parking may be waived partially or wholly in the discretion of the Zoning Administrator.
Commercial Campgrounds	Two (2) dust free 10'x30' spaces for every campsite.

Golf courses open to the public, except Miniature or "Par 3" courses	Four (4) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Golf driving range	One (1) space for each tee, plus one (1) space for each employee on the largest work shift.
Commercial Marinas	One and one-half (1-1/2) spaces per boat mooring slip.
Miniature or "Par 3" golf courses	Three (3) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Racquet sports	Three (3) spaces, plus three (3) spaces per court or one (1) per three (3) spectator seats, whichever is greater.
Stadiums and sport arenas	One (1) space for every four (4) seats or six (6) feet of benches.
Theme park, scenic area, amusement ride, water slide, go cart track and similar uses	Two (2) spaces per three (3) seats on amusement rides or twenty (20) spaces per ride or attraction with no specific or defined seating.
INDUSTRIAL & RELATED USES	
Auto body/paint shop	One (1) space per each service bay and employee.
Contract construction uses	One (1) space per employee, plus one (1) space per company vehicle.
Dangerous chemical manufacturing, storage and/or distribution	One (1) space per employee on the largest shift.
Incinerators and recycling centers	One (1) per employee, plus one (1) per each simultaneous truck.
Industrial or manufacturing establishments, testing laboratories, creameries, bottling works, printing and engraving shops	One space for every two (2) employees for industries working two (2) or more shifts. One space for every three (3) employees for industries working one shift or one space for every 400 square feet of gross floor area, whichever is greater.
Industrial service establishments	One (1) space for every two (2) employees for industries working two (2) or more shifts. One (1) space for every three (3) employees for industries working one (1) shift, or one (1) space for every four hundred (400) sq. ft. of gross floor area, whichever is greater.
Medical or dental laboratories	One (1) space per four hundred (400) sq. ft. of gross floor area.
Research and development establishments	One (1) space per employee on the largest shift.
Wholesale trade establishments and warehouses	One (1) space for every eight hundred (800) square feet of net floor area.

PLANNED UNIT DEVELOPMENTS	
Planned Unit Developments: • Commercial • Industrial Park • Institutional • Mixed use • Residential	Parking standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this schedule.

This ordinance adopted:

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

Nayes: None

Adoption Date: February 26, 2002

Effective Date: March 12, 2002

First Reading: February 26, 2002

Second Reading: N/A

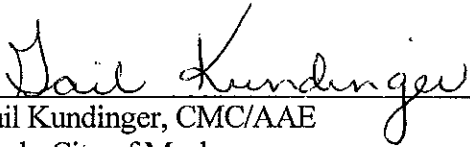
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of February, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: February 26, 2002.



Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on February 26, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the Zoning Ordinance to repeal and reserve Section 2327 (Restricted Parking Areas) and Section 2328 (Off-Street Parking Space Layout, Standards, Construction, and Maintenance) of Article XXIII (General Provisions) of the Zoning Ordinance; delete #1(e) of Section 401 (Special Land Uses Permitted) of Article IV (R One Family Residential Districts); delete #9 of Sections 401, and 701, #12 of Section 601, #6 of Section 801 and #5 of Section 901 (Special Land Uses Permitted) of Articles IV (R One Family Residential Districts), VI (RT Two-Family Residential Districts), VII (RM-1 Low Density Multiple-Family Residential Districts), VIII (RM-2 Medium Density Multiple-Family Residential Districts) and IX (RM-3 High Density Multiple-Family Residential Districts); repeal and reserve Section 511 (Off-Street Parking) of Article V (MHP Mobile Home Park Districts); delete #4(b) of Section 1301 (Special Land Uses Permitted) of Article XIII (B-4 General Business Districts); and to amend Section 2326 (Off-Street Parking and Loading) of Article XXIII (General Provisions).

The amendments provide for an update to the requirements for parking in the City, by relaxing the requirements for most commercial and industrial uses, increasing the requirement for most residential developments from one parking space per unit to two parking spaces per unit, adding a maximum parking cap for all parking areas, eliminating the 'restricted parking area' as a special use in residential districts, and eliminating the 'parking exempt district'.

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

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

Published March 2, 2002

CITY OF MUSKEGON

By _____
Gail A. Kunderinger
Its Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: February 26, 2002

Date: February 12, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CC*
RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate – DSC Products, Inc.

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, DSC Products, Inc., 1979 Latimer Drive, Muskegon, Michigan, has requested the issuance of an Industrial Facilities Exemption Certificate. Since the total capital investment for this project is \$305,000 in real property, \$415,000 personal property, as well as creating 7 new jobs, this request qualifies DSC Products, Inc. for a twelve (12) year exemption for real property and a seven (7) year exemption for personal property. DSC's current workforce is 36.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and seven (7) years for personal property.

COMMITTEE RECOMMENDATION:

None

*Real = \$415,000
personal = \$305,000*

Resolution No. 2002-25(a)

MUSKEGON CITY COMMISSION

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

DSC PRODUCTS, INC.

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on July 26, 1983, this Commission by resolution established an Industrial Development District as requested by DSC Products, Inc., 1979 Latimer Drive, Muskegon, Michigan 49442; and

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

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on February 26, 2002, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the building expansion and installation of machinery and equipment had not begun earlier than six (6) months before February 2, 2002, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

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

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

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

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

LOT 13, Port City Industrial Center, an Addition to the City of Muskegon, Section 34, Town 10 North, Range 16 West, as recorded in Liber 18 of Plats, pages 31-33, inclusive, Muskegon County Records.

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of twelve (12) years on real property and seven (7) year for personal property.

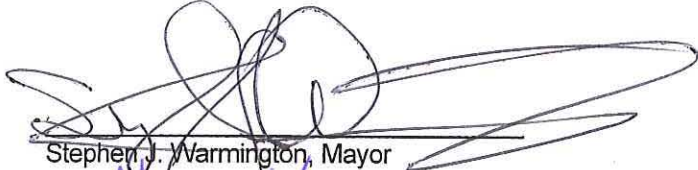
Adopted this 26th Day of February 2002

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

Nays: None

Absent: None

BY:


Stephen J. Warmington, Mayor

ATTEST:


Gail Kunding, Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on February 26, 2002.


Gail Kunding, Clerk

Michigan Department of Treasury, STC
1912 (Rev. 9-78)

L-4380

APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 196 of 1974, as amended. Section references on this form are to specific sections of the act that explain or require the data. Filing of this form is voluntary. The application should be filed after the district is established and no later than (within) six months after the commencement of the project. This project will not receive tax benefits until approved by the State Tax Commission.

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

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

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

1a. Applicant (Company) Name (Applicant must be the occupant/operator of the facility) D S C PRODUCTS INC		b. Standard Industrial Classification Code (Sec. 2(10)) Four Digit Code: 2834	
c. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 1979 LATIMER DRIVE, MUSKEGON, MI 49442		First time applicants attach copy of Workers Compensation policy displaying workers codes	
d. Location of Facility (No. and Street, City, State, ZIP) SAME		e. City/Town/Village MUSKEGON	f. County MUSKEGON
2. Type of Approval Requested ☐ NEW (SEC. 2(4)) ☐ SPECULATIVE BUILDING (SEC. 3(8)) ☐ REHABILITATION (SEC. 3(1)) ☐ TRANSFER (of existing certificate) (1 copy only) ☐ RESEARCH and DEVELOPMENT (SEC. 2(9))		3. School District Where Facility is Located a. School Code	
g. Explain Applicant's Principal Type of Business (Detailed description of operations) MANUFACTURE & PACKAGE PHARMACEUTICAL PREPARATIONS		4. How Many Years of Exemption Requested? (See note in box 19 regarding inclusion of the words "after completion.")	

5a. Rehabilitation Applicants Only: General Description and Use of Existing Facility (Number of buildings, type, size, use, products manufactured, type of research or development)	
b. Explain Degree and Type of Obsolescence Affecting Existing Facility.	

7. Describe Project for Which Exemption is Sought (Type of improvements to land, building; Size of Addition; Personal Property Acquired - Explain New - Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility NEW BUILDING & EQUIPMENT- SEE ATTACHED LIST.	
--	--

8. a. Cost of land improvements (Itemize) Excluding cost of land		\$ a. 15,000
b. Cost of building improvements. (List major types & cost on attachment.) Building permit required (See instructions on page 4, item 4)		b. 400,000
c. Cost of machinery and equipment. (Itemize: month, day & year and total on attachment; see instructions on page 4, item 2)		c. 275,000.
d. Cost of furniture and fixtures. (Itemize: month, day & year on attachment; see instructions on page 4, item 2)		d. 30,000

TOTAL PROJECT COST		\$ 720,000
--------------------	--	------------

Continue on Page 2

1012 (page 3)

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

NOTICE AFTER DEC. 31, 1993: Section 9 (2) (c) specifies that restoration, replacement or construction commence not earlier than 6 months before this application is filed. Estimate dates when applicable.

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

	Begin (M/D/Y)	End (M/D/Y)
Real Property Improvements:	12/15/01	12/31/02
Personal Property Improvements:	01/01/02	6/30/03

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

☐ OWNED ☒ LEASED (Attach copy of lease.)

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

☒ YES ☐ NO

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

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

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

a. State Enterprise Zone or State Renaissance Zone

Clerk's Certification

☐ YES ☒ NO

b. 307 Site Contaminated Property File Number

☐ YES ☒ NO

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

a. Enter total number of employees at site prior to start of project. 33

b. Number of existing jobs that can be identified at this site that will be retained as a result of this project? 10

c. Number of new jobs at this site expected to be created within 2 years of project completion? 7

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

a. ☐ YES ☒ NO

b. Number of Jobs involved in Facility Relocation

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

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

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

a. SEV of Real Property (Exclude Land)

b. SEV of Personal Property (Exclude Inventory)

c. Total SEV

as of Dec. 31, 19

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

☒ INDUSTRIAL DEVELOPMENT DISTRICT

b. Name of Governing Unit that Established District

CITY OF MUSKEGON

c. Date District was Established

1983
Attach certified copy of resolution and drawing of district.

NOTICE AFTER DEC. 31, 1993: Section 9(2)(b) provides that a written request (Date stamped by local unit) to establish the district MUST be filed prior to the commencement of any improvements or construction. Please furnish a copy of the written request.

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

☒ NO - Go to 17 below

☐ YES - Complete b, c and d

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

c. Date of Resolution (Attach copy)

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

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

☐ Owner

☐ Assessor

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

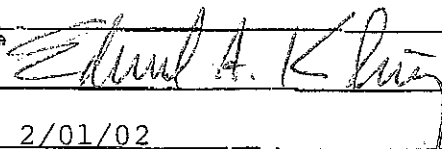
Continue on Page 3

1012 (Page 3)

APPLICANT'S CERTIFICATION

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

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

18. Name of Person to Contact for Further Information EDWARD KLING	Title PRESIDENT	Phone (231) 777-3012
Mailing Address 1979 LATIMER DRIVE, MUSKEGON, MI 49442		
Type Name of Company Officer EDWARD KLING	Signature 	
Title PRESIDENT	Date 2/01/02	

LOCAL GOVERNMENT ACTION

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

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

20. Name of Local Government Body	Date of Action on This Application
Attached hereto is a copy of the application and all documents required.	
Signature of Clerk	Date
Clerk's Mailing Address	Phone
	City
	ZIP Code

State Tax Commission Rule Number 57:

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

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

Mail completed application and all attachments to:

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

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

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



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

DSC PRODUCTS, INC., an existing manufacturing company located at 1979 Latimer Drive, Muskegon, Michigan, is constructing a building addition, as well as installing new machinery and equipment to expand its present operation. The company manufactures and packages pharmaceutical preparations. Due to the fact that the company is investing more than \$720,000, in both real and personal property and is creating 7 new employment opportunities, it is eligible for a twelve (12) year exemption for real property and seven (7) year exemption for personal property.

Employment Information:

Racial Characteristics:

White	25	(69.5%)
Minority	11	(30.5%)
Total	36	

Gender Characteristics:

Male	22	(61%)
Female	14	(39%)
Total	36	

Total No. of Anticipated New Jobs: 7

Investment Information:

Real Property:	\$305,000
Personal Property	\$415,000
Total:	\$720,000

Property Tax Information (Annual)

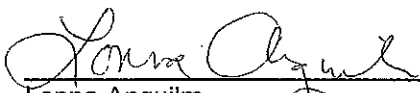
	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$19,800	\$3,600
Value of Abatement	\$ 9,900	\$1,800
Total New Taxes Collected	\$ 9,900	\$1,800

Income Tax Information: (Annual)

Total Additional Income Tax Generated: **\$2,184**

Company Requirements:

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


Lonna Anguilm
Assistant Planner


Ken James
Affirmative Action

Date: February 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Division, Southern to Western

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-25(b)

Resolution At First Hearing Creating Special Assessment District
For **Division Street, Southern to Western**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 26, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 26, 2002**, there were 16.67% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **21.30%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 26, 2002**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

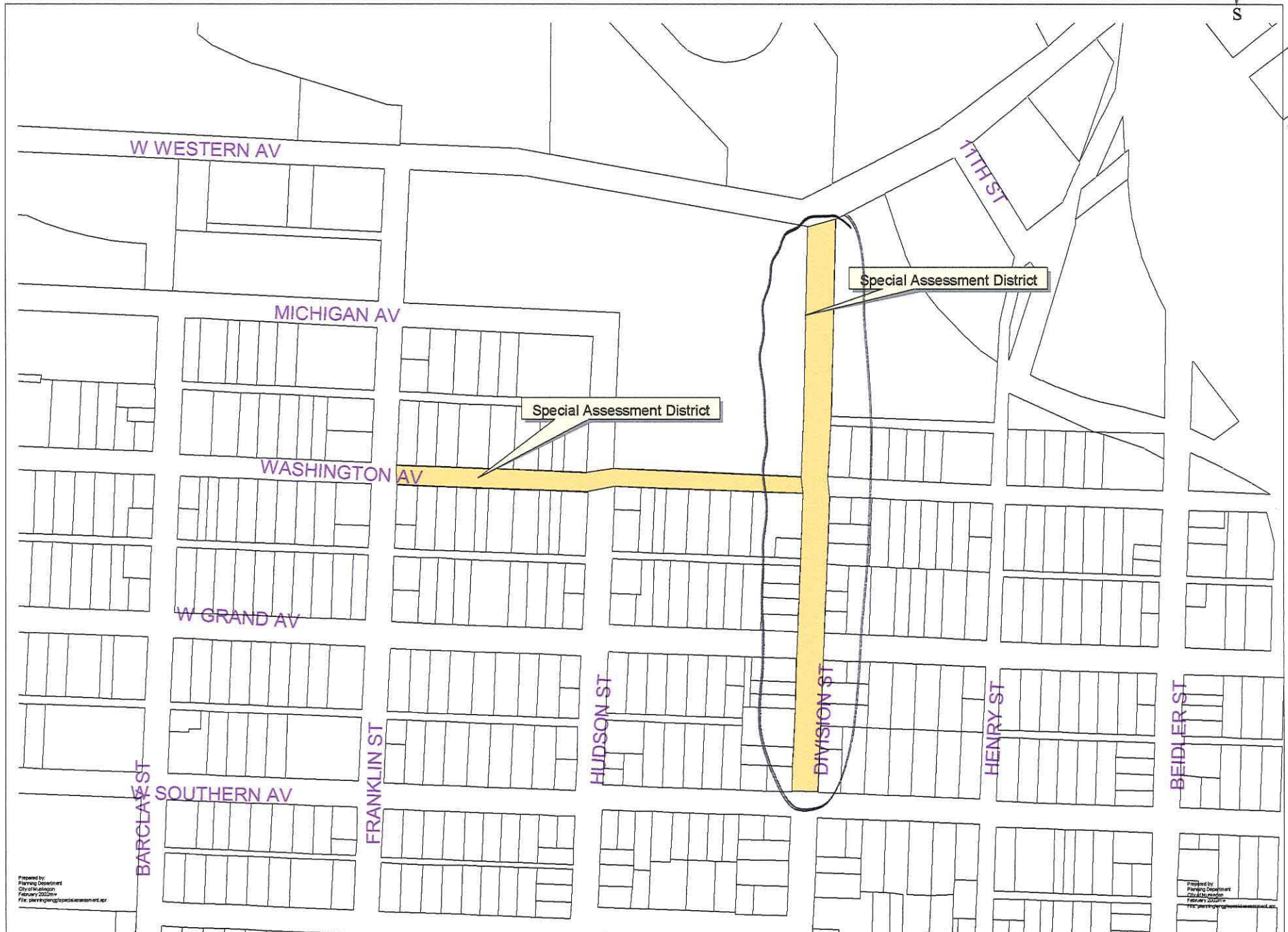
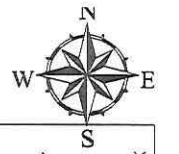
EXHIBIT A

DIVISION STREET FROM SOUTHERN TO WESTERN

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Division Street from Southern to Western

SPECIAL ASSESSMENT DISTRICT
CITY OF MUSKEGON, MI



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1540, DIVISION-SOUTHERN TO WESTERN AVE

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF JANUARY, 2002.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

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

JoAnn M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
JoAnn M Krukowski
MY COMMISSION EXPIRES 5-13-05

ENGINEERING FEASIBILITY STUDY

For

DIVISION STREET FROM SOUTHERN TO WESTERN

The proposed milling and resurfacing of Division Street between Southern and western, 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 which could 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. In addition to aforementioned, as part of this proposed construction, it also our intention to replace any and all galvanized water service with a new copper once as well as upgrade a section of the water main.

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 \$210,000 with the length of the project being approximately 1,500 lineal feet or 2,481.03 of assessable front footage. This translates into an estimated improvement cost of \$84.64 per assessable foot. However, based on the 2002 assessment figure for this type of improvement the assessment will not exceed \$18.00 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 13, 2002

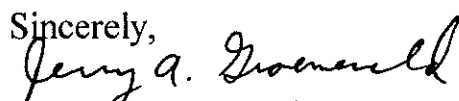
Mohammed Al-Shatel, City Engineer
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Division Street located between Western 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 13, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$ 18.00 appears reasonable in light of analysis that indicates a probable enhancement of \$20.85. 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

FEBRUARY 15, 2002

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49443

7

Parcel Number XX-XXX-XXX-XXXX-XX: at XXXX W WESTERN AVE

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, Southern to Western Ave

The proposed special assessment district will be located as follows:

All parcels abutting Division from N of Southern to S of Western Ave.

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 26th, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$210,000.00 of which approximately 21.3% (\$44,658.54) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 861 WASHINGTON AVE

Parcel Number 24-205-477-0007-00

Assessable Frontage: 36.9 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$664.20

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 477
W 57.7 FT OF N 73.8 FT LOT 7

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

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

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

VASQUEZ CARLOS A MCARTHUR
SCOTT

CITY OF MUSKEGON - H 1540
DIVISION, SOUTHERN TO WESTERN
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

PERSONAL INFORMATION

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

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

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

INCOME INFORMATION

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

_____ **Wage earner:** _____
 _____ **Wage earner:** _____
 _____ **Wage earner:** _____

Total: \$ _____

PROPERTY INFORMATION

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

Homeowner's Insurance Co: _____ **Expiration Date:** _____

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

- 1. Houston Ave., First to Third**
- 2. Division St., Southern to Western**
- 3. Washington, Division to Franklin**

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

- **All parcels abutting Houston Ave. from First to Third**
- **All parcels abutting Division from Southern to Western**
- **All parcels abutting Washington from Division to Franklin**

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 26, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **February 16, 2002**

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

SPECIAL ASSESSMENT

HEARING DATE FEBRUARY 26th, 2002 H-1540 MILLING and RESURFACING

Division, Southern to Western Ave

24-205-466-0001-00	P & G HOLDINGS LLC PO BOX 786 @ 1330 WESTERN AV MUSKEGON MI 49443-078	ASSESSABLE FEET: 337.47 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$6,074.46
24-205-466-0001-10	NEXCOM 921 W WESTERN LLC 880 W BROADWAY SUITE B @ 921 WESTERN AV MUSKEGON MI 49441	ASSESSABLE FEET: 203.96 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$3,671.28
24-205-467-0001-00	P & G HOLDING LLC PO BOX 786 @ 1321 DIVISION ST MUSKEGON MI 49443-078	ASSESSABLE FEET: 593 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$10,674.00
24-205-476-0001-06	M J BLAIS LLC 1401 MANDEL AVE @ 1404 DIVISION ST WESTCHESTER IL 60154	ASSESSABLE FEET: 66 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,188.00
24-205-477-0006-10	GUTIERREZ ANTONIO/HORTEN 1444 DIVISION ST @ 1444 DIVISION ST MUSKEGON MI 49441	ASSESSABLE FEET: 51 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$918.00
24-205-477-0006-20	ELMORE DAVID B/VICKIE L 1450 DIVISION ST @ 1450 DIVISION ST MUSKEGON MI 49441	ASSESSABLE FEET: 49.2 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$885.60

Division, Southern to Western Ave

24-205-477-0007-00	VASQUEZ CARLOS A/MCARTHU 15136 OAKLAND	ASSESSABLE FEET: 36.9 COST PER FOOT: \$18.00
@ 861 WASHINGTON	SPRING LAKE MI 49456-000	<u>ESTIMATED P.O. COST:</u> \$664.20
24-205-477-0008-00	FIERRO PABLO/ZULEMA 1458 DIVISION ST	ASSESSABLE FEET: 64 COST PER FOOT: \$18.00
@ 1458 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u> \$1,152.00
24-205-477-0008-10	WOODARD JEFFREY 1468 DIVISION ST	ASSESSABLE FEET: 52 COST PER FOOT: \$18.00
@ 1468 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u> \$936.00
24-205-477-0008-20	CUTLER JACK B/CECELIA L 1480 DIVISION ST	ASSESSABLE FEET: 58 COST PER FOOT: \$18.00
@ 1480 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u> \$1,044.00
24-205-478-0001-00	WHITE STEPHEN/MASAN LUCIL 2924 SANFORD ST	ASSESSABLE FEET: 115 COST PER FOOT: \$18.00
@ 889 WASHINGTON	MUSKEGON HEI MI 49444	<u>ESTIMATED P.O. COST:</u> \$2,070.00
24-205-478-0001-10	WEESIES HEATHER 1451 DIVISION ST	ASSESSABLE FEET: 50 COST PER FOOT: \$18.00
@ 1451 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u> \$900.00
24-205-478-0015-00	FIERRO PABLO/ZULEMA 1473 DIVISION ST	ASSESSABLE FEET: 40.5 COST PER FOOT: \$18.00
@ 1473 DIVISION ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u> \$729.00

Division, Southern to Western Ave

24-205-478-0015-10	BRICENO GUILLERMO 1481 DIVISION ST @ 1481 DIVISION ST	MUSKEGON MI 49441	ASSESSABLE FEET: 40.5 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$729.00
24-205-478-0016-00	FIERRO PABLO R 1461 DIVISION ST @ 1461 DIVISION ST	MUSKEGON MI 49441	ASSESSABLE FEET: 47 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$846.00
24-205-478-0016-10	VANDERWELL KATHRYN K 1467 DIVISION ST @ 1467 DIVISION ST	MUSKEGON MI 49441	ASSESSABLE FEET: 37 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$666.00
24-205-486-0015-10	CITY OF MUSKEGON 933 TERRACE ST @ 880 SOUTHERN AV	MUSKEGON MI 49443	ASSESSABLE FEET: 66 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,188.00
24-205-486-0016-00	JOHNSON LOUISE J 1533 DIVISION ST @ 1533 DIVISION ST	MUSKEGON MI 49441	ASSESSABLE FEET: 49.5 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$891.00
24-205-486-0017-00	FOSTER BRIAN 3232 MCMILLAN RD @ 1517 DIVISION ST	TWIN LAKE MI 49457	ASSESSABLE FEET: 99 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,782.00
24-205-486-0018-00	O BRIEN MICHAEL J 1513 DIVISION ST @ 1513 DIVISION ST	MUSKEGON MI 49441	ASSESSABLE FEET: 33 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$594.00

Division, Southern to Western Ave

24-205-486-0018-10	AMAYA JOHN J 1507 DIVISION	ASSESSABLE FEET: 33
@ 1507 DIVISION ST	MUSKEGON MI 49441	COST PER FOOT: \$18.00
		<u>ESTIMATED P.O. COST:</u> \$594.00
24-205-486-0019-00	GOMEZ ANTHONY S 6884 WILDWOOD CT	ASSESSABLE FEET: 66
@ 1497 DIVISION ST	FRUITPORT MI 49415	COST PER FOOT: \$18.00
		<u>ESTIMATED P.O. COST:</u> \$1,188.00
24-205-487-0006-10	WALKER GORDON 1506 DIVISION ST.	ASSESSABLE FEET: 58
@ 1506 DIVISION ST	MUSKEGON MI 49441	COST PER FOOT: \$18.00
		<u>ESTIMATED P.O. COST:</u> \$1,044.00
24-205-487-0006-20	G K INVESTMENT CO 974 W NORTON AVE	ASSESSABLE FEET: 60
@ 1516 DIVISION ST	MUSKEGON MI 49441	COST PER FOOT: \$18.00
		<u>ESTIMATED P.O. COST:</u> \$1,080.00
24-205-487-0007-00	PALO JOANN MARIE 1498 DIVISION	ASSESSABLE FEET: 58
@ 1498 DIVISION ST	MUSKEGON MI 49441	COST PER FOOT: \$18.00
		<u>ESTIMATED P.O. COST:</u> \$1,044.00
24-205-487-0008-00	HELLER MICHELLE 1524 DIVISION ST	ASSESSABLE FEET: 60
@ 1524 DIVISION ST	MUSKEGON MI 49441	COST PER FOOT: \$18.00
		<u>ESTIMATED P.O. COST:</u> \$1,080.00
24-205-487-0008-10	MCINTYRE SUZANNE/BUTTERM 862 W SOUTHERN AVE	ASSESSABLE FEET: 57
@ 862 SOUTHERN AV	MUSKEGON MI 49441	COST PER FOOT: \$18.00
		<u>ESTIMATED P.O. COST:</u> \$1,026.00

HEARING DATE FEBRUARY 26th, 2002 H-1540 MILLING and RESURFACING
Division, Southern to Western Ave

SUM OF ASSESSABLE FOOTAGE: 2481.03 **SUM OF ESTIMATED P.O. COST:** **\$44,658.54**

TOTAL NUMBER OF ASSESSABLE PARCELS 27

PARCEL WITH \$0.00 TOTAL ARE EXEMPT

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 862 W SOUTHERN AVE

Parcel Number 24-205-487-0008-10

Assessable Frontage: 57 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,026.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 487
S 114 FT LOT 8

RECEIVED
FEB 19 2002
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

February 18, 2002

Regarding: Division Assessment
Parcel Number: 24-205-487-0008-10

Suzanne McIntyre
862 W. Southern
Muskegon, MI. 49441

Muskegon City Commission
P.O. Box 536- City Hall
933 Terrace Street
Muskegon, MI. 49443-0536

Dear City Commission,

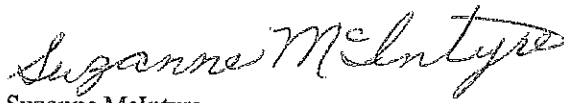
I appreciate your efforts to keep our city at its finest, but I am definitely against a special assessment for Division Street. For some reason, there are many very heavy vehicles using Division Street since the bridge on Seaway Drive was constructed. There was a closure on Seaway Drive and the trucks started using Division. They also use Southern which has caused some problems. Many of the trucks run over the curb at Southern and Division besides creating a noise factor. You may not have sympathy with this, but my effort to keep this visually nice have been difficult.

Also, the added expense at this time would be unbearable for many along this stretch of Division. I personally am retired and have to manage a budget very carefully. The economic times are currently very difficult for myself and others. Many people are out of work.

Because my home faces Southern, I don't use Division. If a study were done on the use of this part of Division, I believe you would find the trucks were much of the problem with Division. In fact, my whole house has shook when some of these trucks have passed.

In conclusion, because of the reasons I have mentioned in the previous paragraphs, I am against the assessment of property owners.

Respectfully submitted,


Suzanne McIntyre

RECEIVED
FEB 20 2002
City Clerks Office

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave
Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 1533 DIVISION ST
Parcel Number 24-205-486-0016-00
Assessable Frontage: 49.5 Feet
Estimated Front Foot Cost: \$18.00 per Foot
ESTIMATED TOTAL COST \$891.00

RECEIVED

FEB 25 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 486
LOT 16

Your vote COUNTS!

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

I AM IN FAVOR



*But fall
under waiver*

I AM OPPOSED



*Division + all streets across it need to be replaced + chain
seaway needs repair*

Owner

X

CoOwner/Spouse

Signature

Louise Johnson

Signature

Address

1533 Division

Address

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

JOHNSON LOUISE J

SUBJECT:

DATE:

Mohammed Al-Shatel
 City Engineer -
 City Assessor's office:

I'm 58 yrs old, I earn \$8.00 an hour. I was laid off to last year. I fall under the waiver. However, the Streets Division + all paving need repair. The landlords in this area could pay for it. They rent to welfare make big bucks, do little to improve the neighborhood. If the City doesn't fix the Wins area, it will get worse + it sets in front of the Heritage Park. If the city doesn't fix up the neighborhood we'll never get rid of the drug dealers. On Southern there is a Mexican connection. All the kids go there, buy there. They run the streets at night, screaming, yelling, threatening. I've lived here 3 yrs + there has been no repairs, no drug busts. We're told keep quiet or they'll trash our house. It's not safe to go out at night. My house sits between a fire bug + a trash collector + an empty cluttered city lot.

Trash
 collector
 empty
 lot

1533
 me

FIRE Bug

I can't open any windows in the summer. His awful fires are everyday + through the night most nights. We could all loose our homes. He urinates in

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 1497 DIVISION ST
Parcel Number 24-205-486-0019-00
Assessable Frontage: 66 Feet
Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,188.00

RECEIVED
FEB 25 2002
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 486
LOT 19
EX W 16 FT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Anthony Scott Gomez CoOwner/Spouse _____
Signature Anthony Scott Gomez Signature _____
Address 6884 Woodward Ct Address _____
FRUITPORT MI 49415

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

GOMEZ ANTHONY S

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 1458 DIVISION ST

Parcel Number 24-205-477-0008-00

Assessable Frontage: 64 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$1,152.00

RECEIVED

FEB 26 2002

Property Description

City Clerks Office

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 477
N 64 FT LOT 8

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner <u>Pablo Fierro</u>	CoOwner/Spouse <u>Zulema Fierro</u>
Signature <u>[Signature]</u>	Signature <u>[Signature]</u>
Address <u>1458 Division</u>	Address <u>1458 Division</u>

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By FEBRUARY 26th, 2002

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 1451 DIVISION ST

Parcel Number 24-205-478-0001-10

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST **\$900.00**

RECEIVED

FEB 26 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 478
S 50 FT LOT 1

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner	<u>Heather Weiss; 23</u>	CoOwner/Spouse	_____
Signature	<u>Heather Weiss</u>	Signature	_____
Address	<u>1451 Division st</u>	Address	_____

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

1931FAS, 2004T, 45R

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 1468 DIVISION ST

Parcel Number 24-205-477-0008-10

Assessable Frontage: 52 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$936.00

RECEIVED
FEB 22 2002
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 477
S 52 FT OF N 116 FT LOT 8

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Cell Woodard

CoOwner/Spouse

Lucinda Woodard

Signature

1468 Division

Signature

Lucinda Woodard

Address

1468 Division

Address

1468 Division St.

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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:	1461	DIVISION ST
Parcel Number	24-205-478-0016-00	
Assessable Frontage:	47	Feet
Estimated Front Foot Cost:	\$18.00	per Foot
ESTIMATED TOTAL COST	\$846.00	

RECEIVED
FEB 25 2002
City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 478
N 47 FT LOT 16

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

Pablo Fierro

CoOwner/Spouse

Zulema Fierro

Signature

1461 Division St.

Signature

Zulema Fierro

Address

Address

1461 Division St.

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

FIERRO PABLO

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Division, Southern to Western Ave

Project Description: All parcels abutting Division from N of Southern to S of Western Ave.

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: 1473 DIVISION ST

Parcel Number 24-205-478-0015-00

Assessable Frontage: 40.5 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$729.00

RECEIVED

FEB 25 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 478
N 1/2 LOT 15
EX W 2 FT

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Pablo Fierro

CoOwner/Spouse

Zulema Fierro

Signature

[Signature]

Signature

[Signature]

Address

1473 Division

Address

1473 Division

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

FIERRO PABLO J. A. H.

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

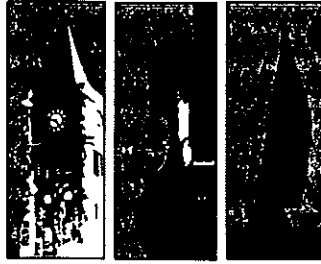
Public Works
231/724-4100
FAX/722-4188

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 15, 2002

VANDERWELL KATHRYN K
1467 DIVISION ST
MUSKEGON, MI 49441

14

Parcel Number 24-205-478-0016-10: at 1467 DIVISION ST

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

Division, Southern to Western Ave

The proposed special assessment district will be located as follows:

All parcels abutting Division from N of Southern to S of Western Ave.

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 26th, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

NO

Kathy Vanderwell

Feb 26, 2002

H-1540 DIVISION ST., SOUTHERN AVE. TO WESTERN AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 27									
			FOR					OPPOSE				
			LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	2481.030 ***		26	24-205-486-0016-00	1533	DIVISION	49.50	2	24-205-187-0008-10	862	W SOUTHERN	57.00
FRONT FEET OPPOSED	413.5	16.67%						11	24-205-476-0001-10	1451	DIVISION	50.00
								12	24-205-477-0008-00	1458	DIVISION	64.00
								13	24-205-478-0016-00	1461	DIVISION	47.00
RESPONDING FRONT FEET IN FAVOR	49.500	2.00%						16	24-205-478-0015-00	1473	DIVISION	40.50
								19	24-205-486-0019-00	1497	DIVISION	66.00
NOT RESPONDING - FRONT FEET IN FAVOR	2018.030	81.34%							24-205-478-0016-10	1467	DIVISION	37.00
									24-205-477-0008-10	1468	DIVISION	52.00
TOTAL FRONT FEET IN FAVOR	2067.530	83.33%										
TOTALS							49.50					
												413.50

TABULATED AS OF: 02/26/02 05:32 PM

Date: February 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Washington, Division to Franklin

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-25(c)

Resolution At First Hearing Creating Special Assessment District
For **Washington Ave., Division to Franklin**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 26, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 26, 2002**, there were 12.61 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **19.10%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 26, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

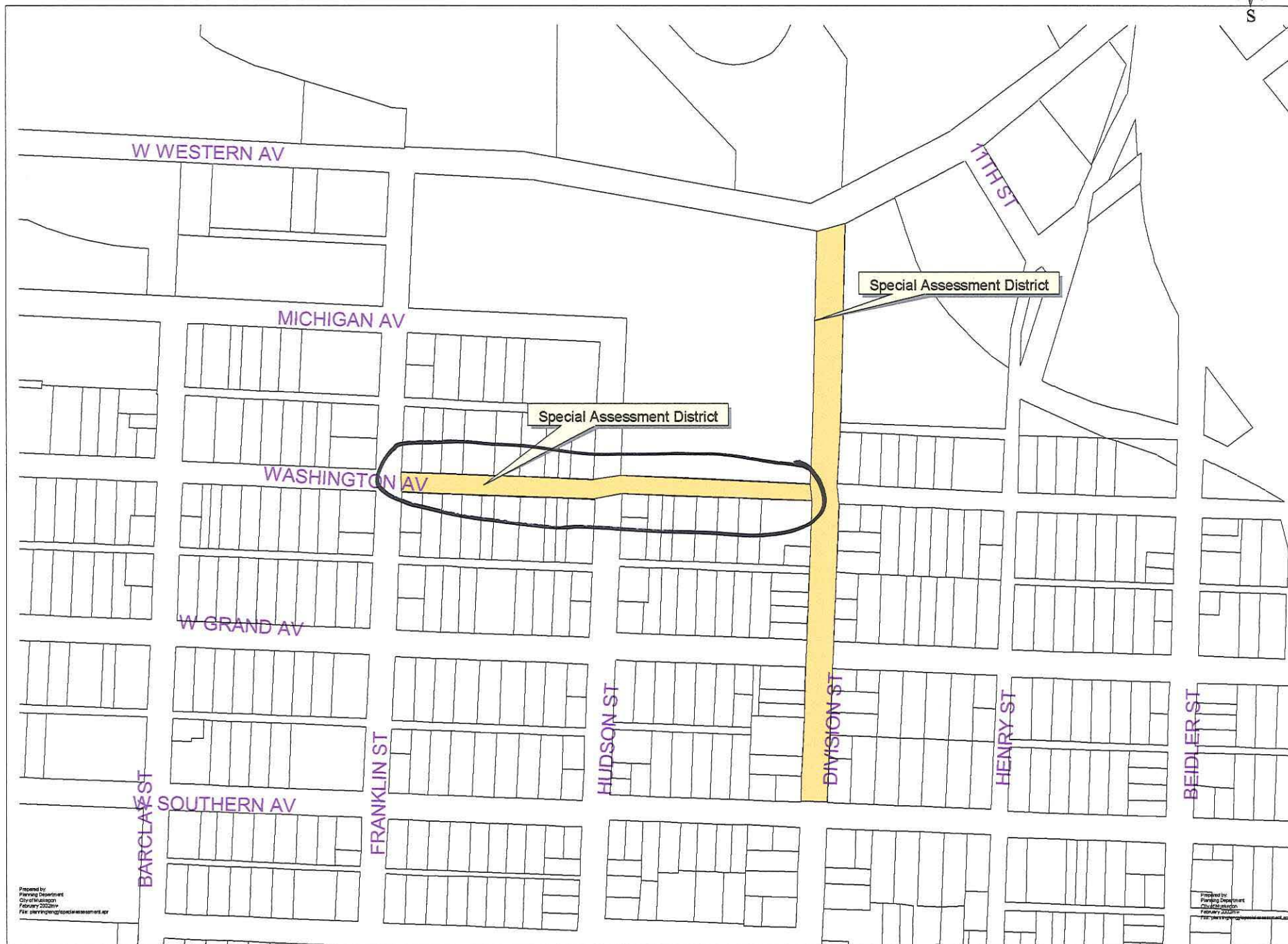
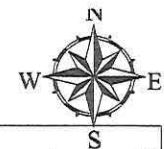
EXHIBIT A

WASHINGTON FROM DIVISION TO FRANKLIN

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Washington from Division to Franklin

SPECIAL ASSESSMENT DISTRICT
CITY OF MUSKEGON, MI



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1538 WASHINGTON, DIVISION TO FRANKLIN

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF JANUARY, 2002.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

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

Jo Ann M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
Jo Ann M Krukowski
MY COMMISSION EXPIRES 5-13-05

ENGINEERING FEASIBILITY STUDY

For

WASHINGTON AVE. FROM DIVISION TO FRANKLIN

The proposed reconstruction of Washington Street between Division and Franklin, see attached location map, was initiated by the City due to the conditions of the road and the fact that this project was on the five year capital improvement plan. The proposed improvement consists of total removal of all existing pavements including curb and gutter and the placement of a new street pavement that will include a new curb and gutter. In addition to the roadway work, we will, if the district is created, construct a new 8" water main and as well as a new 12" sanitary sewer along with services.

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

The preliminary cost estimate for the work associated with paving is approximately \$350,000 with the length of the project being approximately 1207 lineal feet or 1842.95 of assessable front footage. This translates into an estimated improvement cost of \$290 per assessable foot. The assessment figure will be at a cost not to exceed \$36.36 per front foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

February 13, 2002

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Washington Avenue located between Franklin Street and Division Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 13, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$ 36.35 appears reasonable in light of analysis that indicates a probable enhancement of \$37.40. 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

FEBRUARY 15, 2002

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49444 1

Parcel Number XX-XXX-XXXX-XX: at XXX WASHINGTON AVE

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:

Washington, Division to Franklin.

The proposed special assessment district will be located as follows:

All parcels abutting Washington from west of Division to west of Franklin

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 26th, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$350,000.00 of which approximately 19.1% (\$66,991.23) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Washington, Division to Franklin.
Project Description: All parcels abutting Washington from west of Division to west of Franklin

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:	889	WASHINGTON AVE
Parcel Number	24-205-478-0001-00	
Assessable Frontage:	64	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$2,326.40	

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 478
LOT 2
& N 115 FT OF LOT 1

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

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

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

CITY OF MUSKEGON - H 1538
WASHINGTON, DIVISION TO FRANKLIN
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

- 1. Houston Ave., First to Third**
- 2. Division St., Southern to Western**
- 3. Washington, Division to Franklin**

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

- **All parcels abutting Houston Ave. from First to Third &**
- **All parcels abutting Division from Southern to Western**
- **All parcels abutting Washington from Division to Franklin**

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 26, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **February 16, 2002**

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

SPECIAL ASSESSMENT

HEARING DATE FEBRUARY 26th, 2002 H-1538 RECONSTRUCTION

Washington, Division to Franklin.

24-205-467-0001-00	P & G HOLDING LLC PO BOX 786 @ 1321 DIVISION ST MUSKEGON MI 49443-078	ASSESSABLE FEET: 480 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$17,448.00
24-205-473-0009-00	MUSKEGON COUNTY HABITAT 1330 5TH ST @ 1032 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 49.5 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,799.33
24-205-473-0010-00	MUSKEGON COUNTY HABITAT 1330 5TH ST @ 1022 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 24.75 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$899.66
24-205-473-0010-10	CUMINGS DARWIN JR/RICHARD 1012 WASHINGTON AVE @ 1018 WASHINGTON MUSKEGON MI 49442	ASSESSABLE FEET: 24.75 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$899.66
24-205-473-0011-00	CUMINGS DARWIN L/RICHARD A 1012 WASHINGTON AVE @ 1012 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 49.5 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,799.33
24-205-473-0012-00	HAYDU TAMMI M 1006 WASHINGTON AVE @ 1006 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 80.95 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,942.53

Washington, Division to Franklin.

24-205-473-0014-00	AGUIRRE MONICA 992 WASHINGTON AVE @ 992 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 64 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,326.40
24-205-473-0015-00	MLA INC 30521 SCHOENHERR @ 984 WASHINGTON WARREN MI 48093	ASSESSABLE FEET: 64 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,326.40
24-205-473-0016-00	RUEL JANE F 1825 ELWOOD @ 974 WASHINGTON MUSKEGON MI 49442	ASSESSABLE FEET: 32 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,163.20
24-205-473-0016-10	PEETS GARY A/DARLENE D 1436 CLARK ST @ 970 WASHINGTON MUSKEGON MI 49442	ASSESSABLE FEET: 32 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,163.20
24-205-473-0017-00	ARCHER MICHAEL W 966 WASHINGTON AVE @ 966 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 64 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,326.40
24-205-478-0001-00	WHITE STEPHEN/MASAN LUCIL 2924 SANFORD ST @ 889 WASHINGTON MUSKEGON MI 49444	ASSESSABLE FEET: 64 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,326.40
24-205-478-0003-00	NOORDHOFF ROBERT 195 W APPLE AVE APT 5 @ 901 WASHINGTON MUSKEGON MI 49440	ASSESSABLE FEET: 55.5 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,017.43

Washington, Division to Franklin.

24-205-478-0004-00	CITY OF MUSKEGON P O BOX 536 @ 909 WASHINGTON MUSKEGON MI 49443	ASSESSABLE FEET: 55.5 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,017.43
24-205-478-0005-00	TERRIAN DAMIEN/ANGELA 915 WASHINGTON AVE @ 915 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 55.5 — COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,017.43
24-205-478-0006-00	ARMSTRONG RETHA J 6295 HEIGHTS RAVENNA RD @ 921 WASHINGTON FRUITPORT MI 49415-869	ASSESSABLE FEET: 55.5 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,017.43
24-205-478-0007-00	TRICE GLADYS M 933 WASHINGTON AVE @ 933 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 33 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,199.55
24-205-478-0007-10	WESLEY JOANN 935 WASHINGTON AVE @ 935 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 33 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,199.55
24-205-478-0008-00	MEIER BARRY M 139 MONROE AVE @ 943 WASHINGTON MUSKEGON MI 49440	ASSESSABLE FEET: 32 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,163.20
24-205-479-0001-00	PUTHOFF C RICHARD 1400 LAKESHORE CT #4 @ 969 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 74 ✓ COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,689.90

Washington, Division to Franklin.

24-205-479-0001-10	DIAZ MARIA 970 WASHINGTON AVE @ 971 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 24' COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$872.40
24-205-479-0001-20	SNYDER PAUL 975 WASHINGTON AVE @ 975 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 30' COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,090.50
24-205-479-0002-00	SPOFFORD CURTIES J/JULIE A 985 WASHINGTON AVE @ 985 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 64' COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,326.40
24-205-479-0003-00	VASQUEZ MANUEL S/MARIA A 991 WASHINGTON AVE @ 991 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 64' COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,326.40
24-205-479-0004-00	CASTANON JOSE A 894 W GRAND AVE @ 999 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 33.5' COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,217.73
24-205-479-0005-00	HERNANDEZ JOSE S 1005 WASHINGTON AVE @ 1005 WASHINGTON MUSKEGON MI 49441	ASSESSABLE FEET: 55.5' COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,017.43
24-205-479-0006-00	CITY OF MUSKEGON P O BOX 536 @ 1013 WASHINGTON MUSKEGON MI 49443	ASSESSABLE FEET: 49.5' COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,799.33

Washington, Division to Franklin.

24-205-479-0007-00	LEROUX EUGENE	ASSESSABLE FEET:	49.5 ✓
	3558 MOHAWK DR	COST PER FOOT:	\$36.35
@ 1021 WASHINGTON	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,799.33

24-205-479-0008-00	JONES TERESA R	ASSESSABLE FEET:	49.5 ✓
	1440 FRANKLIN ST	COST PER FOOT:	\$36.35
@ 1440 FRANKLIN ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,799.33

SUM OF ASSESSABLE FOOTAGE:	<u>1842.95</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	\$66,991.23
----------------------------	----------------	---	--

TOTAL NUMBER OF ASSESSABLE PARCELS 29

PARCEL WITH \$0.00 TOTAL ARE EXEMPT

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Washington, Division to Franklin.
Project Description: All parcels abutting Washington from west of Division to west of Franklin

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:	1005	WASHINGTON AVE
Parcel Number	24-205-479-0005-00	
Assessable Frontage:	55.5	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$2,017.43	

RECEIVED

FEB 20 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 479
W 55 1/2 FT LOT 5

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner JOSE S. HERNANDEZ CoOwner/Spouse
Signature Jose S. Hernandez
Address 1005 WASHINGTON
MUSKEGON 49401

Signature

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Washington, Division to Franklin.
Project Description: All parcels abutting Washington from west of Division to west of Franklin

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: 1440 FRANKLIN ST

Parcel Number 24-205-479-0008-00

Assessable Frontage: 49.5 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,799.33

RECEIVED

FEB 25 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 479
N 105 FT LOT 8

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Teresa R. Jones CoOwner/Spouse _____
Signature [Signature] Signature _____
Address 1440 Franklin Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Washington, Division to Franklin.

Project Description: All parcels abutting Washington from west of Division to west of Franklin

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: 1006 WASHINGTON AVE

Parcel Number 24-205-473-0012-00

Assessable Frontage: 80.95 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,942.53

RECEIVED

FEB 20 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 473
LOTS 12 & 13

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner	<u>Tammi Hayden</u>	CoOwner/Spouse	<u>Josh VanderSchaf (Fiancee)</u>
Signature	<u>Tammi Hayden</u>	Signature	<u>[Signature]</u>
Address	<u>1006 Washington</u>	Address	<u>1006 Washington</u>

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Washington, Division to Franklin.
Project Description: All parcels abutting Washington from west of Division to west of Franklin

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: 974 WASHINGTON AVE

Parcel Number 24-205-473-0016-00

Assessable Frontage: 32 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,163.20

RECEIVED

FEB 25 2002

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 473
W 1/2 LOT 16

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Anthony Scott Gomez

CoOwner/Spouse

Signature

Anthony Scott Gomez

Signature

Address

16884 WASHINGTON CT.

Address

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

QUEL DANE

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Washington, Division to Franklin.

Project Description: All parcels abutting Washington from west of Division to west of Franklin

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: 991 WASHINGTON AVE

Parcel Number 24-205-479-0003-00

Assessable Frontage: 64 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,326.40

RECEIVED

FEB 25 2002

Property Description

City Clerks Office

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 479
LOT 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	<u>Manuel Vazquez</u>	CoOwner/Spouse	<u>Maria H Vazquez</u>
Signature	<u>Manuel Vazquez</u>	Signature	<u>Maria Vazquez</u>
Address	<u>991 Washington Ave</u>	Address	<u>991 Washington Ave</u>

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

H-1538 WASHINGTON, FRANKLIN TO DIVISION

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 29									
			FOR				OPPOSE					
			LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1842.950 ***		29	24-205-479-0008-00	1440	FRANKLIN	49.50	11	24-205-473-0012-00	1006	WASHINGTON	80.95
								14	24-205-473-0016-00	974	WASHINGTON	32.00
FRONT FEET OPPOSED	232.45	12.61%										
								25	4-205-479-0003-0	991	WASHINGTON	64.00
RESPONDING FRONT FEET IN FAVOR	49.500	2.69%						26	24-205-479-0005-00	1005	WASHINGTON	55.50
NOT RESPONDING - FRONT FEET IN FAVOR	1561.000	84.70%										
TOTAL FRONT FEET IN FAVOR	1610.500	87.39%										
			TOTALS				49.50					232.45

TABULATED AS OF: 02/26/02 05:29 PM

Date: February 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Houston First to Third

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-25(d)

Resolution At First Hearing Creating Special Assessment District
For **Houston Ave. First to Third**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 26, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 26, 2002**, there were 13.54 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Schweifler and Larson
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 **8.77%** 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 Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 26, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

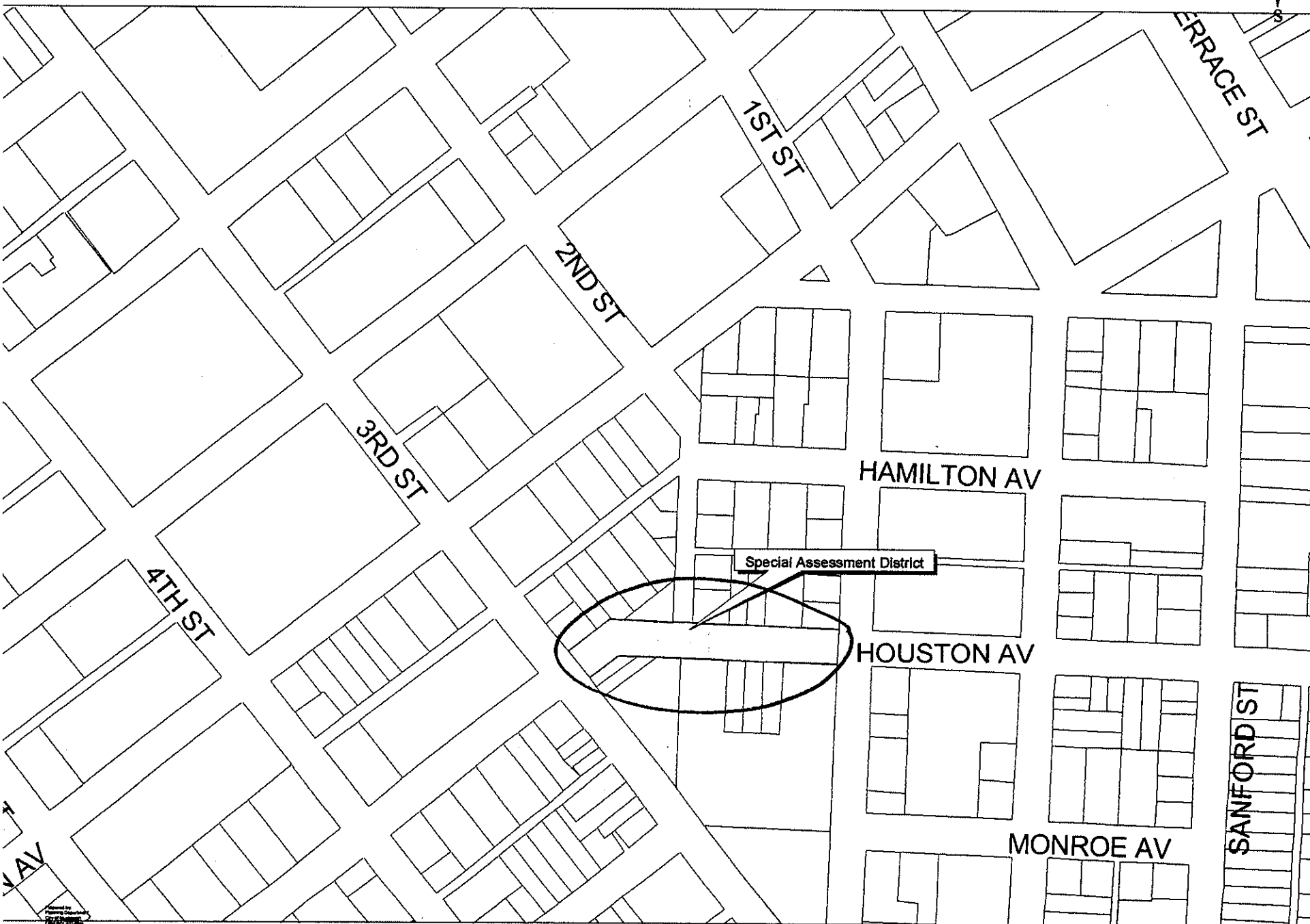
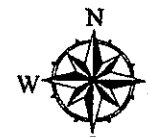
EXHIBIT A

HOUSTON AVE. FROM FIRST TO THIRD

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Houston Ave. from First to Third

SPECIAL ASSESSMENT DISTRICT
CITY OF MUSKEGON, MI



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Houston, First to Third

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

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

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

JoAnn M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
JoAnn M. Krukowski
MY COMMISSION EXPIRES 5-13-05

ENGINEERING FEASIBILITY STUDY

For

HOUSTON AVE. FROM FIRST TO THIRD

The proposed improvement, milling & resurfacing, of Houston between First & Third, see attached location map, was initiated by the City due to the conditions of the road. The proposed improvement consists of removal of 3" of the existing asphalt and the placement new leveling & top courses of asphalt in addition to the replacement of the entire curb & gutter.

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

The preliminary cost estimate for the work associated with paving is approximately \$150,000 with the length of the project being approximately 450 lineal feet or 731 of assessable front footage. This translates into an estimated improvement cost of \$205 per assessable foot. The assessment figure will be at a cost not to exceed \$18.00 per front foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

February 13, 2002

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Houston Avenue between First Street and Third Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is February 13, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$18.00 appears reasonable in light of analysis that indicates a possible enhancement of \$19.11. 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
331/724-6703
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

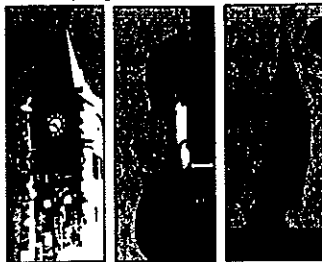
Public Works
231/724-4100
FAX/722-4188

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 15, 2002

OWNERS NAME
OWNERS ADDRESS
MUSKEGON, MI 49441

1

Parcel Number XX-XXX-XXXX-XX: at XXXX 1ST ST

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

Houston, First to Third

The proposed special assessment district will be located as follows:

All parcels abutting Houston Ave-First to Third

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 26th, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$150,000.00 of which approximately 8.77% (\$13,157.50) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Houston, First to Third
Project Description: All parcels abutting Houston from East of Third to West of First

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:	1095.0	1ST ST
Parcel Number	24-205-352-0008-00	
Assessable Frontage:	33	Feet
Estimated Front Foot Cost:	\$18.00	per Foot
ESTIMATED TOTAL COST	\$594.00	

Property Description

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

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

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

**CITY OF MUSKEGON - H 1542
HOUSTON, THIRD TO FIRST
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

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

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

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

INCOME INFORMATION

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

_____ **Wage earner:** _____

_____ **Wage earner:** _____

_____ **Wage earner:** _____

Total: \$ _____

PROPERTY INFORMATION

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

Homeowner's Insurance Co: _____ **Expiration Date:** _____

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ **TITLE** _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

- 1. Houston Ave., First to Third**
- 2. Division St., Southern to Western**
- 3. Washington, Division to Franklin**

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

- **All parcels abutting Houston Ave. from First to Third &**
- **All parcels abutting Division from Southern to Western**
- **All parcels abutting Washington from Division to Franklin**

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 26, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **February 16, 2002**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

HEARING DATE FEBRUARY 26th, 2002 H-1542 MILLING and RESURFACING
Houston, First to Third

24-130-200-0001-00	CITY OF MUSKEGON	ASSESSABLE FEET:	30.5
	933 TERRACE ST	COST PER FOOT:	\$18.00
@221.0 HOUSTON AV	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$549.00

24-205-351-0007-10	LIMELIGHT RUSH LLC	ASSESSABLE FEET:	66
	2993 9TH ST	COST PER FOOT:	\$18.00
@1100. 3RD ST	MUSKEGON HTS MI 49444	ESTIMATED P.O. COST:	\$1,188.00

24-205-351-0007-20	NELSON OSCAR C JR	ASSESSABLE FEET:	33
	1310 MOULTON AVE	COST PER FOOT:	\$18.00
@238.0 HOUSTON AV	N MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$594.00

24-205-352-0005-10	HILT LEONA TRUSTEE	ASSESSABLE FEET:	33
	241 W MUSKEGON	COST PER FOOT:	\$18.00
@208.0 HOUSTON AV	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$594.00

24-205-352-0006-00	GOKEY GEORGE A/CYNTHIA L	ASSESSABLE FEET:	33
	200 HOUSTON AVE	COST PER FOOT:	\$18.00
@200.0 HOUSTON AV	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$594.00

24-205-352-0006-10	GOKEY RUTH E	ASSESSABLE FEET:	33
	194 HOUSTON AVE	COST PER FOOT:	\$18.00
@194.0 HOUSTON AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$594.00

HEARING DATE FEBRUARY 26th, 2002 H-1542 MILLING and RESURFACING
Houston, First to Third

24-205-352-0007-00	NOORDHOFF ROBERT 195 W APPLE AVE APT 5 @184.0 HOUSTON AV MUSKEGON MI 49440	ASSESSABLE FEET: 66 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,188.00
24-205-352-0008-00	VANDERZANDEN LINDA C 1095 1ST ST @1095. 1ST ST MUSKEGON MI 49440	ASSESSABLE FEET: 33 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$594.00
24-205-365-0001-00	BETTEN CHEVROLET INC 2474 HENRY ST @1144. 3RD ST MUSKEGON MI 49441	ASSESSABLE FEET: 182.5 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$3,285.00
24-205-365-0002-00	HOLDREN MAJEL 189 HOUSTON AVE @189.0 HOUSTON AV MUSKEGON MI 49441	ASSESSABLE FEET: 33 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$594.00
24-205-365-0003-00	RUFF OLIVE E 193 HOUSTON AVE @199.0 HOUSTON AV MUSKEGON MI 49441	ASSESSABLE FEET: 33 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$594.00
24-205-365-0003-10	RUFF OLIVE E 193 HOUSTON AVE @193.0 HOUSTON AV MUSKEGON MI 49441	ASSESSABLE FEET: 33 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$594.00
24-205-366-0001-00	FEIL ELLEN L 2474 HENRY ST @1116. 3RD ST MUSKEGON MI 49441	ASSESSABLE FEET: 53.25 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$958.00

HEARING DATE FEBRUARY 26th, 2002 H-1542 MILLING and RESURFACING
Houston, First to Third

24-205-366-0002-00	BETTEN CHEVROLET INC	ASSESSABLE FEET:	11.75
	2474 HENRY ST	COST PER FOOT:	\$18.00
@1122. 3RD ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$211.50</u>

24-205-366-0003-00	BETTEN CHEVROLET INC	ASSESSABLE FEET:	57
	2474 HENRY ST	COST PER FOOT:	\$18.00
@1128. 3RD ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,026.00</u>

SUM OF ASSESSABLE FOOTAGE:	<u>731.00</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$13,157.50</u>
----------------------------	---------------	------------------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS 15

PARCEL WITH \$0.00 TOTAL ARE EXEMPT

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: **Houston, First to Third**
Project Description: **All parcels abutting Houston from East of Third to West of First**

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:	208.0	HOUSTON AVE
Parcel Number	24-205-352-0005-10	
Assessable Frontage:	33	Feet
Estimated Front Foot Cost:	\$18.00	per Foot
ESTIMATED TOTAL COST	\$594.00	

RECEIVED

FEB 19 2002

City Clerks Office

Property Description

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>Leona Hill</u>	CoOwner/Spouse	_____
Signature	<u>Leona Hill</u>	Signature	_____
Address	<u>241 W. Muskegon Ave</u>	Address	_____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **FEBRUARY 26th, 2002**

Project Title: Houston, First to Third

Project Description: All parcels abutting Houston from East of Third to West of First

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: 189.0 HOUSTON AVE

Parcel Number 24-205-365-0002-00

Assessable Frontage: 33 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$594.00

Property Description

RECEIVED
FEB 22 2002
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner <u>Majid Hoddrea</u>	CoOwner/Spouse _____
Signature <u>Majid Hoddrea</u>	Signature _____
Address <u>189 Houston</u>	Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By **FEBRUARY 26th, 2002**

Project Title: Houston, First to Third
Project Description: All parcels abutting Houston from East of Third to West of First

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:	194.0	HOUSTON AVE
Parcel Number	24-205-352-0006-10	
Assessable Frontage:	33	Feet
Estimated Front Foot Cost:	\$18.00	per Foot
ESTIMATED TOTAL COST	\$594.00	

RECEIVED

FEB 25 2002

City Clerks Office

Property Description

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

ESTATE
Owner

RUTH E. GOKEY

CoOwner/Spouse

Signature

Ruth E. Gokey

Signature

Address

194 HOUSTON AVE.

Address

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

H-15H-1542 HOUSTON AVE., THIRD ST. TO FIRST ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 15									
			FOR					OPPOSE				
			LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	731.000 ***		8	24-205-365-0002-00	189	HOUSTON	33.00	10	24-205-352-0006-10	194	HOUSTON	33.00
FRONT FEET OPPOSED	66.000	9.03%						13	24-205-352-0005-10	208	HOUSTON	33.00
RESPONDING FRONT FEET IN FAVOR	33.000	4.51%										
NOT RESPONDING - FRONT FEET IN FAVOR	632.000	86.46%										
TOTAL FRONT FEET IN FAVOR	665.000	90.97%										
TOTALS							33.00					66.00

TABULATED AS OF: 02/26/02 03:52 PM

H-15H-1542 HOUSTON AVE., THIRD ST. TO FIRST ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 15									
			FOR					OPPOSE				
			LETTER#	PARCEL#	ST#	ST NAME	FEET	LETTER#	PARCEL#	ST#	ST NAME	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	731.000 ***		8	24-205-365-0002-00	189	HOUSTON	33.00	10	24-205-352-0006-10	194	HOUSTON	33.00
FRONT FEET OPPOSED	66.000	9.03%						13	24-205-352-0005-10	208	HOUSTON	33.00
RESPONDING FRONT FEET IN FAVOR	33.000	4.51%										
NOT RESPONDING - FRONT FEET IN FAVOR	632.000	86.46%										
TOTAL FRONT FEET IN FAVOR	665.000	90.97%										
TOTALS							33.00					66.00

TABULATED AS OF: 02/26/02 03:52 PM

Commission Meeting Date: February 28, 2002

Date: February 20, 2002
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Public Hearing Concerning 2002-2003
CDBG/HOME funding

SUMMARY OF REQUEST: To have a public hearing in order to receive comments from the public concerning the City's Annual Community Development Block Grant and HOME entitlement. The Community and Neighborhood Service Department solicited proposals from the public beginning in November of 2001. The packet that you have contains all the proposals received by the CNS department from both outside agencies and City departments. The City of Muskegon is scheduled to receive \$1,376,000 in CDBG funds and \$137,000 in HOME funds

The purpose of this public hearing is to give an overview of the program and to obtain comments from the public if there are any.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To have the public hearing.

COMMITTEE RECOMMENDATION: None

2002 - 2003 CDBG / HOME ACTIVITY

<i>Community Development Block Grant</i>						
<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>	
1 Muskegon Community Health Project <i>"Miles for Smile Dental Services"</i>	\$ 5,000.00 *					
2 West Michigan Veterans <i>Veterans Assistance</i>	5,000.00 *					
3 Child Abuse Council <i>Waiting Room Renovation</i>	6,000.00 *					
4 HealthCare <i>Health screening to low-income</i>	6,453.00 *					
5 American Red Cross <i>Senior Transportation</i>	5,000.00 *					
6 Volunteer Muskegon <i>Youth Survey/Mapping</i>	5,000.00 *					
7 Volunteer Muskegon <i>Keep Kids in School Truancy</i>	5,000.00 *					
8 Legal Aid of Western Michigan <i>Counseling/Legal Education</i>	38,504.00 *					
9 Family Services Center, Inc <i>DAD'S</i>	2,016.00 *					
10 Oakview Neighborhood Association <i>Repairing of Community Center Roof</i>	4,910.62 *					
11 Higher Achievement Learning Center <i>At Risk Respite Care</i>	25,000.00 *					
12 Heritage Association <i>Boardwalk</i>	40,000.00 *					
13 Muskegon Retirement Apartment Inc <i>Fire Code Compliance</i>	22,400.00 *					

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
14 Community and Neighborhood Services <i>Paint/Siding Program</i>	180,000.00				
15 Fire/Inspection <i>Dangerous Building/Demolition</i>	155,000.00				
16 Leisure Services <i>Playground equipment at McCrea Park</i>	60,000.00 *				
17 Community and Neighborhood Services <i>Emergency Rehabilitation</i>	200,000.00				
18 Community and Economic Development <i>Façade Improvement</i>	30,000.00				
19 Community and Neighborhood Services <i>CDBG Administration</i>	\$ 189,028.00				
20 Community and Neighborhood Services <i>Rehab Service Delivery</i>	120,463.00				
21 Leisure Services <i>Renovation Ryerson Field</i>	200,000.00				
22 Engineering / CNS <i>Sidewalk Assessment Relief</i>	50,000.00				
23 Engineering / CNS <i>Street Assessment Relief</i>	100,000.00				
24 Leisure Services <i>Youth recreation</i>	90,000.00 *				
25 Leisure Services <i>Reesfield Parking Lot</i>	100,000.00				
26 Cemetery <i>Restlawn Paving</i>	75,000.00				
27 Finance Dept <i>Repayment of Shoreline Dr. Bond</i>	245,000.00				
28 DPW <i>Senior Transit</i>	54,937.00 *				

Total CDBG Request		1,964,774.62
Total CDBG Allocated		1,376,000.00
Allocated/Request Difference	\$	(588,774.62)
Total Amt of Public Service*		375,220.62
Public Service mandated Amt < or = to 15%		206,400.00
Difference	\$	(168,820.62)
Total Amt of City Administration Request		189,028.00
Administrative mandated Amt 20%		275,200.00
Difference	\$	86,172.00

HOME

<u>Organization Name/Program Title</u>	<u>Amount Requested</u>	<u>Administration Recommendation</u>	<u>Citizen District Council Recommendation</u>	<u>City Commission Preliminary Recommendation</u>	<u>City Commission Final Decision</u>
1 Community and Neighborhood Services <i>Tax-reverted Infill</i>	\$ 125,000.00				
2 Community and Neighborhood Services <i>Tax-reverted Rehabilitation</i>	\$ 120,000.00				
3 Community and Neighborhood Services <i>HOME Rental Rehabilitation</i>	100,000.00				
4 Community and Neighborhood Services <i>HOME Infill Program</i>	150,000.00				
Community and Neighborhood Services <i>Demolition</i>	25,000.00				
5 Community and Neighborhood Services HOME Administration	57,100.00 ***				

6	Neighborhood Investment Corp	123,750.00	****
	Housing Rehab, Neighborhood Imp.		
7	Bethany Housing Ministries, Inc	120,000.00	****
	Housing Rehabilitation		
9	Trinity Village Non-Profit Housing Corp	50,300.00	****
	Single-Family Acquisition		

Total Amt of HOME Request		871,150.00	
HOME Allocation		137,000.00	!
Reprogram Funds		256,000.00	
Total Amt Home Available		393,000.00	
Total Amt Difference	\$	(478,150.00)	

Total Amt of HOME Administration	\$	57,100.00
Total Amt mandated = 10%	\$	39,300.00
Difference		(17,800.00)

Total amt of HOME CHDO request	\$	294,050.00
Total Amt mandated 15%		58,950.00
Difference	\$	(235,100.00)

NOTE

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

Q:\CNS\Common\Excel\02.03_Act

! The City was to originally receive \$571,000 for this fiscal year HOME allocation, but was later informed by HUD that \$434,000 is to be recaptured by HUD because the City failed to meet its commitment obligation concerning fiscal year 1998 funds.

Commission Meeting Date: February 26, 2002

Date: February 20, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Contract for Payments in Lieu of Taxes For Arbors
at Jackson Hill

SUMMARY OF REQUEST: A contract providing for payments in lieu of taxes for Arbors at Jackson Hill (currently property owned by Don Balcom- see map attached) has been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of the Sterling Group have met with City staff, as well as members of the Jackson Hill Neighborhood Association. Although the Association was supportive of their project, in concept, they were not presented with the income levels for the tenants (since those numbers were only received by the City immediately prior to the 2/12/02 Commission meeting). This item was tabled by the City Commission at the February 12 meeting. Since that time, Sterling has modified some of their numbers to include a larger percentage of tenants in the 60% of median income range (see attached memo).

FINANCIAL IMPACT: Payments under the contract are recommended to be eight percent (8%) of the highest contract rents for all eligible units, whether occupied or not. This amount is four percent (4%) higher than our previous PILOT Agreements for other projects.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff's recommendation is for the City Commission to make a decision on this item based on future policy regarding PILOTS.

COMMITTEE RECOMMENDATION: The City Commission Working Session reviewed this item at their 2/11/02 meeting and had concerns with the number of 40-45% area median income units.

2002-18(e)

ROLL CALL/ACTION SHEETS

ROLL CALL/ACTION SHEETS

Present	Name	Action	Ayes	Nays	COMMENT
	Commissioner Larson				
	Commissioner Schweifler				
	Commissioner Shepherd	M			
	Commissioner Spataro				
	Mayor Warmington				
	Vice Mayor Buie	S			
	Commissioner Gawron				

approve the contract for payment in
 Lieu of Taxes for Artors at
 Jackson Hill

ROLL CALL/ACTION SHEETS

Present	Name	Action	Ayes	Nays	COMMENT
	Commissioner Schweifler		✓		
	Commissioner Shepherd	M	✓		
	Commissioner Spataro	S	✓		
	Mayor Warmington		✓		
	Vice Mayor Buie		✓		
	Commissioner Gawron		✓		
	Commissioner Larson		✓		

amend

looked at again at the next
 Com Meeting

Table for 2 weeks

Arbors at Jackson Hill Apartments
Bayou and Butler Streets
City of Muskegon
Rent and Unit Mix Summary
Updated: January 31, 2002
HUD Rents for Year: 2001

40% AMI

	1 Bedroom	2 Bedroom	3 Bedroom
Gross Allowable Rent:	\$438	\$526	\$608
Utility Allowance:	\$61	\$74	\$85
Net Rents	\$377	\$452	\$523
Estimated Contract Rents	\$376	\$451	\$522

45% AMI

	1 Bedroom	2 Bedroom	3 Bedroom
Gross Allowable Rent:	\$493	\$592	\$684
Utility Allowance	\$61	\$74	\$85
Net Rents	\$432	\$518	\$599
Estimated Contract Rents	\$431	\$517	\$598

60% AMI

	1 Bedroom	2 Bedroom	3 Bedroom
Gross Allowable Rent:	\$658	\$790	\$912
Utility Allowance	\$61	\$74	\$85
Net Rents	\$597	\$716	\$827
Estimated Contract Rents	\$504	\$545	\$670

Suggested Unit Mix:

Suggested Rent Mix:	# Units	40% 40% AMI	50% 45% AMI	10% 60% AMI
1 Bedroom	16	7	8	1
2 Bedroom	60	24	30	6
3 Bedroom	40	16	20	4
Totals	116	47	58	11

**Monthly
Gross
Income**

1 Bed =	\$2,632
2 Bed =	\$10,824
3 Bed =	\$8,352

1 Bed =	\$3,448
2 Bed =	\$15,510
3 Bed =	\$11,960

1 Bed =	\$504
2 Bed =	\$3,270
3 Bed =	\$2,680

Monthly Gross Income: \$59,180**Annual Gross Income: \$710,160**

PILOT Service Charge Rate:	Rate of:	Rate of:	Rate of:
	7%	8%	9%
Annual Service Charge	\$49,711	\$56,813	\$63,914
Per Unit Service Charge	\$429	\$490	\$551

*Based in 100% Occupancy at Estimated Contract Rents

STERLING DEVELOPMENT REQUEST FOR PILOT
CITY OF MUSKEGON, MICHIGAN



the legal description for the Sterling Group property:

THAT PART OF BLOCKS 4, 5 AND 127, OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID BLOCK 4 FOR POINT OF BEGINNING; THENCE SOUTH 00°15'08" EAST ALONG THE EAST LINE OF SAID BLOCK 4 A DISTANCE OF 142.74 FEET; THENCE SOUTH 71°23'30" WEST 173.32 FEET (RECORDED AS 173.53 FEET) TO A POINT 197.97 FEET SOUTH OF THE NORTHWEST CORNER OF SAID BLOCK 4, TO THE LINE BETWEEN SAID BLOCKS 4 AND 5; THENCE SOUTH 00°15'37" EAST ALONG SAID BLOCK LINE 303.19 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 5; THENCE SOUTH 89°58'53" WEST ALONG THE SOUTH LINE OF SAID BLOCK 5 A DISTANCE OF 460.29 FEET; THENCE NORTH 00°05'00" WEST, PARALLEL TO THE EAST LINE OF WOOD STREET, 100.00 FEET; THENCE SOUTH 89°58'53" WEST 660.00 FEET TO THE EAST LINE OF WOOD STREET; THENCE NORTH 00°05'00" WEST ALONG SAID EAST LINE 34.84 FEET TO THE NORTH LINE OF BUTLER STREET; THENCE NORTH 65°30'30" WEST ALONG SAID NORTH LINE 18.16 FEET TO THE CENTERLINE OF THE VACATED PORTION OF WOOD STREET, AS RECORDED IN LIBER 1578, PAGE 340, MUSKEGON COUNTY RECORDS; THENCE NORTH 00°05'00" WEST ALONG SAID CENTERLINE 226.59 FEET; THENCE SOUTH 89°55'00" WEST 16.50 FEET TO A POINT ON THE EAST LINE OF LOT 9 OF SAID BLOCK 127 AND THE EXTENSION OF THE LINE BETWEEN LOTS 3 AND 4 OF SAID BLOCK 127, THROUGH SAID LOT 9 OF SAID BLOCK; THENCE NORTH 65°48'50" WEST ALONG THE EXTENSION OF SAID LOT LINE 46.04 FEET TO THE CENTERLINE OF THE 20 FOOT VACATED ALLEY, RECORDED IN LIBER 1460, PAGE 40, LYING IN SAID BLOCK 127; THENCE NORTH 23°56'00" EAST ALONG SAID CENTERLINE 198.97 FEET TO THE SOUTHERLY LINE OF BAYOU STREET; THENCE SOUTH 66°07'09" EAST ALONG SAID SOUTHERLY LINE 169.40 FEET TO THE NORTH LINE OF SAID BLOCK 5; THENCE NORTH 89°58'24" EAST ALONG SAID NORTH LINE 1122.48 FEET TO POINT OF BEGINNING. CONTAINING 12.39 ACRES.

Mail

LONG, BAKER & TISHKOFF LLP

ATTORNEYS AT LAW
320 NORTH MAIN STREET
SUITE 100PETER A. LONG
BASIL A. BAKER
WILLIAM G. TISHKOFF

ANN ARBOR, MICHIGAN 48104

TELEPHONE
(734) 663-8111
FACSIMILE
(734) 327-0974FAX COVER SHEET

This facsimile contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the addressee(s) named below. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

PLEASE DELIVER TO:	FAX TELEPHONE NUMBER:
Thomas Johnson, Esq Cathy Brubaker-Clarke	231.722.7866 231.724.6790

FROM: Pete Long	DATE: 1-31-02 (Thu)
Facsimile No: 734/327-0974	RE: Arbors/Jackson Hill - Muskegon
Cover Page Plus 3 Pages	HARD COPY TO FOLLOW: Yes No

COMMENTS:

Tom/Cathy:

Please find faxed herewith a draft Agreement for Housing Exemption. I patterned it after ones which I believe have been found satisfactory as to form previously. Following your review, please feel free to contact me at your convenience with any questions, comments, etc.

Pete Long



Memorandum

To: Honorable Mayor and City Commission

CC: Bryon Mazade, City Manager

From: Cathy Brubaker-Clarke, Director of Community & Economic Development *CBC*

Date: 02/20/02

Re: Sterling Development LLC- PILOT

Since the last City Commission meeting, staff has received a revised chart for "intended rents and income limits" for the development of Arbors at Jackson Hill. The number of units at 40% of area median income has decreased from 41% to 21%, the number of units at 45% of median income remains the same at 50%, and the number of units at 60 % has increased from 9% to 30%. In addition, the total number of units has decreased from 116 to 104.

The developers of this project have informed me that they intend to proceed with the project if they are not granted a PILOT from the City. If they are not granted a PILOT, they plan to apply for the MSHDA tax-credits and submit with a greater number of 40-45% of median income units. Apparently, they will receive additional points from MSHDA for this, although they will have to forego the points they would have received with a PILOT designation. I have verified with MSHDA that this is possible (in which case they would need no authorization from the City to proceed). Of course, without the PILOT, Sterling would have to make the financial package work for the development.

Since there are several PILOT possibilities at this time, staff is not making a recommendation on this development. It appears to be the lowest income mix of the projects we are currently working on, which is a cause for concern. On the other hand, it is also cause for concern if the developer proceeds with the project with even lower income ratios.

Clerks

Sterling**Development LLC**Sterling Development LLC
3900 Edison Lakes Parkway,
Suite 201, Mishawaka, IN 46545Phone: (219) 242-8547
FAX: (219) 242-8562
email: jpvandeester@thesterlinggrp.com

Facsimile

To: Cathy Brubaker Clarke
 @Fax: (231) 724-6790
 From: John VanMeeter
 Date: Wednesday, February 27, 2002 @ 2:45 P.M.
 Re: Income and Rents for Arbors at Jackson Hill
 Pages: 1, including this

Cathy,

The following should represent our intended rents and income limits for the development Arbors at Jackson Hill. If you should have any questions, please don't hesitate to contact Kent or I at your convenience.

40% Area Median Income

		<u>Rents</u>	<u>Income limit</u>	<u>Family Size</u>
1 Bedrooms	3 units	\$376	\$17,160-19,600	1-2 People
2 Bedrooms	11 units	\$451	\$19,600-22,080	2-3 People
3 Bedrooms	7 units	\$522	\$22,080-\$26,480	3-5 People

45% Area Median Income

		<u>Rents</u>	<u>Income limit</u>	<u>Family Size</u>
1 Bedroom	8 units	\$431	\$19,305-22,050	1-2 People
2 Bedroom	26 units	\$517	\$22,050-24,840	2-3 People
3 Bedroom	18 units	\$598	\$24,840-29,790	3-5 People

60% Area Median Income

		<u>Rents</u>	<u>Income limit</u>	<u>Family Size</u>
1 Bedroom	5 units	\$504	\$25,740-29,400	1-2 People
2 Bedroom	15 units	\$545	\$29,400-33,120	2-3 People
3 Bedroom	11 units	\$670	\$33,120-39,720	3-5 People

CITY OF MUSKEGON

2002-27(a)

AGREEMENT FOR HOUSING EXEMPTION

THIS AGREEMENT between **THE STERLING GROUP** ("Sponsor"), 3900 Edison Lakes Parkway, Suite 201, Mishawaka, Indiana 46546-2008 and **CITY OF MUSKEGON** ("City"), 933 Terrace Street, Muskegon, Michigan is made pursuant to the following terms:

Recitals:

- A. Sponsor has acquired the option to purchase a site in the City of Muskegon for the construction of a proposed low income housing project as defined in City Ordinance 2-6(e)(3) (the "Project").
- B. Sponsor is forming a limited dividend housing association limited partnership to function as owner of the proposed low-income housing project, such entity to be known as **ARBORS AT JACKSON HILL LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP**.
- C. The City encourages construction and financing of the said low income housing project, to be known as the **Arbors at Jackson Hill** development.
- D. To further enable and encourage the construction of the housing project, Sponsor and the City enter into this agreement.
- E. The legal description and floor plan of the Project is set forth in attached Exhibit A..

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

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

2. Term of Exemption. This exemption shall continue for the period of time the housing units remain subject to income and rent restrictions pursuant to Section 42 of the Internal Revenue Service Code of 1986, as amended ("Code") or any MSHDA Regulatory Agreement but not to exceed 25 years. The City agrees to be contractually bound by this Agreement to honor the exempt status of the proposed Project as provided therein and in this Agreement for the entire period during which the Project is financed by a loan made by MSHDA or receives low income housing tax credits under Section 42 of the Code; provided, that the said loan or a loan originally financed by the low income housing tax credits continues outstanding and not in default as more particularly set forth in Section 2-6 subsection (2) of the Ordinance not to exceed 25 years.

3. Responsibilities of the Sponsor.

3.1 The Sponsor shall pay the service charge and payment in lieu of taxes set forth in Section 2-6(f) of the Ordinance in a timely manner (on or before July 1 of each year during the time the exemption is in effect). For said purposes the Sponsor recognizes and will abide by all of the collection provisions of the Ordinance, including without limitation the acceptance of the lien provisions status of the payment in lieu of taxes in the event of default as set forth in 2-6(h), (i), and (j) of the Ordinance. The service charge shall equal eight percent (8%) of the contract rents charged for the total of all units in the exempt housing project, whether the units are occupied or not and whether or not the rents are paid.

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

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

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

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

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

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

9. Effective Date. The effective date of this Agreement is January 1 of the calendar year which follows the year in which the completion of construction is achieved, as evidenced by the issuance of a final certificate of occupancy by the City of Muskegon.

10. Compliance with Ordinance. This Agreement is intended to, and does in all material respects comply with City of Muskegon Ordinance No. 1107, being Section 2-6 of the Code of Ordinances of the City.

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

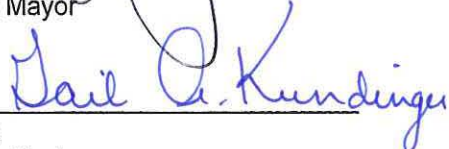
DATED: March 12, 2002

DATED: March 12, 2002

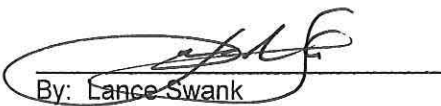
DATED: 3/14/02

CITY OF MUSKEGON

By: 
Its: Mayor

By: 
Its: Clerk

THE STERLING GROUP

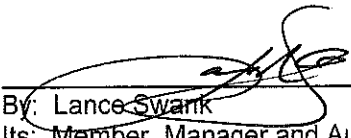
By: 
Its: Authorized Signatory

**ARBORS AT JACKSON HILL
LIMITED DIVIDEND HOUSING
ASSOCIATION LIMITED PART-
NERSHIP**, a Michigan limited
partnership to be formed

Arbors at Jackson Hill LLC,
a Michigan limited liability
company to be formed,
General Partner

DATED: _____

3/14/02

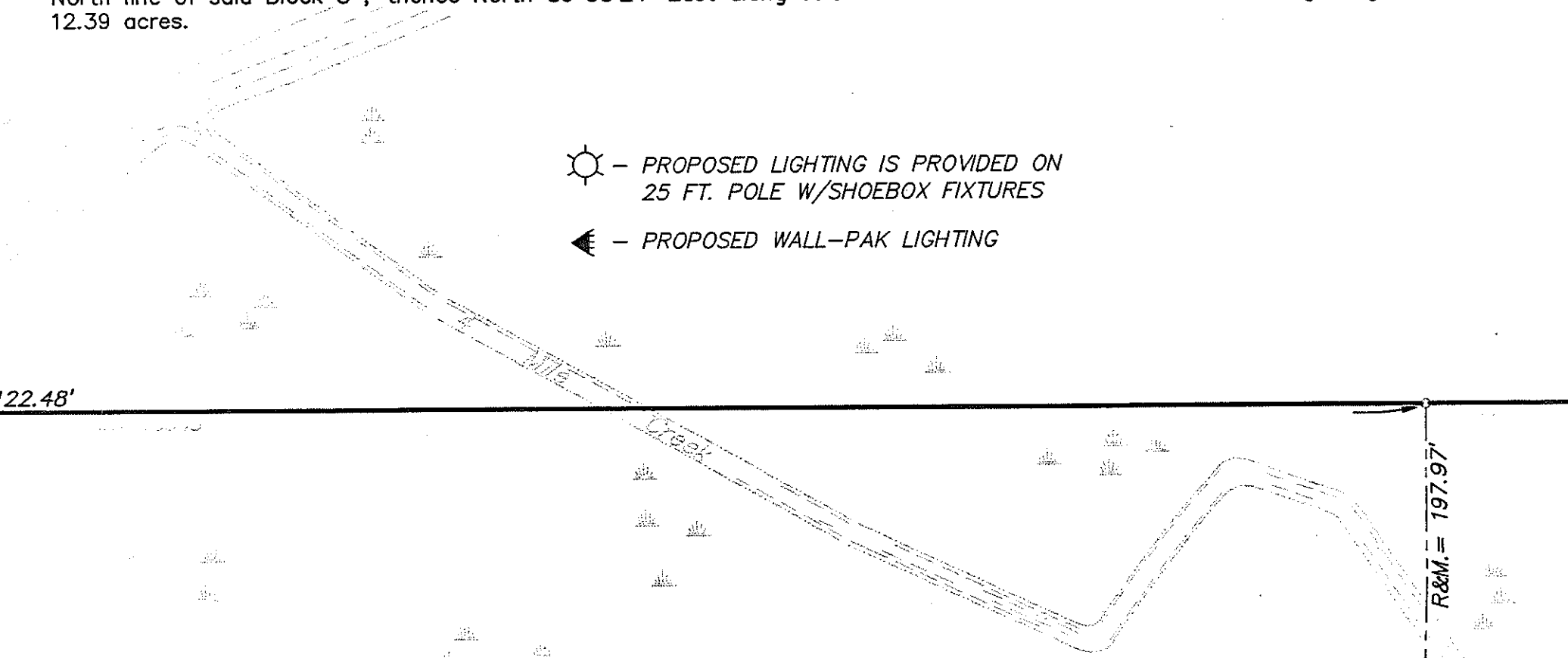
By:  _____
Lance Swank

Its: Member, Manager and Authorized
Signatory

LEGAL DESCRIPTION
AND
FLOOR PLANS

DESCRIPTION:

That part of Blocks 4, 5 and 127, of the Revised Plat of 1903 of the City of Muskegon, Muskegon County, Michigan described as follows: Commence at the Northeast corner of said Block 4 for POINT OF BEGINNING; thence South $00^{\circ}15'08''$ East along the East line of said Block 4 a distance of 142.74 feet; thence South $71^{\circ}23'30''$ West 173.32 feet (recorded as 173.53 feet) to a point 197.97 feet South of the Northwest corner of said Block 4, to the line between said Blocks 4 and 5; thence South $00^{\circ}15'37''$ East along said Block line 303.19 feet to the Southeast corner of said Block 5; thence South $89^{\circ}58'53''$ West along the South line of said Block 5 a distance of 460.29 feet; thence North $00^{\circ}05'00''$ West, parallel to the East line of Wood Street, 100.00 feet; thence South $89^{\circ}58'53''$ West 660.00 feet to the East line of Wood Street; thence North $00^{\circ}05'00''$ West along said East line 34.84 feet to the North line of Butler Street; thence North $65^{\circ}30'30''$ West along said North line 18.16 feet to the centerline of the vacated portion of Wood Street, as recorded in Liber 1578, Page 340, Muskegon County Records; thence North $00^{\circ}05'00''$ West along said centerline 226.59 feet; thence South $89^{\circ}55'00''$ West 16.50 feet to a point on the East line of Lot 9 of said Block 127 and the extension of the line between Lots 3 and 4 of said Block 127, through said Lot 9 of said Block; thence North $65^{\circ}48'50''$ West along the extension of said Lot line 46.04 feet to the centerline of the 20 foot vacated alley, recorded in Liber 1460, Page 40, lying in said Block 127; thence North $23^{\circ}56'00''$ East along said centerline 198.97 feet to the Southerly line of Bayou Street; thence South $66^{\circ}07'09''$ East along said Southerly line 169.40 feet to the North line of said Block 5; thence North $89^{\circ}58'24''$ East along said North line 1122.48 feet to Point of Beginning. Containing 12.39 acres.



Commission Meeting Date: February 26, 2002

Date: February 19, 2002

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department *CBC*

RE: Finlay Housing Proposal

SUMMARY OF REQUEST: Craig Jeup from Finlay Properties, Inc. has been working with City Staff for several months on a possible housing development in Jackson Hill. Mr. Jeup is interested in purchasing several lots from the City of Muskegon which are located above the Smith Ryerson Park. He is planning to develop approximately 40 senior citizen units, which will be duplexes, triplexes and/or fourplexes. Mr. Jeup will be requesting a PILOT for the project, which will come before the Commission in March. Also, Mr. Jeup has met with the Jackson Hill Neighborhood Association and they are supportive of the project. The project is consistent with the Jackson Hill Housing Plan, which was developed over two years ago. The Plan anticipated multi-family in this area. The neighborhood was also interested in having senior housing in their neighborhood for their existing residents, as they become interested in moving from their single-family homes into apartment-style living. The request before the Commission is to authorize staff to continue working with the developer as he attempts to secure land control of the site (see attached outline).

FINANCIAL IMPACT: None at this time (in the next few weeks the developer will be requesting a PILOT, also the City would receive revenue from the sale of the lots).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to continue working with the developer on land control and the PILOT application.

Memorandum

To: Honorable Mayor and City Commission

CC: Bryon Mazade, City Manager

From: Cathy Brubaker-Clarke, Director of Community & Economic Development *CBC*

Date: 02/20/02

Re: Finlay Housing Development

Staff has been working with Mr. Jeup for several months on his proposed development for senior housing in the Jackson Hill Neighborhood. He has met with the Jackson Hill Neighborhood Association and he has continued to refine his plans over the last few months (working closely with Staff and members of the Neighborhood Association). Due to the length of time this has taken, he is now on a short timeline, as his Michigan State Housing Development Association (MSHDA) Tax Credit request is due on March 15, 2002.

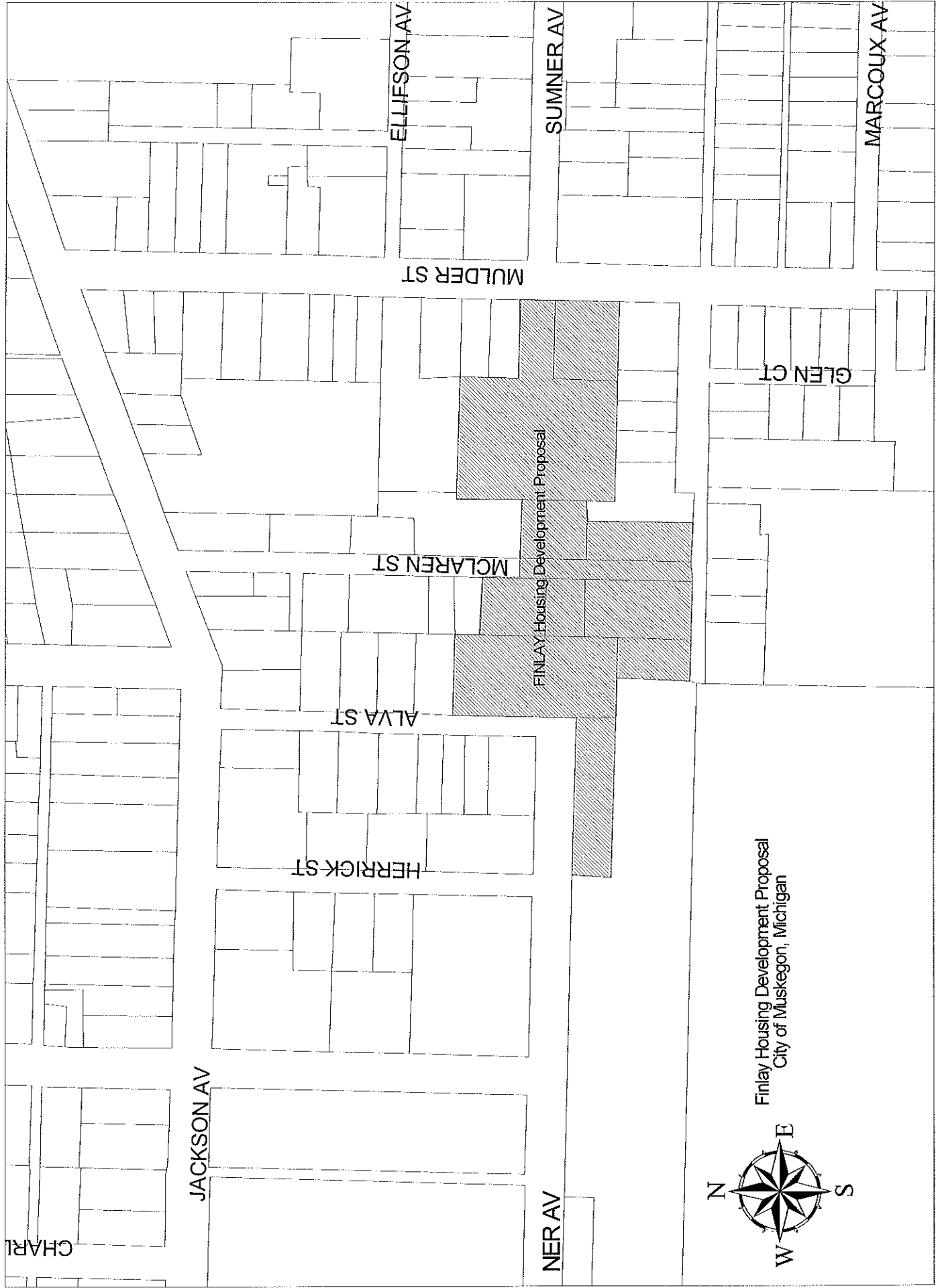
Mr. Jeup met with the Jackson Hill Neighborhood Association in January and received support from them. Several residents were particularly interested in the development since it is something they may be able to move into when they can no longer maintain their own current single-family home (or they have relatives in this position). Mr. Jeup also met with some of the residents more recently to visit the site.

In order for the project to move forward, Finlay Properties, Inc. needs site control since the property they are interested in is City owned, it is necessary for them to seek an option on the property. As such, the following process is proposed:

February 26	Present project (as it pertains to the land use) to LRC
February 26	Consideration by City Commission to Proceed
February 27	Order appraisal on property*
March 7	Receive appraisal for property

- March 12 Present PILOT Contract and Option for Purchase of Property (based on appraisal) to City Commission for Approval
- March 15 Finlay Development submits Tax-Credit Application to MSHDA for Approval
- * Although the City generally requests bids for property sales, it is not necessary to do so. If the Commission is supportive of this project, Staff recommends not seeking bids, due to the time constraints, and the consensus that Commission desires to see this project proceed.

At this time, Finlay is requesting an option on the property for purposes of property control. The developer does not need to own the property until approval is received for the tax-credits. The option would be valid for six months, which gives the developer time to receive an answer from MSHDA regarding the tax-credits.





FINLAY PROPERTIES, INC.
REAL ESTATE INVESTMENT, DEVELOPMENT & MANAGEMENT

February 19, 2002

Clara Shephard
Commissioner
City of Muskegon
Muskegon, MI

Dear Ms. Shephard:

This letter will act as a commitment from Finlay Development, Inc. to the Jackson Hill Neighborhood Association and the residents of Jackson Hill, to if necessary, create an easement on the southwest corner of the property line overlooking the park, of the site located between McLaren St. and Alva St., further identified by parcel # 61-24-205-020-0008-00. This easement will be large enough to incorporate the use of the hill overlooking the park, for youth activity, and separate it from the projected community.

It is understood that Finlay Development will work closely with the Jackson Hill Neighborhood Association to determine the actual easement boundaries in order to create a safe recreational environment while enabling Finlay Development the opportunity to meet its objective of a minimum of 40 age restricted tri-plex homes.

Should you have any questions please don't hesitate to call.

Sincerely,



Craig T. Jeup
Vice President / Acquisitions

**Mr. Craig T. Jeup
Finlay Properties, Inc.
Vice President/ Acquisitions**

At the Jackson Hill Neighborhood Association meeting, January 15, 2002, Mr. Craig T Jeup, Vice President of Acquisitions informed the property owners and residents of the neighborhood that his company, Finlay Development Corporation is planning to request re-zoning at McLaren St. and Wesley Avenue from R-1, Single Family Residential and O.S.R (open space recreation) to either RT, Two Family Residential or RM-1, Low Density Multiple Family Residential.

Twelve (12) people who attended the meeting were contacted by telephone and were asked if they supported the plan to build multiple family dwellings. The twelve (12) in attendance said that they supported the development. However, Finlay Development, Inc. has made a commitment to the Jackson Hill Neighborhood Association and the residents of Jackson Hill to, if necessary, create an easement on the southwest corner of the property line overlooking the park of the site located between McLaren St. and Alva St. (further identified as parcel #61-24-205-020-0008-00). This easement will be large enough to incorporate the use of the hill overlooking the park for youth activity and separate it from the projected community.

Sincerely

A handwritten signature in cursive script, reading "Calvin M. Rucks".

**Calvin M. Rucks, Persident
Jackson Hill Neighborhood Association**

See packet for full
~~pamphlet~~ pamphlet

FINLAY is a national real estate investment and

development firm. Established in 1980, the organization is comprised of a group of closely related companies that invest in, develop, construct and manage multifamily housing throughout the United States.

F I N L A Y

Specializing in the federal tax credit program, the company is committed to providing quality, affordable housing for families as well as for seniors.

In recognition of this commitment, the National Council on Senior Housing of the National Association of Home Builders awarded Finlay its Silver Seal for "Best in Affordable Housing."

The Finlay companies include Finlay Properties, Inc.; Finlay Construction, Inc.; and Finlay Real Estate Services, Inc.

CORPORATE HEADQUARTERS

4300 Marsh Landing Boulevard, Jacksonville Beach, Florida 32250
904-280-1000 (telephone) 904-280-9993 (facsimile)

Date: February 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Proposals for
Engineering Services on: Seaway Industrial Park

Item removed.

SUMMARY OF REQUEST:

To enter into an engineering services agreement with Prien & Newhof to perform the necessary design and construction engineering on the proposed Seaway Industrial Park at a not-to-exceed cost of \$70,730.00. The selection of P & N was based on the following factors;

1. Their past work experience with the City on similarly funded project (Roberts)
2. Their proposal cost (see attached tabulation) which takes into account the layout and survey descriptions of the parcels within.
3. The hourly rates and number of hrs. seems reasonable.

FINANCIAL IMPACT:

The cost for the engineering services would be from the City's Major, Local, Water & Sewer fund as well as the EDA grant.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Enter into an engineering agreement with Prien & Newhof to provide engineering services (design & construction) for the Seaway Industrial Park.

PROPOSALS TABULATION FOR THE ENGINEERING SERVICES ON: SEAWAY INDUSTRIAL PARK

FIRM	DESIGN HR.	DESIGN COST	RATE PER HR (DESIGN)	CONSTRUCTION HR.	CONSTRUCTION ENG. COST	RATE PER HR (CONSTR.)	TOTAL COST
FLEIS & VANDENBRINK	576	\$33,782.40	\$58.65	842	\$52,498.94	\$62.35	\$86,281.34
PREIN & NEWHOF	470	\$29,330.00	\$62.40	776	\$41,400.00	\$53.35	\$70,730.00 INCLUDES \$10,000 FOR LOT LAYOUT
DRIESEN & ASSOCIATES	569	\$44,425.00	\$78.08	913	\$53,890.00	\$59.03	\$98,315.00
Westshore Engineering	372	\$26,386.30	\$70.93	899.75	\$38,676.37	\$42.99	\$65,062.67
OMM	360	\$27,029.00	\$75.08	624	\$37,956.25	\$60.83	\$64,985.25

Date: February 26, 2002

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Notice of Intent Resolution 2002 Special Assessment Bonds

SUMMARY OF REQUEST: The City is in the midst of an aggressive citywide sidewalk improvement program. To finance the up front costs, it is periodically necessary to issue special assessment bonds. These bonds will be paid from special assessments levied against benefiting property owners. The first step in the borrowing process is adoption a *Notice of Intent Resolution* which notifies citizens of the City's intent to borrow and allows for a 45-day period during which petitions could be filed to force a referendum on the issue.

FINANCIAL IMPACT: The only immediate financial impact is the costs of publishing the Notice of Intent in the *Chronicle*.

The attached resolution indicates the City may borrow up to \$1,500,000; the actual amount will be considerably less. The bonds will be paid from special assessments over 10 years and will carry, as a secondary pledge, the City's limited full faith and credit. This means that if special assessment income falls short of the amount needed to make annual debt service payments, the City's General Fund will be required to make up the shortfall.

If bonds are issued, the full financial impact will not be known until bonds are sold and interest rates determined.

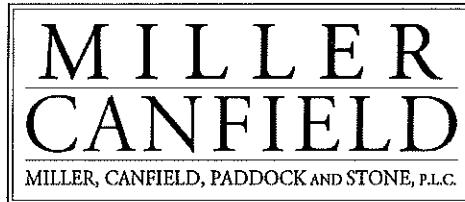
BUDGET ACTION REQUIRED: None at this time. The annual debt service costs will be budgeted in future years as well until the bonds are retired.

STAFF RECOMMENDATION: Approval of the attached notice of intent resolution.

COMMITTEE RECOMMENDATION: None.

Founded in 1852
by Sidney Davy Miller

150
YEARS
1852-2002



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

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

AFFILIATED OFFICE:
Pensacola, FL

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

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

February 15, 2002

Mr. Timothy J. Paul
Finance Director
City of Muskegon
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Via Overnight Delivery

Dear Tim:

Please find herewith enclosed a proposed form of resolution respecting the City's 2002 sidewalk improvement program. This is the customary notice of intent resolution and as you will recall the notice of intent found within the resolution must be published once in the Muskegon Chronicle as a display ad taking up no less than one-quarter of the page upon which the notice appears. The print should be in large point type.

X
CITY
CLERK
Please
NOTE

I would ask that you return three certified copies of the resolution to me along with three affidavits of its publication.

When assembled, I would ask you to send the transcript of proceedings for the special assessments so that I can begin the process of reviewing same.

Should you have any questions concerning this, please do not hesitate to contact me.

Very truly yours,

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

By: _____

Joel L. Piell

Enclosure (w/disk)

cc: Mr. Warren M. Creamer, III (w/enclosure)

DELIB:2298755.1\099999-90001

NOTICE OF INTENT RESOLUTION

2002-28(c)

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City") held on February 26, 2002, at 5:30 o'clock p.m., Eastern Standard Time.

PRESENT: Members Larson, Schweifler, Shepherd, Spataro, Warmington,
Buie, Gawron

ABSENT: Members None

The following preamble and resolution were offered by Member Larson
and supported by Member Spataro:

WHEREAS, the City Commission of the City intends to authorize the issuance of special assessment bonds for the purpose of defraying part of special assessment districts' share of the cost in connection with certain public improvements in the City;

AND WHEREAS, notice of intent to issue bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the Muskegon Chronicle, a newspaper of general circulation in the City, as a display advertisement at least one-quarter page in size.
2. Said notice of intent so published shall be in substantially the following form:

OFFICIAL NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF MUSKEGON
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING
POWER OF THE CITY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon, County of Muskegon, Michigan, intends to issue special assessment bonds of the City, in total principal amount of not to exceed \$1,500,000 for the purpose of defraying part of special assessment districts' share of the cost of sidewalk and related improvements in the City. Said bonds shall mature serially in not to exceed twenty (20) annual installments with interest payable on the unpaid balance at a rate of not to exceed 8% per annum or such higher rate as may be permitted by law.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE SPECIAL ASSESSMENT BONDS shall be payable primarily from collections of an equal amount of special assessments and the bonds shall also pledge the limited tax full faith and credit of the City of Muskegon.

IN CASE OF THE INSUFFICIENCY OF THE SPECIAL ASSESSMENTS, THE PRINCIPAL AND INTEREST ON SAID BONDS SHALL BE PAYABLE FROM THE GENERAL FUNDS OF THE CITY LAWFULLY AVAILABLE FOR SUCH PURPOSE.

RIGHT OF REFERENDUM

THE BONDS will be issued without vote of the electors unless a PETITION requesting an election on the question of issuing either or both series of bonds, signed by not less than 10% OF THE REGISTERED ELECTORS in the City, or 15,000, whichever is the lesser, is filed with the City by depositing with the City Clerk WITHIN FORTY-FIVE (45) DAYS after publication of this notice. If such a petition is filed, the bonds affected cannot be issued without an approving vote by a majority of electors voting on the question.

THIS NOTICE is given pursuant to the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended. Further information concerning the matters set out in this notice may be secured from the City Clerk's office.

Gail Kunderinger
City Clerk

3. The City Commission does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the bonds, the purpose of the bond issues, the security for the bonds, and the right of referendum of the electors with respect thereto under all of the circumstances, and that the provision of forty-five (45) days within which to file a referendum petition is necessary and adequate to insure that the City's electors may exercise their right of referendum with respect to the bonds.

4. The City Clerk or Finance Director be and are each hereby authorized to file a Notice of Intent to Issue an Obligation along with the appropriate filing fee with the Michigan Department of Treasury or to file for approval with the Michigan Department of Treasury.

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

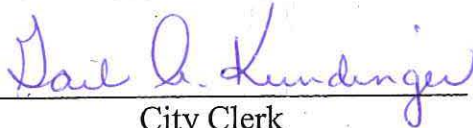
AYES: Members Buie, Gawron, Larson, Schweifler, Shepherd,
Spataro, Warmington

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Paul A. Kunder
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on February 26, 2002, and that said meeting was conducted and public notice of meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


City Clerk

DELIB:2298619.1\000000-00000

933 Terrace Street
Muskegon, MI 49440

OFFICE 231-724-6705
FAX 231-724-4178

City of Muskegon Clerk's Office

Fax Cover Sheet

To: <u>Ann McMillen</u>	From: <u>Linda Potter</u>
Fax: _____	Pages: <u>2</u>
Phone: _____	Date: <u>2-28-02</u>
Re: _____	CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Please publish March 5, 2002,
as a display ad taking up no less
than one-quarter of the page upon
which the notice appears. The print
should be in large point type.

Thanks,

LP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

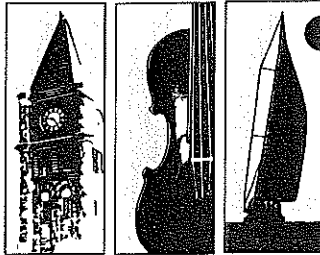
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

March 18, 2002

Mr. Joel L. Piell
Miller, Canfield, Paddock
& Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, MI 48226

Dear Mr. Piell:

Enclosed are three resolutions and affidavits of publication reference the City's 2002 sidewalk improvement program.

Thank you,

Linda Potter

Linda Potter
Deputy City Clerk

Enc.

Date: February 26, 2002

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Final Amendments to 2001 Budget

SUMMARY OF REQUEST: Adoption of the attached year-end amendments to the City's 2001 Budget to assure compliance with the State *Uniform Budget Act*. This act requires that budgets for "governmental-type" funds (i.e. general fund, special revenue funds, and debt service funds) be amended so that expenditures are not reported in the City's audit as exceeding legal appropriations.

FINANCIAL IMPACT: These budget amendments establish the final 2001 authorized revenue estimates and spending limits for the various City departments and funds. The attached schedule shows how the amended budget varies from the original budget (and subsequent budget reforecasts) previously approved by the City Commission.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON
GENERAL FUND

HISTORICAL SUMMARY

Year		Revenues & Transfers In	Expenditures & Transfers Out		Fund Balance at Year-End
1992	\$	11,297,076	\$ 11,282,444	\$	1,538,372
1993		13,990,266	13,231,208		2,297,430
1994		15,301,973	15,572,689		2,026,714
1995		16,633,179	16,337,586		2,322,307
1996		17,666,214	18,018,159		1,970,362
1997		20,437,646	20,358,321		2,049,687
1998		21,643,855	21,634,467		2,059,075
1999		21,451,681	22,011,881		1,498,875
2000		23,685,516	22,232,657		2,951,734
2001		23,410,999	23,137,323		3,225,410

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Revenue Summary By Source

	Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
Available Fund Balance - BOY	\$ 2,059,875	\$ 1,498,875	\$ 2,280,546	\$ 2,951,735	\$ 2,951,735	\$ 2,951,735	\$ 671,189
Taxes							
City income tax	\$ 6,425,149	\$ 7,078,571	\$ 7,000,000	\$ 6,900,000	\$ 6,800,440	\$ 6,800,400	\$ (99,600)
Property taxes - general	3,601,411	3,686,780	3,967,591	3,967,591	3,940,343	3,940,300	(27,291)
Property taxes - sanitation	1,489,818	1,630,491	1,680,226	1,680,226	1,670,955	1,670,900	(9,326)
Property taxes - pass-thru from LDFA II	-	-	-	-	-	-	-
Industrial facilities taxes	353,151	362,676	405,000	365,000	353,742	353,700	(11,300)
Payments in lieu of taxes	71,608	69,148	80,000	80,000	75,758	75,700	(4,300)
Delinquent chargeback collected	19,886	3,769	10,000	10,000	17,514	17,500	7,500
	\$ 11,961,023	\$ 12,831,435	\$ 13,142,817	\$ 13,002,817	\$ 12,858,752	\$ 12,858,500	\$ (144,317)
Licenses and permits							
Business licenses	\$ 25,008	\$ 32,363	\$ 45,000	\$ 37,000	\$ 31,239	\$ 31,200	\$ (5,800)
Liquor licenses	28,458	35,511	35,000	35,000	36,427	36,400	1,400
Cable TV franchise fees	338,325	327,004	250,000	250,000	218,519	218,500	(31,500)
Housing licenses	66,147	62,965	115,000	68,000	66,126	66,100	(1,900)
Burial permits	94,955	104,160	100,000	100,000	98,735	98,700	(1,300)
Building permits	285,865	368,333	250,000	250,000	333,798	333,700	83,700
Electrical permits	77,375	87,692	75,000	75,000	127,055	127,000	52,000
Plumbing permits	38,448	45,147	45,000	35,000	48,863	48,800	13,800
Heating permits	57,326	62,847	70,000	45,000	65,495	65,400	20,400
Franchise fees	-	1,100	2,000	1,000	-	-	(1,000)
Police gun registration	3,870	1,879	4,000	1,275	2,040	2,000	725
	\$ 1,015,777	\$ 1,129,001	\$ 991,000	\$ 897,275	\$ 1,028,297	\$ 1,027,800	\$ 130,525
Federal grants							
Federal operational grant	\$ 423,208	\$ 522,111	\$ 456,005	\$ 456,005	\$ 417,925	\$ 417,900	\$ (38,105)
	\$ 423,208	\$ 522,111	\$ 456,005	\$ 456,005	\$ 417,925	\$ 417,900	\$ (38,105)
State grants							
State operational grant	\$ -	\$ -	\$ -	\$ -	\$ 17,569	\$ 17,500	\$ 17,500
	\$ -	\$ -	\$ -	\$ -	\$ 17,569	\$ 17,500	\$ 17,500
State shared revenue							
State sales tax	\$ 4,863,361	\$ 5,486,712	\$ 5,441,651	\$ 5,615,263	\$ 5,748,523	\$ 5,748,500	\$ 133,237
	\$ 4,863,361	\$ 5,486,712	\$ 5,441,651	\$ 5,615,263	\$ 5,748,523	\$ 5,748,500	\$ 133,237

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Revenue Summary By Source

	Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
Other charges for sales and services							
Tax administration fees	\$ 213,714	\$ 224,399	\$ 225,000	\$ 230,000	\$ 232,349	\$ 232,300	\$ 2,300
Utility administration fees	172,998	166,032	175,215	175,215	175,215	175,200	(15)
Reimbursement for elections	10,459	30,568	12,000	12,335	20,534	20,500	8,165
Indirect cost reimbursement	840,034	925,008	908,242	908,242	908,256	908,200	(42)
Site-plan review fee	-	1,800	4,000	1,000	895	800	(200)
Sale of cemetery lots	12,923	24,269	15,000	16,000	25,275	25,200	9,200
Sale of columbarium niches	-	1,325	3,000	1,000	-	-	(1,000)
Sale of Harbortown dockominiums	80,500	-	-	-	-	-	-
Police miscellaneous	68,663	67,711	65,000	65,000	48,873	48,800	(16,200)
Police impound fees	-	38,576	6,000	45,000	37,781	37,700	(7,300)
Landlord's alert fee	-	-	-	1,700	1,630	1,600	(100)
Fire protection-state property	75,055	83,093	80,000	85,000	82,087	82,000	(3,000)
Zoning fees	12,305	9,325	7,500	10,000	13,915	13,900	3,900
Clerk fees	604	2,586	5,000	5,000	1,391	1,300	(3,700)
Clerk - passport fees	-	-	-	-	-	-	-
IFT application fees	6,369	9,917	5,000	2,500	4,944	4,900	2,400
Treasurer fees	4,374	26,934	2,500	22,000	33,708	33,700	11,700
False alarm fees	17,727	16,439	10,000	10,000	18,806	18,800	8,800
Miscellaneous cemetery income	25,599	21,224	23,000	21,000	24,118	24,100	3,100
Housing commission reimbursement	16,750	23,503	-	-	-	-	-
Senior transit program fees	8,521	8,261	8,000	8,000	7,986	7,900	(100)
Fire miscellaneous	9,311	25,798	40,000	25,000	9,012	9,000	(16,000)
Sanitation stickers	36,519	43,280	35,000	38,000	40,031	40,000	2,000
Lot cleanup fees	121,148	96,998	50,000	70,000	74,584	74,500	4,500
Reimbursements for mowings and demolitions	62,525	107,400	20,000	70,000	75,099	75,000	5,000
Recreation program fees	115,817	138,866	125,000	125,000	133,183	133,100	8,100
	\$ 1,911,915	\$ 2,093,312	\$ 1,824,457	\$ 1,946,992	\$ 1,969,672	\$ 1,968,500	\$ 21,508
Interest and rental income							
Interest	\$ 314,639	\$ 411,444	\$ 325,000	\$ 375,000	\$ 331,923	\$ 331,900	\$ (43,100)
Flea market	25,418	25,269	27,000	27,000	22,157	22,100	(4,900)
Farmers market	20,905	22,040	20,000	23,000	26,475	26,400	3,400
City right of way rental	6,400	6,400	4,400	4,400	6,400	6,400	2,000
Parking ramp rentals	27,266	46,819	40,000	32,000	22,069	22,000	(10,000)
McGraft park rentals	43,270	55,518	54,443	54,443	53,758	53,700	(743)
Other park rentals	27,851	31,919	30,000	31,000	28,081	28,000	(3,000)
	\$ 465,749	\$ 599,409	\$ 500,843	\$ 546,843	\$ 490,863	\$ 490,500	\$ (56,343)

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Revenue Summary By Source

	Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
Fines and fees							
Income tax - penalty and interest	\$ 45,901	\$ 70,290	\$ 50,000	\$ 65,000	\$ 95,916	\$ 95,900	\$ 30,900
Late fees on current taxes	7,192	40,167	15,000	15,000	(36)	-	(15,000)
Interest on late invoices	17,519	329	1,200	1,200	730	700	(500)
Civil infraction fines	(983)	-	3,000	-	-	-	-
Property transfer affidavit fines	-	6,400	5,000	5,000	1,900	1,900	(3,100)
Parking fines	82,772	41,829	65,000	80,000	74,056	74,000	(6,000)
Court fines	124,968	179,662	150,000	160,000	150,735	150,700	(9,300)
	\$ 277,369	\$ 338,677	\$ 289,200	\$ 326,200	\$ 323,301	\$ 323,200	\$ (3,000)
Other revenue							
Sale of land and assets	\$ 2,650	\$ 350	\$ 3,000	\$ 3,000	\$ -	\$ -	\$ (3,000)
Police sale and auction proceeds	3,991	3,214	6,000	4,000	3,706	3,700	(300)
CDBG program reimbursements	254,279	391,573	315,000	285,000	322,587	322,500	37,500
Contributions	64,165	68,993	11,000	11,000	26,392	26,300	15,300
Muskegon County Community Foundation	-	-	4,650	7,200	7,200	7,200	-
Miscellaneous reimbursements	-	-	3,000	4,000	1,333	1,300	(2,700)
Miscellaneous and sundry	30,786	13,093	20,000	20,000	16,422	16,400	(3,600)
	\$ 355,871	\$ 477,223	\$ 362,650	\$ 334,200	\$ 377,640	\$ 377,400	\$ 43,200
Other financing sources							
Operating transfers in							
Cemetery Perpetual Care	60,551	63,858	62,600	67,000	\$ 67,373	\$ 67,300	300
Criminal Forfeitures Fund	83,000	75,000	75,000	75,000	60,000	60,000	(15,000)
Police Training Fund	18,621	36,286	10,000	15,000	31,142	31,100	16,100
DDA for Administration	-	30,000	30,000	10,000	10,000	10,000	-
Reese Playfield Fund	3,967	1,827	1,800	1,800	4,333	4,300	2,500
RLF for Administration	10,000	-	-	5,000	5,000	5,000	-
Hackley Park Improvement Fund	1,269	51	-	-	-	-	-
Hackley Park Memorial Fund	-	614	600	600	609	600	-
	\$ 177,408	\$ 207,636	\$ 180,000	\$ 174,400	\$ 178,457	\$ 178,300	\$ 3,900
Total general fund revenues and other sources							
	\$ 21,451,681	\$ 23,685,516	\$ 23,188,623	\$ 23,299,995	\$ 23,410,999	\$ 23,408,100	\$ 108,105

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
I. Customer Value Added Activities								
40301 Police Department								
5100	Salaries & Benefits	\$ 5,723,719	\$ 5,825,308	\$ 6,057,077	\$ 6,057,077	\$ 5,803,534	\$ 5,804,000	\$ (253,077)
5200	Operating Supplies	134,967	159,537	128,150	143,150	154,660	155,000	11,850
5300	Contractual Services	740,791	953,985	860,700	860,700	951,903	952,000	91,300
5400	Other Expenses	47,220	54,242	30,700	30,700	54,675	55,000	24,300
5700	Capital Outlays	110,246	207,553	75,941	75,941	87,593	88,000	12,059
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 6,756,943	\$ 7,200,625	\$ 7,152,568	\$ 7,167,568	\$ 7,052,365	\$ 7,054,000	\$ (113,568)
		\$ 6,756,943	\$ 7,200,625	\$ 7,152,568	\$ 7,167,568	\$ 7,052,365	\$ 7,054,000	\$ (113,568)
50336 Fire Department								
5100	Salaries & Benefits	\$ 2,673,009	\$ 2,708,005	\$ 2,738,873	\$ 2,768,873	\$ 2,930,180	\$ 2,931,000	\$ 162,127
5200	Operating Supplies	113,467	97,561	98,000	98,000	92,307	93,000	(5,000)
5300	Contractual Services	156,160	133,101	150,000	150,000	149,605	150,000	-
5400	Other Expenses	20,291	10,051	20,000	20,000	12,785	13,000	(7,000)
5700	Capital Outlays	153,098	38,636	25,000	30,000	32,714	33,000	3,000
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 3,116,025	\$ 2,987,354	\$ 3,031,873	\$ 3,066,873	\$ 3,217,591	\$ 3,220,000	\$ 153,127
50387 Fire Safety Inspections								
5100	Salaries & Benefits	\$ 314,896	\$ 623,329	\$ 658,792	\$ 633,792	\$ 579,330	\$ 580,000	\$ (53,792)
5200	Operating Supplies	8,585	17,135	31,050	26,050	25,077	26,000	(50)
5300	Contractual Services	96,770	247,418	226,759	226,759	232,848	233,000	6,241
5400	Other Expenses	4,877	11,070	15,000	15,000	8,109	9,000	(6,000)
5700	Capital Outlays	16,029	9,838	5,600	10,600	15,216	16,000	5,400
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 441,157	\$ 908,790	\$ 937,201	\$ 912,201	\$ 660,580	\$ 664,000	\$ (48,201)
		\$ 3,557,182	\$ 3,896,144	\$ 3,969,074	\$ 3,979,074	\$ 4,078,171	\$ 4,084,000	\$ 104,926
60523 General Sanitation								
5100	Salaries & Benefits	\$ 60,002	\$ 66,335	\$ 62,422	\$ 67,000	\$ 67,901	\$ 68,000	\$ 1,000
5200	Operating Supplies	401	690	1,400	1,400	1,006	2,000	600
5300	Contractual Services	1,490,600	1,308,314	1,390,508	1,390,508	1,351,420	1,352,000	(38,508)
5400	Other Expenses	6	-	1,000	1,000	83	1,000	-
5700	Capital Outlays	-	24,360	25,000	25,000	24,847	25,000	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 1,551,009	\$ 1,399,699	\$ 1,480,330	\$ 1,484,908	\$ 1,445,257	\$ 1,448,000	\$ (36,908)
60528 Recycling								
5100	Salaries & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5200	Operating Supplies	-	-	-	-	-	-	-
5300	Contractual Services	300,392	263,478	261,207	263,000	257,926	258,000	(5,000)
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	1,500	1,500	3,305	4,000	2,500
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 300,392	\$ 263,478	\$ 262,707	\$ 264,500	\$ 261,231	\$ 262,000	\$ (2,500)

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
60524	Composting							
5100	Salaries & Benefits	\$ 12,468	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5200	Operating Supplies	-	-	-	-	-	-	-
5300	Contractual Services	43,237	-	-	-	-	-	-
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 55,705	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
60550	Stormwater Management							
5100	Salaries & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5200	Operating Supplies	-	-	-	-	-	-	-
5300	Contractual Services	-	-	-	-	-	-	-
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
60448	Streetlighting							
5100	Salaries & Benefits	\$ 12,685	\$ 10,601	\$ 7,064	\$ 7,064	\$ 11,387	\$ 12,000	\$ 4,936
5200	Operating Supplies	-	-	-	-	-	-	-
5300	Contractual Services	505,839	507,599	515,000	515,000	504,551	505,000	(10,000)
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	600	-	10,000	10,000	-	-	(10,000)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 519,124	\$ 518,200	\$ 532,064	\$ 532,064	\$ 515,938	\$ 517,000	\$ (15,064)
60707	Senior Citizen Transit							
5100	Salaries & Benefits	\$ 39,821	\$ 44,554	\$ 42,998	\$ 45,386	\$ 44,925	\$ 45,000	\$ (386)
5200	Operating Supplies	-	-	-	-	-	-	-
5300	Contractual Services	4,810	5,450	5,850	5,850	7,100	8,000	2,150
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 44,631	\$ 50,004	\$ 48,848	\$ 51,236	\$ 52,025	\$ 53,000	\$ 1,764
60446	Community Event Support							
5100	Salaries & Benefits	\$ 17,953	\$ 113,420	\$ 75,382	\$ 75,382	\$ 77,840	\$ 78,000	\$ 2,618
5200	Operating Supplies	-	14,743	2,500	2,500	1,971	2,000	(500)
5300	Contractual Services	1,270	45,757	20,000	17,000	31,071	32,000	15,000
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 19,223	\$ 173,920	\$ 97,882	\$ 94,882	\$ 110,882	\$ 112,000	\$ 17,118
		\$ 2,490,084	\$ 2,405,301	\$ 2,421,831	\$ 2,427,590	\$ 2,385,333	\$ 2,392,000	\$ (35,590)
70751	Parks Maintenance							
5100	Salaries & Benefits	\$ 594,245	\$ 410,877	\$ 528,153	\$ 528,153	\$ 470,749	\$ 471,000	\$ (57,153)
5200	Operating Supplies	101,986	188,503	125,155	125,155	240,998	241,000	115,845
5300	Contractual Services	369,196	509,593	515,000	515,000	596,720	597,000	82,000
5400	Other Expenses	2,338	2,939	7,000	7,000	2,905	3,000	(4,000)
5700	Capital Outlays	42,206	53,703	80,000	80,000	75,959	76,000	(4,000)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 1,109,971	\$ 1,165,615	\$ 1,255,308	\$ 1,255,308	\$ 1,387,331	\$ 1,388,000	\$ 132,692

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
70757	Mc Graft Park Maintenance							
5100	Salaries & Benefits	\$ 34,953	\$ 10,522	\$ 18,278	\$ 18,278	\$ 5,030	\$ 6,000	\$ (12,278)
5200	Operating Supplies	9,527	3,862	5,000	5,000	4,918	5,000	-
5300	Contractual Services	27,393	43,985	30,165	30,165	42,488	43,000	12,835
5400	Other Expenses	434	210	1,000	1,000	238	1,000	-
5700	Capital Outlays	-	283	-	-	65	1,000	1,000
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 72,307	\$ 58,862	\$ 54,443	\$ 54,443	\$ 52,739	\$ 56,000	\$ 1,557
70775	General Recreation Programs							
5100	Salaries & Benefits	\$ 132,298	\$ 117,149	\$ 175,398	\$ 166,000	\$ 140,436	\$ 141,000	\$ (25,000)
5200	Operating Supplies	35,928	31,912	25,300	38,885	43,244	44,000	5,115
5300	Contractual Services	118,418	115,122	88,675	90,133	108,318	109,000	18,867
5400	Other Expenses	4,244	2,969	4,000	4,000	4,068	5,000	1,000
5700	Capital Outlays	208	4,344	-	-	288	1,000	1,000
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 291,096	\$ 271,496	\$ 293,373	\$ 289,018	\$ 296,354	\$ 300,000	\$ 982
70776	Inner City Recreation Programs							
5100	Salaries & Benefits	\$ 103,019	\$ 135,718	\$ 132,319	\$ 132,319	\$ 142,997	\$ 143,000	\$ 10,681
5200	Operating Supplies	11,214	10,781	21,710	8,600	8,172	9,000	400
5300	Contractual Services	30,297	29,995	36,400	33,360	27,246	28,000	(5,360)
5400	Other Expenses	2,397	2,896	3,000	2,905	5,184	6,000	3,095
5700	Capital Outlays	-	-	-	95	95	1,000	905
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 146,927	\$ 179,390	\$ 193,429	\$ 177,279	\$ 183,694	\$ 187,000	\$ 9,721
70276	Cemeteries Maintenance							
5100	Salaries & Benefits	\$ 330,496	\$ 184,070	\$ 175,746	\$ 175,746	\$ 185,819	\$ 186,000	\$ 10,254
5200	Operating Supplies	21,166	13,440	25,000	25,000	21,908	22,000	(3,000)
5300	Contractual Services	110,984	246,091	270,000	270,000	263,671	264,000	(6,000)
5400	Other Expenses	216	568	1,000	1,000	1,199	2,000	1,000
5700	Capital Outlays	33,200	19,930	22,500	22,500	33,975	34,000	11,500
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 496,062	\$ 464,099	\$ 494,246	\$ 494,246	\$ 506,572	\$ 508,000	\$ 13,754
70585	Parking Operations							
5100	Salaries & Benefits	\$ 12,979	\$ 13,182	\$ 12,584	\$ 12,584	\$ 13,439	\$ 14,000	\$ 1,416
5200	Operating Supplies	2,146	2,316	2,000	2,000	2,476	3,000	1,000
5300	Contractual Services	28,692	27,501	35,572	35,572	32,854	33,000	(2,572)
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 43,817	\$ 42,999	\$ 50,156	\$ 50,156	\$ 48,769	\$ 50,000	\$ (156)
70771	Forestry							
5100	Salaries & Benefits	\$ 90,283	\$ 89,755	\$ 134,355	\$ 100,000	\$ 86,584	\$ 87,000	\$ (13,000)
5200	Operating Supplies	10,467	9,852	9,581	9,581	9,831	10,000	419
5300	Contractual Services	12,898	16,843	14,000	14,000	14,244	15,000	1,000
5400	Other Expenses	2,940	818	1,700	1,700	1,309	2,000	300
5700	Capital Outlays	6,572	3,207	2,000	2,000	2,101	3,000	1,000
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 123,160	\$ 120,475	\$ 161,636	\$ 127,281	\$ 114,069	\$ 117,000	\$ (10,281)

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
70863 Farmers' Market & Flea Market								
5100	Salaries & Benefits	\$ 36,984	\$ 27,185	\$ 30,669	\$ 29,000	\$ 28,023	\$ 29,000	\$ -
5200	Operating Supplies	503	591	1,000	1,000	860	1,000	-
5300	Contractual Services	8,236	15,000	7,623	12,000	19,175	20,000	8,000
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 45,723	\$ 42,776	\$ 39,292	\$ 42,000	\$ 48,058	\$ 50,000	\$ 8,000
		\$ 2,329,063	\$ 2,345,712	\$ 2,541,883	\$ 2,499,731	\$ 2,637,586	\$ 2,656,000	\$ 156,269
80799 Weed and Seed Program								
5100	Salaries & Benefits	\$ 20,949	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5200	Operating Supplies	2,860	-	-	-	-	-	-
5300	Contractual Services	9,784	112	-	-	-	-	-
5400	Other Expenses	127	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 33,720	\$ 112	\$ -	\$ -	\$ -	\$ -	\$ -
80387 Environmental Services								
5100	Salaries & Benefits	\$ 439,362	\$ 150,456	\$ 172,208	\$ 172,208	\$ 179,865	\$ 180,000	\$ 7,792
5200	Operating Supplies	12,785	9,525	4,700	6,000	9,023	10,000	4,000
5300	Contractual Services	328,371	265,250	160,950	162,650	244,510	245,000	82,350
5400	Other Expenses	2,674	333	1,000	1,000	1,633	2,000	1,000
5700	Capital Outlays	3,569	4,135	4,700	10,000	6,556	7,000	(3,000)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 788,761	\$ 429,699	\$ 343,558	\$ 351,858	\$ 441,587	\$ 444,000	\$ 92,142
		\$ 820,481	\$ 429,811	\$ 343,558	\$ 351,858	\$ 441,587	\$ 444,000	\$ 92,142
10875 Other - Contributions to Outside Agencies								
	Muskegon Area Transit (MATS)	\$ 80,163	\$ 80,163	\$ 80,163	\$ 80,163	\$ 80,163	\$ 81,000	837
	Neighborhood Association Grants	29,529	27,443	40,000	35,000	34,063	35,000	-
	Veterans Memorial Day Costs	6,677	7,324	10,000	7,535	7,535	8,000	465
	WMSRDC - Muskegon Area Plan (MAP)	-	-	-	6,151	6,151	7,000	849
	Institute for Healing Racism	-	-	4,000	4,000	3,000	3,000	(1,000)
	Muskegon Area Labor Management (MALMC)	1,000	1,000	1,000	1,000	1,000	1,000	-
	Sister Cities' Youth Travel	-	-	-	1,000	1,000	1,000	-
	SPCA/Humane Society - Feral Cat Control	-	-	-	5,000	-	-	(5,000)
	Other	-	-	6,477	1,402	-	-	(1,402)
	Contributions To Outside Agencies	\$ 117,369	\$ 115,930	\$ 141,640	\$ 141,251	\$ 132,912	\$ 136,000	\$ (5,251)
		\$ 117,369	\$ 115,930	\$ 141,640	\$ 141,251	\$ 132,912	\$ 136,000	\$ (5,251)
Total Customer Value Added Activities		\$ 16,071,122	\$ 16,393,523	\$ 16,570,554	\$ 16,567,072	\$ 16,727,954	\$ 16,766,000	\$ 198,928
As a Percent of Total General Fund Expenditures		73.0%	73.7%	71.5%	71.6%	72.3%	72.2%	

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Rereforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Rereforecast
II. Business Value Added Activities								
10101 City Commission								
5100	Salaries & Benefits	\$ 50,488	\$ 56,917	\$ 58,589	\$ 58,589	\$ 56,483	\$ 57,000	\$ (1,589)
5200	Operating Supplies	11,732	11,861	16,000	16,000	12,288	13,000	(3,000)
5300	Contractual Services	26,636	30,541	47,059	47,059	36,894	37,000	(10,059)
5400	Other Expenses	7,106	8,813	11,000	11,000	7,631	8,000	(3,000)
5700	Capital Outlays	1,534	91	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 97,496	\$ 108,223	\$ 132,648	\$ 132,648	\$ 113,296	\$ 115,000	\$ (17,648)
10102 City Promotions & Public Relations								
5100	Salaries & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5200	Operating Supplies	-	-	10,000	9,500	-	-	(9,500)
5300	Contractual Services	-	14,791	24,000	20,050	24,563	25,000	4,950
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ -	\$ 14,791	\$ 34,000	\$ 29,550	\$ 24,563	\$ 25,000	\$ (4,550)
10172 City Manager								
5100	Salaries & Benefits	\$ 163,409	\$ 172,284	\$ 177,056	\$ 177,056	\$ 168,180	\$ 169,000	\$ (8,056)
5200	Operating Supplies	2,531	2,564	3,500	3,500	1,651	2,000	(1,500)
5300	Contractual Services	2,645	2,962	5,500	5,500	2,055	3,000	(2,500)
5400	Other Expenses	2,601	4,247	4,500	4,500	2,149	3,000	(1,500)
5700	Capital Outlays	82	1,814	3,500	3,500	-	-	(3,500)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 171,268	\$ 183,871	\$ 194,056	\$ 194,056	\$ 174,035	\$ 177,000	\$ (17,056)
10145 City Attorney								
5100	Salaries & Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5200	Operating Supplies	400	480	480	1,000	833	1,000	-
5300	Contractual Services	341,368	384,201	370,194	370,194	457,739	458,000	87,806
5400	Other Expenses	-	-	-	-	-	-	-
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 341,768	\$ 384,681	\$ 370,674	\$ 371,194	\$ 458,572	\$ 459,000	\$ 87,806
		\$ 610,532	\$ 691,566	\$ 731,378	\$ 727,446	\$ 770,466	\$ 776,000	\$ 48,552
20173 Administration								
5100	Salaries & Benefits	\$ 124,412	\$ 137,659	\$ 141,029	\$ 131,029	\$ 120,324	\$ 121,000	\$ (10,029)
5200	Operating Supplies	4,482	2,295	3,950	1,950	1,784	2,000	50
5300	Contractual Services	24,701	15,871	23,000	11,000	15,734	16,000	5,000
5400	Other Expenses	16,200	12,278	11,860	11,860	7,230	8,000	(3,860)
5700	Capital Outlays	298	581	1,500	2,500	1,632	2,000	(500)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 170,093	\$ 168,684	\$ 181,339	\$ 158,339	\$ 146,704	\$ 149,000	\$ (9,339)

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Rereforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Rereforecast
20228	Affirmative Action							
5100	Salaries & Benefits	\$ 63,526	\$ 69,370	\$ 70,485	\$ 70,485	\$ 72,256	\$ 73,000	\$ 2,515
5200	Operating Supplies	517	506	1,000	1,800	1,713	2,000	200
5300	Contractual Services	2,109	2,334	3,300	3,000	1,759	2,000	(1,000)
5400	Other Expenses	3,295	2,801	4,000	3,500	2,913	3,000	(500)
5700	Capital Outlays	-	118	500	500	649	1,000	500
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 69,447	\$ 75,129	\$ 79,285	\$ 79,285	\$ 79,290	\$ 81,000	\$ 1,715
20744	Julia Hackley Internships							
5100	Salaries & Benefits	\$ 1,714	\$ 7,482	\$ 4,650	\$ 7,200	\$ 10,692	\$ 11,000	\$ 3,800
5200	Operating Supplies	-	718	-	-	-	-	-
5300	Contractual Services	-	711	-	-	-	-	-
5400	Other Expenses	-	-	-	-	20	1,000	1,000
5700	Capital Outlays	-	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 1,714	\$ 8,911	\$ 4,650	\$ 7,200	\$ 10,712	\$ 12,000	\$ 4,800
20215	City Clerk & Elections							
5100	Salaries & Benefits	\$ 190,040	\$ 218,883	\$ 209,842	\$ 209,842	\$ 208,602	\$ 209,000	\$ (842)
5200	Operating Supplies	28,908	32,549	15,000	20,000	35,327	36,000	16,000
5300	Contractual Services	34,857	28,284	32,850	22,050	31,458	32,000	9,950
5400	Other Expenses	6,875	5,420	3,250	5,100	7,136	8,000	2,900
5700	Capital Outlays	5,006	2,551	3,350	5,200	5,200	6,000	800
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 265,686	\$ 287,687	\$ 264,292	\$ 262,192	\$ 267,723	\$ 291,000	\$ 28,808
20220	Civil Service							
5100	Salaries & Benefits	\$ 125,385	\$ 130,015	\$ 153,025	\$ 138,434	\$ 132,405	\$ 133,000	\$ (5,434)
5200	Operating Supplies	15,052	6,339	5,000	12,100	17,111	18,000	5,900
5300	Contractual Services	71,530	39,839	31,000	29,098	22,799	23,000	(6,098)
5400	Other Expenses	7,890	42,287	8,000	5,900	12,336	13,000	7,100
5700	Capital Outlays	220	762	957	13,450	8,600	9,000	(4,450)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 220,077	\$ 219,242	\$ 197,982	\$ 198,982	\$ 193,251	\$ 196,000	\$ (2,982)
		\$ 727,017	\$ 759,653	\$ 727,548	\$ 705,998	\$ 717,680	\$ 729,000	\$ 23,002
30202	Finance Administration							
5100	Salaries & Benefits	\$ 245,121	\$ 259,785	\$ 267,683	\$ 267,683	\$ 267,254	\$ 268,000	\$ 317
5200	Operating Supplies	8,336	9,334	10,900	9,650	9,554	10,000	350
5300	Contractual Services	61,633	64,594	69,400	94,050	99,977	100,000	5,950
5400	Other Expenses	3,280	2,385	3,000	2,700	2,348	3,000	300
5700	Capital Outlays	2,359	4,586	3,500	3,000	2,085	3,000	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 320,729	\$ 340,684	\$ 354,483	\$ 377,083	\$ 381,218	\$ 384,000	\$ 6,917
30209	Assessing Services							
5100	Salaries & Benefits	\$ 240,204	\$ 5,013	\$ 7,731	\$ 7,731	\$ 6,759	\$ 7,000	\$ (731)
5200	Operating Supplies	3,131	-	-	-	-	-	-
5300	Contractual Services	114,601	340,213	365,835	368,983	367,367	368,000	(983)
5400	Other Expenses	3,900	80	100	100	45	1,000	900
5700	Capital Outlays	633	-	-	-	-	-	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 362,469	\$ 345,306	\$ 373,666	\$ 376,814	\$ 374,171	\$ 376,000	\$ (814)

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

		Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
30205	Income Tax Administration							
5100	Salaries & Benefits	\$ 186,659	\$ 212,880	\$ 223,951	\$ 218,000	\$ 213,846	\$ 214,000	\$ (4,000)
5200	Operating Supplies	24,897	18,875	24,073	24,073	24,678	25,000	927
5300	Contractual Services	34,271	34,550	39,500	39,500	34,092	35,000	(4,500)
5400	Other Expenses	1,003	1,288	1,500	1,500	1,648	2,000	500
5700	Capital Outlays	7,375	2,180	3,000	3,000	206	1,000	(2,000)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 254,205	\$ 269,773	\$ 292,024	\$ 286,073	\$ 274,470	\$ 277,000	\$ (9,073)
30253	City Treasurer							
5100	Salaries & Benefits	\$ 266,436	\$ 251,881	\$ 275,462	\$ 265,000	\$ 236,759	\$ 237,000	\$ (28,000)
5200	Operating Supplies	28,340	38,165	28,400	38,000	35,489	36,000	(2,000)
5300	Contractual Services	44,557	55,546	41,399	42,261	45,796	46,000	3,739
5400	Other Expenses	1,096	1,264	1,211	1,211	900	1,000	(211)
5700	Capital Outlays	6,259	7,298	3,957	3,957	4,281	5,000	1,043
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 346,688	\$ 354,154	\$ 350,429	\$ 350,429	\$ 323,225	\$ 325,000	\$ (25,429)
30248	Information Systems Administration							
5100	Salaries & Benefits	\$ 131,588	\$ 167,381	\$ 176,942	\$ 176,942	\$ 182,403	\$ 183,000	\$ 6,058
5200	Operating Supplies	4,832	6,695	9,000	9,000	2,024	3,000	(6,000)
5300	Contractual Services	42,033	38,925	45,000	45,000	72,769	73,000	28,000
5400	Other Expenses	18,650	10,689	12,000	12,000	12,457	13,000	1,000
5700	Capital Outlays	67,921	52,283	42,000	42,000	53,828	54,000	12,000
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 265,024	\$ 275,973	\$ 284,942	\$ 284,942	\$ 323,481	\$ 326,000	\$ 41,056
		\$ 1,549,115	\$ 1,585,890	\$ 1,655,544	\$ 1,675,341	\$ 1,676,565	\$ 1,688,000	\$ 12,659
60265	City Hall Maintenance							
5100	Salaries & Benefits	\$ 63,925	\$ 63,273	\$ 61,204	\$ 61,204	\$ 64,853	\$ 65,000	\$ 3,796
5200	Operating Supplies	13,874	11,926	15,370	15,370	12,457	13,000	(2,370)
5300	Contractual Services	161,699	184,471	189,895	210,000	214,595	215,000	5,000
5400	Other Expenses	67	395	500	1,000	598	1,000	-
5700	Capital Outlays	8,607	3,422	6,287	5,787	253	1,000	(4,787)
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 248,172	\$ 263,487	\$ 273,256	\$ 293,361	\$ 292,756	\$ 295,000	\$ 1,639
		\$ 248,172	\$ 263,487	\$ 273,256	\$ 293,361	\$ 292,756	\$ 295,000	\$ 1,639
80400	Planning, Zoning and Economic Development							
5100	Salaries & Benefits	\$ 370,871	\$ 395,554	\$ 415,475	\$ 415,475	\$ 387,005	\$ 388,000	\$ (27,475)
5200	Operating Supplies	31,621	16,283	14,050	14,050	19,455	20,000	5,950
5300	Contractual Services	102,933	78,924	79,400	79,400	87,314	88,000	8,600
5400	Other Expenses	10,591	7,746	8,500	8,500	9,751	10,000	1,500
5700	Capital Outlays	2,146	3,018	4,000	4,000	3,644	4,000	-
5900	Other Financing Uses	-	-	-	-	-	-	-
		\$ 518,162	\$ 501,525	\$ 521,425	\$ 521,425	\$ 507,169	\$ 510,000	\$ (11,425)
		\$ 518,162	\$ 501,525	\$ 521,425	\$ 521,425	\$ 507,169	\$ 510,000	\$ (11,425)
Total Business Value Added Activities		\$ 3,652,998	\$ 3,802,121	\$ 3,909,151	\$ 3,923,573	\$ 3,964,636	\$ 3,998,000	\$ 74,427
As a Percent of Total General Fund								
Expenditures		16.6%	17.1%	16.9%	17.0%	17.1%	17.2%	

City of Muskegon
2001 Final Amended Budget - General Fund
General Fund Expenditure Summary By Function

	Actual 1999	Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final Amended Budget 2001	Change From Latest Reforecast
II. Fixed Budget Items							
30999 Transfers To Other Funds							
Major Street Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Street Fund	620,000	620,000	820,000	820,000	820,000	820,000	-
Budget Stabilization Fund	-	-	100,000	100,000	250,000	250,000	150,000
L.C. Walker Arena Fund (Operating Subsidy)	325,000	346,000	301,000	295,000	301,000	301,000	6,000
Public Improvement Fund (Fire Equipment Reserve)	150,000	220,000	150,000	150,000	150,000	150,000	-
State Grants Fund (Beachwood Park Grant Match)	1,742	-	-	-	-	-	-
MOD State Rehab Loan Fund	-	22,810	-	-	-	-	-
TIFA Debt Service Fund	12,000	-	-	-	-	-	-
Tree Replacement	-	2,723	-	-	-	-	-
	\$ 1,108,742	\$ 1,211,533	\$ 1,371,000	\$ 1,365,000	\$ 1,521,000	\$ 1,521,000	\$ 156,000
30851 General Insurance	\$ 222,763	\$ 249,757	\$ 270,000	\$ 235,000	\$ 236,222	\$ 237,000	\$ 2,000
30906 Debt Retirement	340,604	407,835	365,098	365,098	375,101	376,000	10,902
10891 Contingency and Bad Debt Expense	212,696	142,954	450,000	450,000	172,861	173,000	(277,000)
90000 Major Capital Improvements	402,954	24,934	245,000	221,000	139,549	140,000	(81,000)
Total Fixed-Budget Items	\$ 2,287,759	\$ 2,037,013	\$ 2,701,098	\$ 2,636,098	\$ 2,444,733	\$ 2,447,000	\$ (189,098)
As a Percent of Total General Fund							
Expenditures	10.4%	9.2%	11.7%	11.4%	10.6%	10.5%	
Total General Fund	\$ 22,011,879	\$ 22,232,657	\$ 23,180,803	\$ 23,126,743	\$ 23,137,323	\$ 23,211,000	\$ 84,257

Recap: Total General Fund By Expenditure Object

5100	Salaries & Benefits	\$ 12,873,899	\$ 12,678,843	\$ 13,265,442	\$ 13,193,532	\$ 12,895,860	\$ 12,910,000	\$ (283,532)
5200	Operating Supplies	644,655	719,038	637,269	668,314	790,815	804,000	135,686
5300	Contractual Services	6,002,539	6,559,992	6,817,381	6,805,093	6,892,556	6,911,000	105,907
5400	Other Expenses	170,318	185,769	154,821	154,176	159,350	174,000	19,824
5700	Capital Outlays	871,122	469,627	569,792	575,530	502,641	515,000	(60,530)
5900	All Other Financing Uses	1,449,346	1,619,368	1,736,098	1,730,098	1,896,101	1,897,000	166,902
	Total General Fund	\$ 22,011,879	\$ 22,232,657	\$ 23,180,803	\$ 23,126,743	\$ 23,137,323	\$ 23,211,000	\$ 84,257

City of Muskegon

2001 Final Amended Budget - Other Budgeted Funds

		Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final 2001 Amended Budget	Change From Latest Reforecast
Other Budgeted Funds - Revenues							
Special Revenue Funds:							
202	Motor Vehicle Highway - Major	\$ 6,694,431	\$ 3,749,194	\$ 4,006,000	\$ 6,288,320	\$ 6,288,300	\$ 2,282,300
203	Motor Vehicle Highway - Local	1,696,907	1,843,300	1,880,300	1,702,638	1,702,600	(177,700)
254	LC Walker Arena	855,101	861,000	875,800	862,968	862,900	(12,900)
211	Police Training Fund	36,286	30,900	20,000	31,142	31,100	11,100
230	Enterprise Community Fund	633	180,000	10,000	85,495	85,400	75,400
257	Budget Stabilization Fund	-	100,000	100,000	250,000	250,000	150,000
260	Land Reutilization Fund	1,264	1,000	1,000	1,116	1,100	100
285	Tree Replacement Fund	5,224	3,000	2,700	1,104	1,100	(1,600)
264	Criminal Forfeitures Fund	94,897	75,000	70,000	76,955	76,900	6,900
289	Local Development Finance Authority I	36	-	-	12	-	-
288	Local Development Finance Authority II	522,128	550,000	550,000	602,027	602,000	52,000
		<u>\$ 9,906,907</u>	<u>\$ 7,393,394</u>	<u>\$ 7,515,800</u>	<u>\$ 9,901,777</u>	<u>\$ 9,901,400</u>	<u>\$ 2,385,600</u>
Debt Service Funds:							
305	TIFA Debt Service	\$ 187,484	\$ 195,000	\$ 190,000	\$ 156,950	\$ 156,900	\$ (33,100)
394	Downtown Development Authority	972,239	649,132	5,536,999	5,862,411	5,862,400	325,401
399	Downtown Development Authority SF	223,618	50,000	100,000	196,939	196,900	96,900
306	Special Assessment Debt	329,118	280,000	260,000	177,901	177,900	(82,100)
		<u>\$ 1,712,459</u>	<u>\$ 1,174,132</u>	<u>\$ 6,086,999</u>	<u>\$ 6,394,201</u>	<u>\$ 6,394,100</u>	<u>\$ 307,101</u>
TOTAL OTHER BUDGETED FUND REVENUES		<u>\$ 11,619,366</u>	<u>\$ 8,567,526</u>	<u>\$ 13,602,799</u>	<u>\$ 16,295,978</u>	<u>\$ 16,295,500</u>	<u>\$ 2,692,701</u>

City of Muskegon

2001 Final Amended Budget - Other Budgeted Funds

		Actual 2000	Original Budget Estimate 2001	Last Budget Reforecast (9/30/2001)	Actual Thru December 2001	Final 2001 Amended Budget	Change From Latest Reforecast
Other Budgeted Funds - Expenditures							
Special Revenue Funds:							
202	Motor Vehicle Highway - Major	\$ 7,289,883	\$ 5,401,609	\$ 5,269,609	\$ 6,972,990	\$ 6,973,000	\$ 1,703,391
203	Motor Vehicle Highway - Local	1,574,117	1,741,619	1,683,619	1,589,317	1,590,000	(93,619)
254	LC Walker Arena	854,666	861,416	861,716	847,697	848,000	(13,716)
211	Police Training Fund	36,286	30,000	20,000	31,142	32,000	12,000
230	Enterprise Community Fund	633	180,000	10,000	85,495	86,000	76,000
257	Budget Stabilization Fund	-	-	-	-	-	-
260	Land Reutilization Fund	-	1,000	1,000	-	-	(1,000)
285	Tree Replacement Fund	-	3,000	3,100	-	-	(3,100)
264	Criminal Forfeitures Fund	88,316	75,000	75,000	66,216	67,000	(8,000)
289	Local Development Finance Authority I	17	-	-	-	-	-
288	Local Development Finance Authority II	169,624	650,000	11,000	803,128	1,000,000	989,000
		<u>\$ 10,013,542</u>	<u>\$ 8,943,644</u>	<u>\$ 7,935,044</u>	<u>\$ 10,395,985</u>	<u>\$ 10,596,000</u>	<u>\$ 2,660,956</u>
Debt Service Funds:							
305	TIFA Debt Service	\$ 188,194	\$ 181,093	\$ 181,093	\$ 176,893	\$ 177,000	\$ (4,093)
394	Downtown Development Authority	879,127	618,972	6,023,594	6,276,765	6,277,000	253,406
399	Downtown Development Authority SF	132,572	5,000	1,031,999	1,128,578	1,129,000	97,001
306	Special Assessment Debt	297,646	243,418	243,418	259,717	260,000	16,582
		<u>\$ 1,497,539</u>	<u>\$ 1,048,483</u>	<u>\$ 7,480,104</u>	<u>\$ 7,841,953</u>	<u>\$ 7,843,000</u>	<u>\$ 362,896</u>
TOTAL OTHER BUDGETED FUND EXPENDITUR		<u>\$ 11,511,081</u>	<u>\$ 9,992,127</u>	<u>\$ 15,415,148</u>	<u>\$ 18,237,938</u>	<u>\$ 18,439,000</u>	<u>\$ 3,023,852</u>

DATE: February 15, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-050 Address: 768 Scott

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **768 Scott** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: #01-050, 768 Scott St.

Location and ownership: This structure is located on Scott Street between Amity and Orchard in the Angell Neighborhood. It is owned by Chase Manhattan Bank in Miami, Florida.

Staff Correspondence: A dangerous building inspection was conducted 11/8/01. A notice and order to repair or remove was issued 11/14/01. A notice of hearing before the Housing Board of Appeals was issued 12/21/01. An order to demolish was issued 1/7/02.

Owner Contact: There has been no contact from the owner.

Financial Impact: CDBG Funds

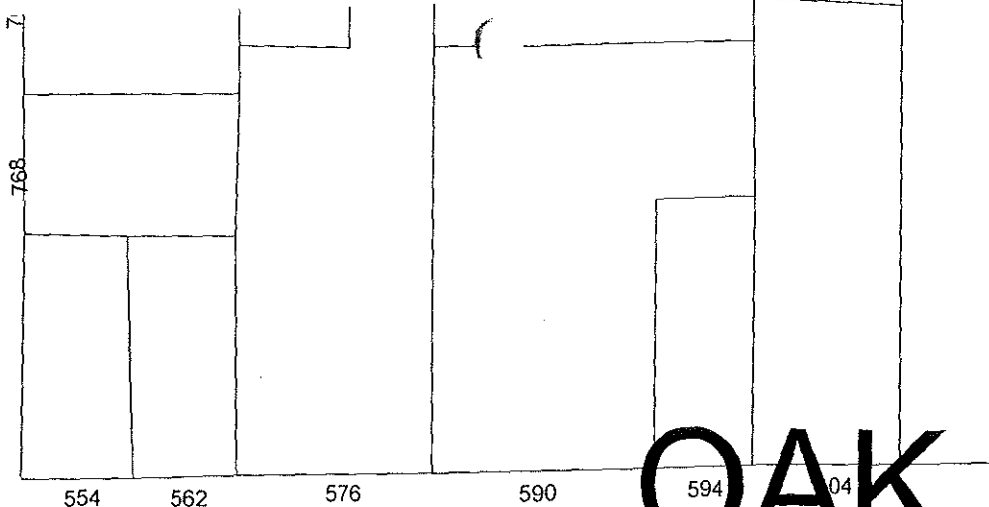
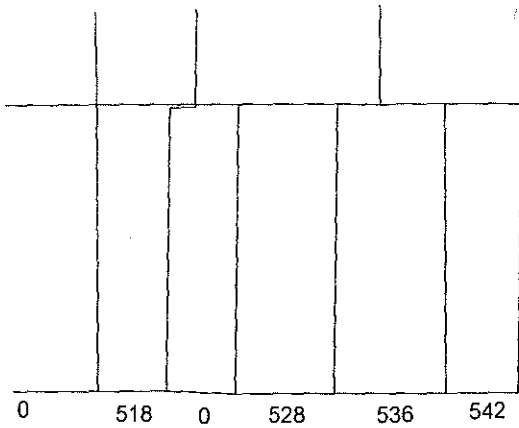
Budget action required: None

State Equalized value: \$14,100 – 2,001

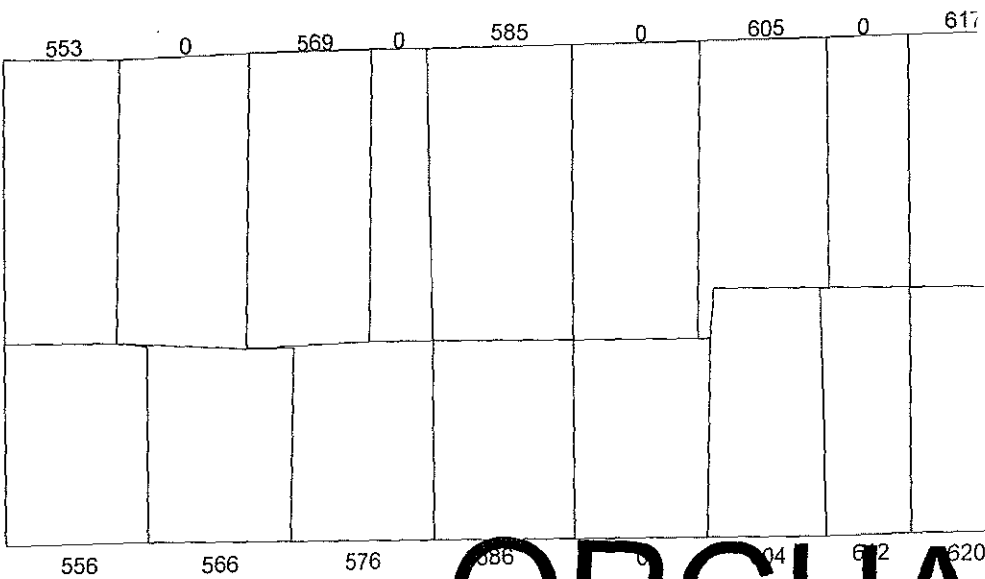
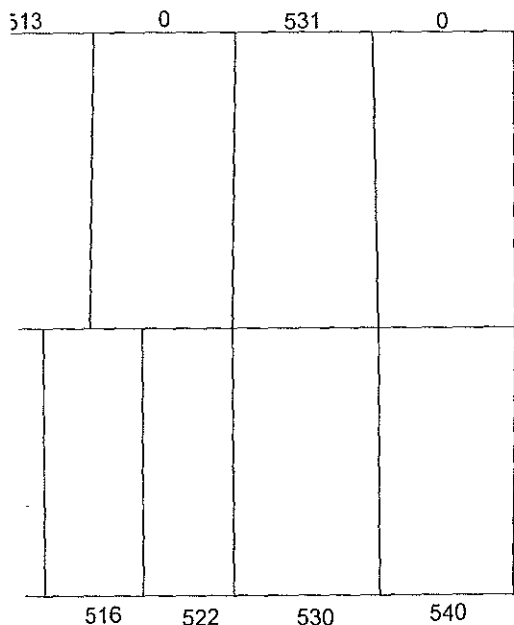
Estimated cost to repair: \$10,000 Plus cost of any interior repairs. This office was not provided opportunity to inspect the interior.

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

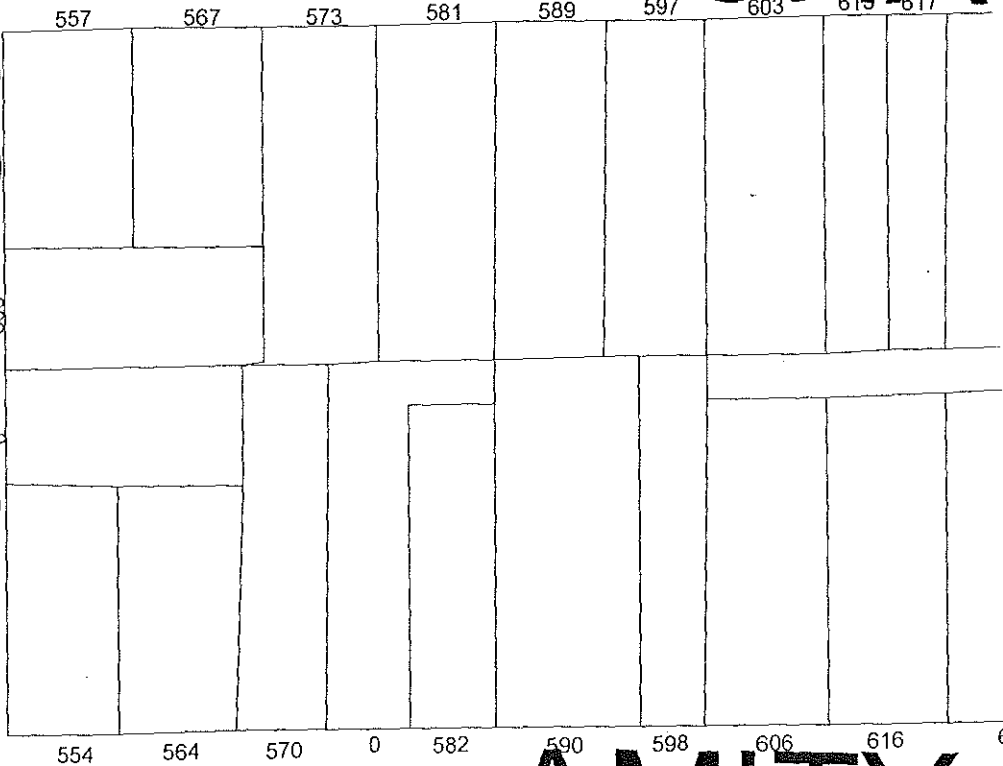
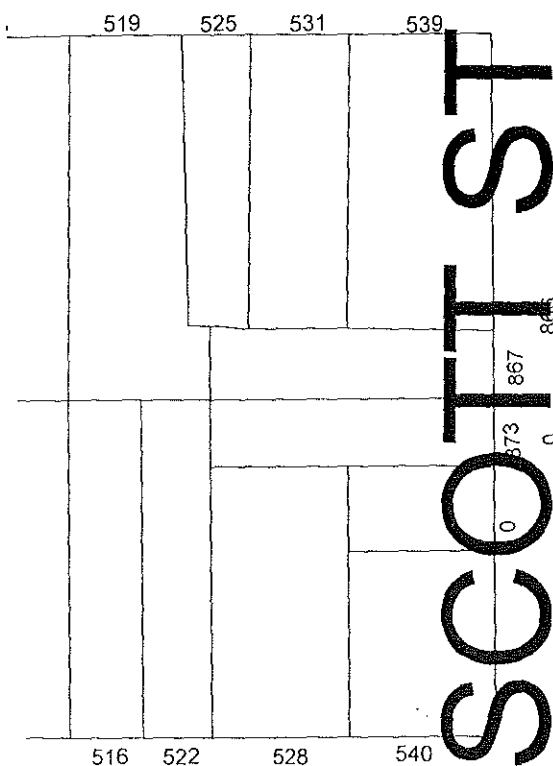
City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, February 26, 2002.



OAK



ORCHA



AMITY

SCOTT ST





768 Scott
census #3



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100122254
November 12, 2001

1. Beginning Date: 11/4/99, at 8:00 A.M.

Please See Attached Liber 2308, Page 375, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 10/18/2001, at 8:00 A.M.

Deeds:	Documents	Mortgages:
Liber 2308, Page 375 Liber 3087, Page 553	Liber 3153, Page 885	n/a

Taxes:

Payment of Invoices in the amount of \$244.00, due and payable to the City of Muskegon.

1996 Taxes SOLD TO STATE. Amount necessary to redeem in November 2001, is \$721.11.

Payment of the 1997 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$529.91, if paid by November 30, 2001.

Payment of the 1998 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,208.17, if paid by November 30, 2001.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$481.92, if paid by November 30, 2001.

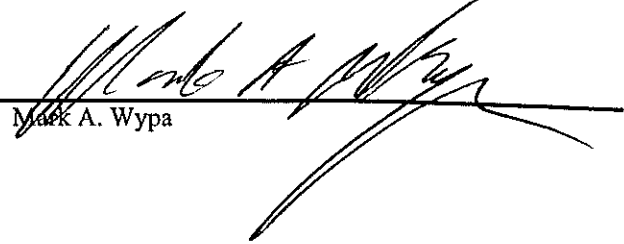
Payment of the 2000 Winter delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$2,738.43, if paid by November 30, 2001.
(Base amount is \$2,410.12)

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

The Chase Manhattan Bank, formerly known as Chemical Bank, as Trustee of IMC Home Equity Loan Trust 1996-2

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.

5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.



Mark A. Wypa

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

768 Scott St.

11/8/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Deteriorated roof covering, shingles falling off home.
3. Missing siding – corner cap.
4. Repair – replace all window frames, sills, numerous broken out windows.
5. Missing doors on home, home is open.
6. Repair soffit, fascia.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

11/8/2001
DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: November 14, 2001

Address of the Property: 768 Scott, Muskegon, Michigan

TO: Chase Manhattan Bank, 59001 Fowler Ave. Miami, FL 33617-2362
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

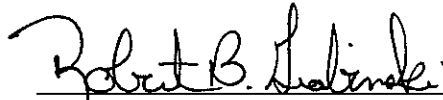
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **768 Scott**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

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

NOTICE OF HEARING

Date: December 21, 2001

Address of the Property: 768 Scott, Muskegon MI

Description of the Structure: N 66 ft. of S 178 ft. Lot 11 Blk 40

TO: Chase Manhattan Bank, 5901 Fowler Ave, Miami, FL 33617-2362
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, January 3, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the notice and order to repair issued 11/14/01.

At the hearing on Thursday, January 3, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski

Robert B. Grabinski, Director of Inspections

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

Date: January 7, 2002

To: Chase Manhattan Bank, 5901 Fowler Ave. Miami, FL 33617-2362
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, January 3, 2002 does hereby order that the following structure(s) located at 768 Scott, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning. Below the signature is a horizontal line.

Robert B. Grabinski, Director of Inspections

The Blake's were not present at the meeting, but they had been in contact with the office earlier today. He faxed a copy of our inspection report and signed the bottom of it that he would have these repairs completed within 60 days.

John Warner inquired about the property being occupied presently. Mr. Grabinski stated that it is a rental and is occupied right now. The repairs to be done are not that bad, it just took going before the board to get the Blake's moving on it. He believes they will comply and make the repairs as stated.

Staff Recommendation: Table this case for 60 days to allow the Blakes time to repair.

Motion made by John Warner, supported by Nick Kroes to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

**Case #01-050 – 768 Scott – Chase Manhattan Bank, 5901 Fowler Ave.
Miami, FL**

No one was present to represent this property.

Mr. Grabinski passed photographs and informed the board there has been no contact by the bank about the structure.

Staff Recommendation: Declare the structure substandard, a public nuisance, a dangerous building and forward to City Commission for their concurrence.

A motion to accept staff recommendation was made by John Warner and seconded by Nick Kroes.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Old Business: None

New Business: John Warner inquired on the status of 2136 and 2140 Miner. Mr. Grabinski stated that he has talked with the owners. They seem to be trying to do something to repair the structures. Because they are owner occupied we are trying to work with them. Because of the holidays we haven't had contact in the last two weeks. At this time we are not sure what their intentions are.

Mr. Borgman spoke of the historical district. He stated the owners of some of the houses in the historical district have had a lot of time on some houses. He wishes the HDC could see what the board sees and he would like to have a better working relationship with them.

The motion carried.

Meeting adjourned at 6:25 P.M.

Commission Meeting Date: February 28, 2002

Date: February 20, 2002

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Purchase of 850 Wood

SUMMARY OF REQUEST: To approve the purchase of the property located at 850 Wood (City of Muskegon revised plat of 1903 W1/4 feet of Lot 5 Block 46) from John Wesley AME Zion Church 886 Wood for the appraised price of \$10,000.

If approved by the Commission, the CNS department will request bids from qualified contractors for the rehabilitation of the structure. After rehabilitation is completed this totally rehabilitated American Gothic home will be sold to a qualified family.

FINANCIAL IMPACT: Funding for purchase will be allocated from 2001 HOME funding.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None

REAL ESTATE PURCHASE AGREEMENT

2002-28(f)

THIS AGREEMENT is made 12-26-01, 2002, by and between the John Wesley AME Zion Church, of 886 Wood Street, Muskegon, Michigan 49442 ("Seller") and CITY OF MUSKEGON, a municipal corporation, with offices at 933 Terrace, 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 commonly known as of 850 Wood Street, Muskegon, Michigan 49442, located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

West 114 feet of Lot 5, Block 46 of the Revised Plats of 1903, City of Muskegon

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 Ten Thousand Dollars (\$10,000.00), payable, in cash, to Seller at Closing.

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

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 owners title policy shall be paid by Seller.

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 and warrants to Buyer as follows:

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

b. Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

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

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

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 BUYER 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 that Seller has retained a realtor and shall be solely responsible for any real estate commission upon the closing of this sale. Buyer and Seller agree that Buyer has not retained a realtor.

10. **Closing.** The closing date of this sale shall be on or before 2-28-02 2002 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Muskegon, MI 4944_. If necessary, the parties shall execute an IRS closing report at the Closing.

11. **Delivery of Deed.** Seller shall execute and deliver a warranty 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 which 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. Costs of the closing agent will be split evenly between the Buyer and Seller.

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:

John Krukowski
JO Ann Krukowski

Margaret M. Platt
Margaret M. Platt

Mary Ellen Doe

BUYER: CITY OF MUSKEGON

By Steve Warmington

Steve Warmington, Mayor

By Gail A. Kunderinger

Gail A. Kunderinger, Clerk

SELLER: JOHN WESLEY AME ZION
CHURCH

By Rev. S. E. Leach, Jr.

By Mommie Hunter

Drafted by:
PARMENTER O'TOOLE
BY: John C. Schrier

Business Address:
175 W. Apple Avenue, P.O. Box 726
Muskegon, Michigan 49443-0786

Commission Meeting Date: February 26, 2002

Date: February 26, 2002
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Approval of Resolution to sale 315 Catawba

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sale of the tax-reverted obtained rehabilitated structure at 315 Catawba to Michael Harman to be used as an owner-occupied single family residence.

FINANCIAL IMPACT: The HOME fund will receive \$43,762.93 in program income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution

COMMITTEE RECOMMENDATION: The Land Reutilization Committee approved the rehabilitation and the Commission in March of 2001 approved the awarding of the rehabilitation contract.

MUSKEGON CITY COMMISSION

2002-28(g)

RESOLUTION TO APPROVE THE SALE OF
CITY-OWNED PROPERTY AT 315 CATAWBA

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approved the sale of the former tax-reverted property located 315 at Catawba to Michael Harmon for the price of \$48,401 in its current rehabilitated condition.

Adopted this 26th day of February, 2002

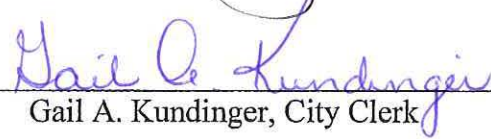
Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

By


Steve J. Warmington, Mayor

By


Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 26, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

Gail A. Kunderger
Gail A. Kunderger, City Clerk

PURCHASE, SALE, AND LOAN AGREEMENT

2002-28(g)

THIS PURCHASE, SALE, AND LOAN AGREEMENT ("Agreement") is made as of the 21st day of November, 2001 between CITY OF MUSKEGON ("City"), Michael Harman, ("Purchaser"), Fifth - Third Bank, ("Lender").

Background

- A. City is the owner of certain real property situated in the City of Muskegon, County of Muskegon, State of Michigan and described as provided for in Exhibit A.
- B. City is prepared to sell, transfer and convey the property to Purchaser subject to conditions provided for in this Agreement.
- C. Lender is prepared to lend to Purchaser \$ 48,401.00 consistent with a commitment letter from Lender to Purchaser dated November 20, 2001 and attached as Exhibit D.

Terms and Conditions

IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS CONTAINED IN THIS AGREEMENT, AND INTENDING TO BE LEGALLY BOUND BY IT, THE PARTIES AGREE AS FOLLOWS:

1. City agrees to sell, transfer and convey the property to Purchaser. The purchase price of the property is Sixty One Thousand Nine Hundred Dollars (\$61,900.00) (the "Purchase Price"). The Purchase Price shall be satisfied as follows:

1.2 The balance of the Purchase Price, excluding any work performed by General Contractor above and beyond those provided for in Exhibit B, shall be satisfied by Purchaser executing a promissory note and mortgage in favor of the City of Muskegon. The City of Muskegon mortgage is junior to the mortgage of Lender, so long as the Lender's mortgage is in a form acceptable to City.

1.3 To the extent that additional monies are owed to the General Contractor on the Purchase Price to the Adjusted Purchase Price, Purchaser shall deliver to Title, at closing, such amount in a form acceptable to Title Company.

2. Covenants, Representations, and Warranties of City. City covenants, represents and warrants to Purchaser and Lender as follows:

2.1 City is a municipal corporation, duly organized and validly existing and in good standing under the laws of the State of Michigan; the City has full power and authority to enter into and perform its obligations under this Agreement; that the execution, delivery and performance of this Agreement by its mayor and clerk have been duly authorized by appropriate action of its city commission and is not in violation of the city ordinances or state law applicable to cities, or other law or any laws, order, judgment, agreement that is binding upon the City.

2.2 The property is not subject to any other security interest, lien or encumbrance created or arising by reason of any act or omission of the City.

2.3 Contemporaneous with execution of this Agreement the City shall execute and deliver to Title Company a quitclaim deed from City to Purchaser in a form and content consistent with Exhibit C.

2.4 Upon closing, City agrees to lend an amount not to exceed Thirteen Thousand Four Hundred Ninety Nine Dollars (\$ 13,499.00). The loan shall be evidenced by execution by Purchaser of a promissory note, in a form and substance consistent with Exhibit D and mortgage, in a form and substance consistent with Exhibit E. City's mortgage shall be recorded junior to Lender's mortgage so long as the Lender's mortgage is in a form acceptable to City and in an amount not to exceed Thirteen Thousand Four Hundred Ninety Nine Dollars (\$ 13,499.00).

3. Purchaser's Covenants, Representations and Warranties. The Purchaser represents and warrants that:

3.1 The property is being purchased by the Purchaser for use as [his/her/their] personal residence; that all financial statements and other information concerning the Purchaser are true and accurate in all material respects; that the Purchaser is not insolvent; and that this Agreement constitutes the valid and binding obligation of the Purchaser, enforceable in accordance with its term.

3.4 Purchaser acknowledges that upon closing, Lender shall have no obligation to lend monies in excess of that stated in Exhibit B. Purchaser further acknowledges that City has no obligation to lend money in excess of Forty Eight Thousand Four Hundred One Dollars (\$ 48,401.00).

3.5 At closing, Purchaser agrees to execute a promissory note and mortgage in favor of Lender in the amount of Forty Eight Thousand Four Hundred One Dollars (\$ 48,401.00) and such other documents as called for in Exhibit D.

3.6 At closing, Purchaser shall execute promissory note and mortgage, in the form as attached as Exhibits D and E in an amount not to exceed Thirteen Thousand Four

Hundred Ninety Nine Hundred Dollars (\$ 13,499.00) and as more fully calculated pursuant to this Agreement.

3.7 Purchaser's obligation under this Agreement to close are specifically conditioned upon rehabilitation of the single-family residential unit.

4. Lender's Covenants, Representations and Warranties. The Lender represents and warrants that:

5.1 The Lender is a Michigan corporation, duly organized and validly existing and in good standing under the laws of the State of Michigan; that the Lender has full power and authority to enter into and perform its obligations under this Agreement; that the execution, delivery and performance of this Agreement have been duly authorized.

5.2 There is no material action, suit or proceeding pending or, to the best of Lender's actual knowledge, threatened against or affecting the proposed loan, or which would have a material affect on Lender's ability to lend money consistent with Exhibit B.

5.3 Lender agrees to lend to Purchaser the amount of Forty Eight Thousand Four Hundred One Dollars (\$ 48,401.00) upon closing. Conditions president to the loan are specified in Exhibit B.

5.4 Lender agrees that prior to closing, Lender shall prepare a promissory note and mortgage to be executed by Purchaser in a form acceptable to City. To the extent that the promissory note and mortgage are acceptable to City and in an amount not to exceed Forty Eight Thousand Four Hundred One Dollars (\$ 48,401.00), Lender's mortgage shall be a first priority, senior to City's mortgage and lien of lien of General Contractor or subcontractor.

5. No Conflict. The execution and delivery of this Agreement and the consummation of the transactions contemplated on the part of Purchaser does not and will not violate any applicable law, ordinance, statute, rule, regulation, order, decree or judgment, conflict with or result in the breach of any material terms or provisions of, or constitute a default under, or result in the creation or imposition of any lien, charge, or encumbrance upon any of the property or assets of the Purchaser by reason of the terms of any contract, mortgage, lien, lease, agreement, indenture, instrument or judgment to which Purchaser is a party or which is or purports to be binding upon Purchaser or which otherwise affects Purchaser, which will not be discharged, assumed or released at closing. No action by any federal, state or municipal or other governmental department, commission, board, bureau or instrumentality is necessary to make this Agreement a valid instrument binding upon Purchaser in accordance with its terms.

6. Property "As Is". Except as expressly provided, Purchaser acknowledges and agrees that Purchaser is acquiring the property in its "AS IS" condition, WITH ALL FAULTS, IF ANY, AND WITHOUT ANY WARRANTY, EXPRESS OR IMPLIED. Other than as expressly set forth in this Agreement, City nor any agents, representatives, or employees of City have made any representations or warranties, direct or indirect, oral or written, express or implied, to Purchaser or any agents, representatives, or employees of Purchaser with respect to the condition

of the property, its fitness for any particular purpose, or its compliance with any laws, and Purchaser is not aware of and does not rely upon any such representation to any other party. Purchaser acknowledges that Purchaser has had the opportunity to make such inspections (or have such inspections made by consultants) as it desires of the property and all factors relevant to its use, including, without limitation, the interior, exterior, and structure of all improvements, and the condition of soils and subsurfaces.

7. Survey. Purchaser may obtain, at its cost and expense, such survey as it may desire within ten (10) days of execution of this Agreement. Purchaser shall have a period of ten (10) days from the date of Purchaser's receipt of the survey, but no later than thirty (30) days after execution of this Agreement, within which to approve or disapprove matters disclosed by the survey and to give written notice to City of any disapproval of it, indicating in reasonable detail the nature and reasons for Purchaser's objection. In the event Purchaser so notifies City of Purchaser's disapproval of the survey, City may elect (but shall have no obligation whatsoever) to cure any disapproved matter within thirty (30) days from receipt of such notice. Within five (5) days after receiving Purchaser's notice, City shall notify Purchaser whether City intends to effectuate such cure. In the event City does not elect to cure, or City elects to cure, but such cure is not completed within thirty (30) days, the Purchaser within five (5) days shall elect in writing to either waive such matter and proceed as provided or terminate this Agreement and receive a refund of the deposit.

8. Title Matters.

9.1 Title Report. City shall furnish to Purchaser an ALTA title report or commitment, with standard exceptions, in the amount of the Purchase Price from Title Company with respect to the property. Purchaser shall have a period of five (5) days after execution of this Agreement, or ten (10) days after receipt of title report, within which to examine the title report. If Purchaser objects to any matters disclosed in the title report, Purchaser shall, within the time period indicated, notify City in writing, specifying the objectionable matters. City may elect (but shall have no obligation whatsoever) to cure any such matters within thirty (30) days from receipt of such notice. Within five (5) days after receiving Purchaser's notice, City shall notify Purchaser whether City intends to effectuate such cure. In the event City does not elect to cure, or City elects to cure, but such cure is not completed within thirty (30) days, the Purchaser within ten (10) days shall elect in writing to either waive such matter and proceed as provided in this Agreement or terminate it and receive a refund of the deposit.

9.2 Defects in Title. In the event City shall not be able to convey title to the property on the date of closing in accordance with the provisions of this Agreement, the Purchaser shall have the option, exercisable by written notice to City at or prior to closing, of (1) accepting at closing such title as City is able to convey and/or waiving any unsatisfied condition precedent, with no deduction from or adjustment of the Purchase Price, or (2) declining to proceed to closing. In the latter event, except as expressly set forth in this Agreement, all obligations, liabilities and rights of the parties under this Agreement shall terminate, and the deposit and additional deposit shall be returned to Purchaser.

9. Pre-Closing Obligations; Deliveries.

10.1 The closing under this Agreement (the "Closing") shall take place on or before December 21, 2001, or within five (5) days of satisfaction of all conditions relevant to Closing, whichever is sooner, at the offices of Title Company unless otherwise agreed to in writing by both City and Purchaser.

10.2 For Closing, City shall deliver the following:

10.2.1 A Quit Claim Deed to the real property, duly executed and acknowledged by City and in proper form for recording, conveying fee simple title to the property to Purchaser, subject only to easements, restrictions and/or rights-of-way of record.

10.2.2 Copies of current real estate tax bills, if any.

10.2.3 An assignment of any operating licenses, permits and approvals, if any, relating to the property possessed by City.

10.2.4 A Bill of Sale for any personal property, if any.

10.2.5 An affidavit of title, and such other documents as may be required by Title Company.

10.2.6 All other instruments and documents reasonably required to effectuate this Agreement and the transactions contemplated.

10.3 For Closing, Purchaser shall deliver the following:

10.3.1 In accordance with Title Company's instructions, a certified check or wire transfer in the amount required.

10.4 For Closing, Lender shall deliver the following:

10.4.1 In accordance with Title Company's instructions, a certified check or wire transfer in the amount required to cover its expenses and the amount indicated in the commitment letter, attached as Exhibit B.

10.4.1 A Promissory Note and Mortgage, in a form acceptable to City, for execution by the Purchaser.

10.5 For Closing, General Contract shall deliver the following:

10.5.1 In accordance with Title Company's instructions, whatever documents are necessary to assure that all subcontractor's have been paid and that there are no liens, recorded or which could be recorded, which will not be satisfied at the time of closing.

10.6.2 In accordance with Title Company's instructions, whatever documents are necessary to assure that all monies owed to General Contractor will be satisfied at the time of closing.

10. Apportionment's; Taxes; Expenses.

11.1 Taxes. City shall pay all taxes due through the Closing Date.

11.2 Expenses. Each party will pay all its own expenses incurred in connection with this Agreement and the transactions contemplated, including, without limitation, (1) all costs and expenses stated in this Agreement to be borne by a party, and (2) all of their respective broker's commissions, accounting, legal and appraisal fees. Purchaser, in addition to its other expenses, shall pay at Closing all recording charges incident to the recording of the deed for the property. City, in addition to its other expenses shall pay at Closing (1) all documentary stamps, deed stamps and realty transfer taxes, and (2) the cost of the owner's title insurance policy.

11.3 Closing Expenses. City and Purchaser shall share equally the cost of Title Company for acting as escrow agent leading up to Closing and Title Company's expenses relating to the Closing of this transaction. To the extent that Closing does not occur for reasons other than relating to paragraph 8 [Survey] or paragraph 9 [Title Matters], Title Company's fee shall be deducted from the Purchaser's deposit and the balance of the deposit returned to Purchaser. Upon indication that Closing will not occur, Title Company shall return the City's Quit Claim deed to the City.

11. Remedies.

12.1 If, prior to Closing, Purchaser breaches or fails to perform its pre-closing obligations under this Agreement, then City shall, as its sole remedy, be entitled to receive the deposit, plus all interest earned and accrued on it, as liquidated damages (and not as a penalty) in lieu of, and as full compensation for, all other rights or claims of City against Purchaser by reason of such breach or failure. This Agreement shall then terminate and the parties shall be relieved of all further obligations and liabilities under it, except as otherwise expressly set forth.

Purchaser and City acknowledge that the damages to City resulting from Purchaser's breach would be difficult, if not impossible, to ascertain with any accuracy, and that the liquidated damage amount set forth in this Section represents both parties' efforts to approximate such potential damages.

12.2 If, prior to Closing, City breaches or fails to perform its pre-closing obligations under this Agreement, Purchaser may, as its only remedies, either (i) enforce specific performance of this Agreement against City, or (ii) terminate this Agreement and receive an immediate refund of the deposit.

12.3 If, prior to Closing, Lender breaches or fails to perform its pre-closing obligations under this Agreement, Purchaser or City may, as its remedies, either (i) enforce specific performance of this Agreement against Lender, or (ii) sue for damages related to the failure to lend monies consistent with Exhibit B.

12.4 If, prior to Closing, General Contractor breaches or fails to perform its pre-closing obligations under this Agreement, Purchaser or City may, as its remedies, either (i) enforce specific performance of this Agreement against Lender, or (ii) terminate this Agreement and obtain another entity to complete performance. The cost of completion shall be borne by General Contractor.

12. Further Assurances. City and Purchaser each agrees to perform such other acts, and to execute, acknowledge and deliver, prior to, at or subsequent to Closing, such other instruments, documents and other materials as the other may reasonably request and as shall be necessary in order to effect the consummation of the transactions contemplated by it.

13. Possession. Possession of the property shall be surrendered by Purchaser at Closing.

14. Notices. All notices and other communications provided for shall be in writing and shall be sent to the address set forth below (or such other address as a party may designate for itself by notice to the other parties as required) of the party for whom such notice or communication is intended:

15.1 If to City:

Director of Community and Neighborhood Services
City of Muskegon
933 Terrace Street
Muskegon, MI 49440

with a copy to:

John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue
P.O. Box 786
Muskegon, MI 49443-0786

15.2 If to Purchaser: Michael Harman
2521 Cherry
Twin Lake, MI 49457

15.3 If to Lender: Fifth Third Bank.
Arnette Weaver-Brown
3145 Henry Street.
Muskegon, MI 49442

Any such notice or communication shall be sufficient if sent by registered or certified mail, return receipt requested, postage prepaid; by hand delivery; by overnight courier service; or by telecopy, with an original by regular mail. Any such notice or communication shall be effective when sent.

15. Miscellaneous.

16.1 Assignment. Purchaser may not assign or transfer all or any portion of its rights or obligations under this Agreement to any other individual, entity or other person without the consent by City. Purchaser recognizes that there are specific guidelines as to acceptable purchasers. As such, City reserves the absolute right to reject any individual or entity which is being proposed to assign the obligations and benefits from Purchaser.

16.2 Governing Law. Parties in Interest. This Agreement shall be governed by the law of the State of Michigan and shall bind and inure to the benefit of the parties and their respective heirs, executors, administrators, successors, assigns and personal representatives, and is not intended to and shall not benefit any third persons not party to this Agreement.

16.3 Time of Essence. Time is of the essence in this Agreement.

16.4 Headings. The headings preceding the text of the paragraphs and subparagraphs are inserted solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

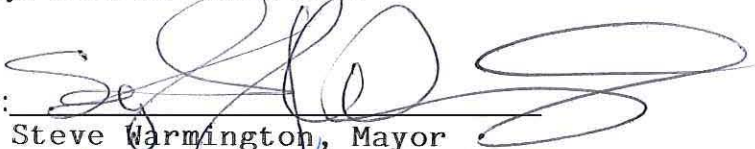
16.5 Counterparts. This Agreement may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

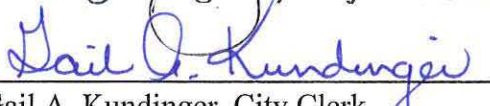
16.6 Survival. Each of the warranties, representations and covenants of City and Purchaser shall survive for a period of eighteen (18) months after the Closing and delivery of the deed and other closing documents by City to Purchaser, and shall not be deemed to have merged with this Agreement, and any action on it must be commenced within 18 months after the Closing or shall be forever barred.

16.7 Entire Agreement; Amendments. This Agreement and the Exhibits set forth all of the promises, covenants, agreements, conditions and undertakings between the parties with respect to the subject matter of this Agreement and supersede all prior and contemporaneous agreements and understandings, inducements or conditions, express or implied, oral or written, except as contained. This Agreement may not be changed orally but only by an agreement in writing, duly executed by or on behalf of the party or parties against whom enforcement of any waiver, change, modification, consent or discharge is sought.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the date first above written.

City: CITY OF MUSKEGON

By: 
Steve Warmington, Mayor

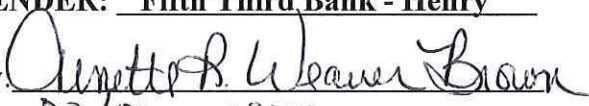
And: 
Gail A. Kunding, City Clerk

PURCHASER: Michael Harman


Signature

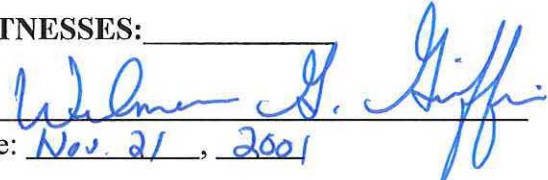
11-21-01
Date

LENDER: Fifth Third Bank - Henry

By: 

Date: 12/01, 2002

WITNESSES:

By: 

Date: Nov. 21, 2001