

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 24, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **INTRODUCTIONS/PRESENTATION**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Fireworks Display – Shrine Circus. CITY CLERK
 - c. Real Estate Purchase Agreement – Crow Investments. LEISURE SERVICES
 - d. Sale of Buildable Vacant Lot on Meeking Street. PLANNING & ECONOMIC DEVELOPMENT
 - e. Sale of Buildable Vacant Lot on Ducey Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - f. Sale of Buildable Vacant Lot on Erickson Street. PLANNING & ECONOMIC DEVELOPMENT
 - g. Sale of Buildable Vacant Lot on Albert Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - h. Sale of Non-Buildable Lot at 538 Jackson Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - i. Sale of Non-Buildable Lot at 593 Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - j. Sale of Non-Buildable Lot at 1247 Marcoux Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - k. Sale of Non-Buildable Lot at 538 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT

- l. Sale of Non-Buildable Lot at 1080 Spring Street. PLANNING & ECONOMIC DEVELOPMENT
- m. Brownfield Consulting Contract – Ann Couture. PLANNING & ECONOMIC DEVELOPMENT
- n. Police Command: Pension Ordinance Change. ASSISTANT CITY MANAGER
- o. Consideration of Bids: 2004 Sidewalk Replacement Program. ENGINEERING
- p. Consideration of Bids: Torrent Street, Sherman to Letart. ENGINEERING
- q. Consideration of Bids: Walnut Street, Thompson to Wilcox. ENGINEERING
- r. Donation of Salvaged Boiler. ENGINEERING
- PUBLIC HEARINGS:
 - a. Request for the Transfer of an Industrial Development Certificate – Burgess-Norton Mfg. Co. to Re-Source Industries, Inc. PLANNING & ECONOMIC DEVELOPMENT
 - b. 2004-2005 Public Hearing Proposals. COMMUNITY & NEIGHBORHOOD SERVICES
 - c. Create Special Assessment District for Austin Street, Barney to Delano. ENGINEERING
 - d. Create Special Assessment District for Ridge Avenue, Cumberland to Wickham. ENGINEERING
 - e. Create Special Assessment District for Hudson Street, Forest to Southern. ENGINEERING
- COMMUNICATIONS:
- CITY MANAGER'S REPORT:
- UNFINISHED BUSINESS:
- NEW BUSINESS:
 - a. 2004 Fee Schedule. ENGINEERING
 - b. FIRST READING: Zoning Ordinance Amendment for Signs. PLANNING & ECONOMIC DEVELOPMENT
 - c. Extension of Renaissance Zone Agreement Terms – Shaw Walker. PLANNING & ECONOMIC DEVELOPMENT
 - d. Nugent Sand Pipeline Construction. CITY MANAGER
 - e. Milwaukee Clipper Request. LEISURE SERVICES
 - f. Public Safety Administrative Consolidation. CITY MANAGER

g. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTION SERVICES

1. 637 Amity – Area 11
2. 267 Merrill – Garage Only – Area 10
3. 346 Mason – Area 10
4. 828 W. Southern – Area 12
5. 1719 Wood – Garage Only

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ ADJOURNMENT:

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

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, February 9, 2004; and the Regular Commission Meeting that was held on Tuesday, February 10, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 24, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, February 24, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Anderson of the Philadelphia Baptist Church after which the Commission and Public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2004-21 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 9, 2004, and the Regular Commission Meeting that was held on Tuesday, February 10, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Fireworks Display – Shrine Circus. CITY CLERK

SUMMARY OF REQUEST: Jordan Productions, Inc. is requesting approval of a fireworks display permit for March 5th and 6th, at the Walker Arena. Fire Marshall Metcalf will inspect the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

c. Real Estate Purchase Agreement – Crow Investments. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the Mayor and Clerk to sign the Real Estate Purchase Agreement with Crow Investments to purchase property for the

Lakeshore Trail.

FINANCIAL IMPACT: \$52,000 from the Golf Course Fund

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

d. Sale of Buildable Vacant Lot on Meeking Street. PLANNING &
ECONOMIC DEVELOPMENT

Staff requested item removed for agenda.

e. Sale of Buildable Vacant Lot on Ducey Avenue. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot 1030 Ducey Ave. (designated as parcel number 24-612-000-0503-00) to Muskegon County Habitat for Humanity, 280 Ottawa St., Muskegon, MI. The lot is 150 X 134 ft. and is being offered to the Muskegon County Habitat for Humanity for \$9,000. They plan to split the lot into two 75ft. lots and construct two 1,260 sq. ft., single-family homes. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of two new homes 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 Clerk to sign said resolution.

f. Sale of Buildable Vacant Lot on Erickson Street. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot 440 Erickson St. (designated as parcel number 24-205-140-0005-00) to Muskegon County Habitat for Humanity, 280 Ottawa St., Muskegon, MI. The lot is 132 X 132ft., and is being offered to the Muskegon County Habitat for Humanity for \$4,125. They plan to split the lot into two 66ft. lots and construct two 1,260 sq. ft., single-family homes. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$5,500, so our price is set at \$4,125 which is 75% of that amount

FINANCIAL IMPACT: The sale of this lot for construction of two new homes 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 Clerk to sign said resolution.

g. Sale of Buildable Vacant Lot on Albert Avenue. PLANNING &

ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot 1338 Albert Ave. (designated as parcel number 24-611-000-0315-00) to Muskegon County Habitat for Humanity, 280 Ottawa St., Muskegon, MI. The lot is 150 X 132 ft. and is being offered to the Muskegon County Habitat for Humanity for \$9,000. They plan to split the lot into two 75ft. lots, and construct two 1,260 sq. ft., single-family homes. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of two new homes 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 Clerk to sign said resolution.

h. Sale of Non-Buildable Lot at 538 Jackson Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 538 Jackson Ave. (designated as parcel number 24-205-014-0017-00) to J. Arthur Sanders, owner of 532 Jackson Ave., Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand his current yard. In keeping with the unbuildable lot policy, the lot will be offered to the adjacent property owner with the smallest lot. Therefore, Mr. Sanders will be offered the 24.8 X 207.3-ft lot for \$100. (This sale was approved and the deposit paid in 2003 prior to the \$1 Lot Marketing Plan being approved.)

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

BUDGET ACTION REQUIRED: None

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

i. Sale of Non-Buildable Lot at 593 Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 593 Muskegon Ave. (designated as parcel number 24-205-345-0003-10) to Marie Rudd, of 597 W. Muskegon Ave., Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand her current yard. Other adjacent property owners were offered the other City-Owned lots on that block, but as of this time have not responded. This lot is being offered to Ms. Rudd for \$1 under the Dollar Lot Marketing Plan.

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

BUDGET ACTION REQUIRED: None

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

j. Sale of Non-Buildable Lot at 1247 Marcoux Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 1247 Marcoux Ave. (designated as parcel number 24-610-000-0178-00) to Garry & Nancy Workman, owners of 1301 Marcoux Ave., Muskegon, MI. Approval of this sale will allow the Workman's to expand the current yard on the house they are rehabbing. This lot is being offered to the Workman's for \$1 under the Dollar Lot Marketing Plan.

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

BUDGET ACTION REQUIRED: None

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

k. Sale of Non-Buildable Lot at 538 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 538 Getty St. (designated as parcel number 24-612-000-0647-00) to Archer Holdings, L.L.C., owner of 548 S. Getty St., Muskegon, MI. Approval of this sale will allow the owners of Dailey Cleaners to maintain and beautify this lot located next to their business. Since this lot is zoned R-1 Residential, it is being offered to Archer Holdings, L.L.C. for \$1 under the Dollar Lot Marketing Plan for residential lots.

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

BUDGET ACTION REQUIRED: None

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

l. Sale of Non-Buildable Lot at 1080 Spring Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 1080 Spring St. (designated as parcel number 24-205-236-0001-00) to Melvin Kimbrough, Sr., owner of 1112 Spring St., Muskegon, MI. Approval of this sale will allow the owner to expand his current yard. This lot has no room for a driveway; however, Mr. Kimbrough can apply for a variance for front-yard parking. The other adjacent property has both a driveway and garage. Therefore, the lot is being offered to Mr. Kimbrough for \$1 under the Dollar Lot Marketing Plan for residential lots.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the

Mayor and Clerk to sign said resolution.

m. Brownfield Consulting Contract – Ann Couture. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has been contracting with Anne Couture, of Couture Environmental Strategies LLC, during the last six years, to assist us with our Brownfield activities. She has excellent contacts at the Department of Environmental Quality, since she worked there several years ago. Therefore, her assistance is important in moving forward on the technical aspects of our Brownfield Authority, as well as grant application assistance. Not only does Ms. Couture work closely with our City Staff, but we also refer potential brownfield applicants to her. Since we instituted a Brownfield Redevelopment Authority application fee, in the amount of \$2,500, the City has received funds which help defray the costs of the contract (in fact, in 2003, there were five applications). Funds for Ms. Couture's current contract have been expended. Therefore, the Commission is asked to approve the current proposal from Ms. Couture.

FINANCIAL IMPACT: Costs to the City will not exceed \$15,000. It is expected that this amount will allow for at least one year of services.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the proposal between the City of Muskegon and Couture Environmental Strategies LLC, and authorize the Mayor and Clerk to sign the proposal.

n. FIRST READING: Police Command: Pension Ordinance Change.
ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To adopt the pension ordinance change resulting from contract negotiation with the Police Officer Command Unit. In January, the Commission approved tentative agreements (TA) reached with the Command unit; among TAs was a proposed change in the pension multiplier from 2.5% to 2.75% (for normal retirement) effective 12/31/06, and change the retirement age from 55w/25 years of service to age 53 w/25 years of service. This is a normal follow-up action that takes place after the actuarial has reviewed the appropriate language that will be reflected in the contract.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

o. Consideration of Bids: 2004 Sidewalk Replacement Program.
ENGINEERING

SUMMARY OF REQUEST: The 2004 Sidewalk Replacement contract be awarded to Accurate Excavators out of Muskegon. Accurate was the lowest, responsible bidder with a bid price of \$200,690.10.

FINANCIAL IMPACT: The construction cost of \$200,690.10 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to accurate Excavators.

p. Consideration of Bids: Torrent Street, Sherman to Letart. ENGINEERING

SUMMARY OF REQUEST: The contract to construct a new paved (Asphalt) street on Torrent between Sherman & Letart be awarded to McCormick Sand Co. out of Shelby. McCormick Sand was the lowest, responsible bidder with a bid price of \$71,692.10.

FINANCIAL IMPACT: The construction cost of \$71,692.10 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to McCormick Sand Co.

r. Donation of Salvaged Boiler. ENGINEERING

SUMMARY OF REQUEST: Your authorization to donate a boiler that was salvaged from a previous Filtration plant upgrade to Mount Zion Church of God in Christ is requested. This boiler is of no use in any of the City owned buildings and has been setting idle, collecting dust for the last four to five years. After checking with contractors, we were informed that the cost to assemble is about \$2,500 and to install would cost around the same amount.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Donate the Boiler to Mount Zion Church of God in Christ.

Motion by Vice Mayor Larson, second by Commissioner Davis to approve the Consent Agenda as read, minus Item Q.

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

Nays: None

MOTION PASSED

2004-22 ITEMS REMOVED FROM CONSENT AGENDA

q. Consideration of Bids: Walnut Street, Thompson to Wilcox. ENGINEERING

SUMMARY OF REQUEST: The milling & resurfacing as well as water service contract (H-1576) on Walnut between Wilcox & Thompson be awarded to McCormick Sand Co., out of Shelby. McCormick Sand was the lowest, responsible bidder with a bid price of \$41,360.00.

FINANCIAL IMPACT: The construction cost of \$41,360 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to McCormick Sand Co.

Motion by Commissioner Spataro, second by Vice Mayor Larson to award the milling and resurfacing as well as water service contract on Walnut between Wilcox & Thompson to McCormick Sand Co.

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

Nays: None

MOTION PASSED

2004-23 PUBLIC HEARINGS:

a. Request for the Transfer of an Industrial Development Certificate – Burgess-Norton Mfg. Co. to Re-Source Industries, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Re-Source Industries, Inc., 1485 S. Getty St., Muskegon, MI has requested the transfer of Industrial Development Certificate No. 96-741 for property located at 1485 Getty St., Muskegon, Mi. The certificate was originally requested October 22, 1996 by Burgess-Norton, Manufacturing Co. The transfer will be for real property only. Re-Source Industries Inc., is a company performing high volume production machining, and will be transferring their business from their plant in Coopersville.

FINANCIAL IMPACT: Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution transferring the Industrial Development Certificate to Re-Source Industries, Inc.

The Public Hearing opened at 5:51 pm to hear comments from the public. There were no comments heard at this time.

Motion by Vice Mayor Larson, second by Commissioner Carter to Close the Public hearing at 5:54 pm and to approve the resolution transferring the Industrial Development Certificate to Re-Source Industries Inc.

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

Nays: None

MOTION PASSED

b. 2004-2005 Public Hearing Proposals. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the proposal packets of proposals solicited by CNS office for the 2004-2005 fiscal year. To instruct the CNS office to continue with the Consolidated Planning process which includes proposal reviews and recommendation by both the Citizen's District Council (CDC) board and administration before being brought to the City Commission for preliminary and final decisions.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To instruct the CNS office to continue the consolidated planning process for fiscal year 2004-2005.

The Public Hearing opened at 5:55pm to hear comments from the public. There were no comments heard at this time.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 6:04pm and to accept the packets of proposals solicited by CNS office for the 2004-2005 fiscal year and to instruct the CNS office to continue the consolidated planning process for fiscal year 2004-2005.

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

Nays: None

MOTION PASSED

**c. Create Special Assessment District for Austin Street, Barney to Delano.
ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Austin, Barney to Delano 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 6:06pm to hear comments from the public. Comments in opposition were heard from Herbert Grissom of 2278 Austin and Roger Neilsen of 2156 Austin. Comments in favor were heard from Mary Hussey of 2115 Austin, William Odneil of 2142 Austin, Patricia Cole of 2124 Austin and Jacqueline Vines of 2174 Continental.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing at 6:35pm and to create the special assessment district for Austin, Barney to Delano and appoint two Commissioners (Carter and Gawron) to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

d. Create Special Assessment District for Ridge Avenue, Cumberland to Wickham. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Ridge Ave., from Cumberland St. to Wickham St. 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

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 6:43pm to hear comments from the public. There were no comments heard at this time.

Motion by Vice Mayor Larson, second by Commissioner Davis to close the Public Hearing at 6:46pm and to deny the request to create the special assessment district of the Ridge Ave., from Cumberland St. to Wickham St.

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

Nays: Gawron, Shepherd, Spataro

MOTION PASSES

e. Create Special Assessment District for Hudson Street, Forest to Southern.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Hudson St., Forest to Southern, 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

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 6:47pm to hear comments from the public. There were no comments heard at this time.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 6:50pm to approve the request to create the special assessment district for Hudson St., Forest to Southern and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

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

Nays: Larson

MOTION FAILED

2004-24 NEW BUSINESS:

a. 2004 Fee Schedule. ENGINEERING

SUMMARY OF REQUEST: Amend the 2004 Fee Schedule to include a \$30.00 none refundable fee to obtain construction contract documents and plans. At the present time we have a \$25.00 deposit which is refundable upon the return of the documents. The deposit is not effective at this time since we are issuing an average of 15-contracts per projects and when they are returned we have little

or no use for all of them.

FINANCIAL IMPACT: Saving of about \$450 per year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the amendment and add to the 2004 fee schedule the cost for construction documents.

Motion by Commissioner Carter, second by Vice Mayor Larson to approve the amendment to the 2004 Fee Schedule to include a \$30.00 none refundable fee for construction contract documents and plans.

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

Nays: None

Out of Room: Warmington

MOTION PASSED

b. FIRST READING: Zoning Ordinance Amendment for Signs. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs) of Article XXIII (General Provisions) of the City's Zoning Ordinance in regards to prohibited and exempt signs. The amendment creates provisions regarding the installation of "Community Promotional" banners on poles located on City property.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend and add proposed language in the articles and sections described above, with the recommended modifications proposed by the Planning Commission.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 2/12 meeting. The Planning Commission deleted the need for an encroachment agreement with the City and added that there be an agreement with the owner of the pole. This is reflected in the proposed ordinance. The vote was unanimous with B. Smith absent.

Motion by Vice Mayor Larson, second by Commissioner Spataro to amend Section 2334 (Signs) of Article XXIII (General Provisions) of the City's Zoning Ordinance in regards to prohibited and exempt signs, and approve the Planning Commissions recommendation to delete the need for an encroachment agreement with the City and that there be an agreement with the owner of the pole.

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

Nays: None

MOTION PASSED

c. Extension of Renaissance Zone Agreement Terms – Shaw Walker. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon designated the Shaw Walker property as a Renaissance Zone in October 2002. As part of the process, an agreement was entered into with the owner/developer, P & G Holdings, LLC. The Agreement stated that P & G Holdings would invest at least \$3,000,000 in the property within two years from the date of the property designation as a Renaissance Zone. Since it has taken longer than expected for the owner to receive their Remedial Action Plan amendment (RAP – which allows them to include residential in the building) from the MDEQ, the owners are requesting an extension on their development requirements. The owners have stayed in continual contact with City staff throughout this process. They now have their approved amended RAP and will take out building permits for the Phase I construction prior to February 24, 2004. They are asking for a one-year extension on our Agreement, to ensure that construction is completed within the requirements of the Agreement.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the "First Amendment to Development Agreement, City of Muskegon Renaissance Zone", allowing for a time extension to September 1, 2005 to complete Phase I improvements to the Shaw Walker property.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the "First Amendment to Development Agreement, City of Muskegon Renaissance Zone", allowing for a time extension to September 1, 2005 to complete Phase I improvements to the Shaw Walker property.

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

Nays: None

MOTION PASSED

d. Nugent Sand Pipeline Construction. CITY MANAGER

SUMMARY OF REQUEST: To consider intervening in Nugent Sand's appeal of the DEQ decision to deny the permit to construct a pipeline through the Lake Michigan dune.

FINANCIAL IMPACT: \$3,000 - \$5,000 to file motion to intervene.

BUDGET ACTION REQUIRED: An amendment to the 2004 Budget would be required.

STAFF RECOMMENDATION: None

Motion by Commissioner Spataro, second by Commissioner Larson to authorize staff to pursue intervening in Nugent Sand's appeal of the DEQ decision to deny the permit to construct a pipeline through the Lake Michigan dune.

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

Nays: None

MOTION PASSED

e. Milwaukee Clipper Request. LEISURE SERVICES

SUMMARY OF REQUEST: S.S. Milwaukee Clipper Preservation, Inc. has requested that they be allowed to permanently moor the Milwaukee Clipper along the peninsula at Hartshorn Marina.

FINANCIAL IMPACT: Unknown

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Develop a contract to be brought back to the City Commission.

COMMITTEE RECOMMENDATION: The Leisure Services Board recommends approval of the request.

Motion by Vice Mayor Larson, second by Commissioner Gawron to direct staff to develop a contract have it be brought back to the City Commission.

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

Nays: None

MOTION PASSED

f. Public Safety Administrative Consolidation. CITY MANAGER

SUMMARY OF REQUEST: To endorse a proposal to consolidate the administration of police, fire and inspections.

FINANCIAL IMPACT: Projected first-year net savings of \$102,820.

BUDGET ACTION REQUIRED: Savings will be accounted for in future budget amendments.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Spataro, second by Commissioner Gawron to endorse the proposed Public Safety Administrative Consolidation.

Motion and second amended to endorse the proposal to consolidate the administration of the Police, Fire, and Inspections and include a request that staff prepare a recommendation based on the Firefighters information and the Ludwig proposal and that it be brought back to this Commission no later than March 23, 2004.

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

Nays: Davis

MOTION PASSED

g. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: INSPECTION SERVICES

SUMMARY OF REQUEST: This is to request the City Commission concur with the Housing Board of Appeals that the structures located at the following addresses are unsafe, substandard, public nuisances and that they be demolished within

thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition at the lowest responsible bidder.

Staff requested that 637 Amity and 267 Merrill be removed from the agenda.

1. 346 Mason

CASE 3 & PROJECT ADDRESS: #EN030171 – 346 Mason

LOCATION AND OWNERSHIP: This structure is located on Mason between Sixth and Seventh Streets and is owned by James Foster.

STAFF CORRESPONDENCE: This case began from a referral from the housing inspector because of life safety issues. The house had been illegally converted to 2 units (without permits) and the owner was given 72 hours to have electrical repairs completed. On 6/18/03 the Director of Inspections notified James Foster that due to the life safety issues the tenants were being removed from this rental house. On 11/20/03 an exterior dangerous building inspection was conducted. A notice and Order to remove or repair was issued 12/3/03. On 1/8/04 the case was heard before the HBA and Mr. Foster was present. The structure was declared on that date. Due to conversations with the attorney for the mortgage company this office has verified with equalization the ownership, based on a quit claim deed, of this property.

OWNER CONTACT: James Foster was present at the 1/8/04 HBA meeting and stated he wanted to save the house. He said he was buying the house back from Jason Hancock. He was told on that date that he would need to prove ownership, schedule an interior inspection, submit a timetable for repairs and pull necessary permits.

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

BUDGET ACTION REQUIRED: None

SEV: \$18,700

ESTIMATED COST OF REPAIRS: \$35,000

2. 828 W. Southern

CASE # & PROJECT ADDRESS: #EN030178 – Address 828 W. Southern

LOCATION AND OWNERSHIP: This structure is located on Southern between Division and Henry. It is owned by John Joseph, last known address of Grand Haven, MI.

STAFF CORRESPONDENCE: A dangerous building interior inspection was conducted 11/8/03 and Notice and Order to repair or remove was issued 12/1/03. On 1/8/04 the HBA declared the structure substandard and dangerous.

OWNER CONTACT: There has been no contact from John Joseph. Julia Summerville's daughter was present at the 1/8/04 HBA meeting and stated her mother thought she was buying the house from Mr. Joseph. She was advised to seek legal advice.

FINANCIAL IMPACT: The demolition will be paid with General Funds.

BUDGET ACTION REQUIRED: None

SEV: \$22,100

ESTIMATED COST OF REPAIRS: \$23,000

3. 1719 Wood (Garage only)

CASE # & PROJECT ADDRESS: #EN030090 – 1719 Wood St. – Garage only

LOCATION AND OWNERSHIP: This structure is located on Wood between E. Dale and E. Larch and is owned and occupied by Andrew Patricio.

STAFF CORRESPONDENCE: This garage was written as dangerous on 5/29/03 and the Notice and Order to repair or remove was issued 6/12/03. The case was scheduled to go before the HBA on 9/4/03, but was removed from the agenda when a permit to demolish the garage was applied for by the owner. The garage was not demolished and on 11/6/03 the HBA declared the garage.

OWNER CONTACT: On 6/16/03 the owner came into the Inspection office and scheduled an inspection on the foundation of the garage. The owner stated he works out of town and would check back later. He mailed in a demolition permit in July and stated he will come in and pay for it later when he is in town. On 9/2/03 Mr. Patricio reapplied for a demolition permit. The permit is expired and the garage has not been demolished.

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

BUDGET ACTION REQUIRED: None

SEV: \$14,900 (house and garage)

ESTIMATED COST OF REPAIRS: \$1,000

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

Motion by Commissioner Gawron, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 346 Mason, 828 W. Southern and 1719 Wood (Garage).

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

Nays: None

MOTION PASSED

The Regular Commission meeting for the City of Muskegon was adjourned at 7:39pm.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Shrine Circus

SUMMARY OF REQUEST: Jordan Productions, Inc., is requesting approval of a fireworks display permit for March 5th and 6th, at the Walker Arena. Fire Marshall Metcalf will inspect the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

2004-21(b)

PERMIT
FOR FIREWORKS DISPLAY
Act 358, P.A. 1968

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

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO: Jordan Productions Inc.

NAME Jody Jordan President

ADDRESS 4040 S. Pearl, LasVegas NV AGE 36

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION
 Saladin Shrine Temple/Muskegon Shrine Club

ADDRESS
 4200 Saladin Drive S.E., Grand Rapids, MI 49546

NUMBER & TYPES OF FIREWORKS: Indoor Fireworks

 3 displays over circus rings

 2 slow sparkle; 2 fast sparkle; 2 concussion; 2 aerial

DISPLAY: Walker Arena, 955 4th Street, Muskegon, MI 49440

EXACT LOCATION
 Walker Arena floor area

CITY, VILLAGE, TOWNSHIP DATE TIME
 Muskegon March 5 & 6, 2004

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$2,000,000.00

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the CITY of MUSKEGON

(city, village, township)

(name of city, village, township)

on the 24th day of February, 2004


Stephen J. Warmington, Mayor

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

cc: Major

FM-22 (12-00)

APPLICATION
FOR FIREWORKS DISPLAY PERMIT
Act 358, P.A. 1968

DATE OF APPLICATION

2-12-04

1. TYPE OF DISPLAY:



Public Display



Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

Jody Jordan

ADDRESS

4040 S. Pearl, Las Vegas, NV. 89121

AGE: Must be 21 or over

36

IF A CORPORATION, Name of President

Jordan Productions Inc.

ADDRESS

Same

3. PYROTECHNIC OPERATOR

NAME

Jody Jordan

ADDRESS

AGE: Must be 21 or over

EXPERIENCE:

NUMBER OF YEARS

10 yrs.

NUMBER OF DISPLAYS

150-200 Shows

WHERE

on tour w/ Shrine Circus

NAMES OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

Jody Jordan

ADDRESS

4040 S. Pearl, Las Vegas NV. 89121

Name of Michigan Attorney or Resident Agent

Saladin Shrine Temple

ADDRESS

4200 Saladin Dr. S.E. Grand Rapids

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

Walker Arena 955 4th St. Muskegon mi. 49440

DATE

March 5 + 6, 2004

TIME

As scheduled

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

Johnson Fireworks: 3 Displays over Circus Rings

2 slow Sparkle

2 Fast Sparkle

2 Concussion

2 Aerial

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

Pyro Specialty Box w/ Lock

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

(to be set by municipality)

3

B. BONDING CORPORATION OF INSURANCE COMPANY, NAME

ADDRESS

Brooks & Associates - Rich Brooks

1338 Park Ave. River Forest IL 60305

PERMIT
FOR FIREWORKS DISPLAY
Act 358, P.A. 1968

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

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO:

NAME Jordan Productions Inc. / Jody Jordan President

ADDRESS 4040 S. Teal / Las Vegas NV. 89121 AGE 36

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Saladin Shrine Temple / Muskegon Shrine Club

ADDRESS 4200 Saladin Dr. S.E. Grand Rapids MI. 49546

NUMBER & TYPES OF FIREWORKS:

Quartets Slow Sparkle 2 per performance
Fast Sparkle 2 per performance / Concussion 2 per performance
Aerial Burst 2 per performance

DISPLAY: Walker Arena 955 4th St. Muskegon MI 49440

EXACT LOCATION

Walker Arena 7th Floor Area

CITY, VILLAGE, TOWNSHIP

Muskegon MI.

DATE

3/5 + 6 2004

TIME

BOND OR INSURANCE FILED:

☒ YES ☐ NO

AMOUNT 2000.00

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

of the CITY of MUSKEGON
(city, village, township) (name of city, village, township)

on the _____ day of _____ 19____

Blanche Smith, Mayor

(signature & position of official, or authorized or bonded representative)

ACORD CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)
2-13-04

PRODUCER

RICHARD A. BROOKS AND ASSOCIATES, LTD.
1338 PARK AVE.
RIVER FOREST, IL. 60305
708 771 3553

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

COMPANIES AFFORDING COVERAGE

COMPANY A UNDERWRITERS, LLOYDS OF LONDON
COMPANY B FIRE AND CASUALTY INSURANCE COMPANY
COMPANY C
COMPANY D

INSURED

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

COVERAGES

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	☒ GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR ☐ OWNER'S & CONTRACTOR'S PROT	D3000CP00003116-2	10-15-03	10-15-04	GENERAL AGGREGATE \$ 2,000,000. PRODUCTS - COMPOUND AGG \$ 1,000,000. PERSONAL & ADV INJURY \$ 1,000,000. EACH OCCURRENCE \$ 1,000,000. FIRE DAMAGE (Any one fire) \$ 50,000. MEDICAL (Any one person) \$
B	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ SCHEDULE D AUTOS ☐ HIRED AUTOS ☐ NON OWNED AUTOS	ASR 001399-4	5-3-03	5-3-04	COMBINED SINGLE LIMIT \$ 1,000,000. BODILY INJURY (Per person) \$ 1,000,000. BODILY INJURY (Per accident) \$ 1,000,000. PROPERTY DAMAGE \$ 1,000,000.
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - IF A ACCIDENT \$ OTHER THAN AUTO ONLY \$ EACH ACCIDENT \$ AGGREGATE \$
	EXCESS LIABILITY ☐ UMBRELLA FORM ☐ OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY THE PROPORTION/ PARTIAL RESPONSIBILITY OF EMPLOYER AND ☐ INCL. ☐ EXCL.				STATUTORY LIMITS EACH ACCIDENT \$ DISEASE POLICY LIMIT \$ DISABILITY EACH EMPLOYEE \$
	OTHER SHOW DATES: March 5-6, 2004	LOCATION: Muskegon, Mi.			

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

ADDITIONAL INSURED IN REGARD TO THE OPERATIONS OF THE NAMED INSURED:
Arena Management Group, LLC; City of Muskegon, Mi.; plus those entities listed on the attached addendum.

CERTIFICATE HOLDER

City of Muskegon, Mi.
933 Terrace Street
Muskegon, Mi. 49440

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Richard A. Brooks

ACORD 25-S (3/93)

© ACORD CORPORATION 1993

JORDAN PRODUCTIONS, INC.

ADDENDUM TO CERTIFICATE OF INSURANCE

In consideration of the agreements by and between the parties, the undersigned;

JORDAN PRODUCTIONS, INC.

according to the terms of the attached insurance certificate, hereby agree to indemnify:

SALADIN SHRINE CENTER, A.A.O.N.M.S.;
THE IMPERIAL COUNCIL, A.A.O.N.M.S. AN IOWA CORPORATION, AND ALL
OF THEIR AFFILIATED CORPORATIONS
SHRINERS HOSPITALS FOR CHILDREN, A COLORADO CORPORATION; AND
ALL OF THEIR AFFILIATED CORPORATIONS
ARENA MANAGEMENT GROUP, L.L.C.
CITY AND COUNTY OF MUSKEGON, ALL ELECTED OFFICIALS; ALL
EMPLOYEES AND VOLUNTEERS; ALL BOARD, COMMISSIONS AND
AUTHORITIES AND VOLUNTEERS THEREOF.

from any and all claim, demands and suits, including death, to any person(s) or damage to the property of any person(s) arising out of and in the course of operations connected with the circus show to be held March 5 & 6, 2004.

Above said operations include animal rides, moonbounce, concessions, and any and all circus activities.

Date: February 17, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Real Estate Purchase Agreement – Crow Investments

SUMMARY OF REQUEST:

To authorize the Mayor and Clerk to sign the Real Estate Purchase Agreement with Crow Investments to purchase the property for the Lakeshore Trail

FINANCIAL IMPACT:

\$52,000 from the Golf Course Fund

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

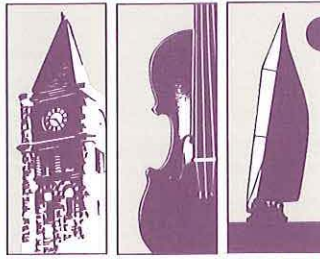
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

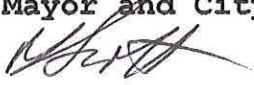
Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City

Date: February 17, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott 
Re: Real Estate Purchase Agreement - Crow Investments

Attached is the real Estate Purchase Agreement with Crow Investments for the purchase of the property for the Lakeshore Trail. The agreed upon purchase price is \$52,000. Further, the city will cut the brush between the trail and the water one time when the trail is constructed.

Staff would recommend that the Mayor and Clerk be authorized to sign the agreement. This is the last purchase agreement the city needs to get all the trail properties purchased. The attorney staff has approved of the agreement. Money for the purchase will come from the Golf Course Fund.

Thank you for your consideration.

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made February 24, 2004, by and between **CROW INVESTMENTS, L.L.C.**, a Michigan limited liability company, of 1756 Lakeshore Drive, Muskegon, Michigan 49441 ("Crow"), and **TRANQUILITY ENTERPRISES, LLC**, a Michigan limited liability company, of 660 Miller Drive, North Muskegon, Michigan 49445 ("Tranquility"), and the **CITY OF MUSKEGON**, of 933 Terrace Street, Muskegon, Michigan 49440 ("City").

RECITAL

A. On November 26, 2003, Crow conveyed to Randy A. Crow and Abby C. Crow, real property ("Premises") described on Exhibit A hereto. Randy A. Crow and Abby C. Crow on the same date thereof deeded their interest in the Premises to Tranquility, to be held as an exchange accommodation titleholder in connection with an Exchange Agreement entered into between Tranquility and Randy A. Crow and Abby C. Crow to qualify for a 1031 exchange under Section 1031 of the Internal Revenue Code. The Premises was identified under the Exchange Agreement as the relinquished property.

B. Tranquility, as exchange accommodation titleholder has identified the City as purchaser of the relinquished Premises for purposes of the Exchange Agreement and hereby desires to enter into this Agreement with City to transfer its interest in the same.

C. Crow, Tranquility, and City recognize that certain benefits, in addition to cash to be paid pursuant to Paragraph 2 of this Agreement, shall inure to the benefit of Crow and/or its successors in interest, which benefits pertain to real property owned by Crow and which is contiguous to the Premises, including but not limited to all rights which Crow may have in and to the easement agreement with SD Warren, d/b/a Sappi Fine Paper, North America, which easement is referenced in Paragraph 1 below. It is further recognized that continuing obligations may exist under this Real Estate Purchase Agreement regarding the City, which Crow agrees to assume.

D. The parties agree that the intent of this Agreement is that any benefit or continuing obligation, which either party is entitled to or obligated for, with the exception of the payment of Fifty-Two Thousand Dollars (\$52,000.00) to Tranquility and conveyance of title to the Premises to the City, will inure to and be a burden upon Crow and the City as defined in this Agreement, and that any representations or warranties made under the terms of this Agreement, shall be those as made by Crow and City and shall be enforceable against each of the same.

BASED UPON THE ABOVE RECITALS IT IS HEREBY AGREED AS FOLLOWS:

AGREEMENT

1. **General Agreement and Description of Premises.** Tranquility agrees to sell, and City agrees to buy, all of Tranquility's rights, titles, and interests in all adjoining public ways, the real property ("Premises") specifically described as:

See attached Exhibit A

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to City upon disclosure and review of the same, and subject to any governmental inspections required by law. This sale is contingent upon final review and approval by

Crow of a drawing showing the location of the Premises. Notwithstanding the above, all of the obligations and benefits pursuant to the existing Easement between Crow and S.D. Warren d/b/a Sappi Fine Paper North America ("Sappi") effective January 1, 2003 ("Easement") shall continue between Crow and Sappi. City has no interest in payments provided for in the Easement nor assumes Crow's obligations pursuant to that Easement.

Crow and City acknowledge, as to the existing easement between Crow and Sappi as follows:

- A. Crow is not assigning its right to future payments from Sappi;
- B. City is not assuming the indemnification obligations of Crow; and
- C. To the extent that Sappi, or its successors or assigns, indemnifies Crow, Crow agrees to indemnify City.

An easement shall be retained for Crow at a mutually agreeable location near the "pig station" and at the extended Estes Street for access to the remaining parcel lying to the north of premises.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be \$52,000. The purchase price shall be payable by check to Tranquility at closing. In addition to purchase price, City agrees to cut vegetation on one occasion, such time to be selected by City, on Crow's property between the Premises acquired by City and the edge of Muskegon Lake. The extent of cutting is described in Exhibit B, however such obligation shall in no way require City to violate any City ordinance or State or Federal law or regulation or obtain any permits for such cutting.

3. **Taxes and Assessments.** All taxes and assessments, which are due and payable at the time of closing, shall be paid by Crow prior to or at closing. All taxes and special assessments which become due and payable after closing shall be the responsibility of City; **provided**, because the Premises is part of a larger property, the parties agree that Crow shall pay in full all taxes due in 2003, including those billed on December 1, 2003.

4. **Title Insurance.** Tranquility agrees to deliver to City's attorney, ten (10) days prior to closing, a commitment for title insurance issued by Land America 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 City, deemed unreasonable, Tranquility shall have forty-five (45) days from the date Tranquility is notified in writing of such unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Tranquility resolves such restrictions, and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, City agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Tranquility 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 City's option. The premium for the owners' title policy shall be paid by City.

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

6. **Survey.** City, at its own expense, may obtain a survey of the Premises, and City or its surveyor or other agents may enter the Premises for that purpose prior to closing. If no survey is obtained, City agrees that City is relying solely upon City'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 Crow or Tranquility 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, Tranquility shall have the option of effecting a remedy within thirty (30) days after disclosure. City may elect to purchase the Premises subject to said encroachment or variation. Further, City has obtained a survey and is satisfied with same, provided no change has been made to the property since the date of the survey.

7. **Environmental Matters.** Crow represents and warrants to City as follows:

a. To the best of Crow's knowledge, the Premises have been used and operated by Crow 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. Crow has not disposed of any hazardous or toxic substances on or in the Premises, but the premises may have been characterized as part of a "facility" under Michigan law. The Premises may constitute a facility because of historic fill materials in or in the vicinity of the Premises. Crow is unaware of any plume of contaminated groundwater in or affecting the Premises.

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

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

8. **Indemnification.** City agrees that to the extent that it, its agent, contractors or its employees damage the Sappi pipeline during the installation or operation of the bike trail, causing injury or loss to Crow, City agrees to indemnify Crow. Crow agrees that to the extent that the City's property is damaged due to the Sappi pipeline, Crow agrees to indemnify City as set forth in Paragraph 1.C.

9. **Condition of Premises and Examination by City.** SUBJECT TO THE ABOVE REPRESENTATIONS, NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN CROW, TRANQUILITY, AND CITY. CITY 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 CROW THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. CITY FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, TAKING INTO ACCOUNT THE REPRESENTATIONS OF CROW.

10. **Real Estate Commission.** City, Tranquility, and Crow all acknowledge and agree that they have not 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. City and Crow both agree to indemnify and hold the other harmless from any liability, including

reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

11. **Closing.** The closing date of this sale shall be as soon as all contingencies or requirements are met, but no later than April 15, 2004 ("closing"). The closing shall be conducted at Land America Title Company, Muskegon, Michigan. The cost of closing shall be paid by City.

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

13. **Affidavit of Title.** At closing, Tranquility shall deliver to City an executed Affidavit of Title.

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

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

16. **General Provisions.**

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

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

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between City, Tranquility, and Crow 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 officers, directors, employees, agents, representatives, successors and assigns.

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

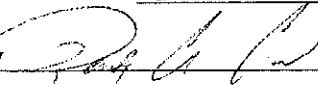
g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the closing and continue in full force and effect after the consummation of this purchase and sale and continue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

h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Crow, Tranquility, and City.

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

SELLER: CROW INVESTMENTS, L.L.C.

TID Number: 376 66 2847

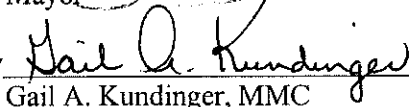
By 

Its President

BUYER: CITY OF MUSKEGON

By 

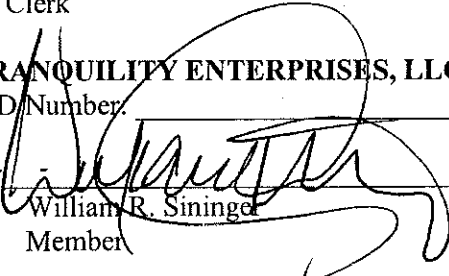
Stephen J. Warmington
Mayor

By 

Gail A. Kunding, MMC
Clerk

TRANQUILITY ENTERPRISES, LLC

TID Number: _____

By 

William R. Sining
Member

Drafted by:
PARMENTER O'TOOLE
BY: John C. Schrier

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786
Telephone: 231/722-1621

EXHIBIT A

Description: That part of Blocks 595 and 596 of the Revised Plat of 1903, City of Muskegon, described as commencing at the Southwest corner of Block 595; thence North 00°06'10" East along the West line of said block 29.72 feet to the point of beginning; thence continuing North 00°06'10" East 1.56 feet; thence Southwesterly along a curve to the right 63.49 feet (2822.00 foot radius, chord bearing South 63°36'10" West, 63.49 feet); thence North 49°24'57" East 41.42 feet; thence North 52°33'19" East 43.34 feet; thence North 64°07'44" East 64.61 feet; thence North 59°37'46" East 258.01 feet; thence North 55°31'35" East 70.41 feet; thence North 51°25'24" East 19.65 feet; thence North 48°04'32" East 115.86 feet; thence North 45°59'52" East 70.76 feet; thence North 47°55'27" East 144.73 feet; thence North 00°57'52" East 67.73 feet; thence North 19°58'38" East 83.81 feet to the centerline of Ruddiman Creek; thence South 27°08'39" East 109.43 feet along said centerline; thence South 19°58'38" West 34.02 feet; thence South 63°10'12" West 64.27 feet; thence South 47°55'27" West 144.47 feet; thence South 45°59'52" West 70.02 feet; thence South 48°04'32" West 117.84 feet; thence South 51°25'24" West 19.65 feet; thence South 55°31'35" West 72.70 feet; thence South 59°37'46" West 258.64 feet; thence South 64°07'44" West 65.24 feet; thence South 52°33'19" West 20.13 feet to the point of beginning.

Reserving however to Crow Investments, LLC all of the rights and interest in an existing easement between Crow Investments, LLC and S.D. Warren d/b/a Sappi Fine Paper, North America, effective January 1, 2003, recorded in Liber _____ Page _____ of the Muskegon County Records.

EXHIBIT B

The City of Muskegon shall cut and remove all vegetation less than 2" caliper to the ground in the area from the northern edge of the trail to the water's edge from Estes Street to Ruddiman Creek, excluding any vegetation that is protected by state or federal law. The city will also remove any litter and debris from the property. This shall be done on a one-time basis and be done in conjunction with the construction of the trail.



Mark Fairchild, Muskegon Co ROD 001

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Page: 1 of 2

AFFIX REAL ESTATE TRANSFER
TAX STAMP AFTER RECORDING

WARRANTY DEED

STATUTORY FORM FOR INDIVIDUALS

427373

Form No. M-960

KNOW ALL MEN BY THESE PRESENTS:

That Tranquility Enterprises, L.L.C. a

Michigan Limited Liability Company

whose street number and post office address is One East Apple Ave, Suite B
Muskegon, MI 49442

Convey and Warrant

to The City of Muskegon, a Michigan

Municipal Corporation

whose street number and post office address is 933 Terrace Street
Muskegon, MI 49440

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

SEE EXHIBIT " A " ATTACHED HERETO AND MADE A PART HEREOF

More commonly known as: V/L Lakeshore Dr, Muskegon, MI 49441

AFFIX REVENUE STAMPS AFTER RECORDING

for the sum of ONE AND 00/100, (**\$1.00*) Dollars

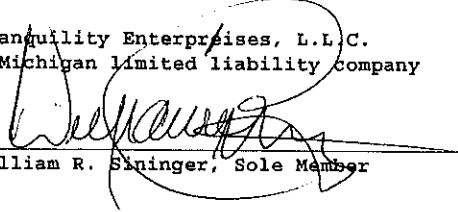
This property may be located within the vicinity of farmland or farm operation.
Generally accepted agricultural and management practices which may generate noise,
dust odors and other associated conditions may be used and are protected by the Michigan
right to farm act.

The grantor grants to the grantee the right to make ^{deed} division(s) under section 108 of
the land division act, Act No. 288 of the Public Acts of 1967.
subject to easements, use, building and other restrictions of record, if any;

Dated this 14th day of April, 2004

Signed and Sealed:

Tranquility Enterprises, L.L.C.
a Michigan limited liability company

BY 
William R. Sininger, Sole Member

STATE OF MICHIGAN

}

} ss.

COUNTY OF Muskegon

}

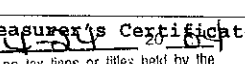
The foregoing instrument was acknowledged before me this 14th day of April, 2004
by Tranquility Enterprises, L.L.C. a Michigan Limited Liability Company By William R.
Sininger, Sole Member

SHARLENE SHINELDECKER
Notary Public, Oceana County, Michigan
(Acting in Muskegon County)
My Commission Expires 11-9-2008

My Commission expires

Notary Public,

County, Michigan

County Treasurer's Certificate
Muskegon, Mich: 

"I hereby certify that there are no tax liens or titles held by the
state or any individual against the within description, and all
taxes on same are paid for five years previous to the date of
this instrument, as appears by the records in my office."

After recording return to:
The City of Muskegon
933 Terrace Muskegon, MI 49440

STATE OF
MICHIGAN

Muskegon MI
04/23/2004
52559



REAL ESTATE
TRANSFER TAX
\$57.20 - C
\$390.00 - S
#7710

Drafted By:

The City of Muskegon

933 Terrace Muskegon, MI 49440

EXHIBIT A

That part of Blocks 594 and 595 of the Revised Plat of 1903, City of Muskegon, described as commencing at the Southwest corner of Block 595; Thence North 00 degrees 06 minutes 10 seconds East along the West line of said block 29.72 feet to the point of beginning; thence continuing North 00 degrees 06 minutes 10 minutes East 19.77 feet; thence North 52 degrees 33 minutes 19 seconds East 11.29 feet; thence North 64 degrees 07 minutes 44 seconds East 64.61 feet; thence North 59 degrees 37 minutes 46 seconds East 258.01 feet; thence North 55 degrees 31 minutes 35 seconds East 70.41 feet; thence North 51 degrees 25 minutes 24 seconds East 19.65 feet; thence North 48 degrees 04 minutes 32 seconds East 115.86 feet; thence North 45 degrees 59 minutes 52 seconds East 70.76 feet; thence North 47 degrees 55 minutes 27 seconds East 144.73 feet; thence North 00 degrees 57 minutes 52 seconds East 67.73 feet; thence North 19 degrees 58 minutes 38 seconds East 83.81 feet to the centerline of Ruddiman Creek; thence South 27 degrees 08 minutes 39 seconds East 109.43 feet along said centerline; thence South 19 degrees 58 minutes 38 seconds West 34.02 feet; thence South 63 degrees 10 minutes 12 seconds West 64.27 feet; thence South 47 degrees 55 minutes 27 seconds West 144.47 feet; thence South 45 degrees 59 minutes 52 seconds West 70.02 feet; thence South 48 degrees 04 minutes 32 seconds West 117.84 feet; thence South 51 degrees 25 minutes 24 seconds West 19.65 feet; thence South 55 degrees 31 minutes 35 seconds West 72.70 feet; thence South 59 degrees 37 minutes 46 seconds West 258.64 feet; thence South 64 degrees 07 minutes 44 seconds West 65.24 feet; thence South 52 degrees 33 minutes 19 seconds West 20.13 feet to the point of beginning.

And further reserving unto Crow Investments, LLC and its assigns the following described easements for ingress, egress and utilities:

An easement over the Westerly 66 feet 8 inches of the above described property; and

An easement over the Westerly 30 feet of the East 138.17 feet of the above described property.

The easement shall be appurtenant to and benefit all of the following described property except that property being conveyed herein:

Part of Section 26 and 35, Town 10 North, Range 17 West, being Block 595 and part of Block 594 and part of Lot 13, Block 609, of the Revised Plat of 1903, of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records, described as follows:

Commence at the North 1/4 corner of Section 36, Town 10 North, Range 17 West, City of Muskegon, thence South 89 degrees 39 minutes 00 seconds West along the North line of said Section 36, a distance of 2659.65 feet to the Northwest corner of said Section 36; thence South 52 degrees 09 minutes 40 seconds West (deed = South 52 degrees 11 minutes 00 seconds West), a distance of 788.00 feet to a point on the North right of way line of the Chesapeake and Ohio Railway Company (30.00 feet wide), as described in Liber 51, Page 610, Muskegon County Records, thence North 26 degrees 43 minutes 00 seconds West along the line as described in said Liber 51, Page 610, a distance of 5.10 feet to the point of beginning, being 20.00 feet, at right angles to the centerline of said railroad; thence South 51 degrees 44 minutes 22 seconds West along said right of way line, a distance of 264.38 feet to a point of curvature; thence Southwesterly along the arc of a curve to the right and said right of way line, an arc distance of 585.67 feet, said curve data being: (R=2795.00, Delta = 12 degrees 00 minutes 23 seconds, L.C. = 584.63 feet, L.C.B. = South 57 degrees 44 minutes 34 seconds West), chord definition to the West line of Block 595, City of Muskegon; thence North 00 degrees 30 minutes 50 seconds West by lot line agreement, as recorded in Liber 40, Page 430, Muskegon County Records, a distance of 98.19 feet; thence North 06 degrees 30 minutes 50 seconds West along said line, a distance of 966.90 feet, thence North 12 degrees 50 minutes 50 seconds West along said line, a distance of 249.94 feet to a point on the Shore of Muskegon Lake; thence South 16 degrees 27 minutes 16 seconds East, a distance of 204.68 feet along an intermediate traverse line of the shore of Muskegon Lake; thence continuing along said traverse line, South 42 degrees 59 minutes 01 second East, a distance of 111.66 feet; thence continuing along said traverse line, South 24 degrees 09 minutes 27 seconds East, a distance of 138.22 feet; thence continuing along said traverse line, South 13 degrees 37 minutes 34 seconds East, a distance of 226.09 feet; thence continuing along said traverse line, South 78 degrees 13 minutes 37 seconds East, a distance of 234.94 feet; thence continuing along said traverse line, North 64 degrees 46 minutes 34 seconds East, a distance of 282.51 feet to the lot line agreement, as recorded in Liber 51, Page 610, Muskegon County Records; thence South 26 degrees 43 minutes 00 seconds East along said line, a distance of 308.34 feet to the point of beginning.

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Page: 2 of 2

Mark Fairchild, Muskegon Co ROD 001

Parcel #61-24-235-537-0511-001

Commission Meeting Date: February 24, 2004

Date: February 12, 2004

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department *ABC*

RE: Sale of Buildable Vacant Lot on Ducey Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1030 Ducey Avenue (Parcel #24-612-000-0503-00) to Muskegon County Habitat for Humanity, 280 Ottawa Street, Muskegon, MI. The lot is 150 x 134 ft. and is being offered to Muskegon County Habitat for Humanity for \$9,000. They plan to split the lot into two 75 ft. lots and construct two 1,260 sq. ft. single-family home. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot for construction of two new homes 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:

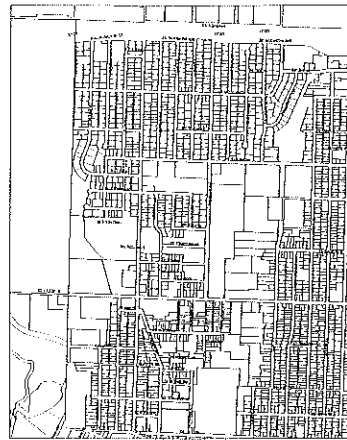
None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

☆ = Subject Property(ies)
to be sold



Resolution No. 2004-21(e)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1030 DUCEY AVENUE IN MARQUETTE NEIGHBORHOOD FOR \$9,000.

WHEREAS, Muskegon County Habitat for Humanity has placed a \$400 deposit for the parcel designated as parcel number 24-612-000-0503-00, located at 1030 Ducey Avenue; and

WHEREAS, the price for parcel number 24-612-000-0503-00 is set by the City at \$9,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-612-000-0503-00, located at 1030 Ducey Avenue be sold to Muskegon County Habitat for Humanity for \$9,000.

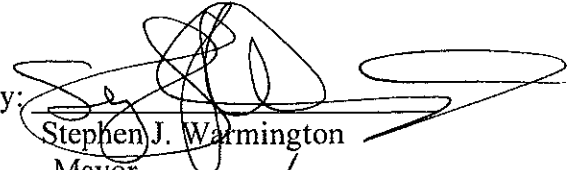
**CITY OF MUSKEGON URBAN RENEWAL PLAT NO 3 E ½ LOT 502 & LOT
503**

Adopted this 24th day of February, 2004

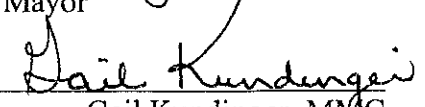
Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

Absent None

By: 

Stephen J. Warmington
Mayor

Attest: 

Gail Kunding, MMC
City Clerk

2004-21(e)
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 24, 2004.

By: Gail Kunderger
Gail Kunderger, MMC
City Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made February 24, 2004, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, with offices at 280 Ottawa Street, Muskegon, Michigan 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:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 3, EAST ½ OF LOT 502 AND LOT 503

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 Nine Thousand and no/100 Dollars (\$9,000).

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 split the two lots and construct on each lot 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 each 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 _____, 2004 ("Closing"). The Closing shall be conducted at _____, Muskegon, MI _____. 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:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

SELLER:

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

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

BUYER:

**MUSKEGON COUNTY HABITAT
FOR HUMANITY**

Lonna Aguilar
Lonna Aguilar

Brian C. Lazor
Brian C. Lazor

By: [Signature]
Its: EXECUTIVE DIRECTOR
EIN: _____

Prepared By: John C. Schrier (P36702)
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49440
Phone: (231) 722-1621

QUIT-CLAIM DEED

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

QUIT CLAIMS to **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, of 280 Ottawa Street, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 3, EAST ½ OF LOT 502 AND LOT 503

for the sum of Nine Thousand and no/100 Dollars (\$9,000)

PROVIDED, HOWEVER, Grantee shall apply for tax parcel ID numbers for each lot. Grantee, or its assigns, shall split each lot and complete construction of one (1) single family home on each lot herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. 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, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot 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 8th day of March, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: February 24, 2004

Date: February 12, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *BC*
RE: Sale of Buildable Vacant Lot on Erickson Street

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 440 Erickson Street (Parcel #24-205-140-0005-00) to Muskegon County Habitat for Humanity, 280 Ottawa Street, Muskegon, MI. The lot is 132 x 132 ft. and is being offered to Muskegon County Habitat for Humanity for \$4,125. They plan to split the lot into two 66 ft. lots and construct two 1,260 sq. ft. single-family home. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$5,500, so our price is set at \$4,125 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot for construction of two new homes 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 and deed.

COMMITTEE RECOMMENDATION:

Resolution No. 2004-21 (f)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 440 ERICKSON STREET IN JACKSON HILL NEIGHBORHOOD FOR \$4,125.

WHEREAS, Muskegon County Habitat for Humanity has placed a \$400 deposit for the parcel designated as parcel number 24-205-140-0005-00, located at 440 Erickson Street; and

WHEREAS, the price for parcel number 24-205-140-0005-00 is set by the City at \$4,125, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-140-0005-00, located at 440 Erickson Street be sold to Muskegon County Habitat for Humanity for \$4,125.

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 5 THRU 8 BLK 140

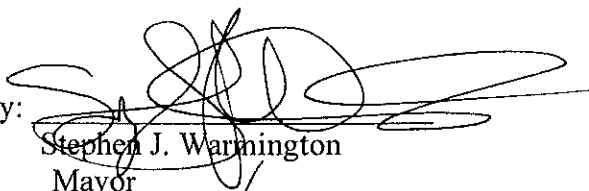
Adopted this 24th day of February, 2004

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

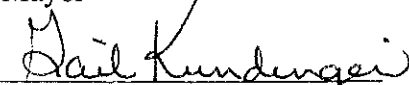
Nays: None

Absent None

By:


Stephen J. Warmington
Mayor

Attest:


Gail Kunderger, MMC
City Clerk

2004-21(f)
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 24, 2004.

By: Gail Kunderger
Gail Kunderger, MMC
City Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made February 24, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, with offices at 280 Ottawa Street, Muskegon, Michigan 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:

CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 5 THRU LOT 8, BLOCK 140

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 Four Thousand One Hundred Twenty Five and no/100 Dollars (\$4,125).

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 split the two lots and construct on each lot 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 each 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 _____, 2004 ("Closing"). The Closing shall be conducted at _____, Muskegon, MI _____. 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:

Linda Potter
Linda Potter

Jo Ann Krzkowski
Jo Ann Krzkowski

SELLER:

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

Gail A. Kunding
Gail A. Kunding, MMC, Clerk

BUYER:

**MUSKEGON COUNTY HABITAT
FOR HUMANITY**

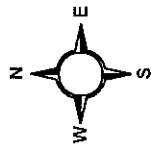
Lonna Anguilm
Lonna Anguilm

Brian C. Lazor
Brian C. Lazor

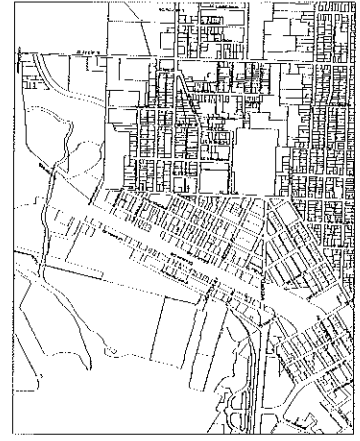
By [Signature]
Its: EXECUTIVE DIRECTOR
EIN: _____

Prepared By: John C. Schrier (P36702)
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49440
Phone: (231) 722-1621

**Vacant Buildable City-Owned Lot
440 Erickson Street**



☆ = Subject Property(ies)
to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, of 280 Ottawa Street, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 5 THRU LOT 8, BLOCK 140

for the sum of Four Thousand One Hundred Twenty Five and no/100 Dollars (\$4,125)

PROVIDED, HOWEVER, Grantee shall apply for tax parcel ID numbers for each lot. Grantee, or its assigns, shall split each lot and complete construction of one (1) single family home on each lot herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. 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, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot 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 8th day of March, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By Stephen J. Warmington
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: February 24, 2004

Date: February 12, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CB*
RE: Sale of Buildable Vacant Lot on Albert Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1338 Albert Avenue (Parcel #24-611-000-0315-00) to Muskegon County Habitat for Humanity, 280 Ottawa Street, Muskegon, MI. The lot is 150 x 132 ft. and is being offered to Muskegon County Habitat for Humanity for \$9,000. They plan to split the lot into two 75-ft. lots and construct two 1,260 sq. ft. single-family home. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT:

The sale of this lot for construction of two new homes 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 and deed.

COMMITTEE RECOMMENDATION:

Resolution No. 2004-21(g)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1338 ALBERT AVENUE IN MARQUETTE NEIGHBORHOOD FOR \$9,000.

WHEREAS, Muskegon County Habitat for Humanity has placed a \$400 deposit for the parcel designated as parcel number 24-611-000-0315-00, located at 1338 Albert Avenue; and

WHEREAS, the price for parcel number 24-611-000-0315-00 is set by the City at \$9,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-611-000-0315-00, located at 440 Erickson Street be sold to Muskegon County Habitat for Humanity for \$9,000.

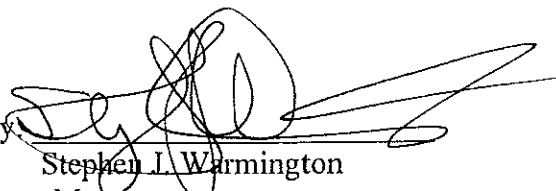
CITY OF MUSKEGON URBAN RENEWAL PLAT NO 2 LOT 315 & 316

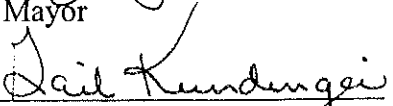
Adopted this 24th day of February, 2004

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

Nays: None

Absent None

By: 
Stephen L. Warmington
Mayor

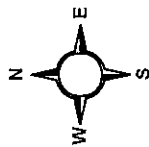
Attest: 
Gail Kunderger, MMC
City Clerk

2004-21(g)
CERTIFICATION

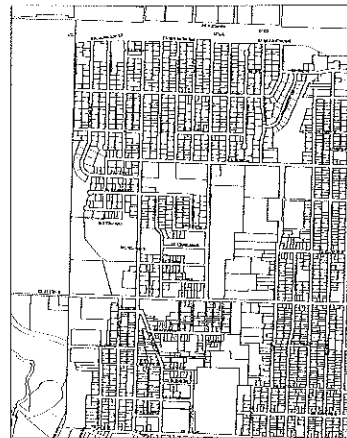
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on February 24, 2004.

By: Gail Kunderger
Gail Kunderger, MMC
City Clerk

Vacant Buildable City-Owned Lot 1338 Albert Avenue



☆ = Subject Property(ies)
to be sold



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made February 29, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, with offices at 280 Ottawa Street, Muskegon, Michigan 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:

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, LOTS 315 AND 316

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 Nine Thousand and no/100 Dollars (\$9,000).

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 split the two lots and construct on each lot 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 each 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 _____, 2004 ("Closing"). The Closing shall be conducted at _____, Muskegon, MI _____. 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:

Linda Potter
Linda Potter

Jo Ann Krulkowski
Jo Ann Krulkowski

SELLER:

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

Gail A. Kunding
Gail A. Kunding, MMC, Clerk

BUYER:

**MUSKEGON COUNTY HABITAT
FOR HUMANITY**

Lonna Aguilera
Lonna Aguilera

Brian C. Lazor
Brian C. Lazor

By: [Signature]
Its: EXECUTIVE DIRECTOR
EIN: _____

Prepared By: John C. Schrier (P36702)
Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49440
Phone: (231) 722-1621

QUIT-CLAIM DEED

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

QUIT CLAIMS to **MUSKEGON COUNTY HABITAT FOR HUMANITY**, a Michigan nonprofit corporation, of 280 Ottawa Street, Muskegon, Michigan 49442,

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

 CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, Lots 315 and 316

for the sum of Nine Thousand and no/100 Dollars (\$9,000)

PROVIDED, HOWEVER, Grantee shall apply for tax parcel ID numbers for each lot. Grantee, or its assigns, shall split each lot and complete construction of one (1) single family home on each lot herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. 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, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and each lot 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 8th day of March, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: February 24, 2004

Date: February 4, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Sale of Non-Buildable Lot at 538 Jackson Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-014-0017-00) at 538 Jackson Avenue to J Arthur Sanders, owner of 532 Jackson Avenue, Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand his current yard (see attached map). In keeping with the unbuildable lot policy, the lot will be offered to the adjacent property owner with the smallest lot. Therefore, Mr. Sanders will be offered the 24.8 x 207.3 ft. lot for \$100. (This sale was approved and the deposit paid in 2003 prior to the \$1 Lot Marketing Plan being approved.)

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

LRC recommended approval of the request at their November 18, 2003 meeting.

CITY OF MUSKEGON

RESOLUTION #2004- 21(h)

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

WHEREAS, the City of Muskegon has received \$100 from J Arthur Sanders, 2432 Maffett, Muskegon Heights, MI 49444 for the purchase of a vacant, City-owned lot located adjacent to his property at 532 Jackson Avenue (parcel #24-205-014-0017-00);

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

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

WHEREAS, the sale of this property would be in accordance with property disposition goals and recommendation of the Land Reutilization Committee (LRC);

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 W ½ LOT 17 BLK 14 be sold to J Arthur Sanders for \$100.

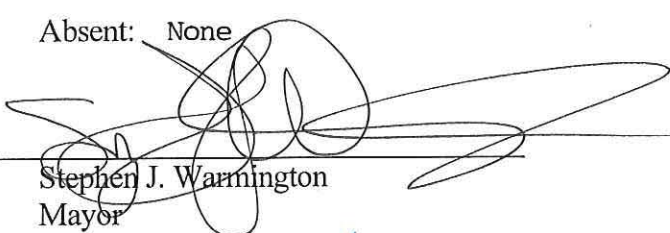
Resolution adopted this 24th day of February, 2004.

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

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunding, MMC
Clerk

2004-21 (h)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 24, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

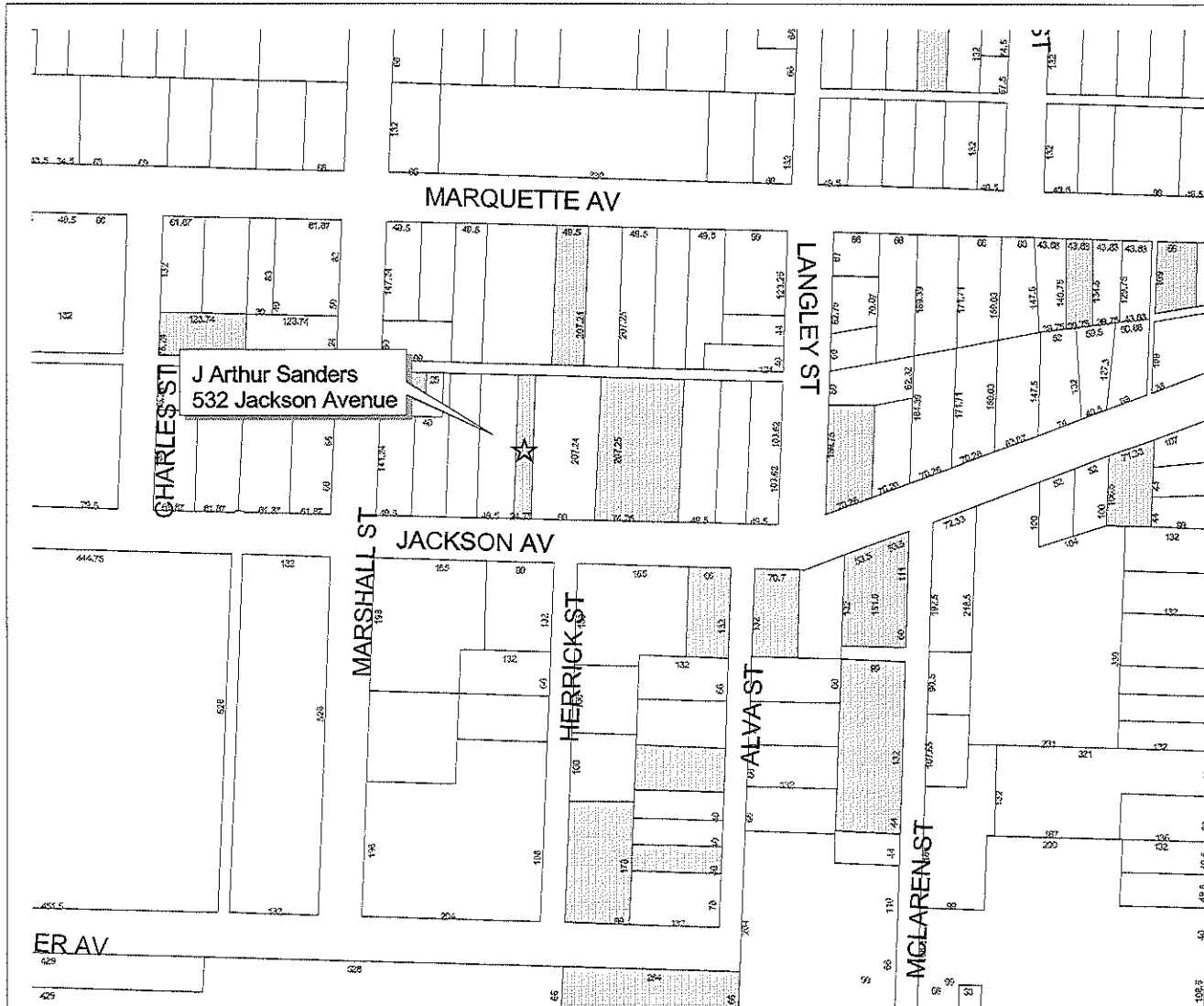
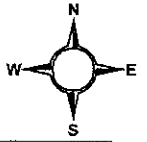
CITY OF MUSKEGON

By

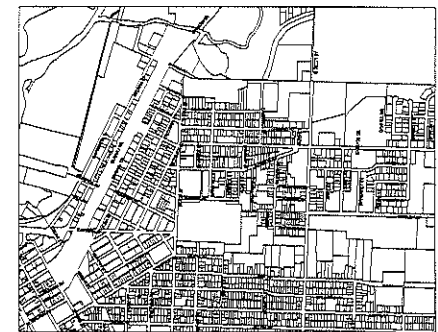


Gail A. Kunderger, MMC
Clerk

Vacant Non-buildable City-Owned Lot 538 Jackson Avenue



☆ = Subject Property(ies)
□□□ to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS TO: **J ARTHUR SANDERS**, a married man, of 2432 Maffett, Muskegon Heights, Michigan 49444,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, WEST ½ OF LOT 17, BLOCK 14

for the sum of: One Hundred Dollars (\$100)

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

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

Dated this 8th day of March, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

JoAnn Kruskowski
JoAnn Kruskowski

CITY OF MUSKEGON

By Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

WHEN RECORDED RETURN TO: Grantee

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

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: February 24, 2004

Date: February 13, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Non-Buildable Lot at 593 Muskegon Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-345-0003-10) at 593 Muskegon Avenue to Marie Rudd, of 597 W. Muskegon Avenue, Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand her current yard (see attached map). Other adjacent property owners were offered the other City-Owned lots on that block, but as of this time have not responded. This lot is being offered to Ms. Rudd for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004-21(i)

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

WHEREAS, the City of Muskegon has received \$1 from Marie Rudd, 597 W. Muskegon Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to her property at 593 W. Muskegon Avenue Avenue (parcel #24-205-345-0003-10);

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

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

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

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 E ½ LOT 3 BLK 345 be sold to Marie Rudd for \$1.

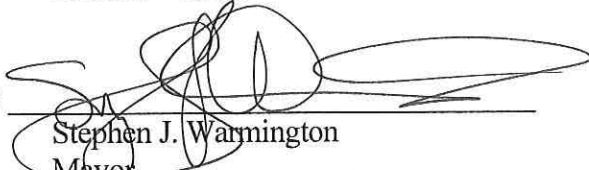
Resolution adopted this 24th day of February, 2004.

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

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunding, MMC
Clerk

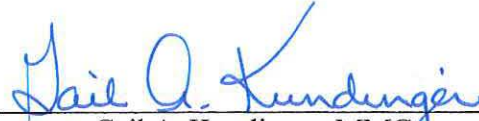
2004-21(i)

CERTIFICATION

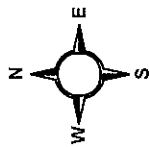
This resolution was adopted at a regular meeting of the City Commission, held on February 24, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

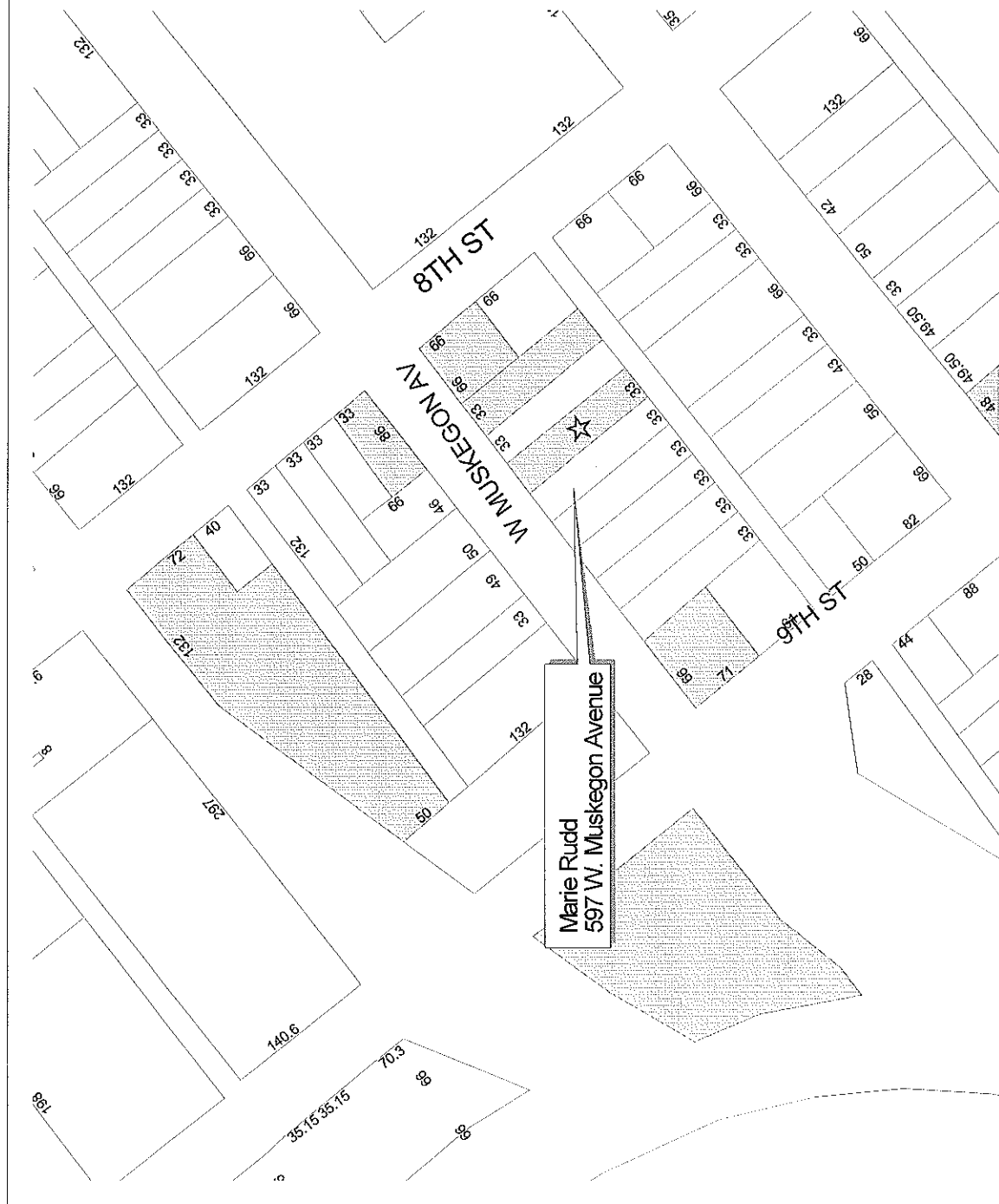
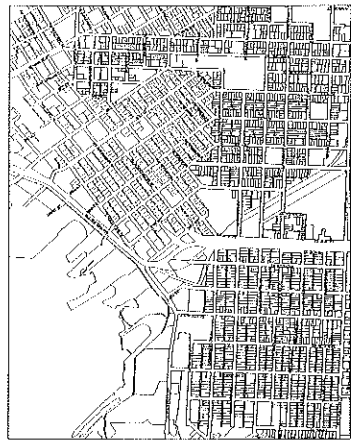
By


Gail A. Kunding, MMC
Clerk

**Vacant Non-Buildable City-Owned Lot
593 W. Muskegon, Avenue**



☆ = Subject Property(ies)
to be sold



Marie Rudd
597 W. Muskegon Avenue

QUIT-CLAIM DEED

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

QUIT CLAIMS to **MARIE RUDD, ET AL**, c/o Myrtlene Hesiben, 1102 Woodside Road, Muskegon, Michigan 49441,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, EAST ½ OF LOT 3 OF BLOCK 345
(COMMON ADDRESS: 593 W. MUSKEGON AVENUE)

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

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

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

Dated this 8th day of March, 2004.

Signed in the presence of:

Linda S. Potter
Linda S. Potter

Jo Ann Krzkowski
Jo Ann Krzkowski
STATE OF MICHIGAN
COUNTY OF MUSKEGON

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: February 24, 2004

Date: February 18, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Non-Buildable Lot at 1247 Marcoux Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-610-000-0003-0178-00) at 1287 Marcoux Avenue to Garry & Nancy Workman, owners of 1301 Marcoux Avenue, Muskegon, MI. Approval of this sale will allow the Workman's to expand the current yard on the house they are rehabing. (see attached map). This lot is being offered to the Workman's for \$1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004- 21(j)

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

WHEREAS, the City of Muskegon has received \$1 from Garry and Nancy Workman, 1247 Marcoux Avenue, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to their property at 1301 Marcoux Avenue Muskegon Avenue (parcel #24-610-000-0178-00);

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

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

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

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON URBAN RENEWAL PLAT NO 1 LOT 178 be sold to Garry and Nancy Workman for \$1.

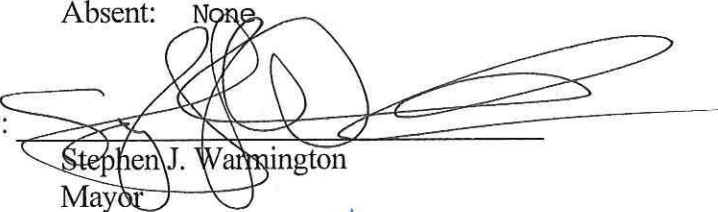
Resolution adopted this 24th day of February, 2004.

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

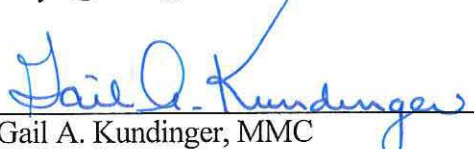
Nays: None

Absent: None

By:


Stephen J. Warmington
Mayor

Attest:


Gail A. Kunding, MMC
Clerk

2004-21(j)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 24, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, MMC
Clerk

QUIT-CLAIM DEED

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

QUIT CLAIMS to **GARRY and NANCY WORKMAN**, husband and wife, of 1347 Dudley Avenue, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 1, LOT 178 (COMMON ADDRESS: 1287 MARCOUX)

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

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

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

Dated this 8th day of March, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDERGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

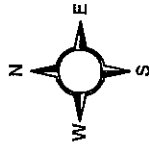
PREPARED BY: John C. Schrier
Parmenter O'Toole
175 W. Apple Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

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

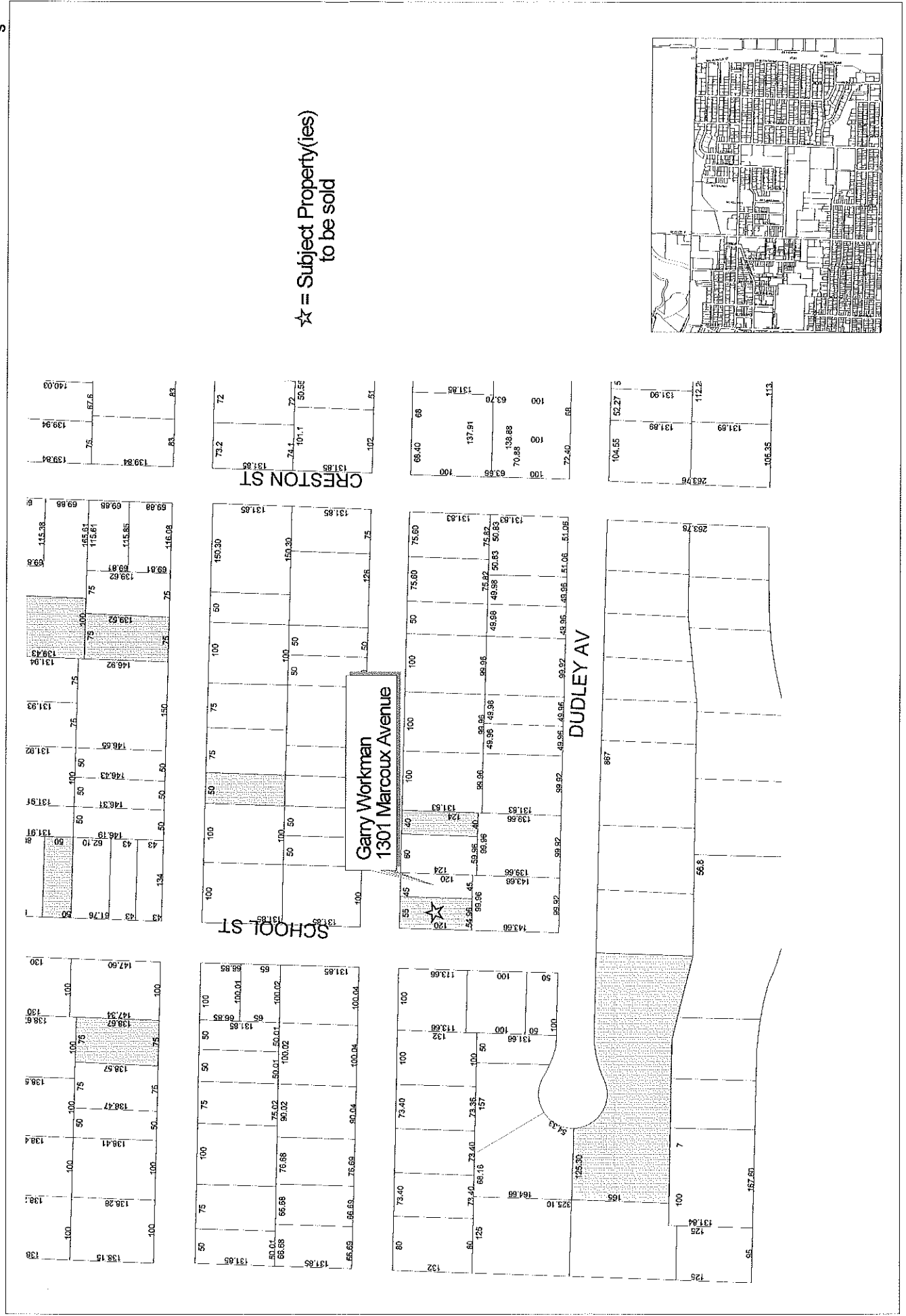
WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Vacant Non-Buildable City-Owned Lot 1287 Marcoux Avenue



☆ = Subject Property(ies)
to be sold



Commission Meeting Date: February 24, 2004

Date: February 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Non-Buildable Lot at 538 S. Getty Street

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-612-000-0647-00) at 538 S. Getty Street to Archer Holdings, L.L.C., owner of 548 S. Getty Street, Muskegon, MI. Approval of this sale will allow the owners of Dailey Cleaners to maintain and beautify this lot located next to their business. Since this lot is zoned R-1 Residential, it is being offered to Archer Holdings, L.L.C. for \$1 under the Dollar Lot Marketing Plan for residential lots.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004-21(k)

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

WHEREAS, the City of Muskegon has received \$1 from Archer Holdings, L.L.C., 548 S. Getty Street, Muskegon, MI 49442 for the purchase of a vacant, City-owned lot located adjacent to their property at 538 S. Getty Street Muskegon Avenue (parcel #24-612-000-0647-00);

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

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

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

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON URBAN RENEWAL PLAT NO 3 LOT 647 & W ½ VAC N/S ALLEY ADJ be sold to Archer Holdings, L.L.C. for \$1.

Resolution adopted this 24th day of February, 2004.

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

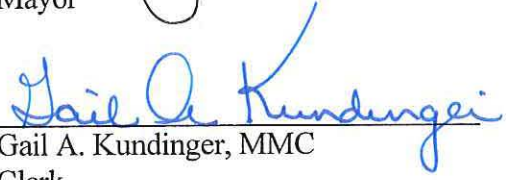
Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____

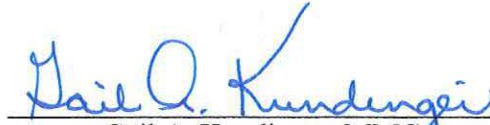

Gail A. Kunding, MMC
Clerk

2004-21(k)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 24, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderinger, MMC

Clerk

QUIT-CLAIM DEED

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

QUIT CLAIMS to **ARCHER HOLDINGS, L.L.C.**, a Michigan Limited Liability Company, of 548 S. Getty Street, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 3, LOT 647 AND WEST ½ OF VAC N/S ADJ
(COMMON ADDRESS: 538 S. GETTY STREET)

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

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

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

Dated this 8th day of March, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

[illegible]

Commission Meeting Date: February 24, 2004

Date: February 17, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Non-Buildable Lot at 1080 Spring Street

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-236-0001-00) at 1080 Spring Street to Melvin Kimbrough, Sr., owner of 1112 Spring Street, Muskegon, MI. Approval of this sale will allow the owner to expand his current yard. This lot has no room for a driveway, however, Mr. Kimbrough can apply for a variance for front-yard parking. The other adjacent property has both a driveway and garage. Therefore, the lot is being offered to Mr. Kimbrough for \$1 under the Dollar Lot Marketing Plan for residential lots.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION #2004- 21(1)

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

WHEREAS, the City of Muskegon has received \$1 from Melvin Kimbrough, Sr., 220 W. Grand Traverse Street, #A, Big Rapids, MI 49307 for the purchase of a vacant, City-owned lot located adjacent to his property at 1080 Spring Street Muskegon Avenue (parcel #24-205-236-0001-00);

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

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

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

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 NW 62 FT OF W 70 FT LOT 1 BLK 236 be sold to Melvin Kimbrough, Sr. for \$1.

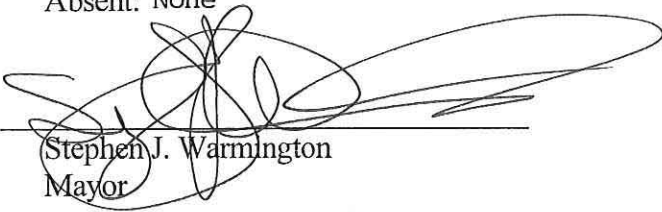
Resolution adopted this 24th day of February, 2004.

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

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail A. Kunderinger, MMC
Clerk

2004-21(1)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on February 24, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

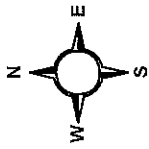
CITY OF MUSKEGON

By

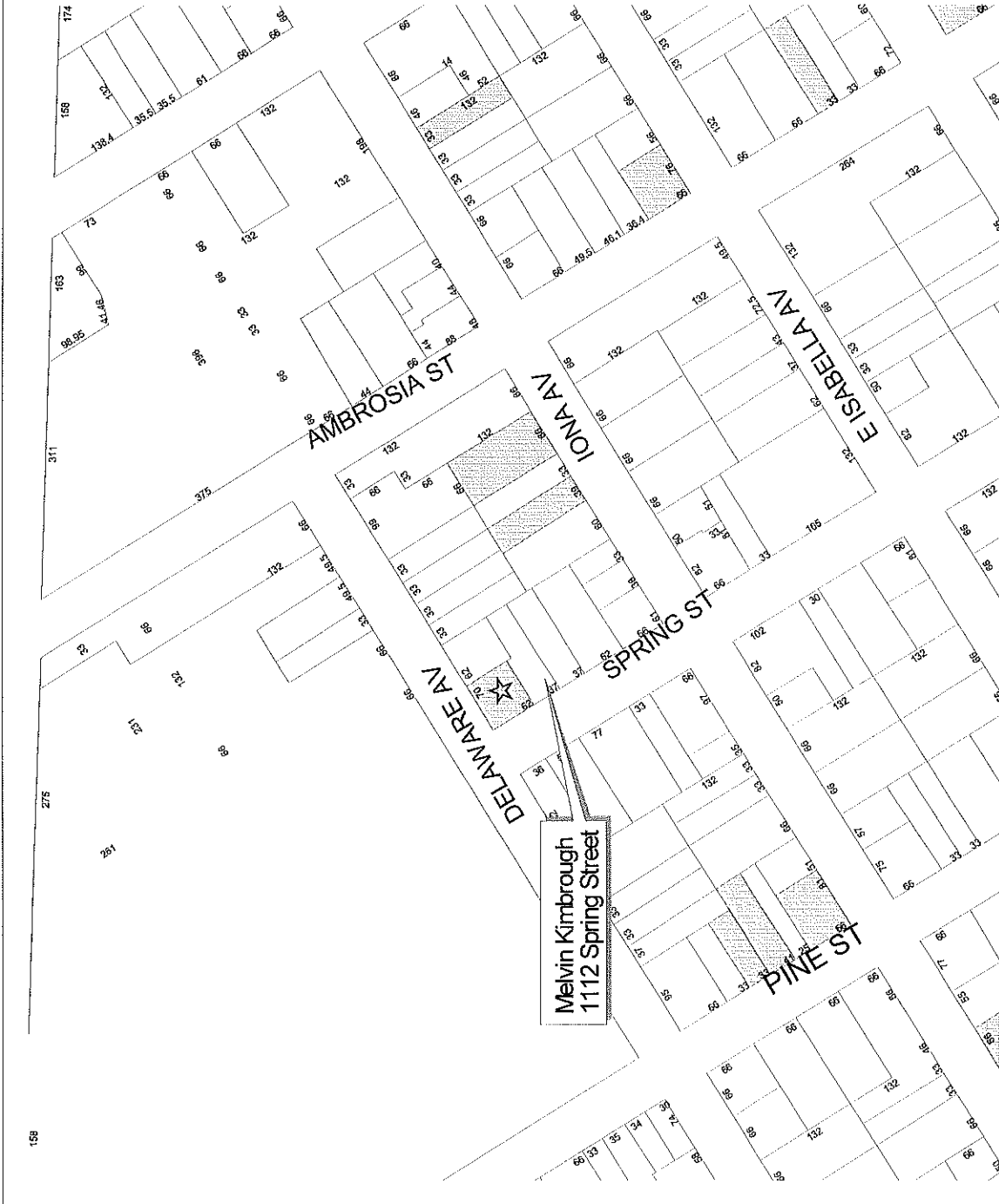


Gail A. Kundinger, MMC
Clerk

Vacant Non-Buildable City-Owned Lot 1080 Spring Street



☆ = Subject Property(ies)
to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **MELVIN KIMBROUGH, SR.**, a single man, of 220 W. Grand Traverse Street, #A, Big Rapids, Michigan 49307,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, NORTHWEST 62 FEET OF THE WEST 70 FEET
OF LOT 1 OF BLOCK 236

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

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

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

Dated this 8th day of March, 2004.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 8th day of March, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

WHEN RECORDED RETURN TO: Grantee

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

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: February 24, 2004

Date: February 16, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Brownfield Consulting Contract- Anne Couture

SUMMARY OF REQUEST: The City of Muskegon has been contracting with Anne Couture, of Couture Environmental Strategies LLC, during the last six years, to assist us with our Brownfield activities. She has excellent contacts at the Department of Environmental Quality, since she worked there several years ago. Therefore, her assistance is important in moving forward on the technical aspects of our Brownfield Authority, as well as grant application assistance. Not only does Ms. Couture work closely with our City Staff, but we also refer potential brownfield applicants to her. Since we instituted a Brownfield Redevelopment Authority application fee, in the amount of \$2,500, the City has received funds which help defray the costs of the contract (in fact, in 2003, there were five applications). Funds for Ms. Couture's current contract have been expended. Therefore, the Commission is asked to approve the current proposal from Ms. Couture.

FINANCIAL IMPACT: Costs to the City will not exceed \$15,000. It is expected that this amount will allow for at least one year of services.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached proposal between the City of Muskegon and Couture Environmental Strategies LLC, and authorize the Mayor and Clerk to sign the proposal.

COMMITTEE RECOMMENDATION: None.



*Couture
Environmental Strategies LLC*

February 10, 2004

Ms. Cathy Brubaker-Clarke
Director of Community and Economic Development
City of Muskegon
PO Box 536
Muskegon, MI 49443-0536

Re: Proposal for Continuation of Services
Brownfield Redevelopment Activities

Dear Cathy:

Couture Environmental Strategies LLC is pleased to submit this proposal to the City of Muskegon ("City") to continue to provide the City with assistance on various brownfield redevelopment activities. This effort primarily involves working with the City, developers, businesses, and state officials to utilize all available brownfield redevelopment tools that provide incentives to redevelop brownfield properties within the City. This includes adding sites to the Muskegon Brownfield Plan through amendments to the Plan, as well as pursuing additional grants and loans that may become available to the City to facilitate its brownfield redevelopment efforts.

Scope of Work

The Scope of Work for the proposed services of Couture Environmental Strategies LLC includes the following:

- Based on referrals obtained from the City, work with developers, property owners, their attorneys and environmental consultants to evaluate the eligibility of properties to be included in the City of Muskegon's Brownfield Plan.
- Provide recommendations to the City regarding Brownfield Plan amendments, or recommend use of other incentives available to the City to redevelop Brownfield properties.
- Upon concurrence by the City or its Brownfield Authority, prepare amendments to the Brownfield Plan, with advice and counsel from City attorneys.
- Prepare brownfield grant or loan applications, as directed by the City.
- Undertake other brownfield redevelopment activities as directed by the City.

Cost Estimate

The services of Couture Environmental Strategies LLC will be billed to the City on an hourly basis; my 2004 hourly rate is \$150/hour. Time will be billed based on actual hours worked and direct costs incurred. Costs to the City for these services will not exceed \$15,000 unless specifically authorized by the City.

Agreement

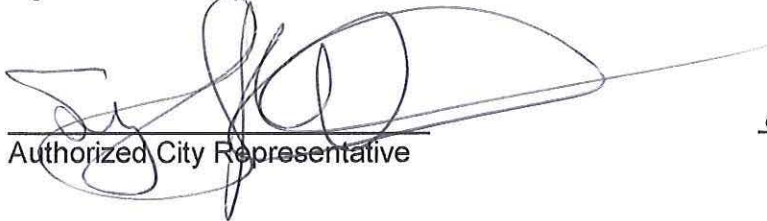
Attached to the letter are Provisions for Representation by Couture Environmental Strategies LLC ("Provisions"). This letter and the attached Provisions constitute a contractual agreement for services. If these terms and conditions are acceptable, I would appreciate your acknowledging acceptance of them by signing and returning the enclosed copy of this letter. Please don't hesitate to call if you have any questions.

Sincerely,



Anne P. Couture
Couture Environmental Strategies LLC

Agreed and Accepted



Authorized City Representative

2-24-04
Date

Attachment

**PROVISIONS FOR REPRESENTATION BY
COUTURE ENVIRONMENTAL STRATEGIES LLC**

Except as modified by an engagement letter, the following provisions will apply to the relationship between Couture Environmental Strategies LLC and each of its clients:

1. Fees for services rendered will be based on the reasonable value of those services. Fees will be based primarily on standard hourly billing rates and the numbers of hours worked. Couture Environmental Strategies LLC will adjust billing rates from time to time.
2. Time for which a client will be charged will include, among other things, telephone and office conferences with the client, consultants, regulators, public officials, developers, prospective purchasers, and others; research; report preparation; document review and comment; drafting of letters, memoranda and other documents; and travel time.
3. In addition to fees, costs and expenses incurred in performing services may be billed, including photocopying, postage, travel (mileage, meals, lodging), faxes, and other similar costs and expenses.
4. Although fees or costs are estimated, these estimates are subject to unforeseen circumstances and are by their nature inexact. CES LLC will not be bound by any estimates except to the extent expressly set forth in the engagement letter.
5. Fees and expenses will be billed monthly.
6. A client shall have the right to terminate our services and representation upon written notice. Such termination, however, will not relieve the client of the obligation to pay for all services rendered and costs or expenses paid or incurred on behalf of the client prior to termination.
7. In recognition of the relative risks, rewards and benefits of the Project to both the Client and CES LLC, the risks have been allocated such that the Client agrees that, to the fullest extent permitted by law, CES LLC total liability to the Client for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed CES LLC total fee for services rendered on this project. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 2/18/04

TO: Mayor and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: February 18, 2004
RE: Police Command: Pension Ordinance Change

SUMMARY OF REQUEST

To adopt the pension ordinance change resulting from contract negotiation with the Police Officer Command Unit. In January, the Commission approved tentative agreements (TA) reached with the Command unit; among the TA's was a proposed change in the pension multiplier from 2.5% to 2.75% (for normal retirement) effective 12/31/06, and change the retirement age from 55 w/25 yrs. of service to age 53 w/25 yrs. of service. This is a normal follow-up action that takes place after the actuarial has reviewed the appropriate language that will be reflected in the contract.

FINANCIAL IMPACT

None.

BUDGET ACTION

None.

STAFF RECOMMENDATION

Staff recommends approval.

CITY OF MUSKEGON
Ordinance No. 2124

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

THE CITY OF MUSKEGON HEREBY ORDAINS:

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

1. Section 62-311 is amended to read as follows:

Sec. 62-311. Voluntary Retirement.

Any member who has attained voluntary retirement age and has 25 or more years of credited service in force may retire upon written application filed with the board, setting forth the first day of the calendar month not more than 90 days subsequent to the execution and filing thereof the desire to be retired. The voluntary retirement age is 55, except for police patrolmen. The voluntary age is 53 for police patrolmen. The voluntary retirement age is 53, with 25 years of service for firefighters. Effective December 31, 2006, the voluntary retirement age is 53 for police command officers.

2. Section 62-313 of the Code of Ordinances is amended to read as follows:

Sec. 62-313. Deferred retirement (vesting).

- (a) A member who terminates city employment as a police officer or firefighter, for a reason other than retirement or death, and who has and maintains in force the applicable credited service requirement stated in this section, shall be entitled to a deferred pension computed according to division 5 of this article as such division was in force at the time the member left city employment as a police officer or firefighter. The credited service requirement for a police officer member who terminates such service on or after January 1, 1978, is ten years. The credited service requirement for a police officer member who terminates such service on or after April 1, 1976, but prior to January 1, 1978, is 15 years. The credited service requirement for a police officer member who terminates such service prior to April 1, 1976, is 25 years. The credited service requirement for a firefighter member who terminates such service on or after January 1, 1976, is ten years. The credited service requirement for a firefighter member who terminates such service prior to January 1, 1976, is 25 years. Such member's retirement and pension payment shall begin the first day of the calendar month next following the month in which the member files written application therefore with the board, but in no case shall payment begin prior to the first day of the calendar month next following the month in which the member attains age 55 years. Such member's entitlement to a deferred pension shall be forfeited if the member withdraws the accumulated contributions from the reserve for employee

contributions. Except as specifically otherwise provided in this article, such member shall in no case receive credited service for the period of this absence from city employment as a police officer or firefighter.

- (b) Each year following receipt of the report of the annual actuarial valuation, the excess, if any, of the reported value of pensions being paid and likely to be paid retirants and beneficiaries over the balance in the reserve for retired benefit payments shall be transferred from the reserve for employer contributions to the reserve for retired benefit payments.

2. Section 62-331 of the Code of Ordinances is amended to read as follows:

Sec. 62-331. Pension amount.

Upon retirement as provided division 4 of this article, a member or former member shall be paid a level straight life pension terminating upon death or as the member may elect, within the ninety-day period immediately preceding or the twenty-day period immediate following the date the member's retirement begins, to be paid the member's pension under an optional form of payment provided in section 16 in lieu of a level straight life pension. Subject to section 23, the amount of the level straight life pension shall be:

<u>Retirement Date</u>	<u>Factor</u>	<u>Maximum Years of Credited Service</u>	<u>Maximum Pension Amount</u>
Fire Chief			
Before 7/1/85	2.0%	25 Years	70% of budgeted Firefighter Compensation
Between 7/1/85 and 12/31/89	2.0%	35 Years	75% of Budgeted Firefighter Compensation
Between 1/1/90 and 12/31/91	2.3%	35 Years	75% of Budgeted Firefighter Compensation
Between 1/1/92 and 12/31/95	2.3%	35 years	80% of Fire Chief's Final Average Compensation
On or After 1/1/96	2.5%	32 years	80% of Final Average Compensation

Firefighters

Before 7/1/85	2.0%	25 Years	70% of Budgeted Firefighter Compensation
Between 7/1/85 and 12/31/87	2.0%	25 Years	70% of Budgeted Firefighter Compensation
Between 1/1/87 and 12/31/89	2.0%	35 Years	75% of Budgeted Firefighter Compensation
Between 1/1/90 and 12/31/92	2.3%	35 Years	75% of Budgeted Firefighter Compensation
Between 1/1/93 and 12/31/95	2.3%	35 Years	75% of Member's Final Average Compensation
Between 1/1/96 and 12/31/02	2.5%	32 Years	80% of Member's Final Average Compensation
On or After 1/1/03	2.6%	No Limit	85% of Member's Final Average Compensation

Police Chief and Assistant Police Chief

Before 7/1/85	2.0%	25 Years	70% of Budgeted Patrolmen Compensation
Between 7/1/85 and 12/31/90	2.0%	35 Years	75% of Budgeted Patrolmen Compensation
Between 1/1/91 and 12/31/97	2.3%	35 Years	80% of Final Average Compensation
On or After 1/1/98	2.5%	35 Years	80% of Final Average Compensation

Police Command: Voluntary Retirement

Before 7/1/85	2.0%	25 Years	70% of Budgeted Patrolmen Compensation
Between 7/1/85 and 12/31/90	2.0%	35 Years	75% of Budgeted Patrolmen Compensation

Police Command: Voluntary Retirement (Continued)

Between 1/1/91 and 12/31/97	2.3%	35 Years	80% of Final Average Compensation
Between 1/1/98 and 12/30/06	2.5%	35 Years	80% of Final Average Compensation
On or After 12/31/06	2.75%	35 Years	80% of Final Average Compensation

Police Command: Deferred Retirement

Before 7/1/85	2.0%	25 Years	70% of Budgeted Patrolmen Compensation
Between 7/1/85 and 12/31/90	2.0%	35 Years	75% of Budgeted Patrolmen Compensation
Between 1/1/91 and 12/31/97	2.3%	35 Years	80% of Final Average Compensation
After 1/1/98	2.5%	35 Years	80% of Final Average

Police Patrol

Before 12/31/90	2.0%	25 Years	70% of Budgeted Patrolmen Compensation
Between 1/1/91 and 6/30/93	2.2%	No Limit	70% of the Officer's Final Average Compensation
Between 7/1/93 and 12/31/94	2.3%	No Limit	70% of the Officer's Final Average Compensation

Between 1/1/95 and 12/31/98	2.3%	No Limit	75% of the Officer's Final Average Compensation
On or after 1/1/99	2.5%	No Limit	75% of the Officer's Final Average Compensation

"Budgeted firefighter compensation" and "budgeted patrolmen compensation" shall mean that amount fixed in the City budget for the fiscal year the employee terminates employment with a deferred pension or retires pursuant to Section 12 or 13. Ordinance No. 1028 shall not result in an increase or decrease of benefits for an employee or retiree except as pertains to the maximum benefit increase for the Fire Chief.

3. Section 62-351 is amended to read as follows:

Sec. 62-351. Optional forms of payment.

Within the 90-day period immediately preceding or the 20-day period immediately following the date retirement begins, a member or former member may elect to be paid the member or former member's pension under one of the following optional forms of payment in lieu of a level straight life pension. The amount of an optional form of pension payment shall be the actuarial equivalent of the amount of the level straight life pension. If a member or former member does not make a timely election of an optional form of payment he shall be paid a level straight life pension.

- (1) *Option A – Joint and survivor pension.* Under option A a retirant shall be paid a reduced pension throughout life with the provision that upon death the full reduced pension shall be continued throughout the future life of and paid to such person, having an insurable interest in the retirant's life, as nominated by the member by written designation duly executed and filed with the board at the time of his election of option A.
- (2) *Option B – Under Option B.* An employee of the fire department who is a member of the I.A.F.F. and who retires on or after January 1, 1984, a police command officer who retires on or after January 1, 1986, or a patrol officer who retires on or after January 1, 1986, pursuant to section 62-311 may elect to be paid a refund of all or part of the accumulated contributions standing to the member's credit in the reserve for employee contributions at the effective date of retirement. A member who terminates city employment with a pension payable pursuant to section 62-313 may elect to be paid a refund of all or part of the member's accumulated contributions on the effective date of retirement.

Provided, however, that any member who withdraws accumulated contributions prior to the effective date of retirement shall forfeit any right to a pension. Upon election of this refund provision, the retirant's straight life pension shall be reduced by an amount which is actuarially equivalent to the refunded accumulated contributions. For firefighter members and police patrol members, the actuarial equivalent amount shall be computed on the basis of the mortality table, adopted by the board of trustees, and the interest rate, published monthly by the Pension Benefit Guaranty Corporation for use in, converting a series of monthly annuity payments into a lump sum value, in effect at the date of retirement. For police command members, police chief, fire chief, and assistant police chief who retire prior to December 31, 2003, the actuarial equivalent amount shall be computed on the basis of the mortality table, adopted by the board of trustees, and the interest rate, published monthly by the Pension Benefit Guaranty Corporation for use in, converting a series of monthly annuity payments into a lump sum value, in effect at the date of retirement. For police command members, police chief, fire chief and assistant police chief, who retire after January 1, 2004, the actuarial equivalent amount shall be computed on the basis of the mortality table, adopted by the board of trustees, and the interest rate, computed using the same actuarial assumptions that are used to compute the City's annual pension contribution, in effect at the date of retirement. The retiring member may elect option A or option B in conjunction with the refund provision of this subsection.

This ordinance adopted:

Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter
Nays: None

Adoption Date: February 24, 2004
Effective Date: March 12, 2004
First Reading: February 24, 2004
Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 24th day of February, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: February 24, 2004



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on February 24, 2004, the City Commission of the City of Muskegon adopted amendments to Chapter 62 of the Muskegon City Code concerning the Police and Fire Retirement system, summarized as follows:

1. Section 62-311 is amended to reduce the voluntary retirement age for Police Command officers from 55 years to 53 years with 25 years of service.
2. Section 62-313 is amended to provide technical corrections clarifying the credited service requirements for police officers and firefighters.
3. Section 62-331 is amended to increase the pension multiplier for police command officers who retire on or after December 31, 2006 from 2.5% to 2.75%.
4. Section 62-351(2) is amended to change the interest rate for Police Command officers, police chief, fire chief, and assistant police chief who withdraw their pensions in one lump sum for the purpose of computing the annuity withdrawal. The amendment will require using the same assumptions that are used to compute the City's annual pension contribution, instead of using the rate published by the Pension Benefit Guaranty Corporation.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: March 2, 2004

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
2004 Sidewalk Replacement Program

SUMMARY OF REQUEST:

The 2004 Sidewalk Replacement contract be awarded to Accurate Excavators out of Muskegon. Accurate was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$200,690.10.

FINANCIAL IMPACT:

The construction cost of \$200,690.10 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Accurate Excavators

COMMITTEE RECOMMENDATION:

H-1572
SIDEWALK REPLACEMENT PROGRAM FOR 2004
BID TABULATION
02/17/04

CONTRACTOR ADDRESS CITY/ST/ZIP				ENGINEER'S ESTIMATE		MUSKEGON QUALITY BUILDERS 2837 PECK ST. MUSKEGON, MI 49444		C & D HUGHES 3097 LANSING RD. CHARLOTTE, MI 48813		NORTH RIVER EXCAVATING, INC. 9918 N. RIVER RD. NEWAYGO, MI 49337		MCCORMICK SAND, INC. 995 S. 102ND AVE. SHELBY, MI 49455		ACCURATE EXCAVATORS 4040 CENTRAL RD. MUSKEGON, MI 49445	
	ITEM OF WORK	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	BORROW FILL	CU YD	50	\$10.00	\$500	\$11.30	\$565.00	\$15.00	\$750.00	\$6.00	\$300.00	\$6.00	\$300.00	\$10.00	\$500.00
2	CEMENT	TON	10	\$125.00	\$1,250	\$100.00	\$1,000.00	\$100.00	\$1,000.00	\$130.00	\$1,300.00	\$125.00	\$1,250.00	\$130.00	\$1,300.00
3	CONCRETE CURB,6" X 14"	L FT	100	\$18.00	\$1,800	\$16.00	\$1,600.00	\$15.00	\$1,500.00	\$18.00	\$1,800.00	\$15.00	\$1,500.00	\$17.00	\$1,700.00
4	CONCRETE CURB & GUTTER, AS DIRECTED	L FT	300	\$18.00	\$5,400	\$17.00	\$5,100.00	\$15.00	\$4,500.00	\$16.00	\$4,800.00	\$15.00	\$4,500.00	\$17.00	\$5,100.00
5	CONCRETE DRIVE APPROACH, 6"	SQ YD	1,888	\$31.00	\$58,528	\$28.80	\$54,374.40	\$25.00	\$47,200.00	\$29.00	\$54,752.00	\$29.85	\$56,356.80	\$27.00	\$50,976.00
6	CONCRETE SIDEWALK, 4"	SQ FT	23,575	\$2.70	\$63,653	\$2.69	\$63,416.75	\$2.47	\$58,230.25	\$2.20	\$51,865.00	\$2.40	\$56,580.00	\$2.30	\$54,222.50
7	CONCRETE SIDEWALK, 6"	SQ FT	3,630	\$5.00	\$18,150	\$3.20	\$11,616.00	\$3.10	\$11,253.00	\$4.75	\$17,242.50	\$4.00	\$14,520.00	\$2.75	\$9,982.50
8	CONCRETE SIDEWALK RAMP,TYPE I OR TYPE III	SQ FT	3,958	\$4.00	\$15,832	\$3.20	\$12,665.60	\$2.20	\$8,707.60	\$5.00	\$19,790.00	\$4.40	\$17,415.20	\$3.00	\$11,874.00
9	EXCAVATION	CU YD	75	\$14.00	\$1,050	\$5.50	\$412.50	\$10.00	\$750.00	\$5.00	\$375.00	\$10.00	\$750.00	\$10.00	\$750.00
10	REMOVING CONCRETE CURB	L FT	480	\$11.75	\$5,640	\$6.60	\$3,168.00	\$8.00	\$3,840.00	\$10.00	\$4,800.00	\$11.00	\$5,280.00	\$9.50	\$4,560.00
11	REMOVING CONCRETE CURB & GUTTER	L FT	200	\$12.25	\$2,450	\$8.80	\$1,760.00	\$8.00	\$1,600.00	\$10.00	\$2,000.00	\$8.00	\$1,600.00	\$9.50	\$1,900.00
12	REMOVING CONCRETE DRIVE APPROACH	SQ YD	1,888	\$10.00	\$18,880	\$3.24	\$6,117.12	\$10.00	\$18,880.00	\$8.20	\$15,481.60	\$9.00	\$16,992.00	\$9.50	\$17,936.00
13	REMOVING CONCRETE SIDEWALK	SQ FT	31,163	\$1.00	\$31,163	\$1.29	\$40,200.27	\$1.00	\$31,163.00	\$1.00	\$31,163.00	\$1.30	\$40,511.90	\$0.70	\$21,814.10
14	ROOT CUTTING FOR S. W. INSTALLATION, 10"- 20" TREES (ESTIMATED)	EACH	65	\$65.00	\$4,225	\$11.30	\$734.50	\$70.00	\$4,550.00	\$65.00	\$4,225.00	\$60.00	\$3,900.00	\$60.00	\$3,900.00
15	ROOT CUTTING FOR SW. INSTALLATION, 20"- 30" TREES (ESTIMATED)	EACH	85	\$75.00	\$6,375	\$16.95	\$1,440.75	\$90.00	\$7,650.00	\$75.00	\$6,375.00	\$70.00	\$5,950.00	\$75.00	\$6,375.00
16	ROOT CUTTING FOR S. W. INSTALLATION, TREES OVER 30" (ESTIMATED)	EACH	70	\$110.00	\$7,700	\$22.60	\$1,582.00	\$110.00	\$7,700.00	\$100.00	\$7,000.00	\$95.00	\$6,650.00	\$90.00	\$6,300.00
17	ADJUST MANHOLE OR CATCH BASIN	EACH	5	\$250.00	\$1,250	\$113.00	\$565.00	\$400.00	\$2,000.00	\$150.00	\$750.00	\$300.00	\$1,500.00	\$150.00	\$750.00
18	RECONSTRUCT MANHOLE OR CATCH BASIN	V. FT.	5	\$500.00	\$2,500	\$252.00	\$1,260.00	\$500.00	\$2,500.00	\$50.00	\$250.00	\$600.00	\$3,000.00	\$150.00	\$750.00
	TOTALS				\$246,345.50		\$207,577.89		\$213,773.85		\$224,269.10		\$238,555.90		\$200,690.10

H-1572
SIDEWALK REPLACEMENT PROGRAM FOR 2004
BID TABULATION
02/17/04

CONTRACTOR ADDRESS CITY/ST/ZIP				ENGINEER'S ESTIMATE		MUSKEGON QUALITY BUILDERS 2837 PECK ST. MUSKEGON, MI 49444		C & D HUGHES 3097 LANSING RD. CHARLOTTE, MI 48813		NORTH RIVER EXCAVATING, INC. 9918 N. RIVER RD. NEWAYGO, MI 49337		MCCORMICK SAND, INC 995 S. 102ND AVE. SHELBY, MI 49455		ACCURATE EXCAVATORS 4040 CENTRAL RD. MUSKEGON, MI 49445	
	ITEM OF WORK	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	BORROW FILL	CU YD	50	\$10.00	\$500	\$11.30	\$565.00	\$15.00	\$750.00	\$6.00	\$300.00	\$6.00	\$300.00	\$10.00	\$500.00
2	CEMENT	TON	10	\$125.00	\$1,250	\$100.00	\$1,000.00	\$100.00	\$1,000.00	\$130.00	\$1,300.00	\$125.00	\$1,250.00	\$130.00	\$1,300.00
3	CONCRETE CURB,6" X 14"	L FT	100	\$18.00	\$1,800	\$16.00	\$1,600.00	\$15.00	\$1,500.00	\$18.00	\$1,800.00	\$15.00	\$1,500.00	\$17.00	\$1,700.00
4	CONCRETE CURB & GUTTER, AS DIRECTED	L FT	300	\$18.00	\$5,400	\$17.00	\$5,100.00	\$15.00	\$4,500.00	\$16.00	\$4,800.00	\$15.00	\$4,500.00	\$17.00	\$5,100.00
5	CONCRETE DRIVE APPROACH, 6"	SQ YD	1,888	\$31.00	\$58,528	\$28.80	\$54,374.40	\$25.00	\$47,200.00	\$29.00	\$54,752.00	\$29.85	\$56,356.80	\$27.00	\$50,976.00
6	CONCRETE SIDEWALK, 4"	SQ FT	23,575	\$2.70	\$63,653	\$2.69	\$63,416.75	\$2.47	\$58,230.25	\$2.20	\$51,865.00	\$2.40	\$56,580.00	\$2.30	\$54,222.50
7	CONCRETE SIDEWALK, 6"	SQ FT	3,630	\$5.00	\$18,150	\$3.20	\$11,616.00	\$3.10	\$11,253.00	\$4.75	\$17,242.50	\$4.00	\$14,520.00	\$2.75	\$9,982.50
8	CONCRETE SIDEWALK RAMP,TYPE I OR TYPE III	SQ FT	3,958	\$4.00	\$15,832	\$3.20	\$12,665.60	\$2.20	\$8,707.60	\$5.00	\$19,790.00	\$4.40	\$17,415.20	\$3.00	\$11,874.00
9	EXCAVATION	CU YD	75	\$14.00	\$1,050	\$5.50	\$412.50	\$10.00	\$750.00	\$5.00	\$375.00	\$10.00	\$750.00	\$10.00	\$750.00
10	REMOVING CONCRETE CURB	L FT	480	\$11.75	\$5,640	\$6.60	\$3,168.00	\$8.00	\$3,840.00	\$10.00	\$4,800.00	\$11.00	\$5,280.00	\$9.50	\$4,560.00
11	REMOVING CONCRETE CURB & GUTTER	L FT	200	\$12.25	\$2,450	\$8.80	\$1,760.00	\$8.00	\$1,600.00	\$10.00	\$2,000.00	\$8.00	\$1,600.00	\$9.50	\$1,900.00
12	REMOVING CONCRETE DRIVE APPROACH	SQ YD	1,888	\$10.00	\$18,880	\$3.24	\$6,117.12	\$10.00	\$18,880.00	\$8.20	\$15,481.60	\$9.00	\$16,992.00	\$9.50	\$17,936.00
13	REMOVING CONCRETE SIDEWALK	SQ FT	31,163	\$1.00	\$31,163	\$1.29	\$40,200.27	\$1.00	\$31,163.00	\$1.00	\$31,163.00	\$1.30	\$40,511.90	\$0.70	\$21,814.10
14	ROOT CUTTING FOR S. W. INSTALLATION, 10"- 20" TREES (ESTIMATED)	EACH	65	\$65.00	\$4,225	\$11.30	\$734.50	\$70.00	\$4,550.00	\$65.00	\$4,225.00	\$60.00	\$3,900.00	\$60.00	\$3,900.00
15	ROOT CUTTING FOR SW. INSTALLATION, 20"- 30" TREES (ESTIMATED)	EACH	85	\$75.00	\$6,375	\$16.95	\$1,440.75	\$90.00	\$7,650.00	\$75.00	\$6,375.00	\$70.00	\$5,950.00	\$75.00	\$6,375.00
16	ROOT CUTTING FOR S. W. INSTALLATION, TREES OVER 30" (ESTIMATED)	EACH	70	\$110.00	\$7,700	\$22.60	\$1,582.00	\$110.00	\$7,700.00	\$100.00	\$7,000.00	\$95.00	\$6,650.00	\$90.00	\$6,300.00
17	ADJUST MANHOLE OR CATCH BASIN	EACH	5	\$250.00	\$1,250	\$113.00	\$565.00	\$400.00	\$2,000.00	\$150.00	\$750.00	\$300.00	\$1,500.00	\$150.00	\$750.00
18	RECONSTRUCT MANHOLE OR CATCH BASIN	V. FT.	5	\$500.00	\$2,500	\$252.00	\$1,260.00	\$500.00	\$2,500.00	\$50.00	\$250.00	\$600.00	\$3,000.00	\$150.00	\$750.00
	TOTALS				\$246,345.50		\$207,577.89		\$213,773.85		\$224,269.10		\$238,555.90		\$200,690.10

ACCURATE EXCAVATORS

4040 Central Rd. Muskegon, Michigan 49445 231 780-2097 231 766-0557

February 18, 2004

City of Muskegon
933 Terrace St.
Muskegon, MI 49443

To Whom It May Concern:

I am writing this letter to introduce myself, and my company to the employees and commissioners of the City of Muskegon. As the low bidder on the Sidewalk Replacement for 2004, I feel it is necessary for me to share personal and professional background with you.

My employment history begins working for my father at Michigan's Adventure Amusement Park. Until the park was sold in 2001 I was heavily involved with day to day operations of the amusement park, and of our in house construction and excavating businesses. After the sale of Michigan's Adventure I was employed by Jackson-Merkey Contractors of Muskegon. I acted as an equipment operator, truck driver and laborer. In November of 2001 I decided to start Accurate Excavators.

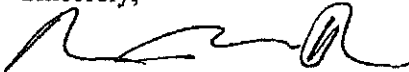
My company's initial direction was to very small residential work. I recognized a niche in "small jobs" and my equipment catered to that niche. Over the past three years Accurate Excavators has grown considerably. Our reputation for the highest quality work and on-time service has reaped us great rewards. By spring of 2003 we had built a solid clientele of residential contractors, individuals, and general contractors. As our reputation grew, so did our fleet of equipment. The small equipment remains, but new and larger equipment now sits beside the original machines. During the fall of 2003 we were able to dip our feet into the world of public contract work. We were awarded a job for Oceana County doing site work for the Medical Care Facility. We continue to research other larger commercial and public projects that will help to move our company to the forefront of West Michigan excavating contractors.

In regards to the Muskegon Sidewalk Replacement for 2004, I feel Accurate Excavators is the best suited company to perform this project. I have allied myself with Andy Brown of Brown Concrete Construction. Brown's firm was responsible for all of the concrete work for the 2003 program, which was considerably larger. Brown was able to complete last year's project as a sub-contractor with no major problems. Accurate Excavators' fleet of equipment is by far the best suited to complete a concrete removal project of this type. Utilizing a 10,000 lb compact rubber tracked excavator equipped with a concrete removal bucket, we will be able to remove sidewalks while doing little or no damage to surrounding landscaping and structures. I feel that

my team of employees possesses the skills and drive needed to complete this project in a high quality and timely manner.

I have included with this letter an assortment of letters of recommendation from notable figures in the Muskegon construction industry. I also included a letter from my insurance agent. Please feel free to contact any of these references or myself with any questions. While I am aware that we are a firm whom you have not done business with in the past, I feel that we are well suited to complete this project, and hope this can be the start of a great future.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Jourden II', with a stylized flourish at the end.

Roger D. Jourden II
President

Accurate Excavators Staff

3 full time employees, and 3 part time employees, more to be hired Spring 2004

Accurate Excavators Equipment as of February 18, 2004

1997 Ford F-250 Pick-Up

2003 Ford F-250 Pick-Up

2002 Sterling Actera Tandem Axle Dump Truck

1998 Takeuchi TL26 Rubber Tracked Loader

2002 Kubota 121-3 Rubber Tracked Compact Excavator

1997 Kobelco 150 Excavator

2003 Interstate 20 Ton Tag Trailer

2003 Contrail 10,000 lb Tag Trailer

Accurate Excavators Equipment to be purchased Spring 2004

2004 Caterpillar 938G Front End Loader (negotiations in progress)

2004 Takeuchi TL 150 Rubber Tracked Loader

2004 Edge Drum Roller Attachment

Accurate Excavators Small Tools and Equipment as of February 18, 2004

Compactor

Cut-Off Saw

Laser Level

Concrete Removal Bucket

Grapple Bucket

Pallet Forks

Brush Hog Mower

Numerous hand and plumbing tools

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Torrent St., Sherman to Letart

SUMMARY OF REQUEST:

The contract to construct a new paved (Asphalt) street on Torrent between Sherman & Letart be awarded to McCormick Sand Co. out of Shelby. McCormick Sand was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$71,692.10

FINANCIAL IMPACT:

The construction cost of \$71,692.10 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to McCormick Sand Co.

COMMITTEE RECOMMENDATION:

TORRENT ST., SHERMAN BLV

CONTRACTOR ADDRESS CITY/ST/ZIP				ENGINEER'S ESTIMATE		LYONNAIS, INC. 5189 CONCKLIN RD. LOWELL, MI 49331		DOUBLE L ENTERP 5215 INDUSTRIAL PA MONTAGUE, MI 4	
	ITEM OF WORK	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	AGGREGATE BASE COURSE 22A @ 6" C.I.P.	SQ.YD.	809	\$6.00	\$4,854.00	\$6.19	\$5,007.71	\$7.21	\$5,854.39
2	BENDS D.C.I. 8" 45° M.J.	EACH	4	\$250.00	\$1,000.00	\$275.00	\$1,100.00	\$190.67	\$762.68
3	BIT. LEVELING MIX 3C @ 165#/S.Y.	TON	71	\$45.00	\$3,195.00	\$75.00	\$5,325.00	\$58.85	\$4,160.15
4	BIT. TOP MIX 4C @ 165#/S.Y.	TON	74	\$50.00	\$3,700.00	\$80.00	\$5,920.00	\$65.45	\$4,843.30
5	CAP 8" M.J. D.C.I. WITH 2" TAP	EACH	1	\$200.00	\$200.00	\$150.00	\$150.00	\$187.45	\$187.45
6	CATCH BASIN CASTING E.J.#7045 OR EQUAL	EACH	3	\$450.00	\$1,350.00	\$500.00	\$1,500.00	\$539.36	\$1,618.08
7	CATCH BASIN FLAT TOP WITH 2'-0" SUMP	EACH	2	\$1,300.00	\$2,600.00	\$1,100.00	\$2,200.00	\$1,325.78	\$2,651.56
8	CONC. CURB & GUTTER STANDARD DETAIL 1	LIN. FT.	556	\$9.00	\$5,004.00	\$18.00	\$10,008.00	\$22.43	\$12,469.08
9	CONC. DRIVE APPROACH 6" STD.	SQ.YD.	167	\$30.00	\$5,010.00	\$29.25	\$4,884.75	\$36.71	\$6,130.57
10	CONC. SIDEWALK 4"	SQ.FT.	70	\$3.00	\$210.00	\$4.00	\$280.00	\$5.14	\$359.80
11	CONC. SIDEWALK 6"	SQ.FT.	450	\$4.00	\$1,800.00	\$4.25	\$1,912.50	\$5.32	\$2,394.00
12	CORP. STOP 1" MUELLER #15000 OR EQUAL	EACH	4	\$225.00	\$900.00	\$150.00	\$600.00	\$195.00	\$780.00
13	CORP. STOP 1" MUELLER #15150 W/BOX OR EQUAL	EACH	4	\$250.00	\$1,000.00	\$100.00	\$400.00	\$132.00	\$528.00
14	EXCAVATION	CU.YD.	265	\$12.00	\$3,180.00	\$18.87	\$5,000.55	\$11.66	\$3,091.90
15	HYDRANT STD.	EACH	2	\$1,800.00	\$3,600.00	\$1,800.00	\$3,600.00	\$1,156.22	\$2,312.44
16	MANHOLE CASTING E.J.#1000 OR EQUAL	EACH	1	\$1,100.00	\$1,100.00	\$500.00	\$500.00	\$402.40	\$402.40
17	MANHOLE STD. 4' I.D. 0' TO 10' DEEP	EACH	1	\$1,500.00	\$1,500.00	\$1,100.00	\$1,100.00	\$1,250.00	\$1,250.00
18	REDUCERS 8" TO 6" D.C.I. M.J.	EACH	2	\$200.00	\$400.00	\$225.00	\$450.00	\$174.41	\$348.82
19	REMOVING CATCH BASIN	EACH	1	\$400.00	\$400.00	\$500.00	\$500.00	\$500.00	\$500.00
20	REMOVING CONC. CURB & GUTTER	LIN.FT.	43	\$8.00	\$344.00	\$5.00	\$215.00	\$10.00	\$430.00
21	REMOVING CONC. DRIVE APPROACH	SQ.YD.	20.76	\$10.00	\$207.60	\$ 4.00	\$83.04	\$14.74	\$306.62
22	REMOVING CONC. SIDEWALK	SQ.FT.	70	\$1.00	\$70.00	\$ 0.50	\$35.00	\$2.00	\$140.00
23	REMOVING PAVEMENT	SQ.YD.	104.14	\$8.00	\$833.12	\$ 10.00	\$1,041.40	\$4.50	\$468.63
24	REMOVING TREES 8" TO 12"	EACH	1	\$400.00	\$400.00	\$ 400.00	\$400.00	\$300.00	\$300.00
25	SLEEVES LONG 6" D.C.I. M.J.	EACH	2	\$500.00	\$1,000.00	\$ 225.00	\$450.00	\$157.95	\$315.90
26	STORM SEWER 12"-CL-78-CL-V	LIN. FT.	125	\$30.00	\$3,750.00	\$ 28.00	\$3,500.00	\$26.60	\$3,325.00
27	STORM SEWER 10" D.C.I. CL.52	LIN. FT.	84	\$30.00	\$2,520.00	\$ 38.00	\$3,192.00	\$32.49	\$2,730.36
28	TEE D.C.I. 8" x 8" x 6" M.J.	EACH	2	\$300.00	\$600.00	\$ 450.00	\$900.00	\$224.55	\$449.10
29	TEE D.C.I. 8" x 8" x 8" M.J.	EACH	1	\$370.00	\$370.00	\$ 475.00	\$475.00	\$281.90	\$281.90
30	TERRACE GRADING	LIN. FT.	283	\$10.00	\$2,830.00	\$ 12.75	\$3,608.25	\$15.54	\$4,398.42
31	TRAFFIC CONTROL	LUMP	1	\$5,000.00	\$5,000.00	\$ 1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
32	VALVE 6" GATE M.J. W/BOX	EACH	2	\$500.00	\$1,000.00	\$ 900.00	\$1,800.00	\$650.19	\$1,300.38
33	VALVE 8" GATE M.J. W/BOX	EACH	2	\$600.00	\$1,200.00	\$ 1,150.00	\$2,300.00	\$701.79	\$1,403.58
34	WATERMAIN 6" D.C.I. CL. 52	LIN. FT.	18	\$45.00	\$810.00	\$ 28.50	\$513.00	\$25.16	\$452.88
35	WATERMAIN 2" GAL. WITH FITTINGS	LIN.FT.	10	\$20.00	\$200.00	\$ 20.00	\$200.00	\$19.23	\$192.30
36	WATERMAIN 8" D.C.I. CL. 52	LIN. FT.	370	\$30.00	\$11,100.00	\$ 40.00	\$14,800.00	\$25.17	\$9,312.90
37	WATER METER PIT COMPLETE	EACH	2	\$700.00	\$1,400.00	\$ 750.00	\$1,500.00	\$605.60	\$1,211.20
38	WATER SERVICE 1" TYPE "K" COPPER	LIN. FT.	119	\$20.00	\$2,380.00	\$ 15.00	\$1,785.00	\$14.69	\$1,748.11
39	WATER VALVE BOX COMPLETE	EACH	1	\$300.00	\$300.00	\$200.00	\$200.00	\$154.94	\$154.94
TOTALS					\$77,317.72		\$88,936.20		\$81,111.11

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Donation of Salvaged Boiler

SUMMARY OF REQUEST:

Your authorization to donate a boiler that was salvaged from a previous Filtration plant upgrade to Mount Zion Church of God in Christ is requested. This boiler is of no use in any of the City owned buildings and has been setting ideal collecting dust for the last four to five years. After checking with contractors, we were informed that the cost to assemble is about \$2,500 and to install would cost around the same amount.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Donate the Boiler to Mount Zion Church of God in Chris

COMMITTEE RECOMMENDATION:

Mount Zion Church of God in Christ



188 W. Muskegon Avenue
Muskegon, Michigan 49440
722-6765

Rev. G.M. Bennett Pastor
Supt. of Muskegon District



February 5, 2004

Mr. J.R. Gann, Building Maintenance Supervisor
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Dear Mr. Gann:

RE: Weil-McClain Boiler

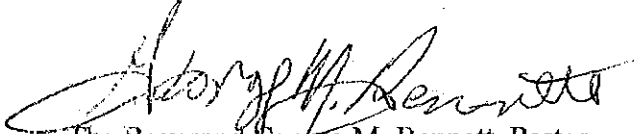
On behalf of the Mt. Zion Church of God in Christ, I wish to thank you for the generous donation from the City of Muskegon of a 650,000 BTU Weil-McClain boiler that was housed at the City's Water Filtration Plant.

With this letter, the Mt. Zion Church of God in Christ takes full responsibility for its removal and ultimate installation in our edifice, 188 West Muskegon Avenue. We further indemnify and absolve the City of Muskegon from any liability and responsibility for said boiler effective immediately. We fully understand and acknowledge that we are installing the boiler at our own risk and shall not in anyway apply responsibility for any problems to the City of Muskegon.

Once again, the donation of the Weil-McClain boiler will enable us to continue to do the work of the Lord on this corner of Muskegon Avenue and First Street. We are very grateful to the City of Muskegon for her generosity.

Very truly yours,

MOUNT ZION CHURCH OF
GOD IN CHRIST



The Reverend George M. Bennett, Pastor

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Walnut St., Thompson to Wilcox

SUMMARY OF REQUEST:

The milling & resurfacing as well as water service contract (H-1576) on Walnut between Wilcox & Thompson be awarded to McCormick Sand Co. out of Shelby. McCormick Sand was the lowest, see attached bid tabulation, responsible bidder with a bid price of \$41,360.00

FINANCIAL IMPACT:

The construction cost of \$41,360 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to McCormick Sand Co.

COMMITTEE RECOMMENDATION:

**H-1576 WALNUT ST., THOMPSON AVE. TO WILCOX AVE.
BID TABULATION
02/17/04**

CONTRACTOR ADDRESS CITY/ST/ZIP				ENGINEER'S ESTIMATE		MCCORMICK SAND, INC. 995 S 102ND AVE. SHELBY, MI 49455		BRENNER EXCAVATING, INC. 2841 132ND AVE. HOPKINS, MI 49328		SCHULTZ EXCAVATING PO BOX 683 LUDINGTON, MI 49431		C & D HUGHES 3097 LANSING RD. CHARLOTTE, MI 48813		HALLACK CONTRACTING 4223 W. POLK RD. HART, MI 49420		DOUBLE L ENTERPRISES 5215 INDUSTRIAL PARK DR. MUSKEGON, MI 49437		NORTHERN PIPELINE CONTRACTORS, INC 16891 148TH AVE. SPRING LAKE, MI 49456	
	ITEM OF WORK	UNIT	QTY	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	AGGREGATE PREPRATORY WORK	CU YD	4.04	\$500.00	\$2,020.00	\$1,000.00	\$4,040.00	\$700.00	\$2,828.00	\$700.00	\$2,828.00	\$1,800.00	\$7,272.00	\$425.00	\$1,717.00	\$1,090.00	\$4,403.60	\$800.00	\$3,232.00
2	BIT LEVELING MIX 3C @ 165# / S YD	TON	110	\$50.00	\$5,500.00	\$50.00	\$5,500.00	\$48.50	\$5,335.00	\$52.00	\$5,720.00	\$58.00	\$6,380.00	\$48.50	\$5,335.00	\$53.35	\$5,868.50	\$48.50	\$5,335.00
3	BIT TOP MIX 4C @ 165# / S YD	L FT	126	\$55.00	\$6,930.00	\$56.00	\$7,056.00	\$54.50	\$6,867.00	\$58.00	\$7,308.00	\$59.00	\$7,434.00	\$54.50	\$6,867.00	\$59.96	\$7,553.70	\$54.50	\$6,867.00
4	CONCRETE CURB AND GUTTER (30")	L FT	57	\$16.00	\$912.00	\$18.00	\$1,026.00	\$30.00	\$1,710.00	\$16.00	\$912.00	\$18.00	\$1,026.00	\$20.00	\$1,140.00	\$32.47	\$1,850.79	\$22.00	\$1,254.00
5	CONCRETE SIDEWALK, 4"	SQ YD	196	\$3.00	\$588.00	\$4.00	\$784.00	\$5.00	\$980.00	\$6.00	\$1,176.00	\$2.55	\$499.80	\$3.60	\$705.60	\$5.14	\$1,007.44	\$3.25	\$637.00
6	REMOVING BIT SURFACE 2.5" TO 3.5" BY COLD MILLING	SQ FT	1111	\$3.00	\$3,333.00	\$2.00	\$2,222.00	\$4.00	\$4,444.00	\$2.00	\$2,222.00	\$4.00	\$4,444.00	\$3.82	\$4,244.02	\$2.50	\$2,777.50	\$4.00	\$4,444.00
7	REMOVING CONCRETE CURB	SQ FT	14	\$10.00	\$140.00	\$11.00	\$154.00	\$15.00	\$210.00	\$6.00	\$84.00	\$10.00	\$140.00	\$10.00	\$140.00	\$21.00	\$294.00	\$40.00	\$560.00
8	REMOVING CONCRETE CURB & GUTTER	SQ FT	57	\$10.00	\$570.00	\$9.00	\$513.00	\$15.00	\$855.00	\$6.00	\$342.00	\$10.00	\$570.00	\$10.00	\$570.00	\$9.00	\$513.00	\$25.00	\$1,425.00
9	REMOVING CONCRETE SIDEWALK	CU YD	186	\$2.00	\$372.00	\$2.50	\$465.00	\$3.00	\$558.00	\$2.50	\$465.00	\$2.00	\$372.00	\$1.00	\$186.00	\$2.00	\$372.00	\$4.50	\$837.00
10	STORM SEWER 12" C-76 CLASS V	L FT	27	\$30.00	\$810.00	\$30.00	\$810.00	\$40.00	\$1,080.00	\$35.00	\$945.00	\$40.00	\$1,080.00	\$37.25	\$1,005.75	\$38.00	\$1,026.00	\$28.00	\$756.00
11	CORP. STOP 1" MUELLER #15000 OR EQUAL	L FT	10	\$200.00	\$2,000.00	\$500.00	\$5,000.00	\$150.00	\$1,500.00	\$200.00	\$2,000.00	\$100.00	\$1,000.00	\$125.00	\$1,250.00	\$195.00	\$1,950.00	\$90.00	\$900.00
12	CURB STOP 1" W/BOX MUELLER #15150 OR EQUAL	SQ YD	7	\$200.00	\$1,400.00	\$500.00	\$3,500.00	\$250.00	\$1,750.00	\$200.00	\$1,400.00	\$300.00	\$2,100.00	\$165.00	\$1,155.00	\$132.00	\$924.00	\$110.00	\$770.00
13	TRENCH REPAIR SPECIAL	SQ FT	400	\$26.00	\$10,400.00	\$0.10	\$40.00	\$15.00	\$6,000.00	\$35.75	\$14,300.00	\$25.00	\$10,000.00	\$34.73	\$13,892.00	\$30.00	\$12,000.00	\$34.50	\$13,800.00
14	WATER METER PIT COMPLETE	EACH	3	\$550.00	\$1,650.00	\$800.00	\$2,400.00	\$600.00	\$1,800.00	\$700.00	\$2,100.00	\$1,500.00	\$4,500.00	\$550.00	\$1,650.00	\$606.00	\$1,818.00	\$550.00	\$1,650.00
15	WATER SERVICE 1" TYPE "K" COPPER	EACH	390	\$25.00	\$9,750.00	\$15.00	\$5,850.00	\$15.00	\$5,850.00	\$20.00	\$7,800.00	\$18.00	\$7,020.00	\$15.00	\$5,850.00	\$15.00	\$5,850.00	\$10.00	\$3,900.00
16	TRAFFIC CONTROL	EACH	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00	\$1,250.00	\$1,250.00	\$5,815.00	\$5,815.00	\$1,500.00	\$1,500.00	\$550.00	\$550.00	\$1,000.00	\$1,000.00
	TOTAL				\$48,375.00		\$41,360.00		\$46,767.00		\$50,852.00		\$59,652.80		\$47,207.37		\$48,758.53		\$47,367.00

Commission Meeting Date: February 24, 2004

Date: February 12, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for the Transfer of an Industrial Development Certificate – Burgess-Norton Mfg. Co. to Re-Source Industries, Inc.

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Re-Source Industries, Inc., 1485 S. Getty Street, Muskegon, Michigan, has requested the transfer of Industrial Development Certificate No. 96-741 for property located at 1485 Getty Street, Muskegon, Michigan. The certificate was originally requested October 22, 1996 by Burgess-Norton Manufacturing Co. The transfer will be for real property only. Re-Source Industries Inc., is a company performing high volume production machining, and will be transferring their business from their plant in Coopersville.

FINANCIAL IMPACT:

Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution transferring the Industrial Development Certificate to Re-Source Industries, Inc.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2004-23(a)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING REQUEST
FOR TRANSFER OF INDUSTRIAL DEVELOPMENT CERTIFICATE
Re-Source Industries, Inc.

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City of Muskegon has the authority to transfer an "Industrial Development Certificate" within the City of Muskegon; and

WHEREAS, Burgess-Norton Mfg. Co., the previous applicant for the certificate, has ceased operations and sold the property to Re-Source Industries, Inc.; and

WHEREAS, Re-Source Industries, Inc., 1485 S. Getty Street, Muskegon, Michigan, has requested the City of Muskegon to transfer Industrial Development Certificate No. 96-741 for real property located at 1485 S. Getty Street, Muskegon, hereinafter described; and

WHEREAS, Re-Source Industries, Inc. presently owns a production facility within the Industrial Development District; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district, and to the public by newspaper advertisement in the Muskegon Chronicle and public posting of the hearing on the transfer of the proposed certificate; and

WHEREAS, before acting on said request the Muskegon City Commission held a public hearing on February 24, 2004, 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 afforded an opportunity to be heard on said application.

NOW THEREFORE BE IT RESOLVED THAT, 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 Re-Source Industries, Inc., for the transfer of an Industrial Facilities Tax Exemption Certificate is with respect to real property only for the following described parcel situated within the City of Muskegon to wit:

See Attachment A

3. The Industrial Facilities Exemption Certificate is transferred and shall remain in force and effect for the remaining period of the original certificate, which took effect October 22, 1996, and was issued for twelve (12) years.

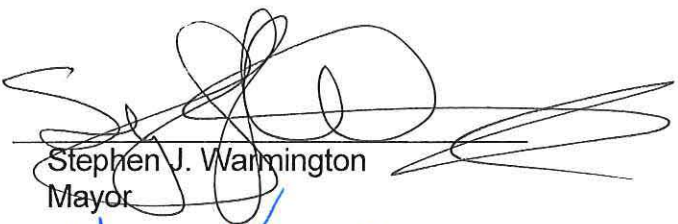
Adopted this 24th day of February 24, 2004.

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

Nays: None

Absent: None

By: _____


Stephen J. Warmington
Mayor

Attest: _____


Gail Kunding
Clerk, MMC

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 24, 2004.

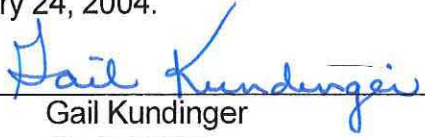

Gail Kunding
Clerk, MMC

EXHIBIT A

LEGAL DESCRIPTION

That part of Block 98 of the Revised Plat of the City of Muskegon, Muskegon County, Michigan, described as beginning at the Northeast corner of Lot 15 Block 2, Plat of Muskegon Valley Furniture Company Subdivision as recorded in Liber 6 of Plats on Page 15; thence South 32°05'00" West along the Southerly line of said Lot 15, 110.50 feet; thence North 57°55'00" West 174.00 feet; thence South 32°05'00" West 161.00 feet; thence South 39°32'00" West 113.45 feet; thence South 50°09'32" East 228.02 feet; thence South 80°04'58" East 202.84 feet; thence North 00°25'00" West along the West right-of-way line of Getty Street 393.12 feet; thence North 57°55'00" West along the Southerly line of Louis Avenue 15.00 feet to the point of beginning. Containing 2.40 acres. Together with and subject to easements of record. The flood plain is located in Zone "C" per Community No. 260161 B, Panel H and I, Page 1 of 2.

CITY OF MUSKEGON

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning the transfer of ***Industrial Facilities Exemption Certificate No.96-741 to Re-Source Industries, Inc., 1485 S. Getty Street***, Muskegon, Michigan, as provided for by Act 198 of the Michigan Public Acts of 1974 as amended. The hearing will be held by the City Commission of the City of Muskegon on February 24, 2004, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property and any residents or taxpayers of the City of Muskegon shall have the right to appear and be heard.

Gail Kunderinger, City Clerk

Publish: February 14, 2004

Commission Meeting Date: February 24, 2004

Date: February 17, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department** W. G.

RE: 2004-2005 Public Hearing Proposals

SUMMARY OF REQUEST: To accept the proposal packets of proposals solicited by the CNS office for the 2004-2005 fiscal year. To instruct the CNS office to continue with the Consolidated Planning process which includes proposal reviews and recommendation by both the Citizen's District Council (CDC) board and administration before being brought to the City Commission for preliminary and final decisions.

The City of Muskegon is anticipated to receive approximately \$1,320,000 in CDBG and \$312,000 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 instruct the CNS office to continue the consolidated planning process for fiscal year 2004-2005

COMMITTEE RECOMMENDATION: None

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Austin, Barney to Delano

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Austin, Barney to Delano**, 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:

ENGINEERING FEASIBILITY STUDY

For

AUSTIN BETWEEN BARNEY TO DELANO

In an effort to incorporate the established goals into our proposed work, we are proposing the reconstruction of Austin between Barney & Delano. This proposal was initiated by a petition received from the property owners abutting that section of road. Engineering department staff concurs with the residents on the need for improvements on that section of road due to the road's surface and drainage conditions. The surface conditions have deteriorated to a point where any other type of improvement such as milling and resurfacing would not have a lasting effect on its life cycle and therefore, the cost to benefit ratio would be very high.

The goals that are met under this proposal are;

- 1. Develop & Maintain City's infrastructure and facilities**
- 2. Maintain & enhance the residential neighborhood of the City**

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 \$158,000 with the length of the project being approximately 1300 lineal feet or 2414.33 of assessable footage. This translates into an estimated improvement cost of \$65 per assessable foot. The assessment figure will be at a cost not to exceed \$35.15 per assessable foot as established in the 2004 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

February 11, 2004

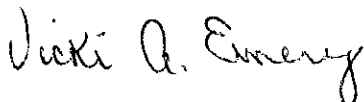
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Austin Street between Barney Avenue and Delano 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 11, 2004.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.15 for the reconstruction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$36.69. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

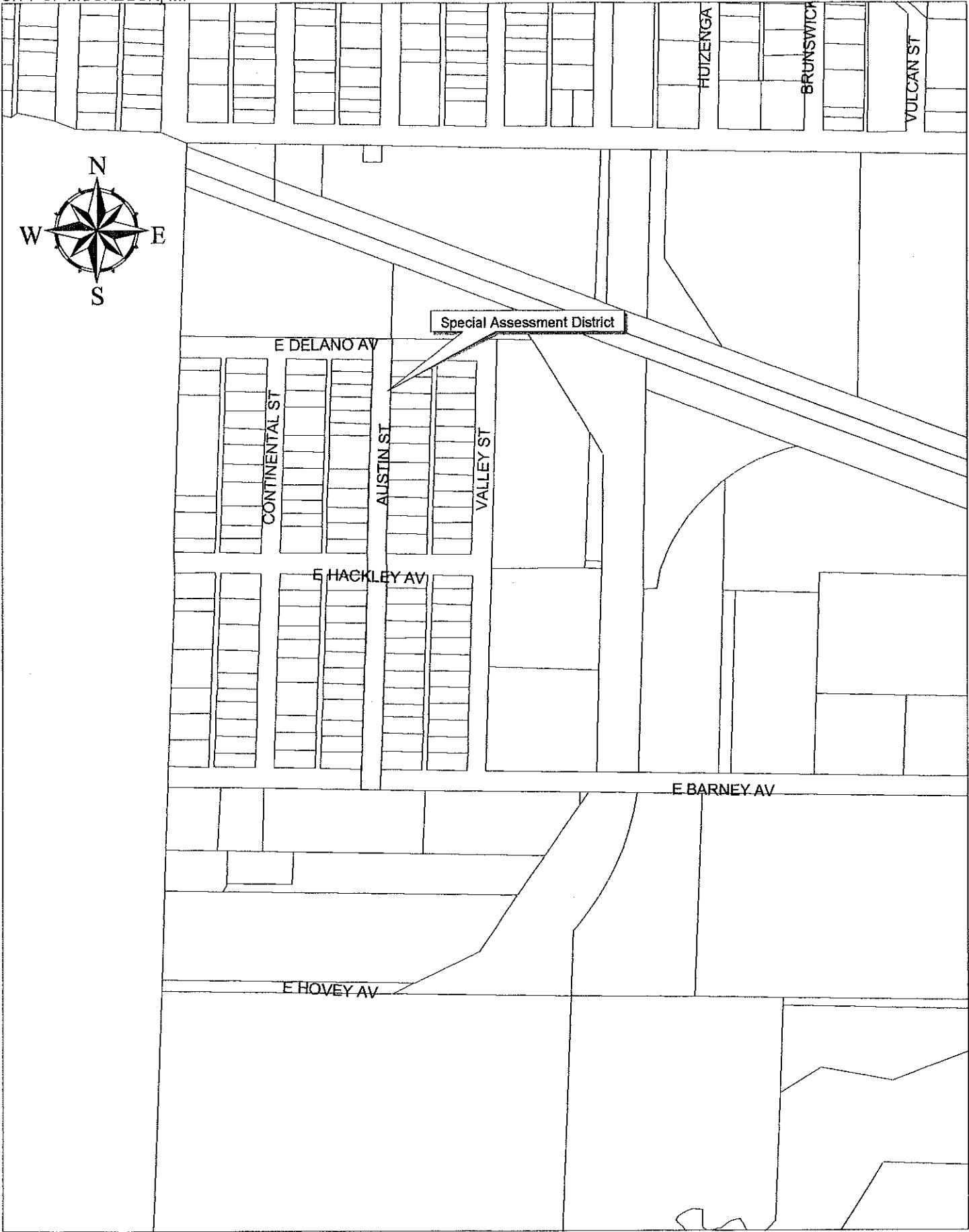
Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

SPECIAL ASSESSMENT DISTRICT
CITY OF MUSKEGON, MI



February 13, 2004

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

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

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

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

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

A public hearing is also scheduled for this project on FEBRUARY 24, 2004. If you attend this public hearing you will be given an opportunity to present your questions and potential concerns on the proposed special assessment district to the commission.

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

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

February 13, 2004

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Austin St. from Barney Ave. to Delano 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 24, 2004 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$158,500.00 of which approximately 53.54% (\$84,863.74) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
STREET H-1544
AUSTIN ST., BARNEY AVE. TO DELANO AVE.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS & STREET	
Parcel Number	24-XXX-XXX-XXXX-XX	
Assessable Frontage:	50.06	Feet
Estimated Front Foot Cost:	\$35.15	per Foot
ESTIMATED TOTAL COST	\$1,759.61	

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 91 & S 7.38 FT OF LOT 92

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.

C. J. BROWN, Mayor

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**AUSTIN ST., BARNEY AVE. TO DELANO AVE.
HUDSON ST., FOREST AVE. TO SOUTHERN AVE.**

AND

RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.

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

All parcels abutting Austin St. from Barney Ave. to Delano Ave.

All parcels abutting Hudson St. from Forest Ave. to Southern Ave.

and

All parcels abutting Ridge Ave. from Cumberland St. to Wickham St.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **FEBRUARY 24, 2004 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **February 14, 2004**

Gail Kunding, City Clerk

ADA POLICY

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

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

CITY OF MUSKEGON

Resolution No. 2004-23(c)

Resolution At First Hearing Creating Special Assessment District
For **Austin, Barney to Delano**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 24, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 24, 2004**, there were 38.70 % 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 Carter and Gawron
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 **53.54%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

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 24, 2004**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

AUSTIN FROM BARNEY TO DELANO

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Austin from Barney to Delano

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Austin St. Barney Ave. to Delano 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 13TH DAY OF FEBRUARY, 2004.


GAIL A. KUNDERGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
24th DAY OF February, 2004.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

SPECIAL ASSESSMENT

H 1544

RECONSTRUCTION

HEARING DATE

FEBRUARY 24, 2004

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

1	BROOKS TONIE D	ASSESSABLE FEET:	50.06
24-860-000-0091-00	2295 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2295. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,759.61
2	ANDERSON DORIS L/RICE MAR	ASSESSABLE FEET:	50.06
24-860-000-0092-00	2285 AUSTIN STREET	COST PER FOOT:	\$35.15
@ 2285. AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,759.61
3	RICE MARK A/CHRISTINE D	ASSESSABLE FEET:	50.06
24-860-000-0094-00	2283 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2283. AUSTIN ST	MUSKEGON MI 49442-000	ESTIMATED P.O. COST:	\$1,759.61
4	JOHNSON CHESTER	ASSESSABLE FEET:	62.5
24-860-000-0095-00	3300 BAKER ST	COST PER FOOT:	\$35.15
@ 2279. AUSTIN ST	MUSKEGON HTS MI 49444	ESTIMATED P.O. COST:	\$2,196.88
5	BUSMAN DANIEL A	ASSESSABLE FEET:	50
24-860-000-0096-00	3845 FOREST EDGE	COST PER FOOT:	\$35.15
@ 2263. AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,757.50
6	WILLIAMS HAROLD	ASSESSABLE FEET:	50
24-860-000-0098-00	56 VERNON	COST PER FOOT:	\$35.15
@ 2253. AUSTIN ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,757.50
7	R & R ESTATES LLC	ASSESSABLE FEET:	50
24-860-000-0099-00	1045 CADILLAC	COST PER FOOT:	\$35.15
@ 2243. AUSTIN ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,757.50

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

8	KITCHENS OTHELL	ASSESSABLE FEET:	40
24-860-000-0100-00	2239 AUSTIN	COST PER FOOT:	\$35.15
@ 2239. AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,406.00
9	BILLINGS ROBERT L	ASSESSABLE FEET:	50
24-860-000-0101-00	P.O. BOX 4483	COST PER FOOT:	\$35.15
@ 2231. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,757.50
10	SZOST PROPERTIES LLC	ASSESSABLE FEET:	50
24-860-000-0102-00	2410 W BARD RD	COST PER FOOT:	\$35.15
@ 2223. AUSTIN ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,757.50
11	SZOST PROPERTIES LLC	ASSESSABLE FEET:	50
24-860-000-0104-00	2410 W BARD RD	COST PER FOOT:	\$35.15
@ 2215. AUSTIN ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,757.50
12	PARKER GERALDINE	ASSESSABLE FEET:	50
24-860-000-0105-00	4228 HALL RD	COST PER FOOT:	\$35.15
@ 2207. AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,757.50
13	WILLIAMS VICTORIA A/HARRIS	ASSESSABLE FEET:	44.41
24-860-000-0106-00	886 E HACKLEY AVE	COST PER FOOT:	\$35.15
@ 886.0 E HACKLEY A	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,561.01
14	JEMISON JOYCE	ASSESSABLE FEET:	50
24-860-000-0107-00	2183 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2183. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,757.50

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

15	SIMS JIMMY L JR	ASSESSABLE FEET:	50
24-860-000-0108-00	2177 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2177. AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,757.50</u>
16	JP MORGAN CHASE BANK	ASSESSABLE FEET:	60
24-860-000-0110-00	1270 NORTHLAND DR STE 200	COST PER FOOT:	\$35.15
@ 2167. AUSTIN ST	MENDOTA HTS MN 55120	<u>ESTIMATED P.O. COST:</u>	<u>\$2,109.00</u>
17	LEE ENOUS	ASSESSABLE FEET:	60
24-860-000-0111-00	915 ORCHARD AVE	COST PER FOOT:	\$35.15
@ 2161. AUSTIN ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$2,109.00</u>
18	DAY TIMOTHY L/TERESA J	ASSESSABLE FEET:	100
24-860-000-0113-00	37960 MARONDI DR	COST PER FOOT:	\$35.15
@ 2145. AUSTIN ST	CALIMESA CA 92320	<u>ESTIMATED P.O. COST:</u>	<u>\$3,515.00</u>
19	LABAN JOSEPH B II/ZMRZLIK SU	ASSESSABLE FEET:	40
24-860-000-0115-00	7879 EVANSTON AVE	COST PER FOOT:	\$35.15
@ 2137. AUSTIN ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,406.00</u>
20	FIFTH THIRD MORTGAGE CO	ASSESSABLE FEET:	40
24-860-000-0116-00	MD 109082-3172	COST PER FOOT:	\$35.15
@ 2131. AUSTIN ST	CINCINNATI OH 45263	<u>ESTIMATED P.O. COST:</u>	<u>\$1,406.00</u>
21	FONDREN JOSHUA	ASSESSABLE FEET:	40
24-860-000-0117-00	2131 AUSTIN	COST PER FOOT:	\$35.15
@ 2127. AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,406.00</u>

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

22	BILLINGS ROBERT III/KIMBERLY	ASSESSABLE FEET:	40
24-860-000-0118-00	2121 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2121. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,406.00
23	MALLARD MARY A	ASSESSABLE FEET:	40
24-860-000-0119-00	2115 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2115. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,406.00
24	PROBELSKI JASON	ASSESSABLE FEET:	40
24-860-000-0120-00	2109 AUSTIN ST 2	COST PER FOOT:	\$35.15
@ 2109. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,406.00
25	PRIETO ELVIRA	ASSESSABLE FEET:	54.21
24-860-000-0150-00	2294 AUSTIN	COST PER FOOT:	\$35.15
@ 2294. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,905.48
26	REID CARY E	ASSESSABLE FEET:	54.2
24-860-000-0149-00	2284 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2284. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,905.13
27	GRISSOM HERBERT H	ASSESSABLE FEET:	54.2
24-860-000-0147-00	2278 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2278. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,905.13
28	BILLINGS ROBERT II	ASSESSABLE FEET:	40
24-860-000-0146-00	2263 VALLEY ST	COST PER FOOT:	\$35.15
@ 2270. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,406.00

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

29	DILL RONALD H/TINA M	ASSESSABLE FEET:	51.43
24-860-000-0145-00	2262 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2262. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,807.76

30	BILLINGS ROBERT L	ASSESSABLE FEET:	51.43
24-860-000-0142-00	2263 VALLEY ST	COST PER FOOT:	\$35.15
@ 2248. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,807.76

31	CITY OF MUSKEGON	ASSESSABLE FEET:	51.42
24-860-000-0141-00	933 TERRACE ST	COST PER FOOT:	\$35.15
@ 2240. AUSTIN ST	MUSKGEON MI 49443-053	ESTIMATED P.O. COST:	\$1,807.41

32	ANDERSON CLARICE	ASSESSABLE FEET:	51.43
24-860-000-0140-00	2232 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2232. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,807.76

33	HARP ADRIAN	ASSESSABLE FEET:	51.43
24-860-000-0138-00	2224 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2224. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,807.76

34	VAUGHAN STEVEN	ASSESSABLE FEET:	51.43
24-860-000-0137-00	12691 HANSON BLVD NW	COST PER FOOT:	\$35.15
@ 2216. AUSTIN ST	COON RAPIDS MN 55448	ESTIMATED P.O. COST:	\$1,807.76

35	ROBINSON LINDA D	ASSESSABLE FEET:	40
24-860-000-0136-00	2208 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2208. AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,406.00

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

36	RICE SHARON LOVE	ASSESSABLE FEET:	64.63
24-860-000-0135-00	916 E HACKLEY AVE	COST PER FOOT:	\$35.15
@ 916.0 E HACKLEY A	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$2,271.74
37	ACHTERHOFF JOHN ESTATE	ASSESSABLE FEET:	56
24-860-000-0133-00	1065 FOURTH ST SUITE B	COST PER FOOT:	\$35.15
@ 2184. AUSTIN ST	MUSKEGON MI 49441-190	ESTIMATED P.O. COST:	\$1,968.40
38	WEST MAN LLC	ASSESSABLE FEET:	56
24-860-000-0132-00	4648 SUSAN	COST PER FOOT:	\$35.15
@ 2174. AUSTIN ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,968.40
39	N & N ASSOCIATES LLC	ASSESSABLE FEET:	56
24-860-000-0130-00	420 CARMEN DRIVE	COST PER FOOT:	\$35.15
@ 2164. AUSTIN ST	SPRING LAKE MI 49456	ESTIMATED P.O. COST:	\$1,968.40
40	NIELSEN ROGER/JUANITA	ASSESSABLE FEET:	52
24-860-000-0129-00	420 CARMEN DR	COST PER FOOT:	\$35.15
@ 2156. AUSTIN ST	SPRING LAKE MI 49456	ESTIMATED P.O. COST:	\$1,827.80
41	JAMES HOLSEY	ASSESSABLE FEET:	60
24-860-000-0128-00	1344 MORGAN AVE	COST PER FOOT:	\$35.15
@ 2148. AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$2,109.00
42	ODNEAL WILLIE B	ASSESSABLE FEET:	52
24-860-000-0126-00	2142 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2142. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,827.80

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

43	TOWNSEND DARLEEN	ASSESSABLE FEET:	52
24-860-000-0125-00	3355 HOYT ST	COST PER FOOT:	\$35.15
@ 2132. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,827.80

44	COLE PATRICIA	ASSESSABLE FEET:	52
24-860-000-0124-00	2124 AUSTIN	COST PER FOOT:	\$35.15
@ 2124. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,827.80

45	HERRON ALLEN	ASSESSABLE FEET:	52
24-860-000-0123-00	2116 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2116. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,827.80

46	WARE FULTON	ASSESSABLE FEET:	52
24-860-000-0121-00	2108 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2108. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,827.80

47	ERICKSON ROBERT SR	ASSESSABLE FEET:	51.43
24-860-000-0144-00	2256 AUSTIN ST	COST PER FOOT:	\$35.15
@ 2256. AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,807.76

SUM OF ASSESSABLE FOOTAGE:	2414.33	SUM OF ESTIMATED P.O. COST:	\$84,863.70
TOTAL NUMBER OF ASSESSABLE PARCELS	47.00		

H-1544 AUSTIN ST, DELANO AVE. TO BARNEY AVE. - 2004

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 47									
			FOR				OPPOSE					
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	2414.330 ***		23	2115	AUSTIN	24-860-00-0119-00	40.00	46	2108	AUSTIN	24-860-000-0121-00	52.00
								40	2156	AUSTIN	24-860-000-0129-00	52.00
FRONT FEET OPPOSED	934.450	38.70%						39	2164	AUSTIN	24-860-000-0130-00	56.00
								14	2183	AUSTIN	24-860-000-0107-00	50.00
RESPONDING FRONT FEET IN FAVOR	40.000	1.66%						12	2207	AUSTIN	24-860-000-0105-00	50.00
								35	2208	AUSTIN	24-860-000-0136-00	40.00
NOT RESPONDING - FRONT FEET IN FAVOR	1439.880	59.64%						11	2215	AUSTIN	24-860-000-0104-00	40.00
								10	2223	AUSTIN	24-860-000-0102-00	50.00
TOTAL FRONT FEET IN FAVOR	1479.880	61.30%						33	2224	AUSTIN	24-860-000-0138-00	51.43
								9	2231	AUSTIN	24-860-000-0101-00	50.00
								32	2232	AUSTIN	24-860-000-0140-00	51.43
								30	2248	AUSTIN	24-860-000-0142-00	51.43
								47	2256	AUSTIN	24-860-000-0144-00	51.43
								5	2263	AUSTIN	24-860-000-0096-00	50.00
								28	2270	AUSTIN	24-860-000-0146-00	40.00
								27	2278	AUSTIN	24-860-000-0147-00	54.20
								3	2283	AUSTIN	24-860-000-0094-00	50.06
								2	2285	AUSTIN	24-860-000-0092-00	50.06
								13	886	HACKLEY	24-860-000-0106-00	44.41
			</									

AUSTIN ST. OWNER OCCUPIED PROPERTIES

<i>OWNERS ADDRESS#</i>	<i>OWNERS NAME</i>	<i>CITY</i>	<i>ZIPCODE</i>	<i>ASSESSMENT ADDRESS</i>	<i>FEET OF FRONTAGE</i>	<i>VOTE</i>
886 HACKLEY AVE	WILLIAMS VICTORI	MUSKEGON	49444	886 HACKLEY AVE	128	NO
916 HACKLEY AVE	RICE SHARON LOV	MUSKEGON	49444	916 HACKLEY AVE	128	
2108 AUSTIN ST	WARE FULTON	MUSKEGON	49444	2108 AUSTIN ST	52	NO
2109 AUSTIN ST	PROBELSKI JASON	MUSKEGON	49444	2109 AUSTIN ST	40	
2115 AUSTIN ST	MALLARD MARY A	MUSKEGON	49444	2115 AUSTIN ST	40	YES
2116 AUSTIN ST	HERRON ALLEN	MUSKEGON	49444	2116 AUSTIN ST	52	
2121 AUSTIN ST	BILLINGS ROBERTI	MUSKEGON	49444	2121 AUSTIN ST	40	
2124 AUSTIN ST	COLE PATRICIA	MUSKEGON	49444	2124 AUSTIN ST	52	
2131 AUSTIN ST	FONDREN JOSHUA	MUSKEGON	49444	2127 AUSTIN ST	40	
2142 AUSTIN ST	ODNEAL WILLIE B	MUSKEGON	49444	2142 AUSTIN ST	52	
2177 AUSTIN ST	SIMS JIMMY L JR	MUSKEGON	49444	2177 AUSTIN ST	50	
2183 AUSTIN ST	JEMISON JOYCE	MUSKEGON	49444	2183 AUSTIN ST	50	NO
2208 AUSTIN ST	ROBINSON LINDA	MUSKEGON	49442	2208 AUSTIN ST	40	NO
2224 AUSTIN ST	HARP ADRIAN	MUSKEGON	49444	2224 AUSTIN ST	51	NO
2232 AUSTIN ST	ANDERSON CLARI	MUSKEGON	49444	2232 AUSTIN ST	51	NO
2239 AUSTIN ST	KITCHENS OTHELL	MUSKEGON	49442	2239 AUSTIN ST	40	
2256 AUSTIN ST	ERICKSON ROBER	MUSKEGON	49444	2256 AUSTIN ST	52	NO
2262 AUSTIN ST	DILL RONALD H/TIN	MUSKEGON	49444	2262 AUSTIN ST	51	
2278 AUSTIN ST	GRISSOM HERBER	MUSKEGON	49444	2278 AUSTIN ST	54	NO
2283 AUSTIN ST	RICE MARK A/CHRI	MUSKEGON	49442-0000	2283 AUSTIN ST	50	NO
2284 AUSTIN ST	REID CARY E	MUSKEGON	49444	2284 AUSTIN ST	54	
2285 AUSTIN ST	ANDERSON DORIS	MUSKEGON	49442	2285 AUSTIN ST	50	NO
2294 AUSTIN ST	PRIETO ELVIRA	MUSKEGON	49444	2294 AUSTIN ST	55	
2295 AUSTIN ST	BROOKS TONIE D	MUSKEGON	49444	2295 AUSTIN ST	50	
TOTAL OWNER OCCUPIED		24	TOTAL FRONTAGE		1322	

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

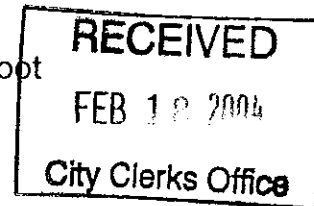
Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 2285 AUSTIN ST
Parcel Number 24-860-000-0092-00
Assessable Frontage: 50.06 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,759.61



Property Description

CITY OF MUSKEGON
WELWORTH
N 32.62 FT OF LOT 92 &
S 17.44 FT OF LOT 93

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner: Doris L. Anderson CoOwner/Spouse MARK RICE
Signature: Doris L. Anderson Signature: Mark Rice
Address: 2285 Austin St. Address: 2283 Austin St.

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

MUSKEGON CITY CLERK'S OFFICE

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

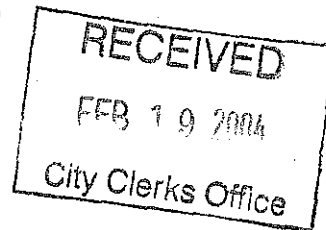
Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
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Assessment Information

Property Address: 2283 AUSTIN ST
Parcel Number 24-860-000-0094-00
Assessable Frontage: 50.06 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,759.61



Property Description

CITY OF MUSKEGON
WELWORTH
N 22.56 FT OF LOT 93 &
S 27.5 FT OF LOT 94

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 MARK RICE
Signature [Signature]
Address 2283 AUSTIN ST

CoOwner/Spouse Christine D. Rice
Signature [Signature]
Address 2283 Austin St.

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

PRICE MARK ARCHISTINE D

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

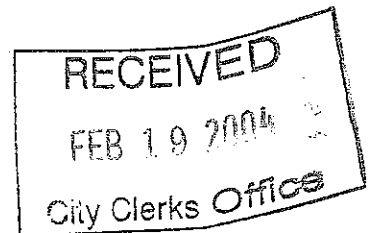
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Project Description RECONSTRUCTION

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Assessment Information

Property Address: 2270 AUSTIN ST
Parcel Number 24-860-000-0146-00
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,406.00



Property Description

CITY OF MUSKEGON
WELWORTH
LOT 146

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 Robert L. Billings Jr. CoOwner/Spouse _____

Signature Robert L. Billings Jr. Signature _____

Address 2263 Valley St Mock M. Address _____

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

BILLINGS PROPERTY II

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

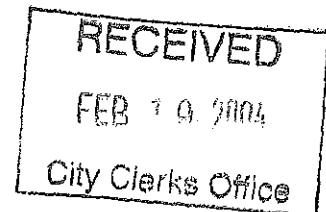
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Assessment Information

Property Address: 2248 AUSTIN ST
Parcel Number 24-860-000-0142-00
Assessable Frontage: 51.43 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,807.76

Property Description

CITY OF MUSKEGON
WELWORTH
S 34.29 FT OF LOT 142 &
N 17.14 FT OF LOT 143



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>Robert L. Billings</u>	CoOwner/Spouse	_____
Signature	<u>Robert L. Billings</u>	Signature	_____
Address	<u>2263 Valley St Muskegon, MI</u>	Address	_____

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

31LINGS ROBERT L

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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Return This Card By **FEBRUARY 24, 2004**

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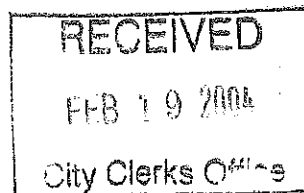
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Assessment Information

Property Address: 2278 AUSTIN ST
Parcel Number 24-860-000-0147-00
Assessable Frontage: 54.2 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,905.13

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 147 & N 14.20 FT OF LOT 148



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>Herbert H. Grissom</u>	CoOwner/Spouse	<u>Alice Grissom</u>
Signature	<u>Herbert H. Grissom</u>	Signature	<u>Alice Grissom</u>
Address	<u>2278 Austin St</u>	Address	<u>2278 Austin St</u>

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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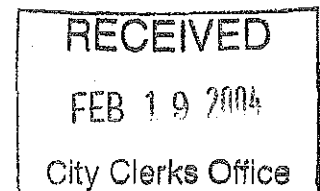
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Assessment Information

Property Address: 2231 AUSTIN ST
Parcel Number 24-860-000-0101-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,757.50

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 101 & S 10 FT LOT 102



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>Robert L Billings</u>	CoOwner/Spouse	_____
Signature	<u>Robert L Billings</u>	Signature	_____
Address	<u>Po Box 4423 North Muskegon</u>	Address	_____

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

BILLINGS ROBERT L

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

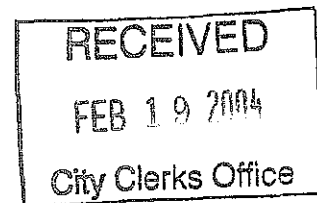
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Assessment Information

Property Address: 886 E HACKLEY AVE
Parcel Number 24-860-000-0106-00
Assessable Frontage: 44.41 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,561.01

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 106



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Victoria Williams

CoOwner/Spouse

MARY L. HARRIS

Signature

Victoria Williams

Signature

Mary L. Harris

Address

886 E. Hackley

Address

886 E. Hackley

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

WILLIAMS VICTORIA AS-ARRIS
MARY L

CITY OF MUSKEGON
STREET H-1544
AUSTIN ST., BARNEY AVE. TO DELANO AVE.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: Victoria A. Williams Birthdate: 8-5-68 Social Security # 290-68-0588
~~Owner~~ Mary L. Harris Birthdate: 5-25-45 Social Security # 289-40-6542
mother
Address: 886 E. Hackley Ave Phone: NO PHONE Race: Black
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes (X) No

(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/~~spouse~~ ^{mother} here.

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

INCOME INFORMATION

ANNUAL Household Income: \$ 17,000.00 Wage earner:
(Must include all household income)

15,000.00 Wage earner:

_____ Wage earner:

_____ Wage earner:

Total: \$ 32,000.00

PROPERTY INFORMATION

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

Homeowner's Insurance Co: Farm Bureau Expiration Date: 10-28-04

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: Victoria A. Williams & Mary L. Harris Date: 2-10-04

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2156 AUSTIN ST
Parcel Number 24-860-000-0129-00
Assessable Frontage: 52 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,827.80

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 129 &
N 12 FT LOT 130



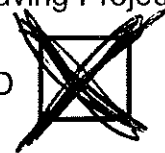
Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED



Owner ROGER NIELSEN CoOwner/Spouse _____

Signature Roger Nielsen Signature _____

Address 420 CARMEN Address _____

SPRING LAKE, MI 49456

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

RECEIVED FEB 23 2004

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2156 AUSTIN ST
Parcel Number 24-860-000-0129-00
Assessable Frontage: 52 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,827.80

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 129 &
N 12 FT LOT 130



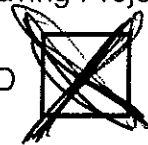
Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED



Owner Juanita NIELSEN CoOwner/Spouse

Signature Juanita Nielsen Signature

Address 18456 Iroquois Address

Spring Lake, MI 49456

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

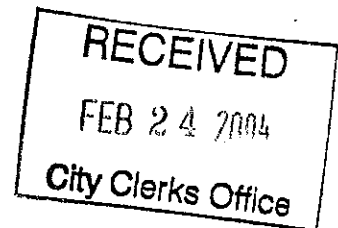
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Assessment Information

Property Address: 2215 AUSTIN ST
Parcel Number 24-860-000-0104-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,757.50

Property Description

CITY OF MUSKEGON
WELWORTH
N 20 FT LOT 103 &
S 30 FT LOT 104



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

Jan Szost Properties
Jan Szost

CoOwner/Spouse

Barbara A. Szost

Signature

Jan Szost

Signature

Barbara A Szost

Address

2410 W BARD

Address

2410 W. BARD, Muskegon MI

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

City of Muskegon

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description: RECONSTRUCTION

INSTRUCTIONS

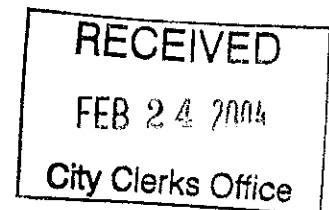
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Assessment Information

Property Address: 2223 AUSTIN ST
Parcel Number: 24-860-000-0102-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,757.50

Property Description

CITY OF MUSKEGON
WELWORTH
N 30 FT LOT 102 &
S 20 FT LOT 103



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: Szost Properties
Signature: Don Szost
Address: 2410 W. Bard

Owner/Spouse: Barbara A Szost
Signature: Barbara A Szost
Address: 2410 W. Bard Rd Muskegon MI

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

NOT FOR REPRODUCTION

**SPECIAL ASSESSMENT
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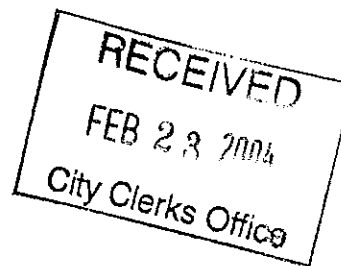
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Assessment Information

Property Address: 2164 AUSTIN ST
Parcel Number 24-860-000-0130-00
Assessable Frontage: 56 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,968.40

Property Description

CITY OF MUSKOGON
WELWORTH
N 28 FT LOT 131
& S 28 FT LOT 130



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

N+N ASSOCIATES

LLC
CoOwner/Spouse

Signature

[Signature]

Member
Signature

Address

420 CARMEN
SPRING LAKE, WA 99456

Address

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

WCH 000000000000000000

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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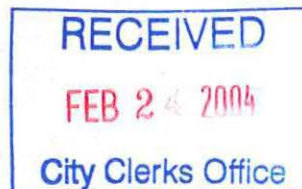
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Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2224 AUSTIN ST
Parcel Number: 24-860-000-0138-00
Assessable Frontage: 51.43 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,807.76



Property Description

CITY OF MUSKEGON
WELWORTH
S 28.57 FT LOT 138
& N 22.86 FT OF LOT 139

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

Adrian Harp
2224 Austin St

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

BARP ADRIAN

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
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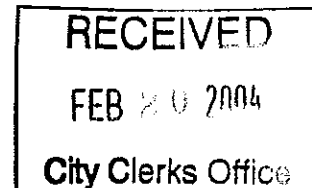
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Assessment Information

Property Address: 2115 AUSTIN ST
Parcel Number 24-860-000-0119-00
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,406.00

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 119



Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner MARY Mallard ^{Hussey} CoOwner/Spouse

Signature Mary Mallard Hussey Signature

Address 2115 Austin St. Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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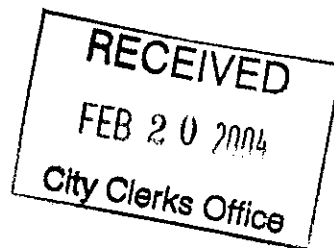
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Assessment Information

Property Address: 2263 AUSTIN ST
Parcel Number 24-860-000-0096-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,757.50

Property Description

CITY OF MUSKEGON
WELWORTH
N 30 FT LOT 96 & S 20 FT LOT 97



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Donald Busman

CoOwner/Spouse

Signature

Signature

Address

3845 Front Edge

Address

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

49442

5000-000-000-000

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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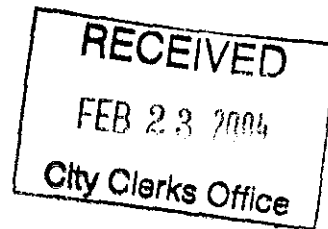
Assessment Information

Property Address: 2208 AUSTIN ST
Parcel Number 24-860-000-0136-00
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$35.15 per Foot

ESTIMATED TOTAL COST \$1,406.00

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 136



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

Linda Robinson

CoOwner/Spouse

Signature

Linda Robinson

Signature

Address

2208 Austin St.

Address

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

ADDITIONAL

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

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Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description: RECONSTRUCTION

INSTRUCTIONS

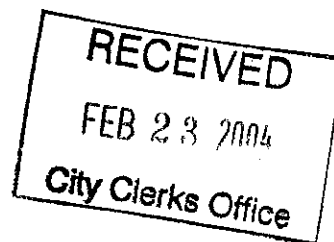
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: 2256 AUSTIN ST
Parcel Number: 24-860-000-0144-00
Assessable Frontage: 51.43 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,807.76

Property Description

CITY OF MUSKEGON
WELWORTH
S 22.86 FT OF LOT 143 &
N 28.57 FT OF LOT 144



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 Robert Erickson CoOwner/Spouse _____

Signature Robert Erickson Signature _____

Address 2256 Austin Address _____

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

685000-00000-00

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

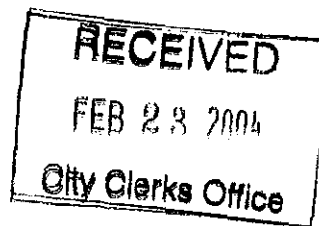
Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 2232 AUSTIN ST
Parcel Number 24-860-000-0140-00
Assessable Frontage: 51.43 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,807.76



Property Description

CITY OF MUSKEGON
WELWORTH
S 17.14 FT OF LOT 139
& N 34.29 FT LOT 140

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 CHARICE Anderson CoOwner/Spouse _____

Signature Clarice Anderson Signature _____

Address 2232 Austin St Address _____

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

OPTIONAL FORM NO. 10

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

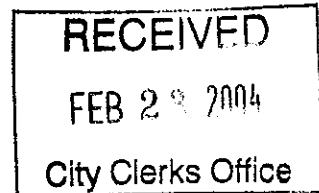
Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 2207 AUSTIN ST
Parcel Number 24-860-000-0105-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,757.50



Property Description

CITY OF MUSKEGON
WELWORTH
N 10 FT LOT 104 & ALL LOT 105

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

Geraldine Parker

CoOwner/Spouse

Signature

Geraldine Parker

Signature

Address

2207 Austin St

Address

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

EX-105-100-100-100

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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

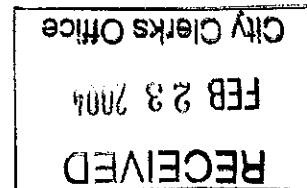
Assessment Information

Property Address: 2183 AUSTIN ST
Parcel Number: 24-860-000-0107-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$35.15 per Foot

ESTIMATED TOTAL COST \$1,757.50

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 107 & S 10 FT LOT 108



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 Super Jemison CoOwner/Spouse _____

Signature Super Jemison Signature _____

Address 2183 Austin St Address _____

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

ASSOCIATION

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

Project Number: H 1544
Project Title: AUSTIN ST., BARNEY AVE. TO DELANO AVE.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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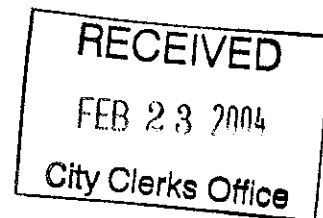
Assessment Information

Property Address:	2108 AUSTIN ST
Parcel Number	24-860-000-0121-00
Assessable Frontage:	52 Feet
Estimated Front Foot Cost:	\$35.15 per Foot

ESTIMATED TOTAL COST **\$1,827.80**

Property Description

CITY OF MUSKEGON
WELWORTH
LOT 121
& N 12 FT OF LOT 122



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 FULTON Ware

CoOwner/Spouse

Signature Kurtina Ward

Signature

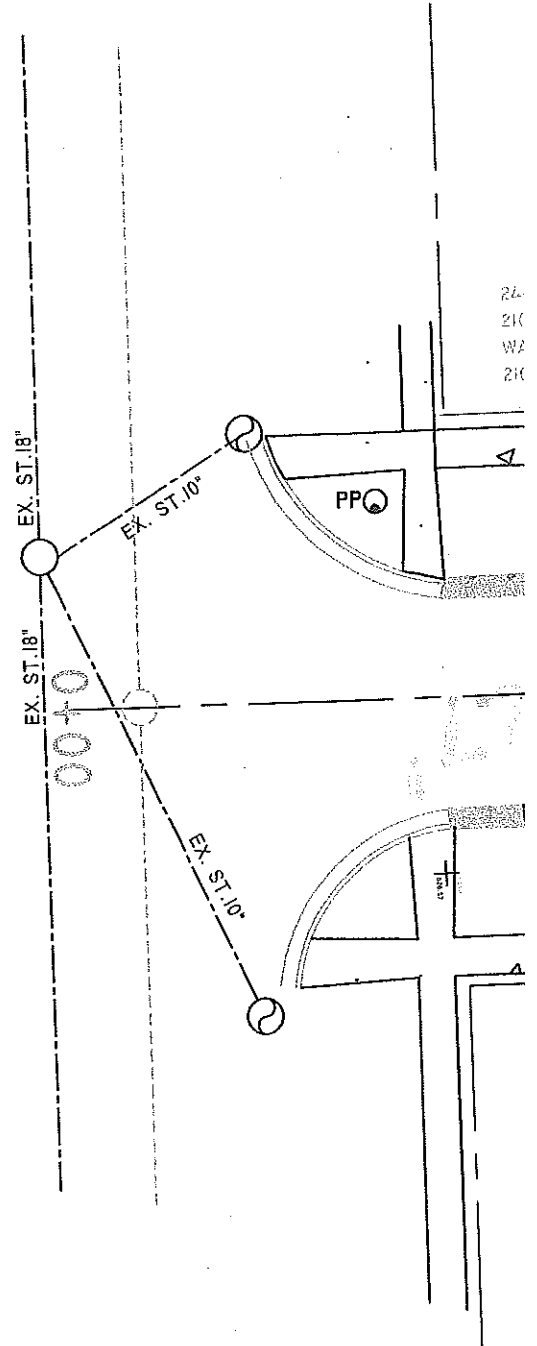
Address 2108 Austin

Address

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

See complete diagram
in packet

DELANO AVE. (EXIST. BIT. SURFACE)



Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Ridge Ave. from Cumberland St. to Wickham St.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For Ridge Ave. from Cumberland St. to Wickham St.
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 24, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 24, 2004**, there were _____% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **28.24%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 24, 2004**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ENGINEERING FEASIBILITY STUDY

For

Ridge Ave. from Cumberland St. to Wickham St.

The proposed reconstruction of Ridge between Cumberland & Wickham was initiated the city due to the pavement conditions and the lack of drainage. The proposed reconstruction of this section of Ridge will compliment the two sections that were done over the last 5-years and in turn have a very positive impact on that area in general. The proposed improvements consist of the following;

1. Removal of the entire existing pavement and replace with a curb & gutter street that matches in width and surface appearance that section done in 2002. This work while different than what was done in 2002, I feel is the right improvements that has a higher life expectancy.
2. Improvements to the drainage system

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

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

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

The preliminary cost estimate for the work associated with paving is approximately \$123,000 with the length of the project being approximately 700 lineal feet or 1157.5 of assessable footage. This translates into an estimated improvement cost of \$106 per assessable foot. The assessment figure will be at a cost not to exceed \$30.13 per assessable foot. This figure is prorated due to the width of the proposed section of roadway being 24' B-B instead of the standard width of 27' B-B for which the assessment figure is \$35.15 as shown in the 2004 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

February 11, 2004

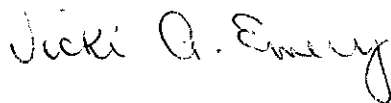
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Ridge Street between Cumberland Avenue and Wickham 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 11, 2004.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.15 for the reconstruction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$35.53. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

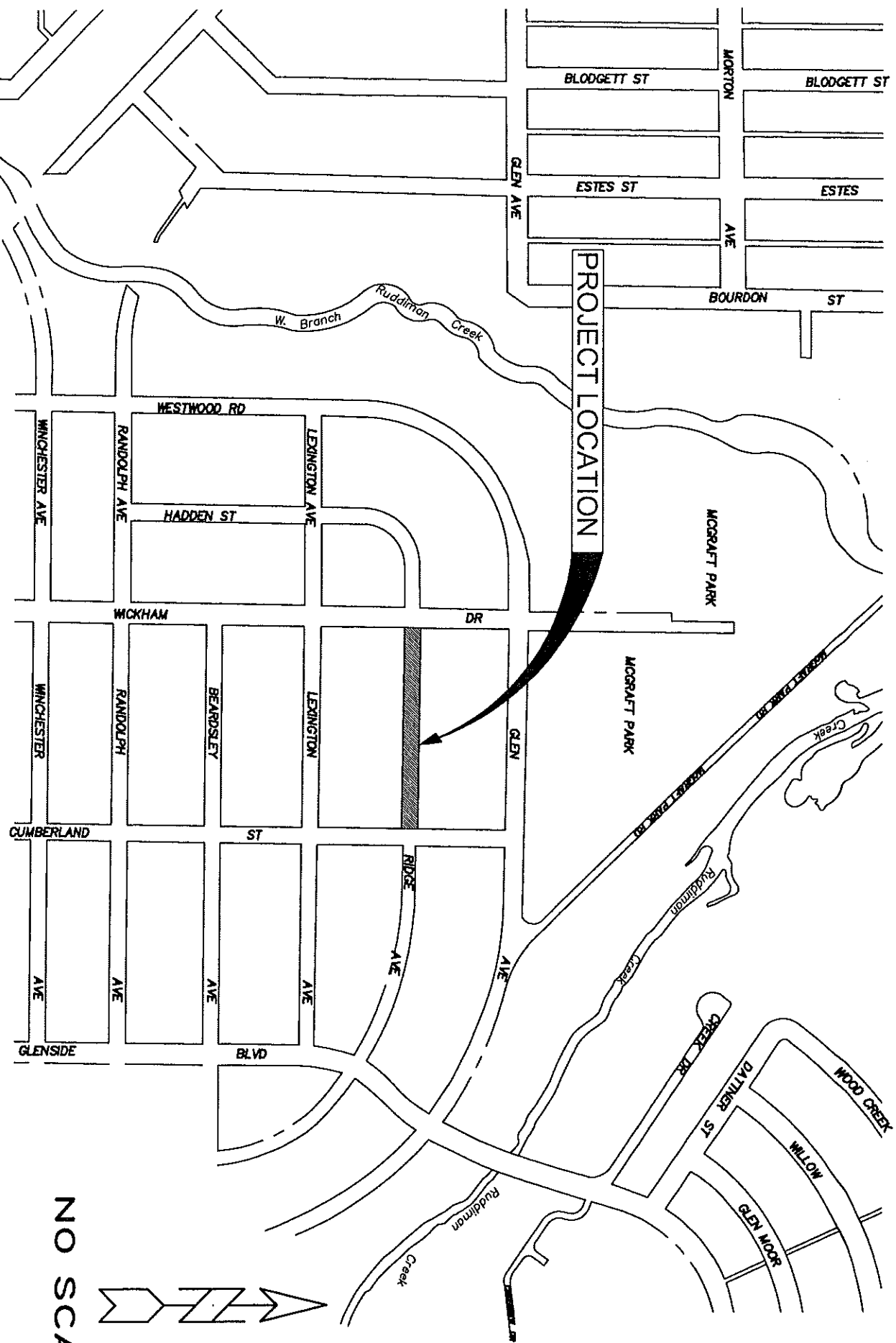
EXHIBIT A

RIDGE AVE. FROM CUMBERLAND ST. TO WICKHAM ST.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Ridge Ave. from Cumberland St. to Wickham St.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE

February 13, 2004

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

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

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

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

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

A public hearing is also scheduled for this project on FEBRUARY 24, 2004. If you attend this public hearing you will be given an opportunity to present your questions and potential concerns on the proposed special assessment district to the commission.

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

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

February 13, 2004

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.

The proposed special assessment district will be located as follows:

All parcels abutting Ridge Ave. from Cumberland St. to Wickham St.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on FEBRUARY 24, 2004 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$123,500.00 of which approximately 28.24% (\$34,875.48) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged 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
STREET H-1582
RIDGE AVE. , CUMBERLAND ST. TO WICKHAM ST.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS & STREET	
Parcel Number	24-XXX-XXX-XXXX-XX	
Assessable Frontage:	125	Feet
Estimated Front Foot Cost:	\$30.13	per Foot
ESTIMATED TOTAL COST	\$3,766.25	

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 21 LOTS 19 & 20

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

CoOwner/Spouse _____

Signature _____

Signature _____

Address _____

Address _____

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

CV-2003-0010

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**AUSTIN ST., BARNEY AVE. TO DELANO AVE.
HUDSON ST., FOREST AVE. TO SOUTHERN AVE.**

AND

RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.

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

All parcels abutting Austin St. from Barney Ave. to Delano Ave.

All parcels abutting Hudson St. from Forest Ave. to Southern Ave.

and

All parcels abutting Ridge Ave. from Cumberland St. to Wickham St.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **FEBRUARY 24, 2004 AT 5:30 O'CLOCK P.M**

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

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

PUBLISH: **February 14, 2004**

Gail Kunderinger, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1582

RECONSTRUCTION

HEARING DATE

FEBRUARY 24, 2004

RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.

1	BERNHARDT MICHAEL J	ASSESSABLE FEET:	125
24-382-021-0019-00	2259 SOUTH HILLTOP	COST PER FOOT:	\$30.13
@ 2346. WICKHAM D	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$3,766.25
2	VANDERSLUTE C C/L K	ASSESSABLE FEET:	60
24-382-021-0018-00	1576 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1576. RIDGE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,807.80
3	HILL RICHARD A	ASSESSABLE FEET:	60
24-382-021-0017-00	1564 RIDGE	COST PER FOOT:	\$30.13
@ 1564. RIDGE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,807.80
4	MCNARLAND DAVID	ASSESSABLE FEET:	60
24-382-021-0016-00	1544 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1544. RIDGE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,807.80
5	SMITH LEIGH C	ASSESSABLE FEET:	60
24-382-021-0015-00	1540 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1540. RIDGE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,807.80
6	SPOELMAN NEIL H	ASSESSABLE FEET:	60
24-382-021-0014-00	1536 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1536. RIDGE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,807.80
7	KRUSE NORMAN F	ASSESSABLE FEET:	60
24-382-021-0013-00	1532 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1532. RIDGE AVE	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,807.80

RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.

8	JOHNSON ALFRED C JR/DORIS	ASSESSABLE FEET:	60
24-382-021-0012-00	1524 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1524. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,807.80
9	RAMSEY STEVE M	ASSESSABLE FEET:	65
24-382-021-0011-00	1508 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1508. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,958.45
10	MURPHY JAMES A	ASSESSABLE FEET:	62.5
24-382-020-0001-00	1585 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1585. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,883.13
11	WARMINGTON STEPHEN/STICK	ASSESSABLE FEET:	60
24-382-020-0003-00	1575 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1575. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,807.80
12	ANDERSON RICHARD C	ASSESSABLE FEET:	60
24-382-020-0004-00	1563 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1563. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,807.80
13	LAPPO KIMBERLY A	ASSESSABLE FEET:	60
24-382-020-0005-00	1549 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1549. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,807.80
14	MCLELLAN PRISCILLA/BRIAN	ASSESSABLE FEET:	60
24-382-020-0006-00	1543 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1543. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,807.80

RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.

15	TOMCZAK DAVID L	ASSESSABLE FEET:	60
24-382-020-0007-00	1535 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1535. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,807.80

16	BERDINSKI PHILIP A	ASSESSABLE FEET:	120
24-382-020-0008-00	1525 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1525. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$3,615.60

17	ULLMER MARY	ASSESSABLE FEET:	65
24-382-020-0010-00	1511 RIDGE AVE	COST PER FOOT:	\$30.13
@ 1511. RIDGE AVE MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,958.45

SUM OF ASSESSABLE FOOTAGE:	<u>1157.50</u>	SUM OF ESTIMATED P.O. COST:	<u>\$34,875.48</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	17.00		

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Ridge Ave. Cumberland St. to Wickham St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 13TH DAY OF FEBRUARY, 2004.

GAIL A. KUNDINGER, CITY CLERK

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

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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

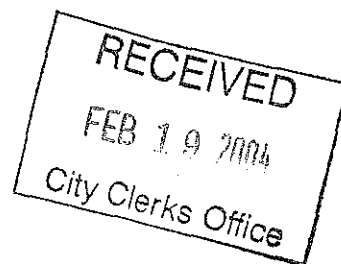
Assessment Information

Property Address: 2346 WICKHAM DR
Parcel Number: 24-382-021-0019-00
Assessable Frontage: 125 Feet
Estimated Front Foot Cost: \$30.13 per Foot

ESTIMATED TOTAL COST \$3,766.25

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 21 LOTS 19 & 20



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner MIKE BERNHARDT

CoOwner/Spouse THERESA BERNHARDT

Signature M.P. Bernhardt

Signature Theresa M. Bernhardt

Add ress 2259 S. HILLTOP DR.

Address 2259 S. HILLTOP DR.

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

BERNHARDT MICHAEL J

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description: RECONSTRUCTION

INSTRUCTIONS

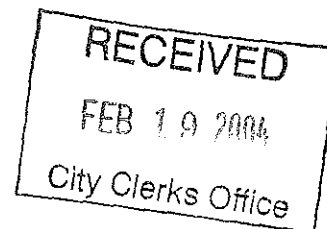
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Assessment Information

Property Address: 1576 RIDGE AVE
Parcel Number: 24-382-021-0018-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,807.80

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 21 LOT 18



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 Lillian Vanderslute CoOwner/Spouse

Signature Lillian Vanderslute Signature

Address 1576 Ridge Ave Address

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

VANDERSLUTE CO-OP

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

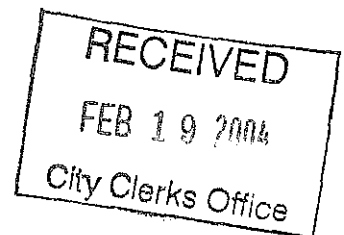
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Assessment Information

Property Address: 1525 RIDGE AVE
Parcel Number 24-382-020-0008-00
Assessable Frontage: 120 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$3,615.60

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 20 LOTS 8 & 9



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Philip A BERDINSKI
Signature Philip A Berdinski
Address 1525 Ridge Ave

CoOwner/Spouse PATRICIA M BERDINSKI
Signature Patricia M Berdinski
Address 1525 Ridge Ave

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

BERDINSKI PHILIP A

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

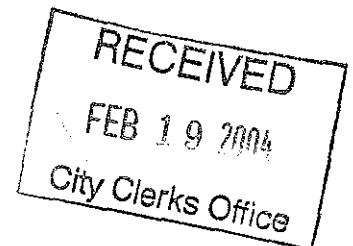
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Assessment Information

Property Address: 1585 RIDGE AVE
Parcel Number 24-382-020-0001-00
Assessable Frontage: 62.5 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,883.13

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 20 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>Mrs James (Elfrieda</u>	CoOwner/Spouse _____
Signature <u>Elfrieda Murphy</u>	Signature _____
Address <u>1585 Ridge Ave.</u>	Address _____

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

MURPHY JAMES A

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

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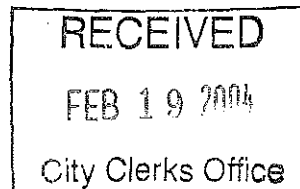
Assessment Information

Property Address: 1564 RIDGE AVE
Parcel Number 24-382-021-0017-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$30.13 per Foot

ESTIMATED TOTAL COST \$1,807.80

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 21 LOT 17



Your vote COUNTS!

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

I AM IN FAVOR ☐

I AM OPPOSED ☒

Owner Richard A. Hill
Signature *Richard A. Hill*
Address 1564 Ridge Av

CoOwner/Spouse Catherine Hill
Signature *Catherine Hill*
Address 1564 Ridge Av

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

HEL RICHARD A

CITY OF MUSKEGON
STREET H-1582
RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: Richard A. Hill Birthdate: 11/29/57 Social Security # 373-72-5716
Spouse: Catherine F. Hill Birthdate: 12/07/55 Social Security # 374-62-8885
Address: 1564 Ridge Ave Phone: (231) 759-5503 Race: _____
Parcel # 24-302-021-0017-00 Owner/Spouse Legally Handicapped Or Disabled? () Yes (X) 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: \$ _____ listed on City Income Tax Form

PROPERTY INFORMATION

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

Homeowner's Insurance Co: State Farm Expiration Date: _____

Property Taxes: (X) 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: Richard A. Hill 02/15/04 Date: _____

By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

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.

updated
5:16 pm

H-1582 RIDGE AVE., WICKHAM ST. TO CUMBERLAND ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	<u>TOTAL NUMBER OF PARCELS - 17</u>									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1157.500 ***		8	1524	RIDGE	24-382-021-0012-00	60.00	16	1525	RIDGE	24-382-020-0008-00	120.00
FRONT FEET OPPOSED	732.500	63.28%						15	1535	RIDGE	24-382-020-0007-00	60.00
								6	1536	RIDGE	24-382-021-0014-00	60.00
								4	1544	RIDGE	24-382-021-0016-00	60.00
RESPONDING FRONT FEET IN FAVOR	60.000	5.18%						12	1563	RIDGE	24-382-020-0004-00	60.00
								3	1564	RIDGE	24-382-021-0017-00	60.00
NOT RESPONDING - FRONT FEET IN FAVOR	365.000	31.53%						2	1576	RIDGE	24-382-021-0018-00	60.00
								10	1585	RIDGE	24-382-020-0001-00	62.50
TOTAL FRONT FEET IN FAVOR	425.000	36.72%						1	2346	WICKHAM	24-382-021-0019-00	125.00
								17	1511	RIDGE	24-382-020-0010-00	65.00
TOTALS							60.00					732.50

TABULATED AS OF: 05:16 PM

H-1582 RIDGE AVE., WICKHAM ST. TO CUMBERLAND ST.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 17										
			FOR					OPPOSE					
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET	
TOTAL ASSESSABLE FRONT FOOTAGE	1157.500 ***		8	1524	RIDGE	24-382-021-0012-00	60.00	16	1525	RIDGE	24-382-020-0008-00	120.00	
FRONT FEET OPPOSED	667.500	57.67%						15	1535	RIDGE	24-382-020-0007-00	60.00	
RESPONDING FRONT FEET IN FAVOR	60.000	5.18%						6	1536	RIDGE	24-382-021-0014-00	60.00	
NOT RESPONDING - FRONT FEET IN FAVOR	430.000	37.15%						4	1544	RIDGE	24-382-021-0016-00	60.00	
TOTAL FRONT FEET IN FAVOR	490.000	42.33%						12	1563	RIDGE	24-382-020-0004-00	60.00	
								3	1564	RIDGE	24-382-021-0017-00	60.00	
								2	1576	RIDGE	24-382-021-0018-00	60.00	
								10	1585	RIDGE	24-382-020-0001-00	62.50	
								1	2346	WICKHAM	24-382-021-0019-00	125.00	
TOTALS							60.00						667.50

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

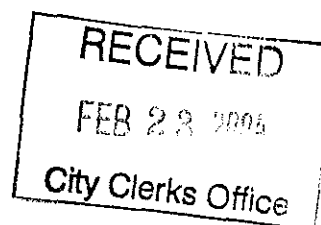
Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1563 RIDGE AVE
Parcel Number: 24-382-020-0004-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,807.80



Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 20 LOT 4

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Richard C. Anderson CoOwner/Spouse _____

Signature Richard C. Anderson Signature _____

Address 1563 Ridge Ave. Address _____

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

ADDITIONAL INFORMATION

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

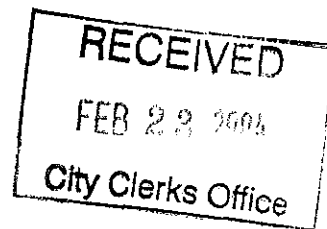
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Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1544 RIDGE AVE
Parcel Number 24-382-021-0016-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,807.80



Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 21 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 David L. McNamara CoOwner/Spouse _____

Signature David L. McNamara Signature _____

Address 1544 Ridge Ave Address _____

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **FEBRUARY 24, 2004**

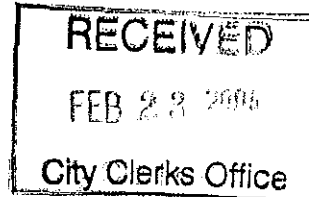
Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description: RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1524 RIDGE AVE
Parcel Number 24-382-021-0012-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,807.80



Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 21 LOT 12

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

Alfred L. Johnson, Jr.

Signature

Doreen D. Johnson

Address

1524 Ridge Ave.

Address

1524 Ridge Ave.

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

FOR THE CITY OF MUSKEGON 8

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

**I
INSTRUCTIONS**

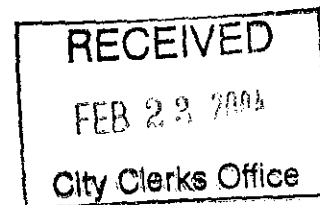
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Assessment Information

Property Address: 1535 RIDGE AVE
Parcel Number 24-382-020-0007-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,807.80

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 20 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 DAVID LOUIS TOMCZAK
Signature David Louis Tomczak
Address 1535 RIDGE AVENUE

CoOwner/Spouse JANE T. TOMCZAK
Signature Jane T. Tomczak
Address 1535 RIDGE AVENUE

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

Print the name

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

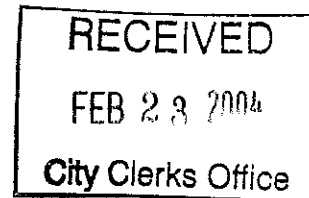
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Assessment Information

Property Address: 1536 RIDGE AVE
Parcel Number 24-382-021-0014-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,807.80

Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 21 LOT 14



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Nail H. Spelman
Signature Nail H. Spelman
Address 1536 Ridge Ave.

CoOwner/Spouse Lessie M. Spelman
Signature Lessie M. Spelman
Address 1536 Ridge Ave

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

SHORE WALL BUILT BY

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

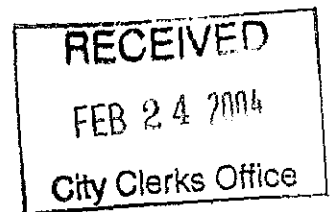
Project Number: H 1582
Project Title: RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1511 RIDGE AVE
Parcel Number 24-382-020-0010-00
Assessable Frontage: 65 Feet
Estimated Front Foot Cost: \$30.13 per Foot
ESTIMATED TOTAL COST \$1,958.45



Property Description

CITY OF MUSKEGON
GLENSIDE SUB-DIVISION #2
BLK 20 LOT 10

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner MARY A. WILMER
Signature [Signature]
Address 1511 RIDGE

CoOwner/Spouse YVONNE M. REAMES
Signature [Signature]
Address 1511 RIDGE

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

001 FEB 2004

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Hudson St., Forest to Southern

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District

For Hudson St. from Forest Ave. to Southern Ave.

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 24, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 24, 2004**, there were _____% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **28.55%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 24, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

ENGINEERING FEASIBILITY STUDY

For

HUDSON ST. FROM FOREST AVE. TO SOUTHERN AVE.

In an effort to incorporate the established goals into our proposed work, we are proposing the reconstruction of Hudson between Forest & Southern. This project was staff initiated due to the surface conditions and the utilities' conditions (water & sewer). While this project is a utility driven, the pavement conditions are not the best either. Due to the necessary utility work, other types of improvement such as milling and resurfacing are not recommended since the treanching for such utilities would leave little if any sub-base and surface to be milled.

The goals that are met under this proposal are;

- 1. Develop & Maintain City's infrastructure and facilities**
- 2. Maintain & enhance the residential neighborhood of the City**

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 \$50,000 with the length of the project being approximately 300 lineal feet or 406.17' of assessable footage. This translates into an estimated improvement cost of \$123 per assessable foot. The assessment figure will be at a cost not to exceed \$35.15 per assessable foot as established in the 2004 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

February 11, 2004

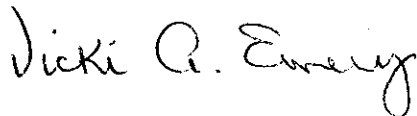
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Hudson Street between Forest 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 11, 2004.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.15 for the reconstruction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$36.57. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

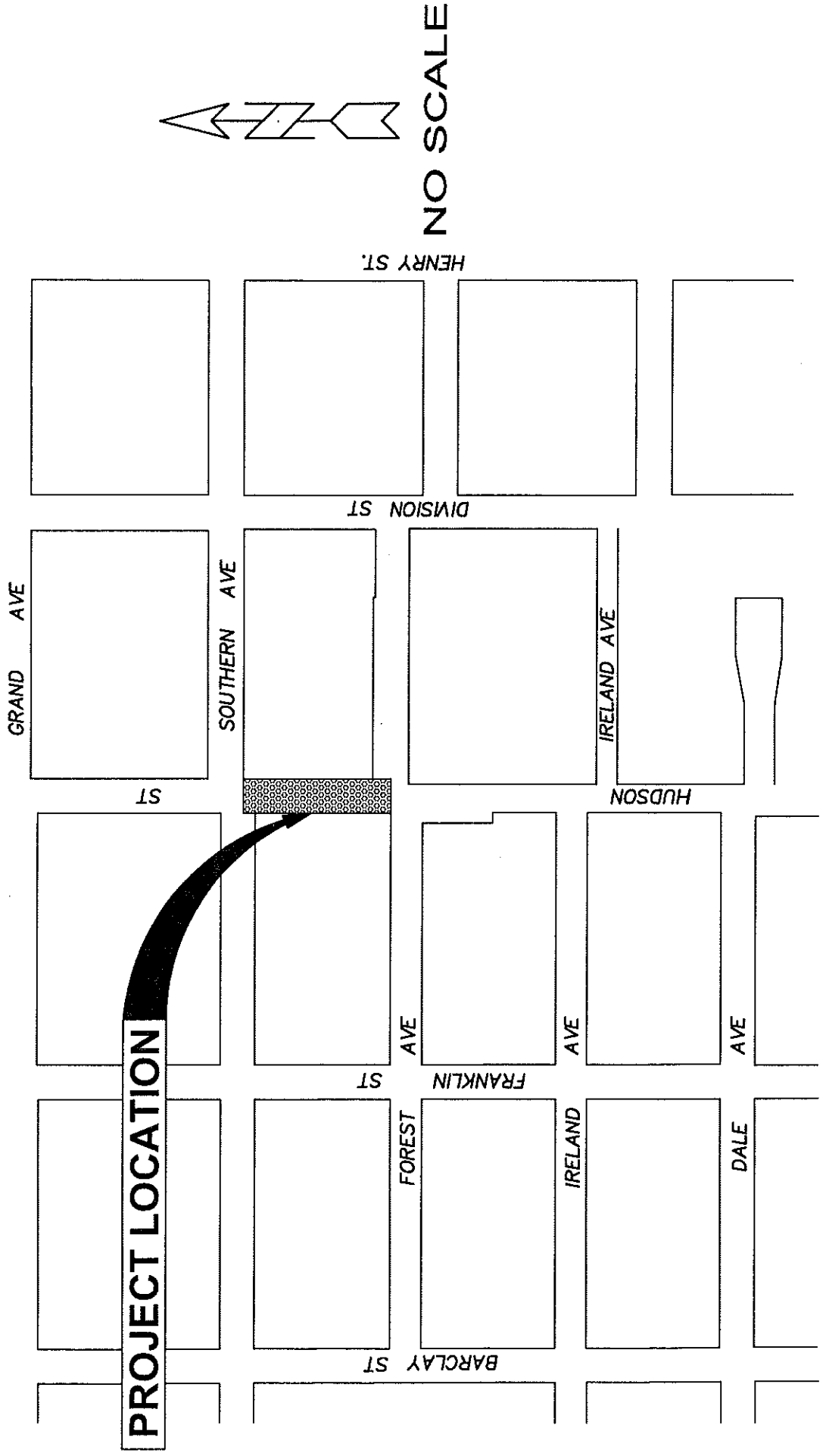
EXHIBIT A

Hudson St. from Forest Ave. to Southern Ave.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Hudson St. from Forest Ave. to Southern Ave.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



February 13, 2004

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

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

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

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

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

A public hearing is also scheduled for this project on FEBRUARY 24, 2004. If you attend this public hearing you will be given an opportunity to present your questions and potential concerns on the proposed special assessment district to the commission.

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

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

February 13, 2004

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 1

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

HUDSON ST., FOREST AVE. TO SOUTHERN AVE.

The proposed special assessment district will be located as follows:

All parcels abutting Hudson St. from Forest Ave. to Southern 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 24, 2004 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$50,000.00 of which approximately 28.55% (\$14,276.88) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
STREET H-1580
HUDSON ST., FOREST TO SOUTHERN AVE.
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: (Must include <u>all</u> household income)	\$ _____	Wage earner: _____ Wage earner: _____ Wage earner: _____ Wage earner: _____
Total:		\$ _____

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1580
Project Title: HUDSON ST., FOREST AVE. TO SOUTHERN AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS & STREET
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	41.2 Feet
Estimated Front Foot Cost:	\$35.15 per Foot

ESTIMATED TOTAL COST \$1,448.18

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 490
S 28.7 FT LOTS 1 & 2
& N 12 1/2 FT OF FOREST AVE ABUTTING SAME

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**AUSTIN ST., BARNEY AVE. TO DELANO AVE.
HUDSON ST., FOREST AVE. TO SOUTHERN AVE.
AND**

RIDGE AVE., CUMBERLAND ST. TO WICKHAM ST.

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

All parcels abutting Austin St. from Barney Ave. to Delano Ave.

All parcels abutting Hudson St. from Forest Ave. to Southern Ave.

and

All parcels abutting Ridge Ave. from Cumberland St. to Wickham St.

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **FEBRUARY 24, 2004 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **February 14, 2004**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1580

RECONSTRUCTION

HEARING DATE

FEBRUARY 24, 2004

HUDSON ST., FOREST AVE. TO SOUTHERN AVE.

1	RAAS CLIFTON	ASSESSABLE FEET:	41.2
24-205-490-0001-40	1597 HUDSON ST	COST PER FOOT:	\$35.15
@ 1597. HUDSON ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,448.18
2	HERSHEY SUZANNE	ASSESSABLE FEET:	41.18
24-205-490-0001-30	1591 HUDSON ST	COST PER FOOT:	\$35.15
@ 1591. HUDSON ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,447.48
3	RHOADS VANESSA M	ASSESSABLE FEET:	41.18
24-205-490-0001-20	1585 HUDSON ST	COST PER FOOT:	\$35.15
@ 1585. HUDSON ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,447.48
4	LEMIEUX JAMES A	ASSESSABLE FEET:	41.18
24-205-490-0001-10	1575 HUDSON ST	COST PER FOOT:	\$35.15
@ 1575. HUDSON ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,447.48
5	VANDYKE MARK T	ASSESSABLE FEET:	55
24-205-489-0007-30	944 W FOREST AVE	COST PER FOOT:	\$35.15
@ 944.0 W FOREST AV MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,933.25
6	ROKOS KENNETH F	ASSESSABLE FEET:	55.25
24-205-489-0007-20	1584 HUDSON ST	COST PER FOOT:	\$35.15
@ 1584. HUDSON ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,942.04
7	OLDING SHARON A	ASSESSABLE FEET:	40
24-205-489-0007-10	1576 HUDSON ST	COST PER FOOT:	\$35.15
@ 1576. HUDSON ST MUSKEGON MI 49441		ESTIMATED P.O. COST:	\$1,406.00

HUDSON ST., FOREST AVE. TO SOUTHERN AVE.

8	CURRIER CYNTHIA I	ASSESSABLE FEET:	50
24-205-489-0008-00	943 W SOUTHERN AVE	COST PER FOOT:	\$35.15
@ 943.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,757.50

9	BELLINGER ANGELA L	ASSESSABLE FEET:	41.18
24-205-490-0001-00	963 W SOUTHERN AVE	COST PER FOOT:	\$35.15
@ 963.0 W SOUTHERN	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,447.48

SUM OF ASSESSABLE FOOTAGE:	406.17	SUM OF ESTIMATED P.O. COST:	\$14,276.88
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TOTAL NUMBER OF ASSESSABLE PARCELS	9.00
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AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Hudson St. Forest Ave.to Southern 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 13TH DAY OF FEBRUARY, 2004.

GAIL A. KUNDINGER, CITY CLERK

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

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1580
Project Title: HUDSON ST., FOREST AVE. TO SOUTHERN AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1575 HUDSON ST
Parcel Number 24-205-490-0001-10
Assessable Frontage: 41.18 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,447.48

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 490
S 41.18 FT OF N 123.54 FT LOTS 1 & 2

RECEIVED

FEB 18 2004

City Clerks Office

RECEIVED

FEB 18 2004

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 James A. LeMieux
Signature *James A. LeMieux*
Address 1575 Hudson St.

CoOwner/Spouse Marisol LeMieux
Signature *Marisol LeMieux*
Address 1575 Hudson St.

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

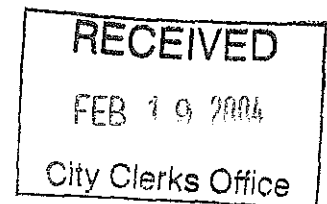
Project Number: H 1580
Project Title: HUDSON ST., FOREST AVE. TO SOUTHERN AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 944 W FOREST AVE
Parcel Number 24-205-489-0007-30
Assessable Frontage: 55 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,933.25



Property Description

CITY OF MUSKEGON
REVISED PLAT 1903
BLK 489
S 55 FT OF LOTS 7 & 8
EXC THE E 6 FT OF THE S 55 FT OF 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

Mark Van Dyke

CoOwner/Spouse

Signature

Mark Van Dyke

Signature

Address

944 W. Forest

Address

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

VANDYKE MARK T

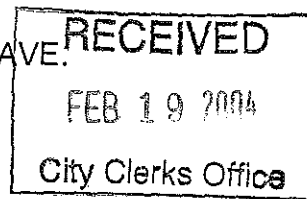
5

There is nothing wrong with these streets!

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1580
Project Title: HUDSON ST., FOREST AVE. TO SOUTHERN AVE.
Project Description: RECONSTRUCTION

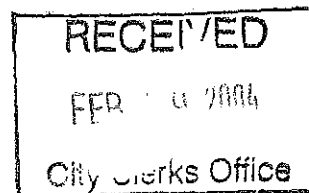


INSTRUCTIONS

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Assessment Information

Property Address: 963 W SOUTHERN AVE
Parcel Number: 24-205-490-0001-00
Assessable Frontage: 41.18 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,447.48



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 490
N 82.36 FT LOT 1

Your vote COUNTS!

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

I AM IN FAVOR



maiden name
(Bellinger)

I AM OPPOSED



Owner

Angela Brock

CoOwner/Spouse

Signature

Angela Brock

Signature

Address

963 W. Southern Ave

Address

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

BELLINGER ANGELA L

H-1580 HUDSON ST. FOREST AVE. to SOUTHERN AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	FOR					TOTAL NUMBER OF PARCELS - 9					OPPOSE	
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET		
TOTAL ASSESSABLE FRONT FOOTAGE	406.170 ***							5	944	FOREST	24-205-489-0007-30	55.00		
FRONT FEET OPPOSED	232.610	57.27%						4	1575	HUDSON	24-205-490-0001-10	41.18		
								7	1576	HUDSON	24-205-489-0007-10	40.00		
RESPONDING FRONT FEET IN FAVOR	0.000	0.00%						6	1584	HUDSON	24-205-489-0007-20	55.25		
								9	963	SOUTHERN	24-205-490-0001-00	41.18		
NOT RESPONDING - FRONT FEET IN FAVOR	173.560	42.73%												
TOTAL FRONT FEET IN FAVOR	173.560	42.73%												

TOTALS

0.00

232.61

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By **FEBRUARY 24, 2004**

Project Number: H 1580
Project Title: HUDSON ST., FOREST AVE. TO SOUTHERN AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

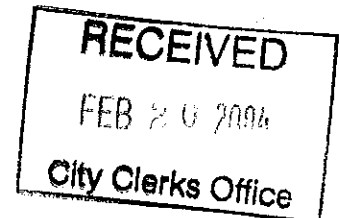
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Assessment Information

Property Address: 1576 HUDSON ST
Parcel Number 24-205-489-0007-10
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,406.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 489
SLY 40 FT OF N 140 FT LOTS 7 & 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

Sharon Aldridge

CoOwner/Spouse

Signature

Sharon Aldridge

Signature

Address

1576 Hudson

Address

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

7-0463 (02/01/04)

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
Return This Card By FEBRUARY 24, 2004

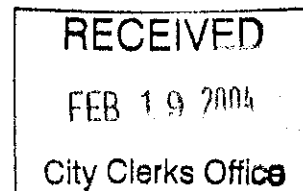
Project Number: H 1580
Project Title: HUDSON ST., FOREST AVE. TO SOUTHERN AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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Assessment Information

Property Address: 1584 HUDSON ST
Parcel Number 24-205-489-0007-20
Assessable Frontage: 55.25 Feet
Estimated Front Foot Cost: \$35.15 per Foot
ESTIMATED TOTAL COST \$1,942.04



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 489
N 55.25 FT OF S 110.25 FT LOTS 7 & 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>KENNE ROKOS</u>	CoOwner/Spouse	<u>LORETTA ROKOS</u>
Signature	<u>Kenneth Rokos</u>	Signature	<u>Loretta Rokos</u>
Address	<u>1584 Hudson St</u>	Address	<u>1584 Hudson</u>

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

Date: February 24, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: 2004 Fee Schedule

SUMMARY OF REQUEST:

Amend the 2004 Fee Schedule to include a \$30.00 none refundable fee to obtain construction contract documents and plans. At the present time we have a \$25.00 deposit which is refundable upon the return of the documents. The deposit is not effective at this time since we are issuing an average of 15-contracts per projects and when they are returned we have little or no use for all of them.

FINANCIAL IMPACT:

Saving of about \$450 per year.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approve the amendment and add to the 2004 fee schedule the cost for construction documents.

COMMITTEE RECOMMENDATION:

Commission Meeting Date: February 24, 2004

Date: February 17, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment for Signs

SUMMARY OF REQUEST:

Request to amend Section 2334 (Signs) of Article XXIII (General Provisions) of the City's Zoning Ordinance in regards to prohibited and exempt signs. The amendment creates provisions regarding the installation of "Community Promotional" banners on poles located on City property.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend and add proposed language in the articles and sections described above, with the recommended modifications proposed by the Planning Commission.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/12 meeting. The Planning Commission deleted the need for an encroachment agreement with the city and added that there be an agreement with the owner of the pole. This is reflected in the proposed ordinance. The vote was unanimous with B. Smith absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
February 12, 2004

Hearing; Case 2004-06: Staff-initiated request to amend Section 2334 (Signs) of the Zoning Ordinance regarding prohibited and exempt signs.

BACKGROUND

Staff has looked into an issue regarding the use of City poles to display banners. Currently, the Zoning ordinance prohibits the placement of banners on utility poles. The proposed language would provide for the allowance of "community promotional" banners on these structures. Examples are, but are not limited to "Welcome to Muskegon" or banner announcing that you have entered the "Lakeside Business District." The two proposed ordinance changes can be found as followed in italics: 4 Prohibited Signs, (all districts). Phrasing added to the end of letter d. 5 Exempt Signs, a new m. added which also includes the first three conditions of l. describing the basic quality of the banner.

Prohibited Signs and Exempt Signs

Excerpted from Section 2334 (Signs):

4. **Prohibited Signs (all districts):** The following listed signs are prohibited in any zoning district of the City: [amended 6/03]
- a. A sign displaying intermittent lights and lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicle or signs which imitate official traffic directional signs or devices.
 - b. A sign using the words, "Stop", "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.
 - c. Signs affixed to trees, shrubs or similar natural features.
 - d. Signs affixed to fences or utility poles or structural elements not capable to support such signs *except community promotional banners permitted under "Exempt Signs."*
 - e. Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
 - f. Signs on parked vehicles where the sign is the primary use of the vehicle.
 - g. Banners used as permanent signs.

- h. Temporary signs and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
 - i. Portable "A" frame signs, inverted "T" signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered (see also definition of "portable" sign). Except that "A" frame signs are permitted in the Clay-Western and National Register Historic Districts with Historic District Commission approval.
 - j. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the city. Any signs which encroach upon the public right-of way do not qualify as legal nonconforming signs. Such signs shall be considered an illegal use and shall be removed.
 - k. Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground more than 18" (eighteen inches).
 - l. Signs which are painted, placed or constructed directly on or project from a roof.
 - m. Off-premise signs except billboards regulated herein or tourist oriented directional signs placed in cooperation with the City.
 - n. Signs with visible moving, revolving, rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means.
 - o. Externally illuminated signs which can bleed light, interfere with the city's "night sky" objectives, cast glare in the public right-of-way distracting drivers, and shining into adjacent residential areas interfering with resident's enjoyment of their personal property.
5. **Exempt Signs:** The following signs, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard, are permitted without a permit: [amended 6/03]
- a. One real estate sale and "For Rent" or "Lease" or construction sign per property not exceeding eight (8) square feet in display area when located within a residential district. For all other districts, one real estate sale and "For Rent" or "Lease" sign per major bordering street complying with the standards of Table II.
 - b. On-site political campaign signs not exceeding thirty-two (32) square feet in display area. It is recommended that they are not erected any sooner than thirty (30) days prior to the scheduled day of election for which they are made and removed within 10 days of the election.

- c. "No Hunting", "No Trespassing", and on-premise "Garage Sale" signs not exceeding four (4) square feet in display area.
- d. On-premise directional signs approved as part of the site plan process not exceeding two signs per road frontage and not exceeding six (6) square feet in display area or four (4) feet in height. Not more than twenty-five (25%) of the area of any directional sign may be devoted to business identification or logo.
- e. Signs identifying a building's address and/or the names of the occupants but not exceeding four (4) square feet in display area.
- f. Historic markers, signs identifying the names of a building or date of erection of a structure.
- g. Official notices of any court or public agency not exceeding twelve (12) square feet in display area.
- h. Window signs covering up to twenty five percent (25%) of the structure's total window area.
- i. Traffic control, directional, warning, or informational signs when authorized by a public agency having appropriate jurisdiction.
- j. Signs required by federal or state agencies in connection with federal or state grant projects and programs.
- k. The flags of government or noncommercial institutions.
- l. Banners for special events or sales, provided:
 - 1) Banners must be made of plastic, vinyl or another similar material of professional quality.
 - 2) Banners must be neatly hung, taut and secure.
 - 3) Banners may not pose a hazard to public safety.
 - 4) A business or institution with up to one 140 feet of frontage is limited to (one) 1 banner of no more than 24 square feet.
 - 5) A business or institution with between 141 and 280 feet of frontage is limited to two (2) banners totaling no more than 48 square feet.
 - 6) A business or institution with 281 feet of frontage or more is limited to three (3) banners totaling no more than 72 square feet.
- m. *Community promotional banners attached to poles located on City property may be*

allowed by permission of the Zoning Administrator, provided an encroachment agreement with the City is in place and provided:

- 1) Banners must be made of plastic, vinyl or another similar material of professional quality.*
- 2) Banners must be neatly hung, taut and secure.*
- 3) Banners may not pose a hazard to public safety.*

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2125

An ordinance to amend Section 2334 (Signs), of Article XXIII (General Provisions) of the City's Zoning Ordinance to permit the installation of "Community Promotional" banners on poles located on City property.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (Signs), of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended to create provisions regarding the installation of "Community Promotional" banners on poles located on City owned property:

4. **Prohibited Signs (all districts):** The following listed signs are prohibited in any zoning district of the City: [amended 6/03]
- a. A sign displaying intermittent lights and lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicle or signs which imitate official traffic directional signs or devices.
 - b. A sign using the words, "Stop", "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.
 - c. Signs affixed to trees, shrubs or similar natural features.
 - d. Signs affixed to fences or utility poles or structural elements not capable to support such signs except community promotional banners permitted under "Exempt Signs."
 - e. Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
 - f. Signs on parked vehicles where the sign is the primary use of the vehicle.
 - g. Banners used as permanent signs.
 - h. Temporary signs and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
 - i. Portable "A" frame signs, inverted "T" signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered (see also definition of "portable" sign). Except that "A" frame signs are permitted in the Clay-Western and National Register Historic Districts with Historic District Commission approval.

- j. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the city. Any signs which encroach upon the public right-of way do not qualify as legal nonconforming signs. Such signs shall be considered an illegal use and shall be removed.
- k. Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground more than 18" (eighteen inches).
- l. Signs which are painted, placed or constructed directly on or project from a roof.
- m. Off-premise signs except billboards regulated herein or tourist oriented directional signs placed in cooperation with the City.
- n. Signs with visible moving, revolving, rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means.
- o. Externally illuminated signs which can bleed light, interfere with the city's "night sky" objectives, cast glare in the public right-of-way distracting drivers, and shining into adjacent residential areas interfering with resident's enjoyment of their personal property.

5. **Exempt Signs:** The following signs, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard, are permitted without a permit: [amended 6/03]

- a. One real estate sale and "For Rent" or "Lease" or construction sign per property not exceeding eight (8) square feet in display area when located within a residential district. For all other districts, one real estate sale and "For Rent" or "Lease" sign per major bordering street complying with the standards of Table II.
- b. On-site political campaign signs not exceeding thirty-two (32) square feet in display area. It is recommended that they are not erected any sooner than thirty (30) days prior to the scheduled day of election for which they are made and removed within 10 days of the election.
- c. "No Hunting", "No Trespassing", and on-premise "Garage Sale" signs not exceeding four (4) square feet in display area.
- d. On-premise directional signs approved as part of the site plan process not exceeding two signs per road frontage and not exceeding six (6) square feet in display area or four (4) feet in height. Not more than twenty-five (25%) of the area of any directional sign may be devoted to business identification or logo.
- e. Signs identifying a building's address and/or the names of the occupants but not exceeding four (4) square feet in display area.

- f. Historic markers, signs identifying the names of a building or date of erection of a structure.
- g. Official notices of any court or public agency not exceeding twelve (12) square feet in display area.
- h. Window signs covering up to twenty five percent (25%) of the structure's total window area.
- i. Traffic control, directional, warning, or informational signs when authorized by a public agency having appropriate jurisdiction.
- j. Signs required by federal or state agencies in connection with federal or state grant projects and programs.
- k. The flags of government or noncommercial institutions.
- l. Banners for special events or sales, provided:
 - 1) Banners must be made of plastic, vinyl or another similar material of professional quality.
 - 2) Banners must be neatly hung, taut and secure.
 - 3) Banners may not pose a hazard to public safety.
 - 4) A business or institution with up to one 140 feet of frontage is limited to (one) 1 banner of no more than 24 square feet.
 - 5) A business or institution with between 141 and 280 feet of frontage is limited to two (2) banners totaling no more than 48 square feet.
 - 6) A business or institution with 281 feet of frontage or more is limited to three (3) banners totaling no more than 72 square feet.
- m. Community promotional banners attached to poles located on City property may be allowed by permission of the Zoning Administrator, provided:
 - 1) Banners must be made of plastic, vinyl or another similar material of professional quality.
 - 2) Banners must be neatly hung, taut and secure.
 - 3) Banners may not pose a hazard to public safety.
 - 4) An agreement will be in place with the owner of the pole.

This ordinance adopted:

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

Nayes: None

Adoption Date: February 24, 2004

Effective Date: March 12, 2004

First Reading: February 24, 2004

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 24th of February 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: February 24, 2004.

Gail A. Kunderger
Gail A. Kunderger, MMC
Clerk, City of Muskegon

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on February 24, 2004, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs), of Article XXIII (General Provisions) of the City's Zoning Ordinance to create provisions regarding the installation of "Community Promotional" banners on poles located on City owned property.

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, 2004

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: February 24, 2004

Date: February 16, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CB*
RE: Extension of Renaissance Zone Agreement
Terms- Shaw Walker

SUMMARY OF REQUEST: The City of Muskegon designated the Shaw Walker property as a Renaissance Zone in October 2002. As part of the process, an agreement was entered into with the owner/developer, P & G Holdings, LLC. The Agreement stated that P & G Holdings would invest at least \$3,000,000 in the property within two years from the date of the property designation as a Renaissance Zone. Since it has taken longer than expected for the owner to receive their Remedial Action Plan amendment (RAP- which allows them to include residential in the building) from the MDEQ, the owners are requesting an extension on their development requirements. The owners have stayed in continual contact with City staff throughout this process. They now have their approved amended RAP, and will take out building permits for the Phase I construction prior to February 24, 2004. They are asking for a one-year extension on our Agreement, to ensure that construction is completed within the requirements of the Agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "First Amendment to Development Agreement, City of Muskegon Renaissance Zone" (attached), allowing for a time extension to September 1, 2005, to complete Phase I improvements to the Shaw Walker property.

COMMITTEE RECOMMENDATION: None.

PARMENTER O'TOOLE

Attorneys at Law

John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom
Eric R. Gielow
John C. Schrier
Christopher L. Kelly
Linda S. Kaare
James R. Scheuerle
Philip M. Stoffan
William J. Meier
Keith L. McEvoy
Anna Urlick Duggins
Scott M. Knowlton

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

Scott R. Sewick
Jeffery A. Jacobson
Dawn M. Goodwin
Thad N. McCollum

Of Counsel
Thomas J. O'Toole
Eric J. Fauri
Michael M. Knowlton
George A. Parmenter, 1903-1993

February 16, 2004

Cathy Brubaker-Clark
Director of Community and Economic Development
City of Muskegon Planning Department
Muskegon City Hall
933 Terrace
Muskegon, MI 49440

Re: Proposed Amendment to the City of Muskegon and
P&G Holdings, LLC Development Agreement, dated October 3;
Renaissance Zone Designation Expenditure Extension Request

Dear Ms. Brubaker-Clark:

We are requesting an amendment to the City of Muskegon and P&G Holdings, LLC Development Agreement, dated October 3, 2002 to extend the expenditure deadline from September 2004 to September 2005. This would allow the company adequate time to comply with the expenditure requirement. This request is further explained in correspondence directed to the Muskegon City Commissioners, dated February 16, 2004, which provides an update on the status of P&G Holdings/A.N.M. Real Estate Group Investment's (P&G) development of the Shaw Walker apartments, located in one of the City of Muskegon's Renaissance Zones and requests the 12-month extension referred to in the amendment below. If the City Commission takes positive action on this request, we recommend that the following language be used to amend agreement paragraph 2.2. We have also prepared an official amendment for your consideration and use.

The current language in the City of Muskegon and P&G Holdings, LLC Development Agreement reads as follows:

- 2.2 Private investment in the amount of at least \$3,000,000 within two years from the date of the property's designation of Renaissance Zone status by the State of Michigan.

Cathy Brubaker-Clark
February 16, 2004
Page 2

The proposed language would amend the current paragraph 2.2 to read:

2.2 Private investment in the amount of at least \$3,000,000 no later than September 1, 2005.

We understand, from earlier discussions with you, that the City Commission has the authority to grant this extension request for the State of Michigan.

Please do not hesitate to contact me if you have any questions on the above request or if amendments or modifications need to be made to the attached official amendment document.

Very truly yours,



Eric R. Gielow
231.722.5427
231.728.2206 Fax
erg@parmenterlaw.com

ERG/eah

Enclosure

cc: Moses Gross, P&G Holdings, LLC
Frank Bednarek, Hooker DeJong Architects & Engineers

**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
CITY OF MUSKEGON RENAISSANCE ZONE**

This agreement between **P&G HOLDINGS, LLC**, a New York limited liability company, of 4203 13th Avenue, Brooklyn, New York ("Company") and the **CITY OF MUSKEGON**, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, MI ("City") is made pursuant to the following terms:

Background

A. Company and City entered into a Development Agreement dated October 3, 2002 regarding the property owned by Company and the City of Muskegon Renaissance Zone designation.

B. The Development Agreement requires the expenditure of \$3,000,000 within two years from the date the property is designated a Renaissance Zone.

C. Company and City have agreed to amend the Development Agreement to extend the deadline for expenditure of such sum.

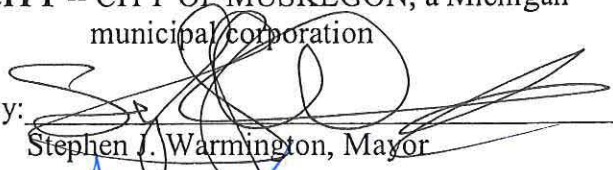
Therefore, the parties agree to amend the Development Agreement as follows:

1. Paragraph 2.2 shall be revised to read as follows:
 - 2.2 Private investment in the amount of at least \$3,000,000 no later than September 1, 2005
2. In all other respects, the Development Agreement dated October 3, 2002 shall be unchanged.

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

CITY -- CITY OF MUSKEGON, a Michigan
municipal corporation

Dated: February 24, 2004

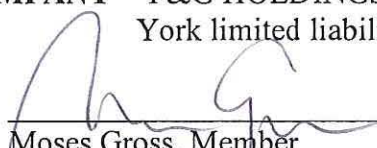
By: 
Stephen J. Warmington, Mayor

Dated: February 24, 2004

By: 
Gail Kundinger, City Clerk

COMPANY -- P&G HOLDINGS, LLC, a New
York limited liability company

Dated: 3-10-04

By: 
Moses Gross, Member

PARMENTER O'TOOLE

Attorneys at Law

John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom
Eric R. Gielow
John C. Schrier
Christopher L. Kelly
Linda S. Keare
James R. Scheuerle
Philip M. Stoffan
William J. Meier
Keith L. McEvoy
Anna Urlick Duggins
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175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
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www.Parmenterlaw.com

Scott R. Sewick
Jeffery A. Jacobson
Dawn M. Goodwin
Thad N. McCollum

Of Counsel
Thomas J. O'Toole
Eric J. Fauri
Michael M. Knowlton

George A. Parmenter, 1903-1993

February 16, 2004

Honorable Mayor and City of Muskegon Commissioners
Muskegon City Hall
933 Terrace
Muskegon, MI 49440

Re: Update on Shaw Walker Apartment Project Development and Renaissance Zone
Designation; Expenditure Extension Request

Dear Honorable Mayor and Commissioners:

This correspondence will update you on the status of P&G Holdings/A.N.M. Real Estate Group Investment's (P&G) development of the Shaw Walker apartments, located in one of the City of Muskegon's Renaissance Zones. The information presented below and in attachments to this correspondence provides a synopsis of the project status to date and the reasons for P&G's request for the expenditure extension.

As you are aware, P&G submitted an application to the City requesting a Renaissance Zone Designation for the former Shaw Walker building and property in July of 2002. This request was approved, and an agreement was signed between the two parties in October of 2002, outlining the terms and conditions applicable to the Renaissance Zone designation. Included in these responsibilities was a commitment of private investment for redevelopment on the part of P&G, totaling \$3,000,000, to be expended within two years of the property's designation as a Renaissance Zone (Paragraph 2.2 - Development Agreement; City of Muskegon Renaissance Zone). After receiving the designation approval, the company proceeded with the development process and obtained permits and approvals to allow for residential development on the site.

The first step was to seek the consent of the Michigan Department of Environmental Quality to allow for residential use of the property. Prior to the purchase of the property by P&G, the MDEQ had approved a Limited Industrial, Commercial and Residential Remedial Action Plan (RAP) in 2000 for the property to address historical contamination that existed on the site. The RAP called for restrictive covenants to be placed on the property limiting its use to only industrial or commercial activities.

Negotiations between P&G and the MDEQ started in January of 2003, with a goal of expeditiously gaining approval for residential use of the property. The pathway to gain this approval was more complicated and most importantly, more time consuming than expected, and involved additional sampling and analysis and required commitments to perform limited remedial activities. This approval came in the form of an Interim Response Designed to Meet Criteria (IRDC) Plan and Agreement, including a new restrictive covenant for the property allowing for limited residential uses. The MDEQ approved the IRDC Plan, Agreement and restrictive covenant in December of 2003.

While P&G directed its legal counsel and environmental consultants to move quickly forward in the MDEQ approval process, they continued to work with the architects, Hooker DeJong and general contractor, Muskegon Construction, directing them to move forward with the project, understanding that the clock was ticking. In the past two months since gaining approval, P&G has aggressively launched the project, directing the above groups to solicit bids, let contracts and begin construction.

Despite its best efforts, the required expenditure of \$3,000,000 could not take place within two years because of the unplanned 12-month delay that was encountered in obtaining the necessary approvals from the state. Construction, with its related expenditures could not begin for residential apartments when it was unclear whether the state would ultimately allow for residential development. In defense of the MDEQ and the administrative process, the department had to use recently promulgated rules to define and guide their actions. The IRDC agreement entered with P&G was one of the first agreements of this type in the state under the new rules, so the process was being created as P&G's project proceeded through the steps to finalization.

All of the parties involved, the project owners/developers, the architects, the construction company, consultants and MDEQ and City staff have worked diligently through this process to the point where construction is ready to begin. However, we also know that realistically, a project of this magnitude can only move forward so fast, and prudent decisions have to be made on expenditures, also in a stepwise fashion. Therefore, the requirement to meet the expenditure deadline in September of 2004 cannot realistically be met. In addition to the schedule for expenditures required by the city, the IRDC agreement imposes its own schedule on this project. The required remedial activities in the IRDC agreement must be completed by December of 2004. An extension is necessary to coordinate these IRDC activities with construction, and they cannot commence until spring.

We believe this project will be a tremendous asset to the city and is the first step in the full redevelopment of a vacant brownfield site. We therefore request, on behalf of P&G, that the City Commission extend the time period for full expenditure of funds until September 1, 2005.

Honorable Mayor and City of Muskegon Commissioners

February 16, 2004

Page 3

For your reference, we have included a timeline (Figure 1), which identifies actions taken to date and their relationship to the current and the requested expenditure deadline. We have also included a copy of the architectural drawings for this project.

Thank you for your consideration of this expenditure extension request. I would be very happy to answer any questions you have on the project, the extension request, or the information presented above.

Very truly yours,



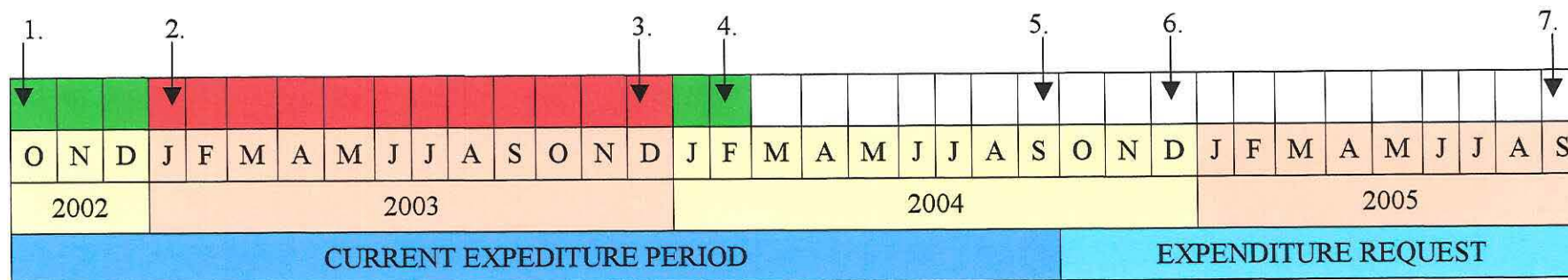
Eric R. Gielow
231.722.5427
231.728.2206 Fax
erg@parmenterlaw.com

ERG/eah

Enclosures

cc: Cathy Brubaker-Clark, City of Muskegon Planning Department
Moses Gross, P&G Holdings, LLC
Frank Bednarek, Hooker DeJong Architects & Engineers

Figure 1. Timeline for Expenditure Extension Request



Timeline Description:

1. October – 2002: City of Muskegon approves request with requirement for private investment of at least \$3,000,000 within two years from date of designation.
2. January – 2003: Company meets with MDEQ to determine necessary actions to approve residential development
3. December – 2003: MDEQ approves IRDC agreement and restrictive covenants for residential use
4. February – 2004: Contracts have been let, building and other ancillary permits have been pulled, and construction has commenced.
5. September – 2004: Current \$3,000,000 expenditure deadline
6. December -2004: Required remedial activities to be completed, as per IRDC Agreement
7. September – 2005: Requested \$3,000,000 expenditure deadline

RENOVATIONS FOR :

Shaw-Walker Apartments - Phase I

ANM REAL ESTATE & INVESTMENTS

4303 10TH AVENUE BROOKLYN, NEW YORK 11219

CORNER OF HUDSON STREET & WASHINGTON AVENUE MUSKEGON, MICHIGAN

DRAWINGS

- Z300 OVERALL SITE PLAN
- Z301 SITE PLAN
- Z200 CODE COMPLIANCE PLAN
- Z201 EXTERIOR ELEVATIONS
- Z202 EXTERIOR ELEVATIONS
- Z203 ENLARGED FLOOR PLANS
- Z204 ENLARGED FLOOR PLANS
- Z205 ENLARGED FLOOR PLANS

BUILDING MIX

5,000 SQ. FT. COMMERCIAL
7,200 SQ. FT. PARKING
67,800 SQ. FT. RESIDENTIAL & COMMON AREA

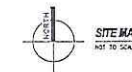
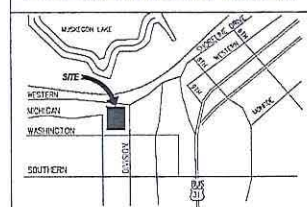
RESIDENTIAL UNIT MIX

(30) ONE BEDROOM UNITS
(19) TWO BEDROOM UNITS
(4) THREE BEDROOM UNITS
53 TOTAL RESIDENTIAL UNITS

CODE REVIEW

2000 MICHIGAN BUILDING CODE
(5) STORY BUILDING
MIXED USE R-2 WITH M & S-2 @ 1ST FLOOR
REQUIRED SEPARATION - TWO HOUR BETWEEN USES
TYPE OF CONSTRUCTION - TYPE IIB
AUTOMATIC SPRINKLER SYSTEM THRU-OUT
ALLOWABLE FLOOR AREA - 16,000 SQ. FT. & 4 STORIES
AREA INCREASES (SECTION 506)
FLOOR AREA INCREASE 8,120 SQ. FT. or 24,480 SQ. FT.
HEIGHT INCREASE 1 STORY or 5 STORIES
REQUIRED FIRE SEPARATIONS
(2) HOUR AREA SEPARATION WALL
(1) HOUR BETWEEN FLOORS EXCEPT (2) @ 1ST FLOOR
(1) HOUR CORRIDOR WALLS
(1) HOUR BETWEEN UNITS
(1/2) HOUR PARTITION WALLS
(2) HOUR SHAFT ENCLOSURES
(2) HOUR STAIR WALLS
(2) HOUR ELEVATOR SHAFT
(2) HOUR MECHANICAL ROOMS

LOCATION MAP



HOOKEr | DE JONG architects & engineers

410 terrace plaza muskegon, mi 49440 231.722.3407 voice 231.722.2589 fax www.hookerdejong.com

PROPERTY	ANN Real Estate & Investments
APPLICANT	Shaw-Walker Apartments - Phase 1
PROJECT	ANN Real Estate & Investments
DATE	2023.05.10
SCALE	1" = 40' 0"
PROJECT NO.	2023.05.10
PROJECT NAME	Shaw-Walker Apartments - Phase 1
PROJECT ADDRESS	4100 Avenue 24th
PROJECT CITY	Minneapolis, MN
PROJECT STATE	MN
PROJECT ZIP	55412
PROJECT PHONE	612.333.3333
PROJECT FAX	612.333.3333
PROJECT EMAIL	www.hookerdesign.com

ANN Real Estate & Investments
Shaw-Walker Apartments - Phase 1
MINNEAPOLIS, MINNESOTA

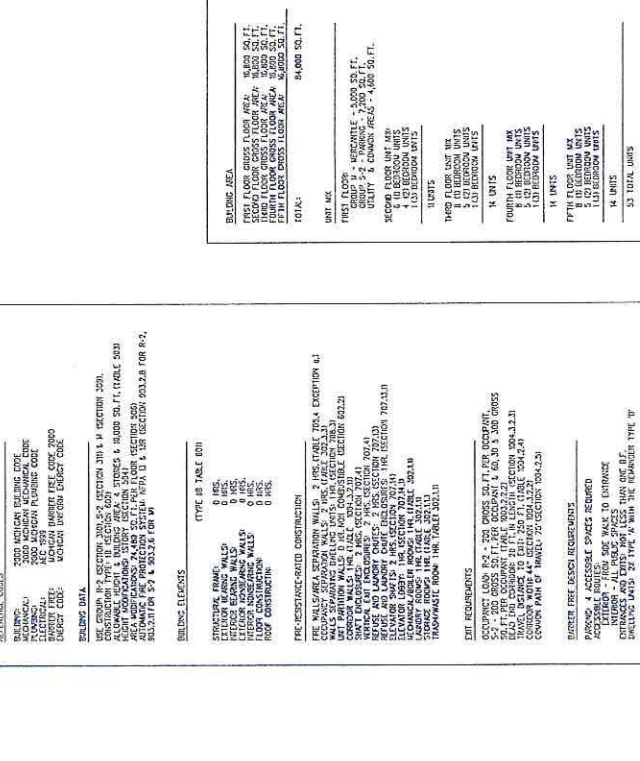
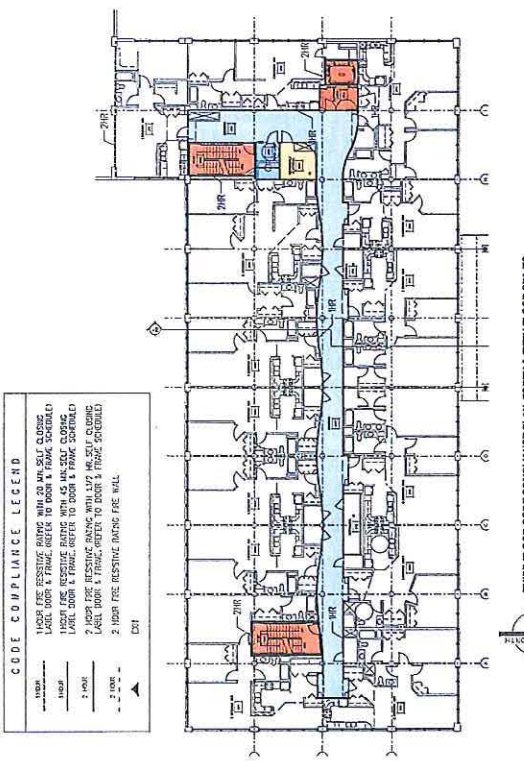
HOOKER DESIGN
architects & engineers
4100 Avenue 24th
Minneapolis, MN 55412
612.333.3333
www.hookerdesign.com



ACCESSIBLE PARKING CALCULATIONS	
- NORTH PARKING - 84 SPACES	
- SOUTH PARKING - 38 SPACES	
- INSIDE PARKING - 18 SPACES	
- TOTAL PARKING SPACES REQUIRED - 140	
- MINIMUM 2% BARRIER FREE SPACES	

SITE PLAN
DATE: 2023.05.10





EXTERIOR ELEVATIONS

DATE: 10/10/2018

PROJECT: 2202

ARCHITECT: HOOKER DEJONG

ENGINEER: SHAW-WALKER

PROJECT NO: 2202

DATE: 10/10/2018

PROJECT: 2202

ARCHITECT: HOOKER DEJONG

ENGINEER: SHAW-WALKER

PROJECT NO: 2202

DATE: 10/10/2018

PROJECT: 2202

ARCHITECT: HOOKER DEJONG

ENGINEER: SHAW-WALKER

PROJECT NO: 2202

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DATE: 10/10/2018

PROJECT: 2202

ARCHITECT: HOOKER DEJONG

ENGINEER: SHAW-WALKER

PROJECT NO: 2202

DATE: 10/10/2018

PROJECT: 2202

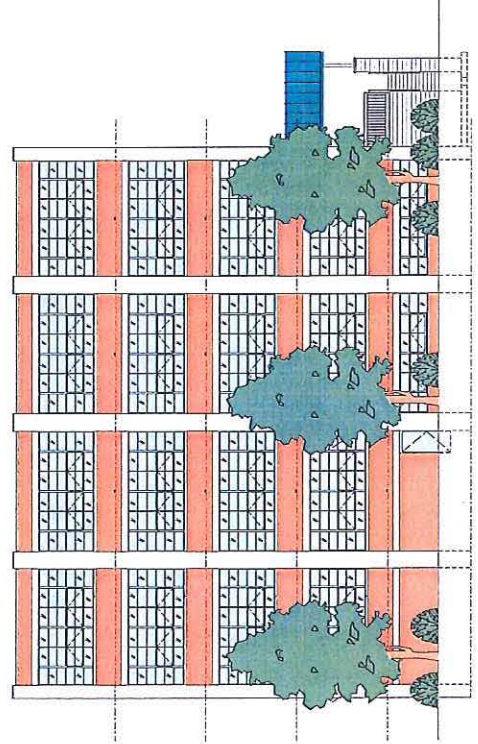
ARCHITECT: HOOKER DEJONG

ENGINEER: SHAW-WALKER

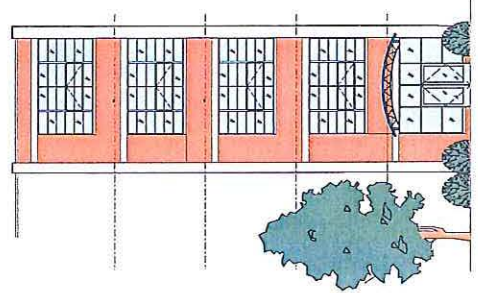
PROJECT NO: 2202

DATE: 10/10/2018

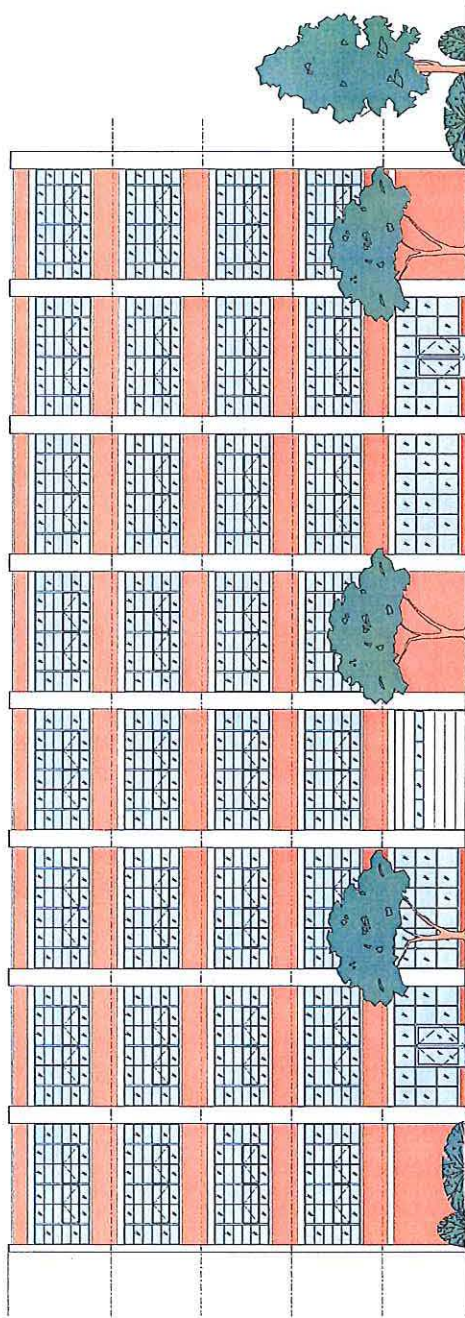
PROJECT: 2202



WEST ELEVATION

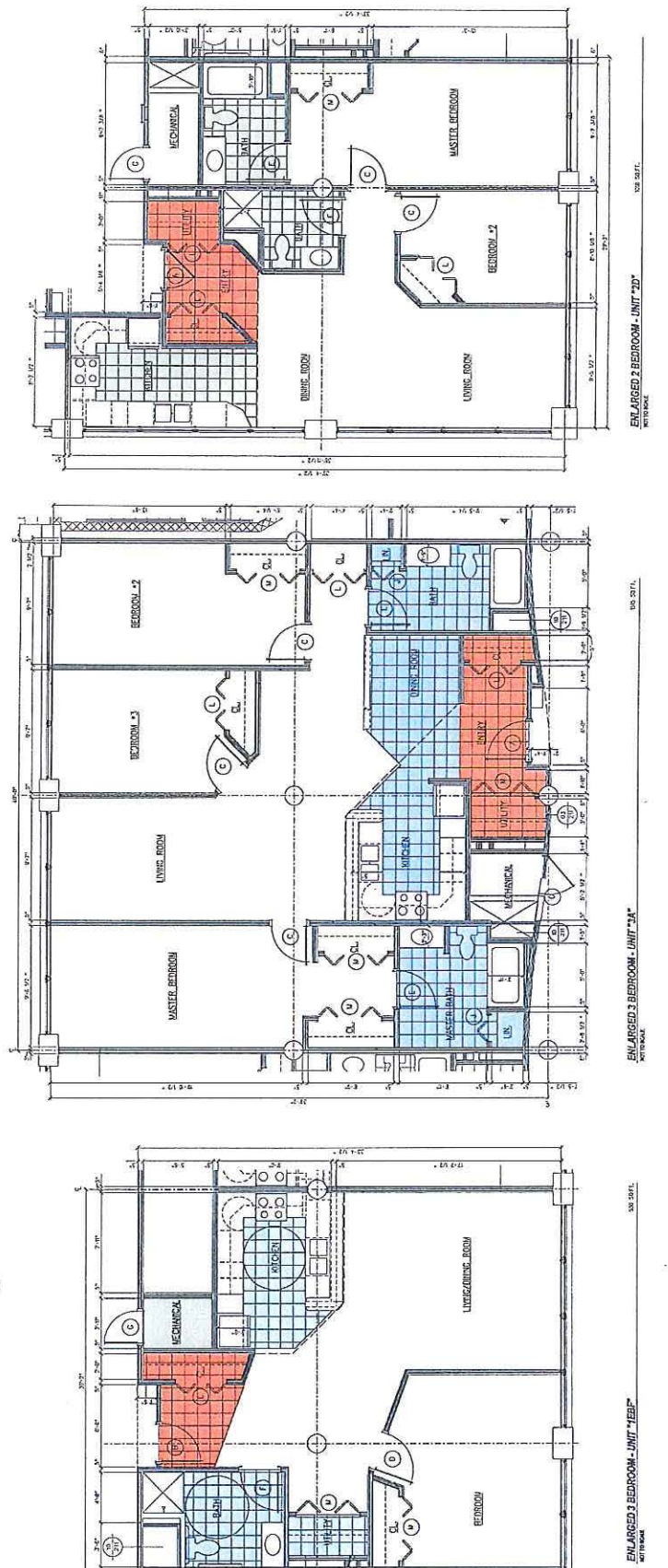
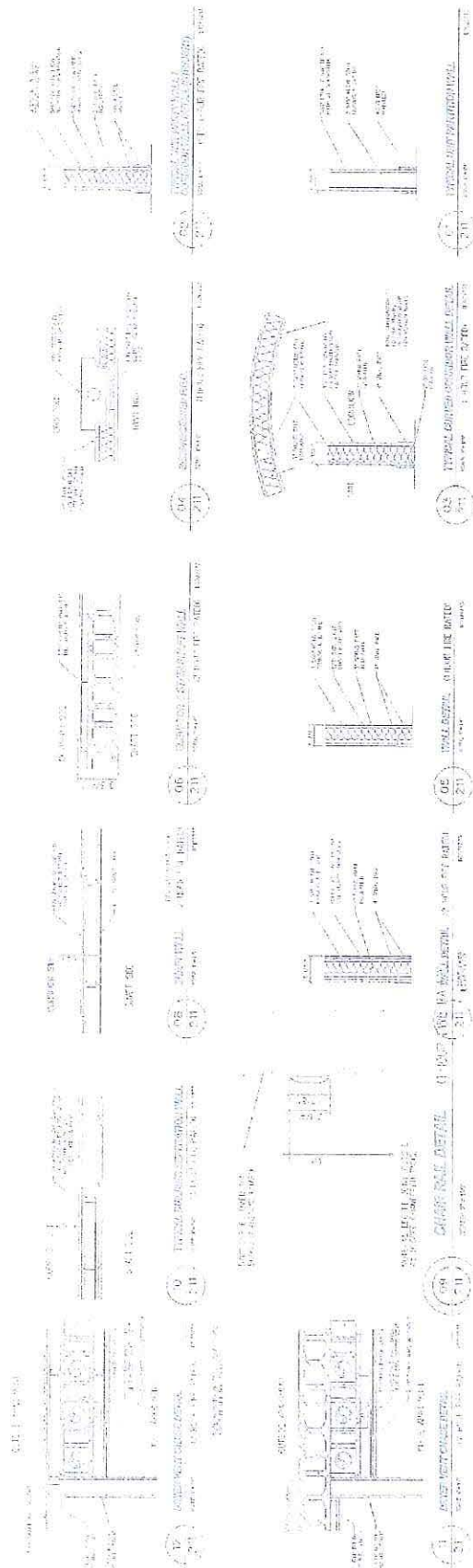


WEST ELEVATION @ ALCOVE



NORTH ELEVATION

PROJECT	SHAW-WALKER APARTMENTS - PHASE 1
DATE	12/20/2017
BY	W. J. HOOKER
CHECKED	W. J. HOOKER
SCALE	AS SHOWN
NOTES	1. SEE SHEET 2001 FOR GENERAL NOTES.
	2. SEE SHEET 2002 FOR FINISHES.
	3. SEE SHEET 2003 FOR MECHANICAL.
	4. SEE SHEET 2004 FOR ELECTRICAL.
	5. SEE SHEET 2005 FOR PLUMBING.
	6. SEE SHEET 2006 FOR ROOFING.
	7. SEE SHEET 2007 FOR EXTERIOR.
	8. SEE SHEET 2008 FOR INTERIOR.
	9. SEE SHEET 2009 FOR DETAILS.
	10. SEE SHEET 2010 FOR FINISHES.



AGENDA ITEM NO. _____

CITY COMMISSION MEETING 2/24/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: February 18, 2004

RE: Nugent Sand Pipeline Construction

SUMMARY OF REQUEST:

To consider intervening in Nugent Sand's appeal of the DEQ decision to deny the permit to construct a pipeline through the Lake Michigan dune.

FINANCIAL IMPACT:

\$3,000 - \$5,000 to file motion to intervene.

BUDGET ACTION REQUIRED:

An amendment to the 2004 budget would be required.

STAFF RECOMMENDATION:

None.

COMMITTEE RECOMMENDATION:

None.

Date: February 3, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: Milwaukee Clipper Request

SUMMARY OF REQUEST:

S. S. Milwaukee Clipper Preservation, Inc. has requested that they be allowed to permanently moor the Milwaukee Clipper along the peninsula at Hartshorn Marina.

FINANCIAL IMPACT:

Unknown

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Develop a contract to be brought back to the City Commission

COMMITTEE RECOMMENDATION:

The Leisure Services Board recommends approval of the request

Date: February 3, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
Re: Milwaukee Clipper Request

S. S. Milwaukee Clipper Preservation, Inc. is requesting that the Milwaukee Clipper be permanently moored at Hartshorn Marina along the peninsula of the small boat basin.

The Milwaukee Clipper is a National Historic Landmark and as such is under the purview of the National Park Service. Consequently, The National Park Service has no problem with the vessel being permanently moored at the marina as this is allowed under the agreement with the Land and Water Conservation fund, which is under the National Park Service. The Milwaukee Clipper organization is a non-profit organization.

The improvements necessary to move the Clipper will all be made at the expense of the Clipper organization. Staff has met with the group to discuss some logistical concerns. We believe that all the concerns can be addressed during the design stage. We will be assisting them with the writing of grants and the City will need to be the grant recipient for some of them. However, the local match will be the responsibility of the Clipper group.

The Leisure Services Board unanimously recommended approval of the request. Staff would recommend that you authorize us to finalize a contract for moving the Clipper to Hartshorn Marina and that we bring that agreement back to you for your approval.

Thank you for your consideration.

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



February 24, 2004

Raymond J. Hilt, DDS
S.S. Milwaukee Clipper Preservation, Inc
1627 Jefferson
Muskegon MI 49441

**Re: Letter of Intent to Lease Property
Milwaukee Clipper**

Dear Dr. Hilt:

This Letter of Intent shall confirm the intention of the City of Muskegon of 933 Terrace, Muskegon, Michigan 49441 ("Lessor") to lease to S.S. Milwaukee Clipper Preservation, Inc., a Michigan non-profit corporation, of 3009 Memorial Drive, Muskegon, Michigan 49442 ("Lessee"), unimproved real estate for the purpose of berthing the Milwaukee Clipper ("Clipper"), as the Premises is more particularly described in the attached **Exhibit A** ("Property").

Subject to such further terms and conditions as may be set forth in a definitive lease agreement in form and content satisfactory to Lessor and Lessee (the "Lease"), Lessor would lease the Property to Lessee free and clear of all encumbrances, other than easements and restrictions of record.

The City's willingness to lease the Property is contingent upon the following:

- 1) Lessee shall submit architectural or engineering plans evidencing the necessary improvements at the Hartshorn Marina in order to berth the Clipper at the location;
- 2) Lessee shall provide evidence of ability to pay for the necessary improvements at Hartshorn Marina;
- 3) Lessee shall submit a Master Plan for the small boat basin at Hartshorn Marina acceptable to the City; and

- 4) Lessee shall maintain the Clipper at a level acceptable to the City.

Should the matter set forth above be acceptable to the S.S. Milwaukee Clipper Preservation, Inc., please indicate its acceptance of the terms and conditions set forth herein by signing in the space below and returning two executed copies to the City of Muskegon at the above address.

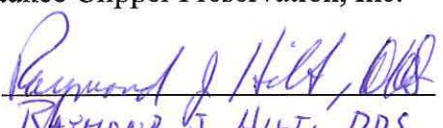
Sincerely,

Ric Scott
Director of Leisure Services

By: 
Name: Stephen J. Warmington
Title: Mayor
Date: March 5, 2004

ACKNOWLEDGED AND AGREED:

S.S. Milwaukee Clipper Preservation, Inc.

By: 
Name: RAYMOND J. HILT, DDS
Title: PRESIDENT S.S. MILWAUKEE CLIPPER PRESERVATION, INC.
Date: March 10, 2004

see packet for complete book.

S.S. Milwaukee Clipper
Proposed Permanent Site at Hartshorn
Marina Peninsula



S.S. Milwaukee Clipper Preservation, Inc.

February 10, 2004

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 2/24/04

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: February 17, 2004

RE: Public Safety Administrative Consolidation

SUMMARY OF REQUEST:

To endorse a proposal to consolidate the administration of police, fire, and inspections.

FINANCIAL IMPACT:

Projected first-year net savings of \$102,820.

BUDGET ACTION REQUIRED:

Savings will be accounted for in future budget amendments.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.

First of all, I would like to say the overall goals and objectives of the Muskegon Fire Department should not be forgotten.

The goals, like the goals of any career Fire Department across the states are:

1. Life Safety
2. Incident Stabilization
3. Property Conservation

I think as Fire Marshal, the way to reach these goals and objectives are through a united and combined effort of all city departments; especially during difficult budget times.

As we know, fire prevention, inspection and code enforcement does work. Because of the working relationship that police, fire and inspection services currently have, our city has had a 44% reduction in fires within the last 5 years. This is brought about through intense inspection, property maintenance code enforcement and public fire prevention and education.

I feel that all employees and citizens within the city of Muskegon must ask themselves: would you rather have the fire department help prevent your house fire or manage your house fire? Would you rather have the fire department prevent your child's burn injury or treat your child's burn injury?

Most employees overlook the relationship the fire, inspection and police must have to maintain safety and care for all, therefore, city fire, police, inspection personnel should band together for a team effort to continue to give the best service possible during difficult budget times.

Memo

DATE: February 24, 2004
TO: Honorable Mayor and City Commissioners
Cc: Bryon Mazade
FROM: Robert B. Grabinski
SUBJECT: 637 Amity

Please remove 637 Amity from the agenda for concurrence with the Housing Board of Appeals to demolish structure at the referenced address. The interior inspection has been conducted and the following agreement has been reached with the new owner:

1. Permits to be pulled by 3/31/04 by all contractors.
2. Building permit value of \$40,000.
3. Progress inspections every 30 days commencing from date permit is pulled.
4. All work to be completed, inspected and Certificate of Occupancy issued by September 1, 2004.

We are holding fire escrow funds on this property in addition to the above agreement.

DATE: February 16, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030174-Address: 637 Amity.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **637 Amity – Area 11** 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: #EN030174 – 637 Amity.

Location and ownership: This structure is located on Amity between Scott and Kenneth and is owned by Jeanette Casson. The house was been damaged by fire in 2002 and the city holds \$6437 in escrow until the repairs are completed or demolition occurs.

Staff Correspondence: The owner was notified by the Fire Marshal on 6/12/02 of the insurance money being deposited in escrow. A board up notice was issued 3/11/02 and 4/21/03. A dangerous building inspection report was written 11/20/03 and Notice and Order to repair or remove was issued 12/3/03. On 1/8/04 the HBA declared the house substandard and dangerous.

Owner Contact: The owner was present at the 1/8/04 HBA meeting with a potential buyer of the property who stated he intends to repair and live in the house. They were told at that time that even though the house was being declared, they would have 30 days in which the potential owner (Gus Bucholz) could bring in proof of ownership, schedule an interior inspection and submit a timetable for repairs. Mr. Bucholz scheduled an interior inspection for 1/29/04, but had to cancel and reschedule for personal reasons. The interior inspection is scheduled for 2/20/04.

Financial Impact: The cost of demolition will be paid with money that is escrowed.

Budget Action Required: None

SEV: \$21,200

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

Estimated Cost of Repairs: \$18,000 plus the cost of interior repairs not listed.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, February 24, 2004.



637 AMITY

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

637 Amity

11/20/03

Inspection noted:

1. Windows broken & boarded.
2. Door broken and boarded.
3. Extensive fire damage to 2nd floor.
4. Extensive water damage to 1st floor.
5. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
6. All work requires construction permits. These permits must be obtained prior to work beginning.

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

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

DATE: February 16, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030161-Address: 267Merrill - Garage.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **267 Merrill – Garage- Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: #EN030161 – 267 Merrill – Garage only.

Location and ownership: This structure is located on Merrill between Fourth and Fifth Streets and is owned by Ida Mae Wilcher.

Staff Correspondence: This garage was written as dangerous on 2/24/03 and the notice and order to repair or remove was issued 3/4/03. On 5/1/03 the HBA declared the garage substandard and dangerous. Ms. Wilcher was referred to CNS for financial help.

Owner Contact: Ms. Wilcher has been in contact with the Inspection Department and also CNS. CNS paid for the demolition permit for the garage and Ms. Wilcher's son was to do the actual demolition. The permit was pulled 11/17/03 and expired 12/17/03. Ms. Wilcher was granted an extension on the permit until 1/31/04. There has been no contact since December when she requested an extension.

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

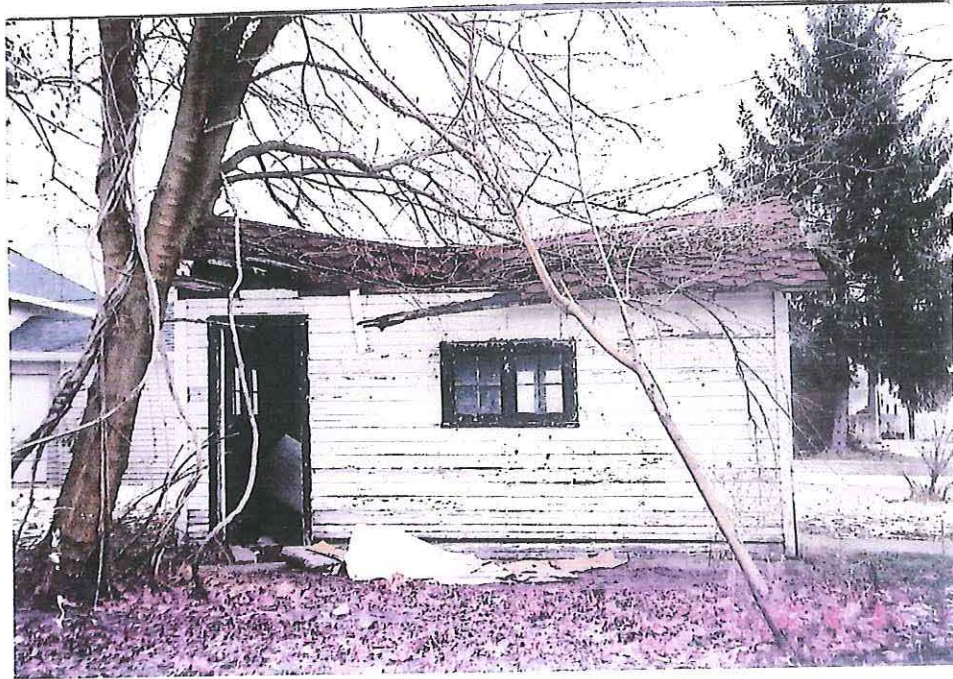
Budget Action Required: None

SEV: \$14,500 (house and garage)

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

Estimated Cost of Repairs: \$8,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, February 24, 2004.



267 merrill -Garage

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

267 Merrill
(GARAGE)

2/24/03

Inspection noted:

1. Garage roof is collapsed.
2. Siding is rotting.
3. Door damaged - replace.

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 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

DATE: February 16, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030171-Address: 346 Mason.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **346 Mason – Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: #EN030171 – 346 Mason.

Location and ownership: This structure is located on Mason between Sixth and Seventh Streets and is owned by James Foster.

Staff Correspondence: This case began from a referral from the housing inspector because of life safety issues. The house had been illegally converted to 2 units (without permits) and the owner was given 72 hours to have electrical repairs completed. On 6/18/03 the Director of Inspections notified James Foster that due to the life safety issues the tenants were being removed from this rental house. On 11/20/03 an exterior dangerous building inspection was conducted. A notice and order to remove or repair was issued 12/3/03. On 1/8/04 the case was heard before the HBA and Mr. Foster was present. The structure was declared on that date. Due to conversations with the attorney for the mortgage company this office has verified with equalization the ownership, based on a quit claim deed, of this property.

Owner Contact: James Foster was present at the 1/8/04 HBA meeting and stated he wanted to save the house. He said he was buying the house back from Jason Hancock. He was told on that date that he would need to prove ownership, schedule an interior inspection, submit a timetable for repairs and pull necessary permits.

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

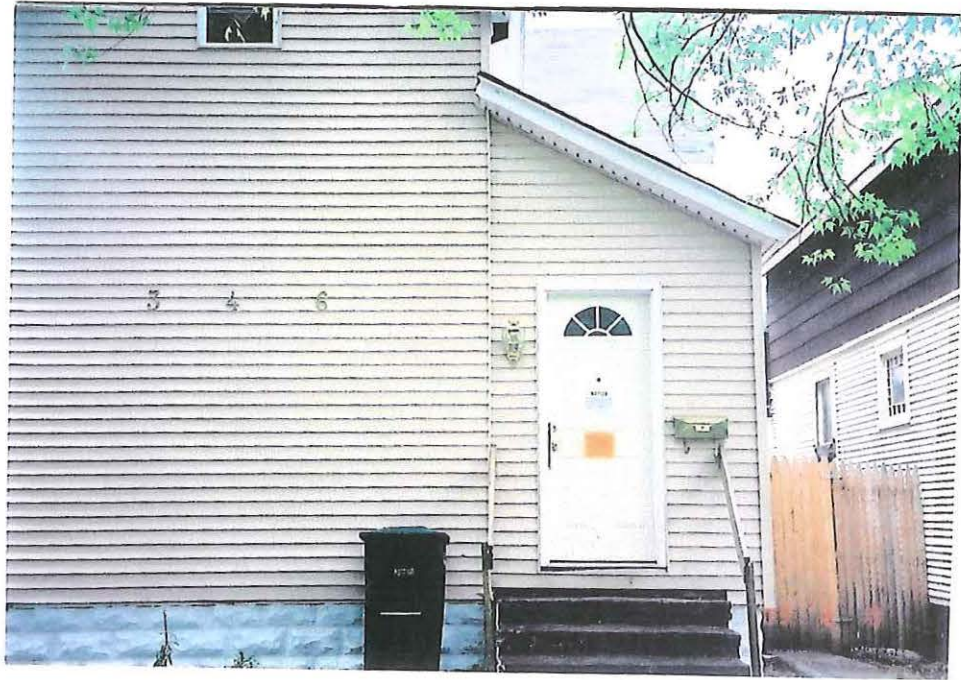
Budget Action Required: None

SEV: \$18,700

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

Estimated Cost of Repairs: \$35,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, February 24, 2004.



346 Mason

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

346 Mason

11/20/03

Inspection noted:

1. Improper and unsafe wiring.
2. Improper mechanical work.
3. Improper, unsafe, and unsanitary plumbing noted.
4. Fire Marshal posted as unsafe.
5. Improper guardrail on entry steps.
6. No handrail on interior stairs.
7. Floor joists cut out.
8. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
9. All work requires construction permits. These permits must be obtained prior to work beginning.

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

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

346 Mason
2/16/04
(INTERIOR INSPECTION)

Inspection noted:

1. Entire plumbing to be replaced.
2. Water heater to be replaced.
3. Gas piping to be replaced.
4. Duct work needs to be cleaned and repaired.
5. Furnace needs to be serviced and certified safe.
6. Replace electrical to meet current Michigan Residential Code.
7. Structural damage to home as owner removed bearing wall and upper floor, structural joists; leaving a dangerous situation without bearing support.
8. Non-compliant stairways built in home – framing of floor openings incomplete. Structurally unstable. Headroom, rise-run, guards, handrails, width all non-compliant.
9. Cut floor joists in the basement must be replaced to code, cut joists and basement opening non-compliant.
10. Numerous framing violations, missing drywall, wall, ceiling and floor damage.
11. Smoke alarms required per code; hard wire-interconnected with battery back up.
12. Egress windows required per code.

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 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

June 18, 2003

James Foster
914 W. Grand
Muskegon, MI 49441

Re: 346 Mason

Dear Mr. Foster:

After our conversation this morning it was apparent that you will be unable to meet the seventy-two (72) hour deadline for making the electrical repairs. Based on that knowledge, and coupled with the fact that the electrical system is an imminent life safety hazard, this office has taken the steps necessary to remove the tenants from this life threatening situation.

These steps included notification of Children's Protective Services and the termination of all utilities. The structure is also posted for no occupancy at this time. These postings must remain on the unsafe structure until all repairs are completed, inspected and approved.

I have attached a copy of the violations noted by the electrical inspector. Other items not on the list include, but are not limited to, illegal conversion to a two unit apartment building, illegal and improper plumbing, illegal and improperly installed vent less heaters, improper and dangerous stairwell height to the second story unit. Lack of egress windows, and it appears all work was completed without permits or inspections.

You will receive correspondence in the near future beginning the process of declaring the property located at 346 Mason as substandard, a public nuisance, and a dangerous building.

If you have any questions, please contact me at 231-724-6715.

Sincerely,

Robert B. Grabinski
Director of Inspections

Cc: Rob Swiatek, Childrens Protective Services
Major Metcalf, Fire Marshal
Ken Murar, Electrical Inspector w/o attachment

CITY OF MUSKEGON INSPECTION REPORT

June 20, 2003

AT 2:39 p.m.

FOR MASON 346

PAGE 1

No	Cat	Violation
1	B	BACK ENTRY Trim is broken, missing or incomplete.
2	B	BACK ENTRY Wall or walls has a hole or holes or large cracks in it.
3	A	BASEMENT Handrail is missing.
4		BASEMENT Joist is severed. Install a full length sister joist.
5	A	BASEMENT New waste lines are improperly installed without permits.
6	B	BASEMENT - FURNACE Please have your mechanical contractor fill out the enclosed furnace inspection form. You must return this prior to your next inspection.
7	A	BASEMENT - FURNACE Furnace needs an inspection by a mechanical contractor and must be certified safe.
8	B	BASEMENT - FURNACE Furnace hot/cold air ducts are not connected properly.
9		BASEMENT - FURNACE AREA Has an improperly installed line off the dirt leg of the furnace.
10		BASEMENT - FURNACE AREA Furnace needs to be properly grounded.
11	A	BASEMENT - GENERAL Must have hard wired smoke detector
12	A	BASEMENT - LAUNDRY AREA Has a gas line that is not capped.
13		BASEMENT - WATER HEATER Keep vent clear of all materials.
14		BASEMENT - WINDOWS New frames must be treated lumber.
15	B	BASEMENT - WINDOWS Has styrofoam that is exposed and must be removed or covered with a minimum 1/2" drywall and finished.
16	B	BATHROOM Light fixture is broken or loose.
17	A	BATHROOM Light and exhaust are improper for the area.
18	B	BATHROOM Wall covering is incomplete.
19	A	BOTH APTS New electrical throughout is improper, creating an imminent danger to the tenants (see electricians write up).
20	B	EXTERIOR - ABOVE FRONT PORCH Has eave boards that are rotted or missing.
21	B	EXTERIOR - EAST SIDE Has eave boards that are rotted or missing.
22		GARAGE. NOTE: Area was locked and no entry was gained. Must be accessible at next inspection.

CITY OF MUSKEGON INSPECTION REPORT

June 20, 2003

AT 2:39 p.m.

FOR MASON 346

PAGE 2

No	Cat	Violation
=====		
23	A	GENERAL Windows have been reduced in size. Do not meet egress requirements.
24	A	GENERAL Need hard wired smoke detectors.
25		GENERAL NOTICE: The number of units in the building have illegally increased. Approval from the Zoning Administrator must be obtained before a certificate is issued.
26	A	KITCHEN Has an illegal unvented gas heater.
27	B	KITCHEN Wall covering is incomplete.
28	B	KITCHEN - SINK WASTE Doesn't have a trap.
29	A	KITCHEN - STAIRWAY Handrail is missing.
30	A	KITCHEN - STAIRWAY Is improperly installed - Not enough head room.
31	B	KITCHEN - STAIRWAY Light is not controlled by a 3-way switch.
32	B	LAUNDRY ROOM Guardrail is not 30" high, When rebuilding, it must be 36" high with balusters no further apart than 4".
33	B	LOWER APT Wall covering is incomplete.
34	B	LOWER APT - BATHROOM LAVATORY Doesn't have a trap.
35		LOWER APT - FRONT BEDROOM Need hard wired smoke detectors.
36	B	LOWER APT - FRONT ENTRY Wall or walls has a hole or holes or large cracks in it.
37	B	LOWER APT - FRONT ENTRY Trim is broken, missing or incomplete.
38	A	LOWER APT - FRONT ENTRY Window has broken or cracked glass.
39	B	LOWER APT - KITCHEN Faucet is broken or incomplete.
40	B	LOWER APT - KITCHEN - WASTE Doesn't have a trap.
41		LOWER APT - LIVING ROOM Has an illegal unvented gas heater.
42		LOWER APT - LIVING ROOM Tape and mud drywall in the closet for fire protection.
43		LOWER APT - SIDE BEDROOM

Not large enough for a sleeping area (must be 7x10 ft)

44 LOWER APT - SIDE BEDROOM

Need hard wired smoke detector.

45 UPPER APT - REAR DOOR

Needs 36 inch clear entry.

END OF LIST

→

AGREEMENT

THIS AGREEMENT, made this June 8, 2004 by and between:
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);
(partnership consisting of _____); (an individual trading as _____
_____); hereinafter called the "Contractor," and the City of
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **346 Mason** as well as required
supplemental work for the completion of this project, all in strict accordance with
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$4298.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
limited to, the following:

Invitation for Bids
Instructions to Bidders
Bid Proposal
Agreement
General Specifications for Project Performance
Equal Opportunity and Employment Specifications
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
other documents are as fully a part of the Contract as if attached hereto or
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
any provision of any other component part, the Contractor shall contact the City
immediately in writing for a determination, interpretation, and/or classification of
conflicting parts and priority of same. Said determination from the City shall be in
writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
be executed on the day and year first written above.

ATTEST:

CONTRACTOR:

BY: TAMMY SAGER OWNER
Printed name and title

ATTEST:

Irene Dempsey

CITY OF MUSKEGON

BY:

[Signature]
Mayor

Gail A. Kundergen
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Sager, certify that I am the pres

of the Corporation named as contractor herein;

That TAMMY SAGER, who signed this Agreement on behalf of the
Contractor, was then Owner of said Corporation;

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body, and is within the scope of its corporate powers.

Signed:

[Signature]

(CORPORATE SEAL)

Alan Sager pres.
Printed Name and Title

DATE: February 16, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030178-Address: 828 W. Southern.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **828 W. Southern – Area 12** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: #EN-030178-Address: 828 W. Southern.

Location and ownership: This structure is located on Southern between Division and Henry. It is owned by John Joseph, last know address of Grand Haven, Michigan.

Staff Correspondence: A dangerous building interior inspection was conducted 11/8/03 and notice and order to repair or remove was issued 12/1/03. On 1/8/04 the HBA declared the structure substandard and dangerous.

Owner Contact: There has been no contact from John Joseph. Julia Summerville's daughter was present at the 1/8/04 HBA meeting and stated her mother thought she was buying the house from Mr. Joseph. She was advised to seek legal advice.

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

Budget Action Required: None

SEV: \$22,100

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

Estimated Cost of Repairs: \$23,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, February 24, 2004.



828 W. Southern,

12/29/2003

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

828 W. Southern

11/8/03

Inspection noted:

1. Sewage in basement.
2. Furnace is inoperable.
3. Plumbing is in state of disrepair.
4. House is not fit for human habitation due to sanitation and dangerous mechanical conditions.
5. Porch soffit needs to be repaired to meet MRC 2000 code.
6. Broken out windows need to be repaired/replaced.
7. Repair front steps to meet MRC 2000 code.
8. Replace all wall and ceiling that is damaged.
9. Strip drywall and replace.
10. Add egress windows.
11. Basement must be thoroughly cleaned out to inspect – filled with sewage.
12. Strip and reroof house.
13. All stairs, handrails, guardrails must meet MRC 2000 code.
14. Repair/replace siding that is damaged.
15. Paint exterior wood – scrape and paint.
16. Replace back steps to meet MRC 2000 code.
17. All electrical must meet MRC 2000 code.
18. All construction work requires permits. Permits must be pulled before work begins.

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

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

Henry Faltinowski, Building Inspector

DATE

AGREEMENT

THIS AGREEMENT, made this July 13, 2004 by and between:
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);
(partnership consisting of _____); (an individual trading as _____
_____); hereinafter called the "Contractor," and the City of
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **828 W. Southern** as well as
required supplemental work for the completion of this project, all in strict
accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$3945**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
limited to, the following:

Invitation for Bids
Instructions to Bidders
Bid Proposal
Agreement
General Specifications for Project Performance
Equal Opportunity and Employment Specifications
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
other documents are as fully a part of the Contract as if attached hereto or
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
any provision of any other component part, the Contractor shall contact the City
immediately in writing for a determination, interpretation, and/or classification of
conflicting parts and priority of same. Said determination from the City shall be in
writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
be executed on the day and year first written above.

ATTEST:

CONTRACTOR:

BY: Tammy Jager - owner
Printed name and title

ATTEST:

Linda Potter

CITY OF MUSKEGON

BY: [Signature]
Mayor

Gail A. Kundergei
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tammy Jager, certify that I am the owner

of the Corporation named as contractor herein;

That Alan Jager, who signed this Agreement on behalf of the

Contractor, was then pres of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

Tammy Jager - Pres's Ue

(CORPORATE SEAL)

Tammy Jager - owner
Printed Name and Title

DATE: February 16, 2004

TO: Honorable Mayor and City Commissioners

FROM: Robert B. Grabinski, Director of Inspections

Re: Concurrence with the Housing Board of Appeals Notice & Order to Demolish. Dangerous building case #EN-030090-Address: 1719 Wood - Garage.

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at **1719 Wood - Garage** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days.

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

Case # & Project Address: #EN030090 – 1719 Wood St. – Garage only.

Location and ownership: This structure is located on Wood between E. Dale and E. Larch and is owned and occupied by Andrew Patricio.

Staff Correspondence: This garage was written as dangerous on 5/29/03 and the notice and order to repair or remove was issued 6/12/03. The case was scheduled to go before the HBA on 9/4/03, but was removed from the agenda when a permit to demolish the garage was applied for by the owner. The garage was not demolished and on 11/6/03 the HBA declared the garage.

Owner Contact: On 6/16/03 the owner came into the Inspection office and scheduled an inspection on the foundation of the garage. The owner stated he works out of town and would check back later. He mailed in a demolition permit in July and stated he will come in and pay for it later when he is in town. On 9/2/03 Mr. Patricio reapplied for a demolition permit. The permit is expired and the garage has not been demolished.

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

Budget Action Required: None

SEV: \$14,900 (house and garage)

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

Estimated Cost of Repairs: \$1,000

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, February 24, 2004.

[Click here for instructions.](#)

[Printer Friendly Version](#)

11/00 - STREET VIEW



1719 WOOD

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1719 Wood - Garage

5/29/03

Inspection noted:

1. Roof severely damaged.
2. Exterior unprotected and heavily damaged.
3. Footing/foundation inspection required.
4. Windows boarded.
5. All work requires construction permits. These permits must be obtained prior to work beginning.

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

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

AGREEMENT

THIS AGREEMENT, made this June 8, 2004 by and between:
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);
(partnership consisting of _____); (an individual trading as _____);
hereinafter called the "Contractor," and the City of
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the demolition and clearance of **1719 Wood-Garage** as well as required supplemental work for the completion of this project, all in strict accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance of this Contract and the completion of the work covered therein an amount not to exceed **\$715.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be limited to, the following:

Invitation for Bids
Instructions to Bidders
Bid Proposal
Agreement
General Specifications for Project Performance
Equal Opportunity and Employment Specifications
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said other documents are as fully a part of the Contract as if attached hereto or repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with any provision of any other component part, the Contractor shall contact the City immediately in writing for a determination, interpretation, and/or classification of conflicting parts and priority of same. Said determination from the City shall be in writing and shall become an Addendum to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed on the day and year first written above.

ATTEST:

CONTRACTOR:

BY: Tammy Sager owner
Printed name and title

ATTEST:

Jene Sempsey

CITY OF MUSKEGON

BY: [Signature]
Mayor

Dail G. Kundergei
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Sager, certify that I am the presd

of the Corporation named as contractor herein;

That TAMMY Sager, who signed this Agreement on behalf of the
Contractor, was then OWNER of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body, and is within the scope of its corporate powers.

Signed:

Alan Sager

(CORPORATE SEAL)

Alan Sager presd
Printed Name and Title