

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 12, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Resolution for Charitable Gaming License. CITY CLERK
 - c. Fireworks Display – Shrine Circus. CITY CLERK
 - d. Precinct/Ward Changes. CITY CLERK
 - e. Community Relations Committee Appointment. CITY CLERK
 - f. 2002 Dumpster Bids. LEISURE SERVICES
 - g. Fertilizer Bids. LEISURE SERVICES
 - h. Parks Equipment Bids. LEISURE SERVICES
 - i. Lakeshore Trail Phase 1 Grant Application. LEISURE SERVICES
 - j. Purchase of 478 W Hackley Ave – Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT
 - k. Sale of Buildable Vacant Lot on Wesley Ave PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
 - l. Lot Trade with Habitat for Humanity – Park Street and Grand Ave PLANNING & ECONOMIC DEVELOPMENT
 - m. Pension Ordinance Clarification FINANCE
 - n. Utility Poles Relocation as Part of Shoreline Drive East ENGINEERING
 - o. City – MDOT Agreement for Southbound Exit Ramp at US-31 & Sherman ENGINEERING
- ❑ **PUBLIC HEARINGS:**

- a. Create Special Assessment District – Sidewalk Replacement Program for 2002 ENGINEERING
- b. Create Special Assessment District for Austin Street, Barney to Delano, ENGINEERING
- c. Create a Special Assessment District for Laketon Ave, Peck to Park. ENGINEERING
- d. 2002-2003 CDBG/HOME Funding. COMMUNITY & NEIGHBORHOOD SERVICES

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

- a. Create Special Assessment District for Black Creek Road, Sherman to Latimer. ENGINEERING
- b. Consideration of Bids Black Creek Road, from Shermon to Latimer ENGINEERING

❑ **NEW BUSINESS:**

- a. Grant Application for Consumer's Energy Property Purchase. LEISURE SERVICES
- b. Sheldon Park Grant Application UPARR. LEISURE
- c. Write-off of Uncollectible Accounts Receivable, CITY TREASURER
- d. Acquisition of Property for Seaway Industrial Park through Eminent Domain – 2009 Park Street. PLANNING & ECONOMIC DEVELOPMENT
- e. Sterling Development Group - PILOT. PLANNING & ECONOMIC DEVELOPMENT
- f. Construction of Four Houses in Lakeside. LEGISLATIVE POLICY COMMITTEE

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION: Labor Negotiations**

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

❑ **ADJOURNMENT:**

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

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

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, January 22, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 12, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933, Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, February 12, 2002.

Mayor Warmington opened the meeting and Vice-Mayor Buie offered the prayer, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Stephen Warmington, Vice-Mayor Karen Buie, Commssioners Clara Shepherd, Lawrence Spataro, Stephen Gawron, William Larson, Robert Schweifler; City Manager Bryon Mazade; City Attorney John Schrier and Deputy City Clerk Linda Potter.

2002-14 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, January 22, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

b. Resolution for Charitable Gaming License. CITY CLERK

SUMMARY OF REQUEST: The Urban League of Greater Muskegon is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. This was approved by you last year under the name Muskegon Connection Golf Club and is being presented to you again due to the name change.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

c. Fireworks Display - Shrine Circus. CITY CLERK

SUMMARY OF REQUEST: Jordan Productions, Inc. is requesting approval of a fireworks display for March 1 and 2, 2002, at the L.C. Walker Arena. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the

fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

d. Precinct/Ward Changes. CITY CLERK

SUMMARY OF REQUEST: The County redistricted and went to 11 County Commission Districts. The City of Muskegon has been left with at least four split precincts that would be represented by more than one county commissioner. It is requested approval to redraw our precinct lines to coincide with the county lines.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the redrawing of precinct lines.

e. Community Relations Committee Appointment. CITY CLERK

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding the following appointment: Louise Herman-Muhammed to CBG Citizens District Council.

BUDGET ACTION REQUIRED: None.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: Approval of the request.

f. 2002 Dumpster Bids. LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to Sunset Waste to provide dumpsters throughout the parks system in 2002.

FINANCIAL IMPACT: \$8,496.60

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve

g. Fertilizer Bids. LEISURE SERVICES

SUMMARY OF REQUEST: To purchase fertilizer for 275 acres of parks and cemetery properties.

FINANCIAL IMPACT: \$28,680.08.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve

h. Parks Equipment Bids. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to purchase a TORO Groundsmaster mower, a recycler deck for a mower, and a TORO Workman for the Parks Department.

FINANCIAL IMPACT:

TORO Groundsmaster 345	\$13,632
TORO 72" recycler deck	\$ 3,982

TORO Workman 3230	\$12,239
Less trade-in (\$5,200)	\$24,743 Total

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve

i. Lakeshore Trail Phase I Grant Application. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to submit a grant application for the construction of Phase I of the Lakeshore Trail to the DNR Trust Fund and to adopt the resolution.

FINANCIAL IMPACT: \$1,600,000, of which \$500,000 would come from the DNR

BUDGET ACTION REQUIRED:

None, money in the golf course fund and through TEA 21.

STAFF RECOMMENDATION: Approve

j. Purchase of 478 W. Hackley Ave. – Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To purchase property located at 478 Hackley Avenue pursuant to the City of Muskegon's goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by N & N Associates, 420 Carmen Drive, Spring Lake, Michigan on January 25, 2002. The purchase price is \$50,822.

FINANCIAL IMPACT: State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To grant approval of the resolution consenting to the purchase of 478 W. Hackley Avenue for the development of the Seaway Industrial Park.

k. Sale of Buildable Vacant Lot on Wesley Avenue. PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot on Wesley Avenue (designated as parcel number 24-611-000-0255-01) described as URBAN RENEWAL PLAT NO. 2, LOT 225 TO Jeff Glass, of 1276 Brusse Avenue, Muskegon, MI. The lot is 72 x 131.85 ft. and is being offered to Mr. Glass for \$7,000. He plans to use the land for the construction of a 1,360 sq. ft. single-family home. The home will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The appraised value of the lot is \$7,000 and the Mr. Glass submitted the only bid of \$7,000.

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

BUDGET ACTION REQUIRED: None.

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

l. Lot Trade with Habitat for Humanity –Park Street and Grand Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the trade of a buildable vacant lot at 1472 Park Street to Habitat for Humanity in return for the unbuildable vacant lot owned by Habitat for Humanity at 404 W. Grand Avenue. This property was donated to Habitat and originally contained a small house, which needed to be demolished. Habitat invested approximately \$6,000 in demolition and other costs only to discover that the lot was not buildable. Several solutions were discussed with the Planning Department staff before the lot trade was arrived at as the best possible solution to the problem. As a result of the lot trade, Habitat for Humanity will be able to construct a home on the lot at 1472 Park Street. The City will offer the unbuildable lot to the adjacent property owner for expansion of their yard, since their present lot is 50 x 112.6 ft. and unbuildable by City policy.

FINANCIAL IMPACT: The Trade of these two lot will allow the City-owned property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

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

o. City – MDOT Agreement for Southbound Exit Ramp at US-31 & Sherman.
ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the resurfacing & widening of the southbound exit ramp at US-31 and Sherman Blvd., and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: While this is an MDOT project, we are required to participate since the project falls within the City's limits. The City's share is estimated at \$2,900 but not more than 11.25% of eligible cost. The total cost of the project is \$127,500.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street Fund as was budgeted.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

Motion by Commissioner Schweifler, second by Vice-Mayor Buie to approve the Consent Agenda except for items m and n.

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

Nays: None.

MOTION PASSED

2002-15 ITEMS REMOVED FROM THE CONSENT AGENDA:

m. Pension Ordinance Clarification. FINANCE

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

had not left employment with the Police or Fire Departments.

FINANCIAL IMPACT: None.

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

STAFF RECOMMENDATION: Approval

Motion by Commissioner Larson, second by Commissioner Shepherd to table and refer back to Pension Board.

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

Nays: None.

MOTION PASSED

n. Utility Poles Relocation as Part of Shoreline Drive East. ENGINEERING

SUMMARY OF REQUEST: It is respectfully requested that staff be authorized to issue a commitment letter on behalf of the City to reimburse Consumer's Energy an amount not to exceed \$60,000 as a compensation for time, material and labor necessary to relocate three transmission poles by their sub-station near Western & Pine. The relocation is necessary for the construction of Shoreline Dr. and the compensation is due to the fact that the poles in question are not within a public right of way and therefore a compensation is due.

FINANCIAL IMPACT: A not-to-exceed figure of \$60,000 for labor, material and administration necessary to relocate three poles near sub-station.

BUDGET ACTION REQUIRED: None at this time. The cost will be eligible for the build Michigan Grant to construct Shoreline Dr. East.

STAFF RECOMMENDATION: Authorize staff to issue a commitment letter.

Motion by Commissioner Schweifler, second by Commissioner Larson to authorize staff to issue a commitment letter, subject to approval by City Attorney.

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

Nays: None.

MOTION PASSED

2002-16 PUBLIC HEARINGS:

a. Create Special Assessment District - Sidewalk Replacement Program for 2002. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1st, 2002.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The public hearing opened at 5:47 to hear and consider any comments from the public. Public comments were made by Lewis Sorenson of 1370 Langeland St.

Motion by Commissioner Spataro, second by Commissioner Schweifler to close the public hearing at 5:48 p.m. and to create the special assessment district and appoint Commissioner Shepherd and Commissioner Schweifler to the Board of Assessors.

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

Nays: None.

MOTION PASSED

b. 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 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 5:55 p.m. to hear and consider any comments from the public. Comments in opposition were heard from Linda Robinson of 2208 Austin, Herbert Grissom of 2278 Austin, Mary McGuffey representing her father Falton Ware of 2108 Austin, and Robert Billings of 2263 Valley (property owner on Austin). Additional comments were heard from Helen Abbey of 760 Catherine.

Motion by Commissioner Schweifler, second by Commissioner Spataro to close the public hearing at 6:06 p.m. and to create the special assessment district and appoint two Commissioners to the Board of Assessors.

ROLL VOTE: Ayes: Schweifler, Spataro, Wamington, Gawron

Nays: Larson, Shepherd, Buie

MOTION FAILED (Unanimous vote required)

c. Create Special Assessment District for Laketon Avenue, Peck to Park.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Laketon Av., Peck to Park 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 6:24 p.m. to hear and consider any comments from the public. There were no comments heard from the public.

Motion by Commissioner Larson, second by Commissioner Gawron to close the public hearing at 6:25 p.m. and to create the special assessment district and assign two Commissioners to the Board of Assessors.

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

Nays: None.

MOTION PASSED

2002-17 UNFINISHED BUSINESS:

a. Create Special Assessment District for Black Creek Road, Sherman to Latimer. ENGINEERING

SUMMARY OF REQUEST: To approve the proposed special assessment of Black Creek Rd., Sherman to Latimer 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.

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the special assessment and assign two Commissioners to the Board of Assessors.

ROLL VOTE: Ayes: Shepherd, Spataro, Wamington, Buie, Gawron, Schweifler
Nays: Larson

MOTION FAILED (Unanimous vote required)

b. Consideration of Bids Black Creek Road, from Sherman to Latimer. ENGINEERING

Since the Special Assessment District for Black Creek Rd., Sherman to Latimer did not pass this was non-applicable.

2002-18 NEW BUSINESS

a. Grant Application for Consumer's Energy Property Purchase. LEISURE

SUMMARY OF REQUEST: To authorize staff to submit a grant application to the DNR Trust Fund for the purchase of the land from Consumers Energy for the future development of a sports complex.

FINANCIAL IMPACT: Approximately \$900,000

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve.

COMMITTEE RECOMMENDATION: Leisure Services Board Recommends approval.

Motion by Commissioner Shepherd, second by Vice-Mayor Buie to approve the staff to submit a grant application to the DNR Trust Fund for the purchase of the land from Consumers Energy for the future development of a sports complex.

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

Nays: None.

MOTION PASSED

b. Sheldon Park Grant Application to UPARR. LEISURE

SUMMARY OF REQUEST: To authorize staff to submit a grant application to the National Park Service for the rehabilitation of Sheldon Park, to update the Recovery Action Plan (RAP) of the City of Muskegon, and do adopt the resolution.

FINANCIAL IMPACT: \$271,429

BUDGET ACTION REQUIRED: Will need to put \$81,429 into the 2003 budget if the grant is awarded.

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: Leisure Services Board recommends approval.

Motion by Commissioner Shepherd, second by Commissioner Schweifler to approve the staff to submit a grant application to the National Park Service for the rehabilitation of Sheldon Park, to update the Recovery Action Plan (RAP) of the City of Muskegon, and to adopt the resolution.

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

Nays: None.

MOTION PASSED

c. Write-Off of Uncollectible Accounts Receivable. CITY TREASURER

SUMMARY OF REQUEST: Periodically it is necessary to purge from the City's general accounts receivable records items that are deemed uncollectible. In some cases these items have gone through the entire collection process without success. In many other cases, further collections efforts may be made by using an outside collection agency. However, at this time, it is requested that the City Commission authorize staff to write-off these receivables from the City's books.

FINANCIAL IMPACT: Reduce the City's accounts receivable by \$135,660.50. The impact would be a decrease in the fund balance/retained earnings of several City funds as follows:

101	General Fund	\$98,764.99
455	Micro Loan Fund	12,357.77
472	CDBG Fund	6,600.02
590 & 591	Sewer Fund & Water Fund	343.88

591	Water Fund	1,165.87
204	State Trunklines	<u>16,427.97</u>
	Total	<u>\$135,660.50</u>

BUDGET ACTION REQUIRED: For the Gebneral, Sewer, and Water Funds, there are sufficient funds for bad debt expense included in the 2001 budget, so no further action is required.

STAFF RECOMMENDATION: Approval of the 2001 write-offs effective for the fiscal year ended December 31, 2001 for the various funds.

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve the write-offs of non-collectable accounts receivable for the fiscal year ending December 31, 2001 for the various funds.

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

Nays: None.

MOTION PASSED

d. Acquisition of Property for Seaway Industrial Park through Eminent Domain – 2009 Park Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Since negotiations with the owner to purchase the property at 2009 Park Street have been unsuccessful, it is necessary to begin eminent domain proceedings in order to acquire the property.

FINANCIAL IMPACT: State of Michigan Urban Land Assembly funds will be used to purchase this property. Undetermined legal fees may also apply.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To grant approval of the resolution determining the necessity to acquire land for public purposes by eminent domain and to have the Mayor and Clerk sign the Declaration of Taking.

Motion by Commissioner Larson, second by Commissioner Gawron to grant approval of the resolution determining the necessity to acquire land for public purposes by eminent domain and to have the Mayor and Clerk sign the Declaration of Taking.

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

Nays: None.

MOTION PASSED

e. Sterling Development Group – PILOT. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: A contract providing for payments in lieu of taxes for Arbors at Jackson Hill (currently property owned by Don Balcom) has been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of the Sterling Group have met with City staff, as well as members of the Jackson Hill Neighborhood Association. The Association is supportive of their project. The City Commission is requested to approve the contract.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the contract and authorize the Mayor and Clerk to execute the contract on behalf of the City.

COMMITTEE RECOMMENDATION: The City Commission Working Session will be reviewing PILOTS at their meeting on 2/11/02 and may have some additional input on this particular project.

Motion by Commissioner Shepherd, second by Vice-Mayor Buie to approve the contract for payment in lieu of taxes for Arbors at Jackson Hill.

Motion amended by Commissioner Shepherd, second by Commissioner Spataro to table the approval of the contract until the next Regular City Commissioner meeting on February 26, 2002.

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

Nays: None.

MOTION PASSED

f. Construction of Four Houses in Lakeside. LEGISLATIVE POLICY COMMITTEE

SUMMARY OF REQUEST: To rescind previous action of the City Commission regarding this request and approve the construction of four homes on four lots with dimensions of 72 feet x 102 feet.

FINANCIAL IMPACT: Construction of four homes (instead of only two) will generate additional tax revenue for the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to build four homes on the site and authorize the Mayor and Clerk to sign necessary documents.

Motion amended by Commissioner Spataro, second by Commissioner Larson to rescind previous action of the City Commission regarding this request and to approve construction of four homes on four lots with dimensions of 72 feet x 102 feet.

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

Nays: None.

MOTION PASSED

2002-19 CLOSED SESSION: Labor Negotiations.

Motion by Commissioner Schweifler, second by Commissioner Larson to go into closed session at 7:58 p.m.

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

Nays: None.

MOTION PASSED

Motion by Commissioner Shepherd, second by Commissioner Schweifler to go back into open session at 8:09 p.m.

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

Nays: None.

MOTION PASSED

a. Contract Approval – SEIU Local 517M – Unit 2. ASSISTANT CITY MANAGER

Staff requested that this item be removed from the agenda.

2002-20 ANY OTHER BUSINESS:

Commissioner Schweifler stated that Ridge Street needs to be repaired.

Motion by Commissioner Schweifler, second by Commissioner Larson to petition for property owners to have Ridge Street done.

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

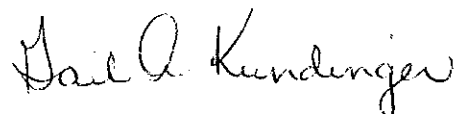
Nays: None

MOTION PASSED

Commissioner Shepherd commented on the condition of Sixth Street, between Houston and Monroe; and on Yuba Street. City Manager Bryon Mazade responded that he would have Engineering look at the streets.

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 8:13 p.m.

Respectfully submitted,



Gail Kunderinger, CMC/AE
City Clerk

Date: February 12, 2002
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Resolution for Charitable Gaming License

SUMMARY OF REQUEST: The Urban League of Greater Muskegon is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. This was approved by you last year under the name Muskegon Connection Golf Club and is being presented to you again due to the name change.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

MEMO

TO: City Commission

FROM: City Clerk, Gail Kunding

DATE: January 8, 2001

RE: Request to be recognized as Non-Profit Organization

Muskegon Connection Golf Club has non-profit status with the State of Michigan, but they also need a resolution from the local municipality recognizing them as a non-profit organization to obtain a gaming license to have bingo fundraisers. The profits from these events are going to the Urban League of Greater Muskegon.



MICHIGAN LOTTERY
CHARITABLE GAMING DIVISION
101 E. HILLSDALE, BOX 30023
LANSING, MICHIGAN 48909
(517) 335-5780
www.state.mi.us/mlottery

2001-10(a)

LOCAL GOVERNING BODY RESOLUTION FOR GAMING LICENSES ISSUED BY THE MICHIGAN LOTTERY

(Authorized by MCL 432.101 et seq)

At a Regular meeting of the City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Nielsen on January 23, 2001 at
DATE

5:30 ~~XXX~~ p.m. the following resolution was offered:
TIME

Moved by Vice Mayor Sieradzki and supported by Commissioner Schweifler

URBAN LEAGUE OF GREATER MUSKEGON
that the request from Muskegon Connection Golf Club of Muskegon
NAME OF ORGANIZATION CITY

county of Muskegon, asking that they be recognized as a nonprofit
COUNTY NAME

organization operating in the community for the purpose of obtaining a gaming license or

registration be considered for Approval
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: 6

Nays: 0

Absent: 1

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

State of Michigan) SS
County of Muskegon)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted
by the City Commission at a Regular meeting held on
Tuesday, January 23, 2001.

*** SEAL OR NOTARY***

SIGNED: Gail A. Kunderger

TOWNSHIP, CITY, OR VILLAGE CLERK
Gail A. Kunderger, City Clerk
933 Terrace, PO Box 536

PRINTED NAME AND TITLE
Muskegon, MI 49443-0536

ADDRESS

NOT VALID UNLESS MARKED WITH GOVERNING
BODY SEAL OR NOTARIZED

The Michigan Lottery will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, qualified disability or political belief in its activities or in its hiring or employment practices.

COMPLETION: Required.



MICHIGAN LOTTERY
CHARITABLE GAMING DIVISION
101 E. HILLSDALE, BOX 30023
LANSING, MICHIGAN 48909
(517) 335-5780
www.state.mi.us/mlottery

2002-014(b)

LOCAL GOVERNING BODY RESOLUTION
FOR GAMING LICENSES ISSUED BY THE MICHIGAN LOTTERY

(Authorized by MCL 432.101 et seq)

At a Regular meeting of the City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Warmington on February 12, 2002 at
DATE

5:30 ~~PM~~ p.m. the following resolution was offered:
TIME

Moved by Commissioner Schweifler and supported by Vice-Mayor Buie

that the request from Urban League of Greater Muskegon of Muskegon,
NAME OF ORGANIZATION CITY

county of Muskegon, asking that they be recognized as a nonprofit
COUNTY NAME

organization operating in the community for the purpose of obtaining a gaming license or

registration be considered for approval.
APPROVAL/DISAPPROVAL

APPROVAL

DISAPPROVAL

Yeas: 7

Yeas:

Nays: 0

Nays:

Absent: 0

Absent:

State of Michigan) SS
County of Muskegon)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted

by the City Commission at a Regular meeting held on

Tuesday, February 12, 2002.

*** SEAL OR NOTARY***

SIGNED:

Gail A. Kunderger
TOWNSHIP, CITY, OR VILLAGE CLERK

Gail A. Kunderger, City Clerk
933 Terrace, PO Box 536

PRINTED NAME AND TITLE

Muskegon, MI 49443-0536

ADDRESS

NOT VALID UNLESS MARKED WITH GOVERNING
BODY SEAL OR NOTARIZED

The Michigan Lottery will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, qualified disability or political belief in its activities or in its hiring or employment practices.

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R3/98)

Date: February 12, 2002
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 for March 1 and 2, 2002, at the L.C. Walker Arena. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

FM-32 (12-88) APPLICATION FOR FIREWORKS DISPLAY PERMIT Act 358, P.A. 1968				DATE OF APPLICATION 1/31/02
1. TYPE OF DISPLAY: ☒ Public Display ☐ Agricultural Pest Control				
2. APPLICANT				
NAME OF PERSON		ADDRESS		AGE: Must be 21 or over
Jody Jordan		4040 S. Pearl, Las Vegas, NV. 89121		34
IF A CORPORATION Name of President		ADDRESS		
Jordan Productions Inc.		Same		
3. PYROTECHNIC OPERATOR				
NAME		ADDRESS		AGE: Must be 21 or over
Jody Jordan				
EXPERIENCE:				
NUMBER OF YEARS	NUMBER OF DISPLAYS	WHERE		
3 yrs.	100-150 Shows	on tour w/ Shrine Circus.		
NAMES OF ASSISTANTS:				
NAME		ADDRESS		AGE
NAME		ADDRESS		AGE
4. NON-RESIDENT APPLICANT				
NAME		ADDRESS		
Jody Jordan		4040 S. Pearl, Las Vegas NV. 89121		
Name of Michigan Attorney or Resident Agent		ADDRESS		TELEPHONE NUMBER
Saladin Shrine Temple		4200 Saladin Dr. S.E. Grand Rapids		
5. EXACT LOCATION OF PROPOSED DISPLAY				
Walker Arena 955 4th St. Muskegon MI. 49440				
DATE: March 1-2, 2002 TIME: As scheduled				
6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED				
Indoor 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)		
		\$		
B. SONDING CORPORATION OF INSURANCE COMPANY: NAME		ADDRESS		
Brooks & Associates - Rich Brooks		1338 Park Ave. River Forest IL 60305		

ACORD CERTIFICATE OF INSURANCE

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

COMPANY
C

COMPANY
D

INSURED

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

COVERAGE

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY 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	D3000CP00003116	10-15-01	10-15-02	GENERAL AGGREGATE \$ 2,000,000
	☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG \$ 1,000,000
	☐ CLAIMS MADE ☒ OCCUR				PERSONAL & ADV INJURY \$ 1,000,000
	☐ OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$
					MED EXP (Any one person) \$
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$
	☐ ANY AUTO				BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE \$
	HIRER AUTOS				
	☐ NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN AUTO ONLY:
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	☐ UMBRELLA FORM				AGGREGATE \$
	☐ OTHER THAN UMBRELLA FORM				
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY				STATUTORY LIMITS
	☐ THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE:	☐ INCL			EACH ACCIDENT \$
		☐ EXCL			DISEASE - POLICY LIMIT \$
					DISEASE - EACH EMPLOYEE \$
	OTHER SHOW DATES: March 1-2, 2002	LOCATION: Muskegon, Mi.			

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

ADDITIONAL INSURED IN REGARD TO THE OPERATIONS OF THE NAMED INSURED:
See attached addendum

CERTIFICATE HOLDER

Arena Management Group, LLC
944 Fourth 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 THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Richard A. Brooks

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 TEMPLE, 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 1 - 2, 2002.

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

TO: Honorable Mayor and City Commission

FROM: Gail Kunding, City Clerk

DATE: January 17, 2002

RE: Precinct/Ward Changes

This past year the County redistricted and went to 11 County Commission Districts. The county district lines were drawn at that time. Those have now been approved by the State. The State of Michigan Elections Division has given us a short span of time to make our changes.

As a result of the county line changes, the City of Muskegon now has been left with at least four split precincts that would be represented by more than one county commissioner.

It is to our advantage to redraw our lines to coincide with the county lines. It will save us costs on additional ballots, and it will not confuse our voters on Election Day.

Since we are required to mail to all of our registered voters, we will be looking at changing our numbering of the precincts to 1 through 13 consecutively. We will also be reviewing the number of voters in each ward and precinct. We want to make sure that each ward commissioner represents an equal number of electors.

Attached are two maps. The color map shows how the new lines would look. The other map indicates where the old lines were and where the changes need to be made.

Any questions, please call me at 724-6721. Thanks

Pre-Redistricting**After Redistricting**

Ward I	Pct. 1	2,711	2,711	
	Pct. 3	1,861	1,861	
	Pct. 4	1,712	1,712	
			6,284	6,284
Ward II	Pct. 6	1,779	1,779	
	Pct. 9	1,746	2,299	
	Pct. 11	1,976	1,976	
			5,501	6,054
Ward III	Pct. 8	2,332	1,773	
	Pct. 12	846	841	
	Pct. 13	2,043	2,582	
			5,221	5,196
Ward IV	Pct. 14	1,963	1,963	
	Pct. 16	2,010	1,470	
	Pct. 17	1,380	1,380	
	Pct. 18	1,209	1,209	
			6,564	6,024

Change precinct numbers:

1,2,3,4,5,6,7,8,9,10,11,12,13

19(Phillips School)

30 Absentee Counting Board

AGENDA ITEM

**CITY COMMISSION MEETING
February 12, 2002**

TO: Honorable Mayor and City Commissioners
FROM: Gail Kunding, City Clerk
DATE: February 6, 2002
SUBJECT: Community Relations Committee Appointment

SUMMARY OF REQUEST: To concur with the recommendations from the Community Relations Committee regarding the following appointment:

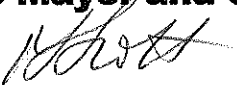
Louise Herman-Muhammed CBG Citizens District Council

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: Community Relations Committee recommended approval of the appointment.

Date: January 30, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: 2002 Dumpster Bids

SUMMARY OF REQUEST:

To award a contract to Sunset Waste to provide dumpsters throughout the parks system in 2002

FINANCIAL IMPACT:

\$8,496.60

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

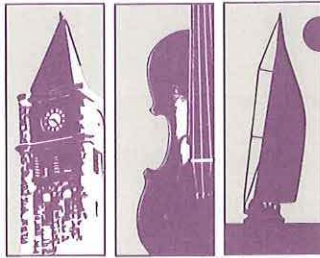
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: January 30, 2002

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: 2002 Dumpster Bids

The dumpster bid for 2001 was awarded to the low bidder Sunset Waste for \$8,092. The next low bid was for \$9,986.

While Sunset cannot hold their bid, they have offered a 5% increase to \$8,496.60. This is still considerably lower than the second low bid a year ago. I would cost us almost as much as the increase to advertise and spend the staff time to actually bid it out again this year.

Therefore, I am requesting that you award the contract for dumpsters to Sunset Waste for \$8,496.60.

Thank you for your consideration.

Date: February 1, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Fertilizer Bids

SUMMARY OF REQUEST:

To purchase fertilizer for 275 acres of parks and cemetery properties

FINANCIAL IMPACT:

\$28,680.08

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-5181

Cemetery

231/724-6783
FAX/726-5617

Civil Service

231/724-6716
FAX/724-4405

Clerk

231/724-6705
FAX/724-4178

**Comm. & Neigh.
Services**

231/724-6717
FAX/726-2501

Engineering

231/724-6707
FAX/727-6904

Finance

231/724-6713
FAX/724-6768

Fire Dept.

231/724-6792
FAX/724-6985

Income Tax

231/724-6770
FAX/724-6768

Info. Systems

231/724-6744
FAX/722-4301

Leisure Service

231/724-6704
FAX/724-1196

Manager's Office

231/724-6724
FAX/722-1214

Mayor's Office

231/724-6701
FAX/722-1214

Inspection Services

231/724-6715
FAX/726-2501

Planning/Zoning

231/724-6702
FAX/724-6790

Police Dept.

231/724-6750
FAX/722-5140

Public Works

231/724-4100
FAX/722-4188

Treasurer

231/724-6720
FAX/724-6768

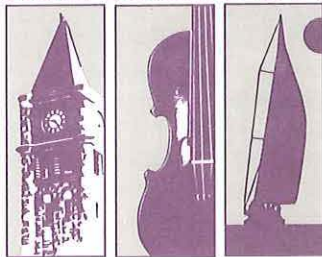
Water Billing Dept.

231/724-6718
FAX/724-6768

Water Filtration

231/724-4106
FAX/755-5290

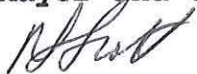
MUSKEGON



West Michigan's Shoreline City

Date: February 1, 2002

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Fertilizer Bids

On January 22nd, five bids were received for the city's advertising of fertilizer bids for approximately 275 acres of various parks and cemetery properties. Three of the bids did not meet the specifications for either the chemicals or fertilizer mix necessary to kill weeds and grow healthy grass.

The two bids that met the specifications were:

United Horticultural Supply \$28,680.08

Turfgrass Inc. \$30,284.10

Staff is recommending that you award the contract to the low bidder, United Horticultural Supply. This bid will allow us to put two applications on all the properties.

Thank you for your consideration.

Date: February 5, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Parks Equipment Bids

SUMMARY OF REQUEST:

To authorize staff to purchase a TORO Groundsmaster mower, a recycler deck for a mower, and a TORO Workman for the Parks Department

FINANCIAL IMPACT:

TORO Groundsmaster 345	\$13,632
TORO 72" recycler deck	\$3,982
TORO Workman 3230	\$12,329
Less trade-in (\$5,200)	\$24,743 Total

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Affirmative Action

231/724-6703

FAX/722-1214

Assessor

231/724-6708

FAX/726-5181

Cemetery

231/724-6783

FAX/726-5617

Civil Service

231/724-6716

FAX/724-4405

Clerk

231/724-6705

FAX/724-4178

Comm. & Neigh.
Services

231/724-6717

FAX/726-2501

Engineering

231/724-6707

FAX/727-6904

Finance

231/724-6713

FAX/724-6768

Fire Dept.

231/724-6792

FAX/724-6985

Income Tax

231/724-6770

FAX/724-6768

Info. Systems

231/724-6744

FAX/722-4301

Leisure Service

231/724-6704

FAX/724-1196

Manager's Office

231/724-6724

FAX/722-1214

Mayor's Office

231/724-6701

FAX/722-1214

Inspection Services

231/724-6715

FAX/726-2501

Planning/Zoning

231/724-6702

FAX/724-6790

Police Dept.

231/724-6750

FAX/722-5140

Public Works

231/724-4100

FAX/722-4188

Treasurer

231/724-6720

FAX/724-6768

Water Billing Dept.

231/724-6718

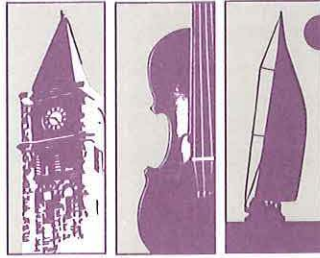
FAX/724-6768

Water Filtration

231/724-4106

FAX/755-5290

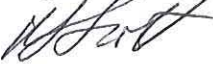
MUSKEGON



West Michigan's Shoreline City

Date: February 5, 2002

To: Honorable Mayor and City Commissioners

From: Ric Scott 

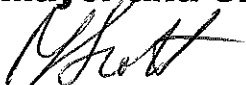
Re: Parks Equipment Bids

The Parks Department needs to replace an Old Jacobsen Truckster and a riding lawnmower. We have been purchasing these from a TORO dealer through the bidding process. This year Spartan Distributors has been placed on the state contract.

Consequently, I am requesting authorization to purchase a TORO GroundsMaster 345 riding lawnmower for a state price of \$13,632 to replace one that is over ten years old. We actually will be trading in two mowers that have over 2000 hours of use. We would also like to purchase a 72" recycler deck for \$3,982 to replace a side discharge deck, which we will trade-in. We also would like to purchase a TORO Workman 3230 for \$12,329 to replace a Jacobson that has been cannibalized for parts.

The total cost of the equipment is \$24,743 less the trade-ins. \$34,000 is budgeted for equipment within the Parks budget.

Thank you for your consideration.

Date: February 1, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Lakeshore Trail Phase I Grant Application

SUMMARY OF REQUEST:

To authorize staff to submit a grant application for the construction of Phase I of the Lakeshore Trail to the DNR Trust Fund and to adopt the attached resolution

FINANCIAL IMPACT:

\$1,600,000, of which \$500,000 would come from the DNR

BUDGET ACTION REQUIRED:

None, money in the golf course fund and through TEA 21

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board Recommends approval

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

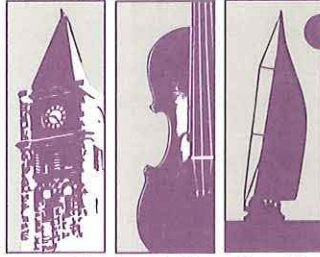
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

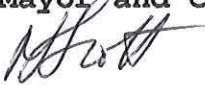
MUSKEGON



West Michigan's Shoreline City

Date: February 1, 2002

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Lakeshore Trail Phase I Grant Application

Phase I of the Lakeshore Trail is the last major section of the trail that has not received funding for development. This section runs from Heritage Landing to the Grand Trunk property. The City has applied for funding through TEA 21 to do the project. However, TEA 21 will not pay for engineering, fishing piers, lighting, and several other amenities that we would like to include in this trail.

Consequently, I am requesting that you authorize staff to submit a grant application to the Trust Fund of the DNR for the maximum amount of \$500,000 to provide matching fund for TEA 21. The remainder of the funds would come from the Golf Course Fund. I would also ask that you adopt the attached resolution.

The Leisure Services Board recommended approval of the submittal of the grant application.

Thank you for your consideration.

RESOLUTION NO. 2002-14(i)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR
THE CONSTRUCTION OF PHASE I OF THE LAKESHORE TRAIL UNDER THE
MNRTF.

WHEREAS, the City of Muskegon wishes to construct phase I of the Lakeshore
Trail; and

WHEREAS, grant applications are now being received by the Michigan
Department of Natural Resources for Michigan Natural Resources
Trust Fund (MNRTF) grants, which will provide up to 75% funding
for the project; and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon approve the submission of the grant application to the
MNRTF for \$500,000 for the construction of phase I of the
Lakeshore Trail; and

BE IT FURTHER RESOLVED, that the City's \$1,100,000 match will be provided,
and the City hereby commits itself to complete this project if the
grant application is approved.

Adopted this 12th day of February, 2002

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

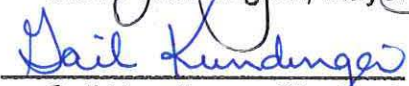
NAYS: None

ABSENT: None

BY


Steve Warmington, Mayor

ATTEST


Gail Kunderinger, City Clerk

2002-014(i)
CERTIFICATION

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

CITY OF MUSKEGON

By

Gail A. Kunding
Gail A. Kunding, City Clerk

Commission Meeting Date: February 12, 2002

Date: February 1, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CPC*
RE: Purchase of 478 W. Hackley Ave. - Seaway Industrial Park

SUMMARY OF REQUEST:

To purchase property located at 478 Hackley Avenue pursuant to the City of Muskegon goal of creating the Seaway Industrial Park. This request is pursuant to a purchase agreement signed by N & N Associates, 420 Carmen Drive, Spring Lake, Michigan on January 25, 2002. The purchase price is \$50,822.

FINANCIAL IMPACT:

State of Michigan Urban Land Assembly funds will be used to purchase this property.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To grant approval of the attached resolution consenting to the purchase of 478 W. Hackley Avenue for the development of the Seaway Industrial Park.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2002-14(j)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING ACQUISITION OF PROPERTY AT 478 W. HACKLEY AVENUE
FOR \$50,822**

WHEREAS, the City of Muskegon and N & N Associates, a Michigan Co-Partnership, have entered into a purchase agreement for property located at 2001 Park Street W. Hackley Avenue, Muskegon, MI; and

WHEREAS, the purchase of property located at 478 W. Hackley Avenue, Muskegon, Michigan, is consistent with the City's goal to create the Seaway Industrial Park; and

WHEREAS, the City of Muskegon intends to utilize State of Michigan Urban Land Assembly funds for the purchase of the subject property.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize purchase of property located at 478 W. Hackley Avenue, Muskegon, Michigan for the amount of \$50, 822.

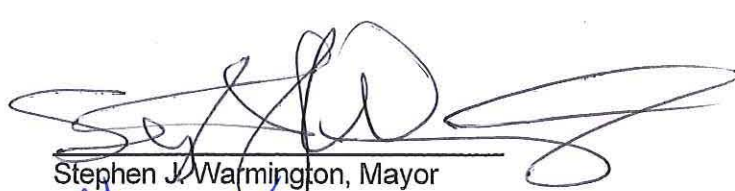
Adopted this 12th day of February 2002.

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

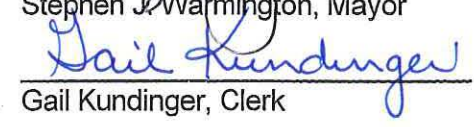
NAYS: None

ABSENT: None

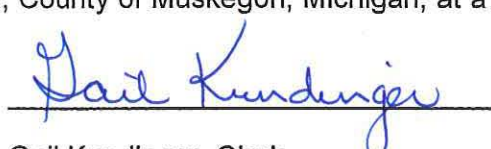
BY:


Stephen J. Warmington, Mayor

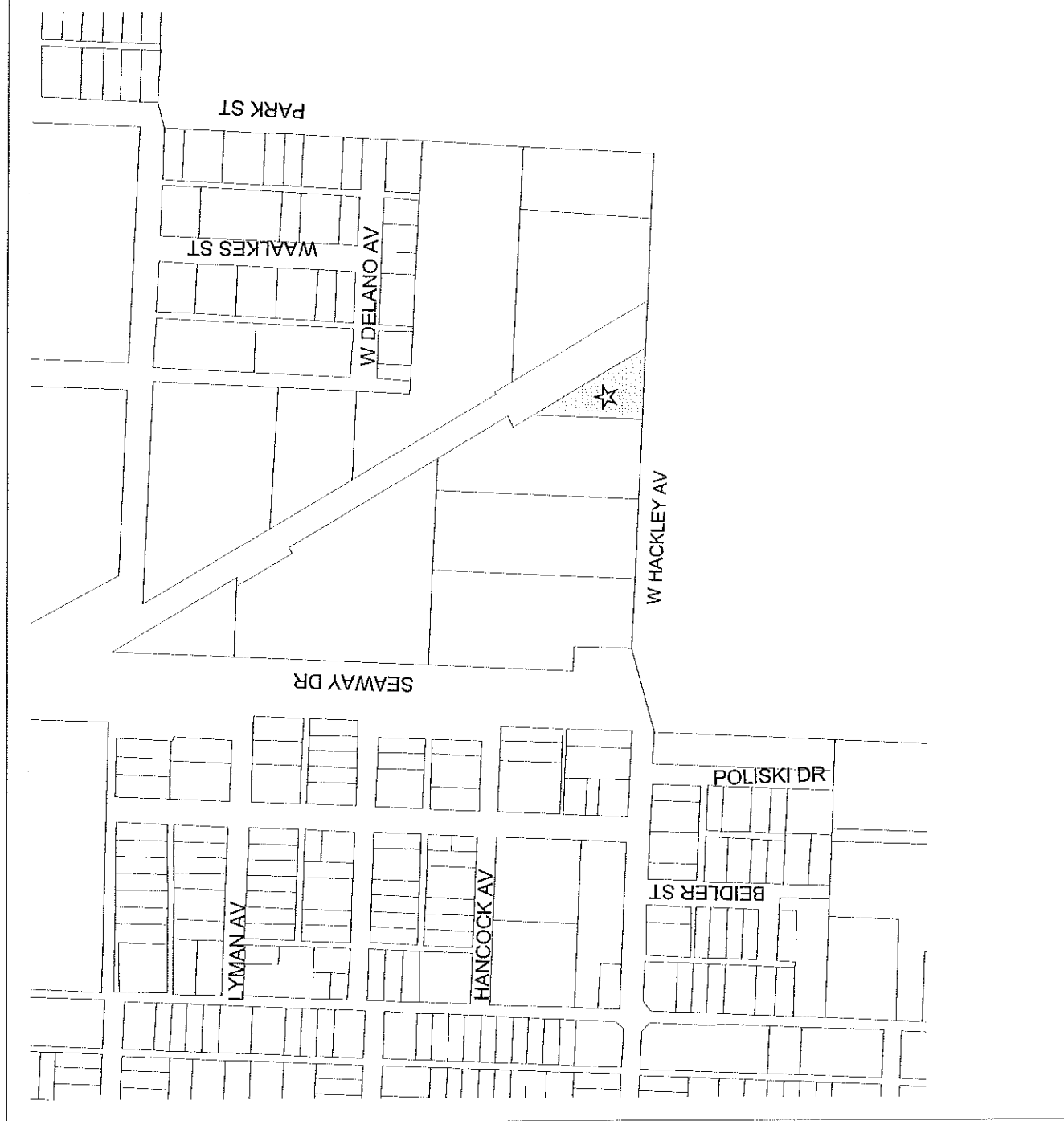
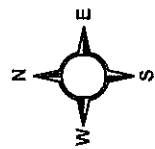
ATTEST:


Gail Kunding, Clerk

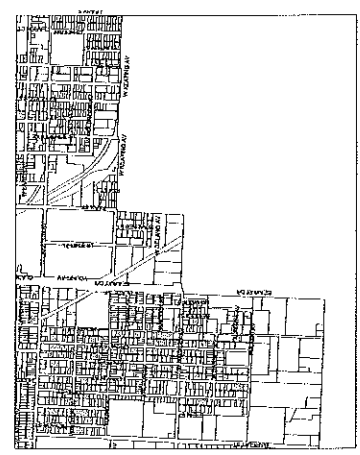
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on February 12, 2002.


Gail Kunding, Clerk

Property to be Purchased for Seaway Industrial Park
478 W. Hackley Avenue



☆ = Subject Property(ies)
to be purchased



REAL ESTATE PURCHASE AGREEMENT

2002-14(j)

THIS AGREEMENT is made January 25, 2002, by and between Roger Nielsen and Ernest R. Norwood of N & N ASSOCIATES, a Michigan Co-Partnership, of 420 Carmen Drive, Spring Lake, Michigan 49456 (collectively as "Seller"), and the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("Buyer").

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

The south 546 feet of that part of the Southeast ¼ of the Northwest ¼ of Section 31, Town 10 North, Range 16 West, that lies West of the Chesapeake & Ohio Railroad right of way; except the West 631.07 feet thereof; and except the South 16.5 feet thereof.

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 Fifty Thousand (\$50,822) Dollars, payable in cash or city check to Seller at Closing.

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

4. Title Insurance. Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, the 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 the 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 the Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which the Seller wishes to remove shall be removed on or before 30 days after Closing. The parties are aware that the Buyer intends to demolish the house. Any personal

property which is left on the Premises shall be the property of Buyer who may dispose of same.

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

7. Environmental Matters. Seller represents and warrants to Buyer as follows:

In 2001, the property was re-zoned to I-1 Light Industrial but has been used as only residential since 1978, during the Sellers' ownership. To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

Seller has not disposed of any hazardous or toxic substances on or in the Premises and, to the best of Seller's knowledge, the Premises and the groundwater beneath the Premises is free from environmental contamination of any kind.

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

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing.

8. Condition of Premises and Examination by Buyer. NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT, HOWEVER, TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT; ALSO SUBJECT TO THE WARRANTY OF SELLER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES BY SELLERS DURING THEIR OWNERSHIP. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON.

9. Real Estate Commission. Seller shall be solely responsible for any real estate commission or expenses of a broker or real estate consultant retained, employed, or utilized by Seller. Seller agrees to indemnify and hold the Buyer harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for such real estate commission or expenses arising from this transaction.

10. Closing. The closing date of this sale shall be on or before February 22, 2002 ("Closing") or extended by mutual consent until all paper work is prepared and ready for closing. The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. The parties shall execute an IRS Closing Report at the Closing.

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

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

13. Date of Possession. Possession of Premises is to be delivered to Buyer by Seller no later than 30 days from the date of closing. All rents and utilities shall be received by and paid by the Seller until date of possession.

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

15. General Provisions.

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

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

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

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

e. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision

of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

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

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

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

WITNESSES:

Barbara A. Shullenger

Margaret M. Platt
Margaret M. Platt

BUYER: CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

By Linda Potter
Linda Potter, Deputy Clerk

SELLER:

[Signature]
Roger Nielsen, N & N Associates
(ID# 38-2663404)

[Signature]
Ernest R. Norwood, N & N Associates
(ID# 38-2663404)

Calvin C. Cramer

Commission Meeting Date: February 12, 2002

Date: January 28, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CB*
RE: Sale of Buildable Vacant Lot on Wesley Avenue

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot on Wesley Avenue (designated as parcel number 24-611-000-0255-01) described as URBAN RENEWAL PLAT NO. 2, LOT 225 to Jeff Glass, of 1276 Brusse Avenue, Muskegon, MI. The lot is 72 x 131.85 ft. and is being offered to Mr. Glass for \$7,000. He plans to use the land for the construction of a 1,360 sq. ft. single-family home. The home will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The appraised value of the lot is \$7,000 and the Mr. Glass submitted the only bid of \$7,000.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Resolution No. 2002-14(k)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT ON WESLEY AVENUE
IN MARQUETTE NEIGHBORHOOD FOR \$7,000.

WHEREAS, Jeff Glass has placed a \$400 deposit for the parcel designated as parcel numbers 24-611-000-0255-01, located on Wesley Avenue;

WHEREAS, Jeff Glass has submitted the only bid of \$7,000 for the parcel designated as parcel numbers 24-611-000-0255-01, located on Wesley Avenue;

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-611-000-0255-01, located on Wesley Avenue be sold to the above-mentioned buyer.

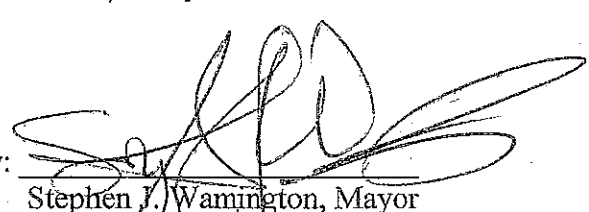
URBAN RENEWAL PLAT NO. 2 LOT ²255;

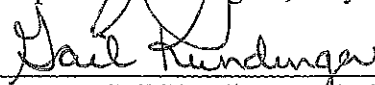
Adopted this 12th day of February, 2002

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

Nays: None

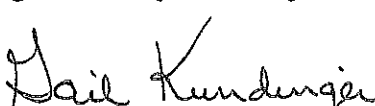
Absent None

By: 
Stephen J. Warmington, Mayor

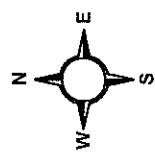
Attest: 
Gail Kunding, Clerk

CERTIFICATION

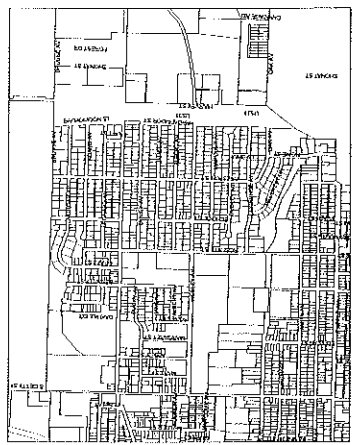
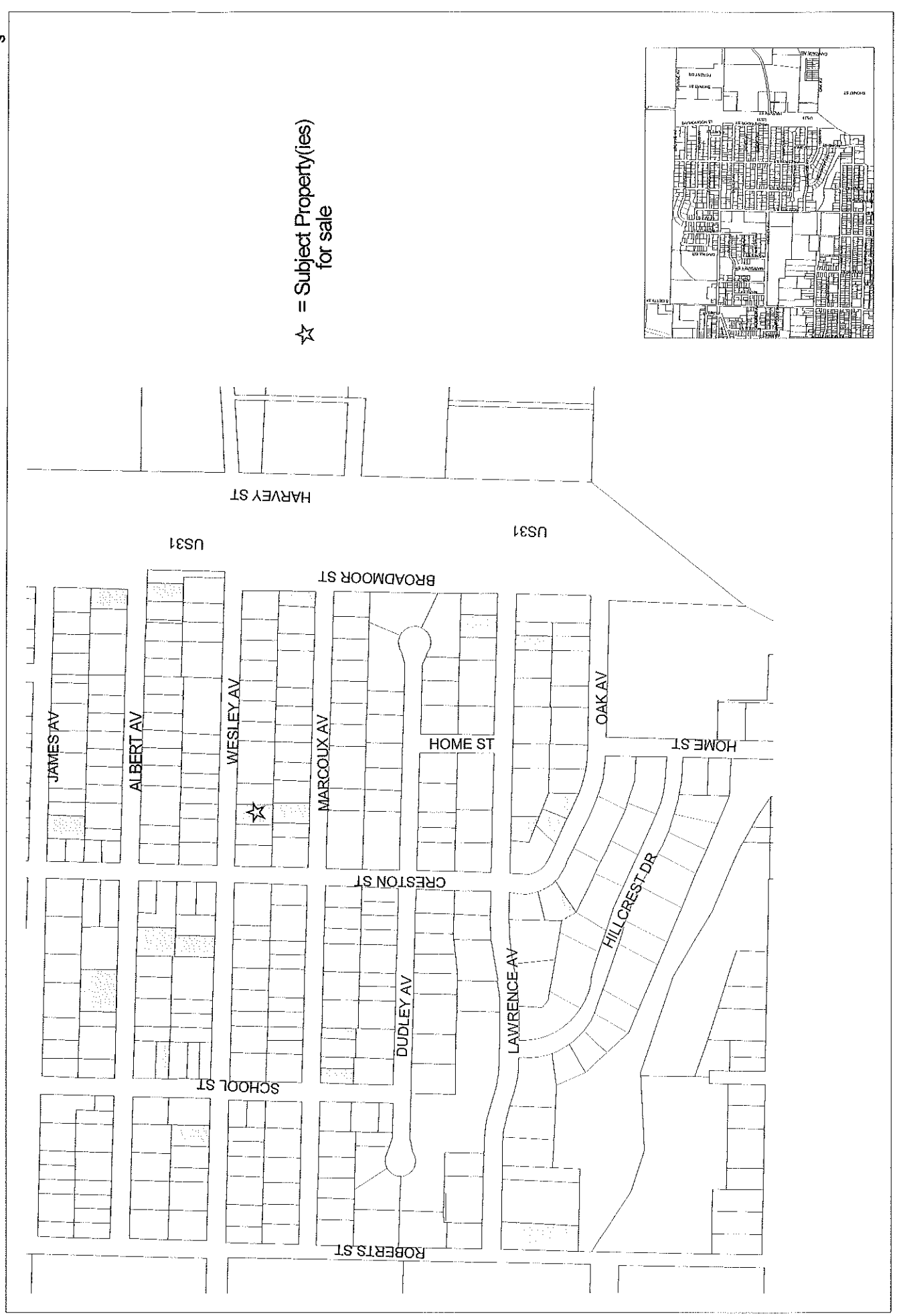
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on February 12, 2002.

By: 
Gail Kunding, Clerk

City-Owned Lot for Sale
Wesley Avenue



☆ = Subject Property(ies)
for sale



REAL ESTATE PURCHASE AGREEMENT

2002-14(k)

THIS AGREEMENT is made _____, 2002, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **JEFF GLASS**, of 1276 Brusse Avenue, 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:

Urban Renewal Plat No. 2, Lot 225.

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 Seven Thousand Dollars (\$7,000).

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 construct on the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and

driveway. The home shall be substantially completed within eighteen (18) months and, in the event said substantial completion has not occurred, or the restriction of this paragraph relating to tree removal is violated, in the sole judgment of the City, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. Buyer further covenants that the home shall be owner occupied for five (5) years after the closing. The covenants in this paragraph shall survive the closing and run with the land.

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

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

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 _____, 2002 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Margaret M. Platt
Margaret M. Platt
Linda Potter
Linda Potter

Lou Aguil

SELLER: CITY OF MUSKEGON

Stephen J. Warrington
Stephen J. Warrington, Mayor
Gail A. Kunding
Gail A. Kunding, Clerk

BUYER:

Jeff Glass
Jeff Glass
Social Security No. 384-76-9361

QUIT-CLAIM DEED

2002-14(k)

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

QUIT CLAIMS to JEFF GLASS, a married man, of 1276 Brusse Avenue, Muskegon, MI 49442,

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

Urban Renewal Plat No. 2, Lot 225;

for the sum of Seven Thousand Dollars(\$7,000).

PROVIDED, HOWEVER, Grantee, or his assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or his assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or his assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 18th day of February, 2002.

Signed in the presence of:

Margaret M. Platt
Margaret M. Platt

Linda Potter
Linda Potter

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of February, 2002, STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

Linda S. Potter
Linda S. Potter

Notary Public, Muskegon County, Michigan

My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

Commission Meeting Date: February 12, 2002

Date: February 6, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Lot Trade with Habitat for Humanity - Park
Street and Grand Avenue**

SUMMARY OF REQUEST:

To approve the trade of a buildable vacant lot at 1472 Park Street to Habitat for Humanity in return for the unbuildable vacant lot owned by Habitat for Humanity at 404 W. Grand Avenue. This property was donated to Habitat and originally contained a small house, which needed to be demolished. Habitat invested approximately \$6,000 in demolition and other costs only to discover that the lot was not buildable. Several solutions were discussed with the Planning Department staff before the lot trade was arrived at as the best possible solution to the problem. As a result of the lot trade, Habitat for Humanity will be able to construct a home on the lot at 1472 Park Street. The City will offer the unbuildable lot to the adjacent property owner for expansion of their yard, since their present lot is 50 x 112.6 ft. and unbuildable by City policy.

FINANCIAL IMPACT:

The trade of these two lot will allow the the City-owned 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:

The Land Reutilization Committee (LRC) recommends approval of the trade of 1472 To Habitat for Humanity for 404 W. Grand Avenue.

CITY OF MUSKEGON

RESOLUTION #2002- 14(1)

RESOLUTION APPROVING THE TRADE OF A VACANT CITY-OWNED BUILDABLE LOT TO HABITAT FOR HUMANITY

WHEREAS, the City of Muskegon has received a request from Habitat for Humanity, 1330 Fifth Street, Muskegon MI, to trade their unbuildable lot at 404 W. Grand Avenue for the buildable vacant, City-owned lot located at 1472 Park Street (parcel #24-205-407-0006-00);

WHEREAS, the lot located at 404 W. Grand Avenue is not considered buildable under the City's Zoning Ordinance, and there are no other opportunities for Habitat to utilize the property for home construction;

WHEREAS, the City-owned lot at 1472 Park Street is a buildable lot under the City's Zoning Ordinance and would allow the construction of a single-family home;

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

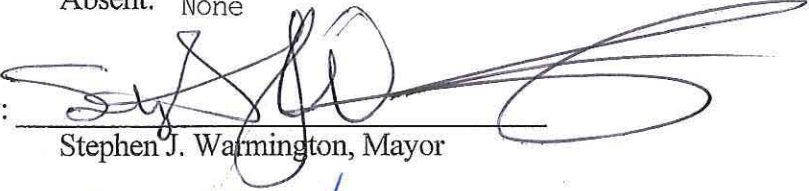
NOW, THEREFORE BE IT RESOLVED, that CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 6 BLK 407 be traded to Habitat for Humanity for THE EAST 53 FEET OF LOT 7, BLOCK 407, REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON.

Resolution adopted this 12th day of February, 2002.

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

Nays: None

Absent: None

By: 

Stephen J. Warmington, Mayor

Attest: 

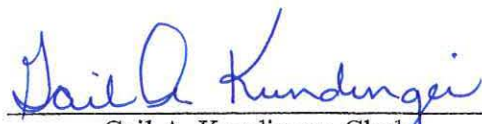
Gail A. Kunderger, Clerk

CERTIFICATION

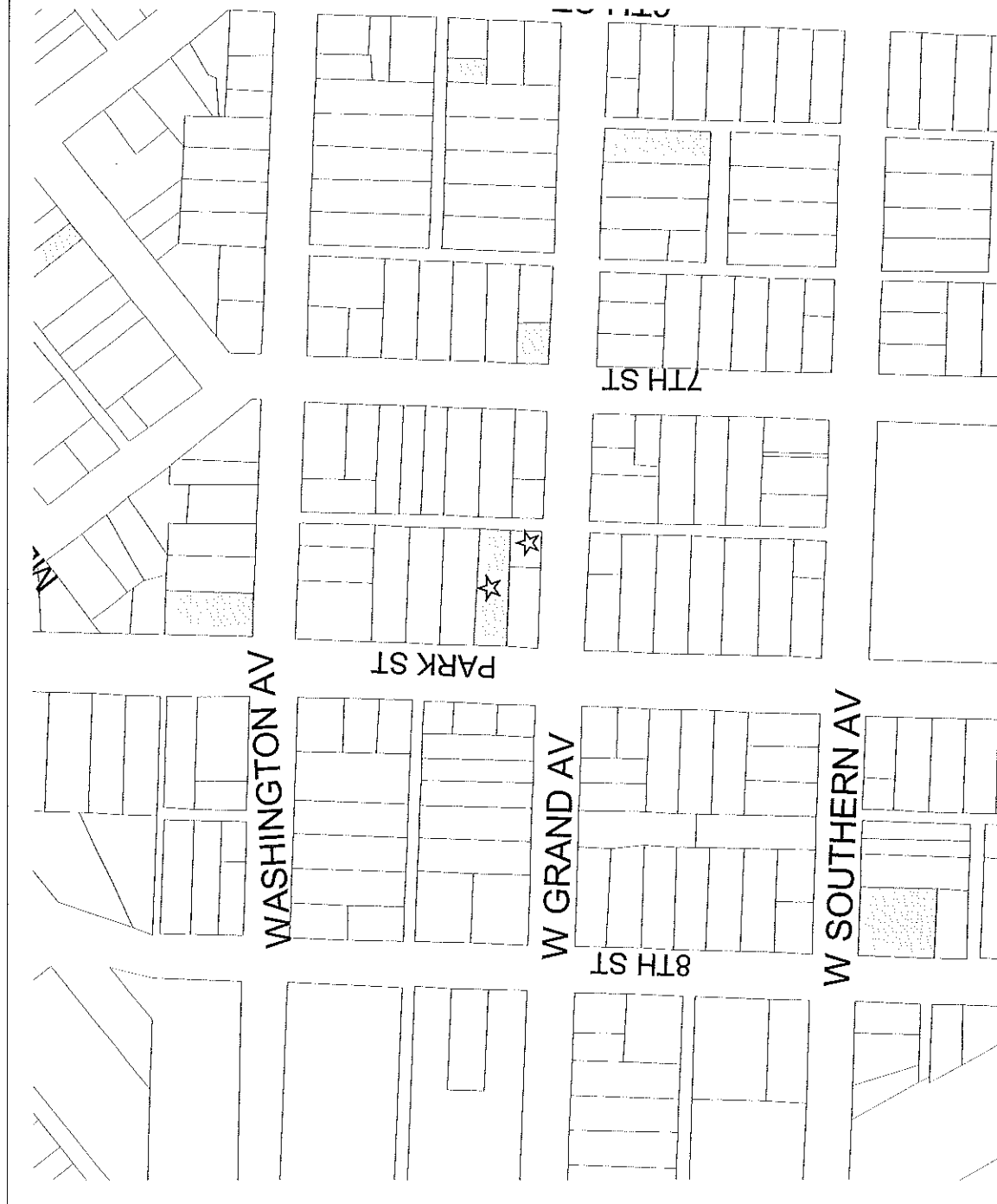
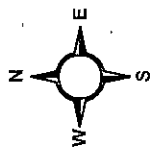
This resolution was adopted at a regular meeting of the City Commission, held on February 12, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, Clerk

City-Owned Property on Park Street and Habitat for Humanity on Park Street



☆ = Subject Property(ies)
to be swapped



QUIT-CLAIM DEED
2002-14(1)

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

QUIT CLAIMS TO: MUSKEGON COUNTY HABITAT FOR HUMANITY, a not for profit Michigan corporation, of 1708 Clinton, Muskegon, MI 49442,

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

Lot 6 of Block 407 of the Revised Plat of 1903 of the City of Muskegon;

for the sum of less than One Hundred Dollars (\$100).

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

Dated this 18th day of February, 2002.

Signed in the presence of:

Margaret M. Platt
Margaret M. Platt

Linda Potter
Linda Potter

CITY OF MUSKEGON

Stephen J. Warmington
Stephen J. Warmington, Its Mayor

Gail A. Kunderer
Gail A. Kunderer, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of February, 2002, by Stephen J. Warmington and Gail A. Kunderer, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

Drafted by: William J. Meier
Parmenter, O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786

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

WHEN RECORDED RETURN TO:
Grantee

SEND SUBSEQUENT TAX BILLS TO:
Grantee

Date: February 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: City – MDOT Agreement for:
Southbound Exit Ramp @ US-31 & Sherman

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the Resurfacing & widening of the southbound exit ramp at US-31 and Sherman Blvd. and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

While this is an MDOT project, we are required to participate since the project falls within the City's limits. The City's share is estimated at \$2,900 but not more than 11.25% of eligible cost. The total cost of the project is \$127,500.

BUDGET ACTION REQUIRED:

None at this time. The City's share of the cost will come out of the Major Street Fund as was budgeted.

STAFF RECOMMENDATION:

That the attached agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

RESOLUTION 2002-14(o)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE RESURFACING & WIDENING WORK OF THE SOUTHBOUND EXIT RAMP @ US-31 & SHERMAN TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Commissioner Schweifler and supported by

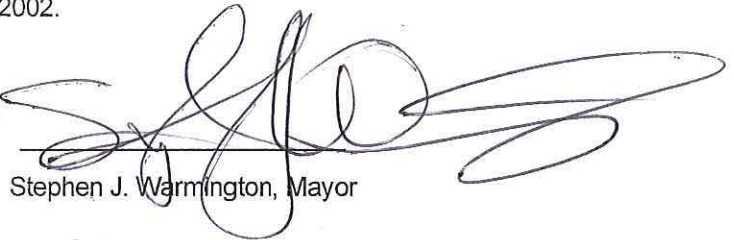
Commissioner Buie that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **01-5355** between the Michigan Department of Transportation and the City of Muskegon for the resurfacing & widening of the southbound exit ramp at US-31 and Sherman Blvd. within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **01-5355** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 12th day of February, 2002.

BY



Stephen J. Warmington, Mayor

ATTEST



Gail A. Kunderger, City Clerk

CERTIFICATION

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

CITY OF MUSKEGON

By



Gail A. Kunderger, Clerk

FEDERAL AID PROGRESS PAYMENT

DAB

Control Section CM 61072
Job Number 52607
Federal Item RR 3024
Federal Project CM 0261(320)
Contract 01-5355

THIS CONTRACT is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to

WITNESSETH:

WHEREAS, the parties hereto anticipate that payments by them and contributions by agencies of the Federal Government or other sources will be sufficient to pay the cost of construction or reconstruction of that which is hereinafter referred to as the "PROJECT" and which is located and described as follows:

Bituminous resurfacing and widening work of the southbound exit ramp at Highway US-31 and Sherman Avenue together with necessary related work; located within the corporate limits of the City; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: \$127,500

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The CITY hereby consents to the designation of the PROJECT as a state trunkline highway. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of preliminary engineering, plans and specifications; acquisition costs of the property for rights of way, including interest on awards, attorney fees and court costs; physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and engineering, legal,

appraisal, financing, and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans therefor, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY shall make available to the PROJECT, at no cost, all lands required; therefore, now owned by it or under its control for purpose of completing said PROJECT. The CITY shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the CITY. That portion of the PROJECT which lies within the right of way under the control or ownership by the CITY shall become part of the CITY facility upon completion and acceptance of the PROJECT and shall be maintained by the CITY in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of CITY right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PROJECT COST shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

DEPARTMENT -	88.75%
CITY -	11.25%

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

TOTAL ESTIMATED COST	FED AID	BALANCE AFTER FEDERAL AID	DEPT'S SHARE	CITY'S SHARE
\$127,500	\$102,000	\$25,500	\$22,600	\$2,900

Participation, if any, by the CITY in the acquisition of trunkline right-of-way shall be in accordance with 1951 P.A. 51 Subsection 1d, MCL 247.651d. An amount equivalent to the federal highway funds for acquisition of right-of-way, as would have been available if application had been made therefore and approved by the Federal government, shall be deducted from the total PROJECT COST prior to determining the CITY'S share. Such deduction will be established from the

applicable Federal-Aid matching ratio current at the time of acquisition.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _____", or "Final Billing". Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

7. In order to fulfill the obligations assumed by the CITY under the provisions of this contract, the CITY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the CITY will be based upon the CITY'S share of the actual costs incurred less Federal Aid earned as the work on the PROJECT progresses.

8. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its required payments as specified herein.

9. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such moneys thereafter allocated by law to the CITY from the Michigan transportation Fund sufficient moneys to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

10. The DEPARTMENT shall secure from the Federal Government approval of plans, specifications, and such cost estimates as may be required for the completion of the PROJECT; and shall take all necessary steps to qualify for Federal Aid such costs of acquisition of rights of way, construction, and reconstruction, including cost of surveys, design, construction engineering, and inspection for the PROJECT as deemed appropriate. The DEPARTMENT may elect not to apply for Federal Aid for portions of the PROJECT COST.

11. This contract is not intended to increase or decrease either party's liability, or immunity from, tort claims.

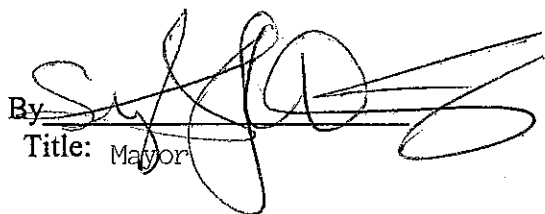
12. All of the PROJECT work shall be done by the DEPARTMENT.

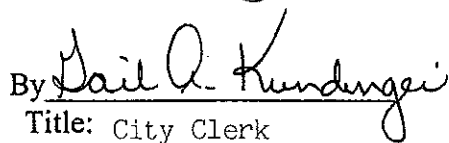
13. In connection with the performance of the PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

14. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract; and with approval by the State Administrative Board.

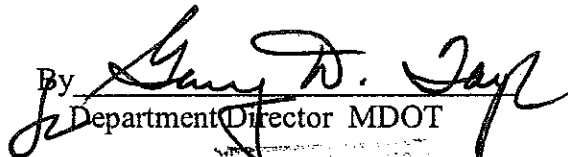
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

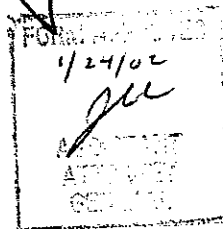
CITY OF MUSKEGON

By 
Title: Mayor

By 
Title: City Clerk

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By 
Department Director MDOT



APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Tabled

Date: February 12, 2002

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Pension Ordinance Clarification

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

FINANCIAL IMPACT: None.

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

STAFF RECOMMENDATION: Approval.

PARMENTER O'TOOLE

Attorneys at Law

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

January 28, 2002

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

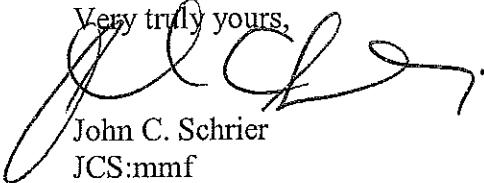
Re: Police/Fire Retirement System

Dear Mr. Paul:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. Schrier", is written over the typed name.

John C. Schrier
JCS:mmf

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

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

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

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

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

Section 10 shall be amended to read as follows:

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

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

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

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

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

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

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

This ordinance adopted:

Ayes: _____

Nays: _____

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

CITY OF MUSKEGON

By: _____
Gail A. Kunding
City Clerk

CERTIFICATE

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

DATED: _____, 2002

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

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

Date: February 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Utility Poles Relocation as part of Shoreline Dr. East

SUMMARY OF REQUEST:

It is respectfully requested that staff be authorized to issue a commitment letter on behalf of the City to reimburse C.E. an amount not to exceed \$60,000 as a compensation for time, material and labor necessary to relocate three transmission poles by their sub-station near Western & Pine. The relocation is necessary for the construction of Shoreline Dr. and the compensation is due to the fact that the poles in question are not within a public right of way and therefore a compensation is due.

FINANCIAL IMPACT:

A not -to-exceed figure of \$60,000 for labor, material and administration necessary to relocate three poles near sub-station.

BUDGET ACTION REQUIRED:

None at this time. The cost will be eligible for the build Michigan Grant to construct Shoreline Dr. East.

STAFF RECOMMENDATION:

Authorize staff to issue a commitment letter.

COMMITTEE RECOMMENDATION:



A CMS Energy Company

1945 West Parnall Road
Jackson, MI 49201-8643

January 14, 2002

Mohammed S Al-Shatel
City of Muskegon Engineer
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

SHORELINE DRIVE PROJECT

The estimated cost to relocate three transmission poles outside of our Terrace Sub at Highway Station 1+690 is \$60,000. This cost does not include the pole in vacated Water St Highway Station 1+340.

If any distribution poles need to be relocated for this highway project, contact our Muskegon District office.

We would appreciate a commitment from the City of Muskegon by February 15, 2002 to reimburse Consumers Energy for relocating these poles, as we have to relocate a section of this line for Westwood Construction by the spring.

Kenneth D King
Transmission Lines Design

517 782 1977

RECEIVED
CITY OF MUSKEGON

JAN 15 2002

ENGINEERING DEPT.

TO: Honorable Mayor and City commissioners
FROM: Engineering
DATE: February 12, 2002
RE: Public Hearing
Create Special Assessment District on:
2002 Sidewalk Program (E-5)

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1st 2002.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-16(a)

Resolution At First Hearing Creating Special Assessment District
For **The 2002 Sidewalk Replacement Program (E5)**

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

RECITALS:

A hearing has been held on **February 12, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.

2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 12, 2002**, there were 0.23% objections by the owners of the properties 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 properties to be assessed and the value of the benefit to be received by each properties 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 properties.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the properties set forth in Exhibit A attached to this resolution.

2. The City Commission determines to proceed with the improvements as set forth in the engineer's survey, inspection, recommendation and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Shepherd and Schweifler and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon actual work preformed.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 100% of the cost of the 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, Commissioners Gawron, Larson, Schweifler, Shepherd, Spataro,
Warmington, Buie

Nays, None

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

ACKNOWLEDGMENT

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

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

EXHIBIT A

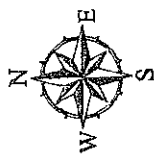
SIDEWALK REPLACEMENT PROGRAM FOR 2002

SPECIAL ASSESSMENT DISTRICT

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by **June 1, 2002**.

All parcels within area E-5 which is bounded by Ryerson Creek to the north, Evanston to south, Getty St. to the west and Easterly City limits to the east in a addition to 995 Evanston, 1381, 1391 & 1405 Madison

[illegible]

Department of Health
 City of Madison
 February 2008

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

H-1535 Sidewalk Replacement Program for 2002

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

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

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

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
Linda S. Potter

MY COMMISSION EXPIRES 9-25-02

February 1, 2002

PARCEL OWNER
XXXX STREETAVE
CITY, STATE ZIPCODE

1

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Re: Parcel No: **24-XXX-XXX-XXXX-XX @ XXXX PARCEL ADDRESS**

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 project:

Sidewalk Replacement Program for 2002

The proposed special assessment district will be located as follows:

AREA E5; bounded by Ryerson Creek South, Evanston Ave North and Getty Street East to the City Limits, including 995 Evanston, 1381, 1391, & 1405 Madison.

The above improvement will be paid entirely by special assessment. The 2002 cost has been set at \$5.20 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE CITY OF MUSKEGON COMMISSION CHAMBERS ON February 12, 2002 AT 5:30 P.M. You are entitled to appear at this hearing, either in person, by an agent, or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made to the City Clerk at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. (517-334-6521).

If you have questions about the permit requirements, the specific sections that need to be replaced, or if, the paint wears off or fades out, contact the Engineering Department at (231) 724-6707.

For property owners who may have difficulty affording the sidewalk assessment, there are three options:

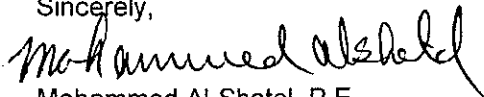
- (1) you can request to have your assessment payments spread over a ten-year period at a low interest rate of 5.00% per year, unless the City has borrowed money to complete the project for which you are assessed and has pledged your assessments for repayment of the borrowed money; in such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.
- (2) if you are a low-income senior citizen you can leave the assessment as a lien against your property until the property is sold (contact the City Assessor's office for details), or
- (3) if you are a low income homeowner of the property requiring sidewalk replacement, you may be eligible for sidewalk replacement funding. An application for this assistance is enclosed. If you believe you are eligible for assistance, your application must be submitted to the City's Department of Community and Neighborhood Services, no later than **April 1, 2002**. If your application is approved, you need to do nothing else; the City will make the repairs, and the assessment for the replacement cost will be paid for by grant funding to the extent that funds are available.

To help with your decision on how to proceed with these sidewalk repairs, we have enclosed the following information:

1. Standards for the identification of defective sidewalks and procedures for appeal
2. An explanation of the special assessment process and what costs will be included in your sidewalk assessment
3. An application for free sidewalk repairs, for eligible homeowners.

We suggest that you review the enclosed information carefully. Thank you for your cooperation in improving the City of Muskegon.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

**CITY OF MUSKEGON – STEELE & SHELDON PARK
SIDEWALK ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

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

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. DEADLINE FRIDAY, FEBRUARY 15TH, 2002

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.

**CITY OF MUSKEGON
SIDEWALK REPLACEMENT PROGRAM
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

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

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2001, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$26,650
2	30,420
3	34,255
4	38,025
5	41,080
6	44,135
7	47,125
8	50,180
For each extra, add	3,055

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

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

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

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

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

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**.

The City's comprehensive sidewalk replacement program set minimum standards to help reduce potential accidents due to broken or uneven walkways. To establish sections of sidewalk that need to be replaced, the following criteria were followed:

1. Rise or drop of more than $\frac{3}{4}$ "
2. Broken or cracked in many pieces throughout.
3. Holes more than $\frac{3}{4}$ " deep.
4. Badly spalled.
5. Open cracks more than $\frac{1}{2}$ " wide
6. Broken sections with loose pieces of concrete
7. Crumbling due to age, weather, and/or improper material used in the original construction, or for other reasons.
8. Side slope of more than 8% (1 for every 12")

ADDITIONAL CONDITIONS:

When one section doesn't need to be replaced, but the sections on each side do, all three sections must be replaced. When only a small area (one square foot or less) of a section is missing or broken, it will not need to be replaced provided that there is still 42" of good continuous sidewalk and there is no rise or drop,

Those sections that do not fall within the above criteria but are hazardous will be required to be replaced.

SIDEWALK SIZE:

Sidewalks are to be 5' wide with the exception of sidewalks that go around trees, in which case the minimum continuous width must be 42".

SIDEWALKS IN THE TERRACE:

Sidewalks that are located in the terrace between the city sidewalk and the curb will be inspected with the same criteria as the City sidewalks and may either be removed or replaced at the owners choice.

DRIVE APPROACHES:

If a drive approach is hazardous with deep holes or raised areas, or other hazards, it will be required to be replaced. If no approach is provided, but cars are crossing the terrace, an approach will be required, provided a legal driveway is permitted by the Zoning Ordinance.

STREET CORNERS AND ALLEYS:

The City will be responsible for the cost of all replacement of sidewalks at the street corners and where alleys cross the sidewalks. If the sidewalk is to be replaced at corners, it will be made handicapped accessible.

Requesting additional sections to be replaced:

Owners of property will be allowed to request that additional sections of sidewalk that are cracked or broken, but not hazardous, or if the owner wishes to have their total sidewalk replaced. This does not include property owners receiving CDBG funding to pay for their special assessment, the owners will be restricted to the required sections only.

APPEAL PROCESS:

If you feel the sidewalk does not meet the above criteria, you may appeal to the City Engineer @ (231) 724-6707. If you are still not satisfied after your appeal, you may request a hearing with the Sidewalk Review Board.

If you have any questions about the specific sections that need to be replaced, please contact the Engineering Department @ (231) 724-6707.

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
SPECIAL ASSESSMENT DISTRICT

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

2002 SIDEWALK PROGRAM

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by June 1, 2002.

- **All parcels within area E-5 which is bounded by Ryerson Creek to the north, Evanston to south, Getty St. to the west and Easterly City limits to the east in a addition to 995 Evanston, 1381, 1391 & 1405 Madison**

It is proposed that the total cost of the improvement will be paid through special assessments. The 2002 cost has been set at \$5.20 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

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

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

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

PUBLISH: **February 2, 2002**

Gail Kunderinger, City Clerk

ADA POLICY

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

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

RECEIVED
CITY OF MUSKEGON

Feb. 4, 2002
Monday

FEB 06 2002

City Engineer
Mr. Mohammed Al-Shatel, P.E.
933 Third St.
Muskegon MI 49443

Re: Parcel #24-685-007-0009-00 @ 1277 Frances Ave

I am writing this letter to ask for this parcel to not be included in the Sidewalk Replacement Program for 2002 per letter I rec'd SAT, 2/2/02 NOTICE OF HEARING ON SPECIAL ASSESSMENT TO BE HELD FEB, 12, 2002 AT 5:30 PM IF IT IS APPROVED AS I cannot attend to request this. The sidewalk fronting my lot has one red X designating needing replacement on 1 square & it sure does. I did not get it done before because the landlord owner to property adjacent to mine did not contact me per my request to his renter who did tell him I asked her to ask him if he would as it is the oak tree all E of prop. line between his & mine that has caused my one square to need replacing & he has 2 X's on his city walk squares needing same, but he has not contacted me, so I am requesting a couple weeks so I can have mine fixed by a private contractor he can do as he wants from your letters of SAT, Feb. 2, 2002.

I also last fall when a neighbor across the street & 3 lots east had 2 squares replaced that were 'X'd' replaced by a private contractor went to the owners front door & his wife said the contractor was coming the next day to pick up the forms & I asked her to ask him if she would ~~ask~~ ask the contractor to see me about doing mine. I watched for him all day & about 5 P.M. the man came and picked up the forms & put them in rear of his truck, but did not stop at my house, it was just after 5 then, so I need a few weeks to have this repaired on my own. It will be cheaper for me this way. Anyhow I want to pay it myself & do not then need to be included in this assessment process, & I thank you for this request being granted. Please may I have it this week. T.Y. Please send me or give me permit for same to be done now at once by private contractor. Thank you. 1277 Frances Ave

Sincerely,
Lorraine H. Blanchette

RECEIVED
CITY OF MUSKEGON

FEB 06 2002

Carolyn Dileski

Parcel No: 24-250-000-0010-00

1025 Apple Ave

ENGINEERING DEPT.

To The Muskegon City Commission, City Clerk

This is the second time that I have written to protest the sidewalk replacement program. I am a single woman supporting myself with no extra money to pay for a sidewalk. The city can look into a federal grant so we don't have to pay for it. Most people, the biggest majority of people that live in the city are at poverty level income. How do you feel justified in gauging people out of their small incomes. Its also not fair to have it taken out of our taxes because we are the people who need that money the most. If you want to make the sidewalks safer, go somewhere else to get your money, not from the people who don't have it.

Sincerely
Carolyn Dileski

Date: February 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Austin, Barney to Delano

failed

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:

CITY OF MUSKEGON

Resolution No. _____

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 12, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 12, 2002**, 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 **65.02%** 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 12, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

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 the City due to the road's surface as well as 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 \$135,000 with the length of the project being approximately 1300 lineal feet or 2414.81 of assessable footage. This translates into an estimated improvement cost of \$60 per assessable foot. The assessment figure will be at a cost not to exceed \$36.35 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

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

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

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

January 30, 2002

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Austin Street from Barney Avenue to 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 January 30, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$36.35 for the paving of the above mentioned project area appears reasonable in light of analysis that indicates a possible enhancement of \$37.48. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3

Senior Appraiser

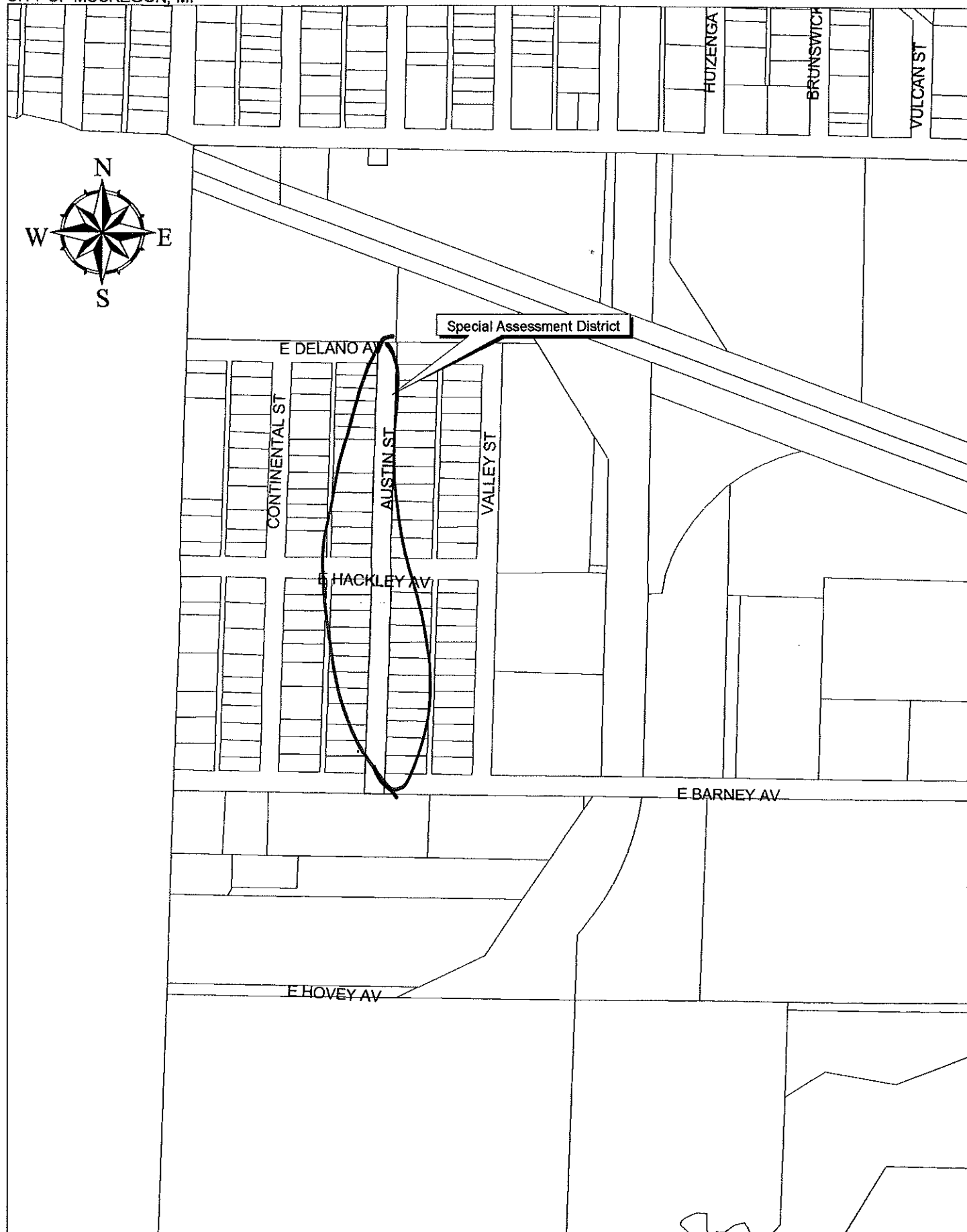
EXHIBIT A

AUSTIN FROM BARNEY TO DELANO

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Austin from Barney to Delano

SPECIAL ASSESSMENT DISTRICT
CITY OF MUSKEGON, MI



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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

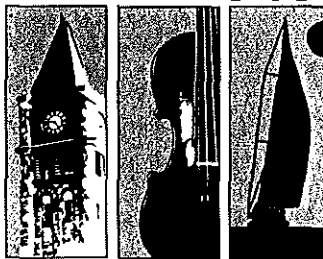
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

February 1st, 2002

PARCEL OWNER
XXX STREET
MUSKEGON, MI ZIPCODE 9

Parcel Number 24-XXX-XXX-XXXX-XX: at PARCEL ADDRESS

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, Barney to Delano

The proposed special assessment district will be located as follows:

All parcels abutting Austin-Barney to Delano

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

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$135,000.00 of which approximately 65.02% (\$87,778.34) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Project Title: Austin, Barney to Delano
Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	2137	AUSTIN ST
Parcel Number	24-860-000-0115-00	
Assessable Frontage:	40	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$1,454.00	

Property Description

WELWORTH LOT 115

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

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

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

**CITY OF MUSKEGON – H 1544
AUSTIN, BARNEY TO DELANO
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
COMMUNITY DEVELOPMENT BLOCK GRANT
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon, for roadway improvements, is specially assessing property owners in your area. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners, who may have difficulty paying the costs of the special assessment, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay for your special assessment **to the extent that funds is available.**

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2001, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$26,650
2	30,420
3	34,255
4	38,025
5	41,080
6	44,135
7	47,125
8	50,180
For each extra, add	3,055

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

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

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

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

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

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**.

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

SPECIAL ASSESSMENT

H-1544

MILLING AND RESURFACING

HEARING DATE

FEBRUARY 12,2002

Austin, Barney to Delano

24-860-000-0091-00	BROOKS TONIE D	ASSESSABLE FEET:	50.06
	2295 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2295 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,819.68

24-860-000-0092-00	ANDERSON DORIS L/RICE MAR	ASSESSABLE FEET:	50.06
	2285 AUSTIN STREET	COST PER FOOT:	\$36.35
@ 2285 AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,819.68

24-860-000-0094-00	RICE MARK A/CHRISTINE D	ASSESSABLE FEET:	50.06
	2283 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2283 AUSTIN ST	MUSKEGON MI 49442-000	ESTIMATED P.O. COST:	\$1,819.68

24-860-000-0095-00	JOHNSON CHESTER	ASSESSABLE FEET:	62.5
	3300 BAKER ST	COST PER FOOT:	\$36.35
@ 2279 AUSTIN ST	MUSKEGON HTS MI 49444	ESTIMATED P.O. COST:	\$2,271.88

24-860-000-0096-00	BUSMAN DANIEL A	ASSESSABLE FEET:	50
	3845 FOREST EDGE	COST PER FOOT:	\$36.35
@ 2263 AUSTIN ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,817.50

24-860-000-0098-00	WILLIAMS HAROLD	ASSESSABLE FEET:	50
	2253 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2253 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,817.50

24-860-000-0099-00	CROFF IRENE M	ASSESSABLE FEET:	50
	2243 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2243 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,817.50

Austin, Barney to Delano

24-860-000-0100-00	KITCHENS OTHELL	ASSESSABLE FEET:	40
	2239 AUSTIN	COST PER FOOT:	\$36.35
@ 2239 AUSTIN ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,454.00</u>
24-860-000-0101-00	BILLINGS ROBERT L	ASSESSABLE FEET:	50
	P.O. BOX 4483	COST PER FOOT:	\$36.35
@ 2231 AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,817.50</u>
24-860-000-0102-00	BACHMANN ARTHUR/CAROL	ASSESSABLE FEET:	50
	5702 GRAND HAVEN RD	COST PER FOOT:	\$36.35
@ 2223 AUSTIN ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,817.50</u>
24-860-000-0104-00	BACHMANN ARTHUR	ASSESSABLE FEET:	50
	5701 GRAND HAVEN RD	COST PER FOOT:	\$36.35
@ 2215 AUSTIN ST	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,817.50</u>
24-860-000-0105-00	PARKER GERALDINE	ASSESSABLE FEET:	50
	4228 HALL RD	COST PER FOOT:	\$36.35
@ 2207 AUSTIN ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,817.50</u>
24-860-000-0106-00	WILLIAMS VICTORIA A/HARRIS	ASSESSABLE FEET:	44.91
	886 E HACKLEY AVE	COST PER FOOT:	\$36.35
@ 886 E HACKLEY A	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,632.48</u>
24-860-000-0107-00	JEMISON JOYCE	ASSESSABLE FEET:	50
	2183 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2183 AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,817.50</u>

Austin, Barney to Delano

24-860-000-0108-00	SIMS LUANNE 2177 AUSTIN ST @ 2177 AUSTIN ST MUSKEGON MI 49444	ASSESSABLE FEET: 50 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,817.50
24-860-000-0110-00	MONTALVO MARGARITA L 2167 AUSTIN ST @ 2167 AUSTIN ST MUSKEGON MI 49444-120	ASSESSABLE FEET: 60 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,181.00
24-860-000-0111-00	LEE ENOUS 915 ORCHARD AVE @ 2161 AUSTIN ST MUSKEGON MI 49442	ASSESSABLE FEET: 60 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,181.00
24-860-000-0113-00	WELLS FARGO HOME MORTGA PO BOX 1225 @ 2145 AUSTIN ST CHARLOTTE NC 28217	ASSESSABLE FEET: 100 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$3,635.00
24-860-000-0115-00	MUSKEGON HOUSING COMM 1080 TERRACE ST @ 2137 AUSTIN ST MUSKEGON MI 49442	ASSESSABLE FEET: 40 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,454.00
24-860-000-0116-00	BURREL ONESIPHORUS B 212 SCHOOL ST @ 2131 AUSTIN ST MUSKEGON MI 49442	ASSESSABLE FEET: 40 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,454.00
24-860-000-0117-00	BURREL ONESIPHOURIS B 212 SCHOOL @ 2127 AUSTIN ST MUSKEGON MI 49442	ASSESSABLE FEET: 40 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,454.00

Austin, Barney to Delano

24-860-000-0118-00	BILLINGS ROBERTIII/KIMBERLY	ASSESSABLE FEET:	40
	2121 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2121 AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,454.00</u>
24-860-000-0119-00	MALLARD MARY A	ASSESSABLE FEET:	40
	2115 AUSTIN	COST PER FOOT:	\$36.35
@ 2115 AUSTIN ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,454.00</u>
24-860-000-0120-00	PROBELSKI JASON	ASSESSABLE FEET:	40
	2109 AUSTIN ST 2	COST PER FOOT:	\$36.35
@ 2109 AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,454.00</u>
24-860-000-0121-00	WARE FULTON	ASSESSABLE FEET:	52
	2108 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2108 AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,890.20</u>
24-860-000-0123-00	HERRON ALLEN	ASSESSABLE FEET:	52
	2116 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2116 AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,890.20</u>
24-860-000-0124-00	COLE BEN/PATRICIA	ASSESSABLE FEET:	52
	2124 AUSTIN	COST PER FOOT:	\$36.35
@ 2124 AUSTIN ST	MUSKEGON MI 49442	<u>ESTIMATED P.O. COST:</u>	<u>\$1,890.20</u>
24-860-000-0125-00	TOWNSEND DARLEEN	ASSESSABLE FEET:	52
	3355 HOYT ST	COST PER FOOT:	\$36.35
@ 2132 AUSTIN ST	MUSKEGON MI 49444	<u>ESTIMATED P.O. COST:</u>	<u>\$1,890.20</u>

Austin, Barney to Delano

24-860-000-0126-00	ODNEAL WILLIE B 2142 AUSTIN ST @ 2142 AUSTIN ST MUSKEGON MI 49444	ASSESSABLE FEET: 52 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,890.20
24-860-000-0128-00	HOLSEY JAMES 2148 AUSTIN ST @ 2148 AUSTIN ST MUSKEGON MI 49444	ASSESSABLE FEET: 60 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,181.00
24-860-000-0129-00	OTTACO INC PO BOX 4010 @ 2156 AUSTIN ST EAST LANSING MI 48826	ASSESSABLE FEET: 52 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$1,890.20
24-860-000-0130-00	N & N ASSOCIATES LLC 420 CARMEN DRIVE @ 2164 AUSTIN ST SPRING LAKE MI 49456	ASSESSABLE FEET: 56 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,035.60
24-860-000-0132-00	WEST MAN LLC 4648 SUSAN @ 2174 AUSTIN ST MUSKEGON MI 49441	ASSESSABLE FEET: 56 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,035.60
24-860-000-0133-00	ACHTERHOFF JOHN ESTATE 1065 FOURTH ST SUITE B @ 2184 AUSTIN ST MUSKEGON MI 49441-190	ASSESSABLE FEET: 56 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,035.60
24-860-000-0135-00	RICE SHARON LOVE 916 E HACKLEY AVE @ 916 E HACKLEY A MUSKEGON MI 49444	ASSESSABLE FEET: 64.63 COST PER FOOT: \$36.35 <u>ESTIMATED P.O. COST:</u> \$2,349.30

Austin, Barney to Delano

24-860-000-0136-00	ROBINSON JOSEPH 2208 AUSTIN	ASSESSABLE FEET:	40
@ 2208 AUSTIN ST	MUSKEGON MI 49442	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,454.00</u>
24-860-000-0137-00	JAMES M SWAN LLC P O BOX 1002	ASSESSABLE FEET:	51.43
@ 2216 AUSTIN ST	E LANSING MI 48826	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,869.48</u>
24-860-000-0138-00	MORTENSEN ROBERT G 1676 RITTER DR	ASSESSABLE FEET:	51.43
@ 2224 AUSTIN ST	MUSKEGON MI 49441	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,869.48</u>
24-860-000-0140-00	ANDERSON CLARICE 2232 AUSTIN ST	ASSESSABLE FEET:	51.42
@ 2232 AUSTIN ST	MUSKEGON MI 49444	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,869.12</u>
24-860-000-0141-00	REG LLC 4543 GRAND HAVEN RD BOX 98	ASSESSABLE FEET:	51.42
@ 2240 AUSTIN ST	MUSKEGON MI 49441	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,869.12</u>
24-860-000-0142-00	BILLINGS ROBERT L 2263 VALLEY ST	ASSESSABLE FEET:	51.43
@ 2248 AUSTIN ST	MUSKEGON MI 49444	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,869.48</u>
24-860-000-0144-00	ERICKSON ROBERT SR 2256 AUSTIN ST	ASSESSABLE FEET:	51.43
@ 2256 AUSTIN ST	MUSKEGON MI 49444	COST PER FOOT:	\$36.35
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,869.48</u>

Austin, Barney to Delano

24-860-000-0145-00	DILL RONALD H/TINA M	ASSESSABLE FEET:	51.43
	2262 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2262 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,869.48

24-860-000-0146-00	BILLINGS ROBERT II	ASSESSABLE FEET:	40
	2263 VALLEY ST	COST PER FOOT:	\$36.35
@ 2270 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,454.00

24-860-000-0147-00	GRISSOM HERBERT H	ASSESSABLE FEET:	54.2
	2278 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2278 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,970.17

24-860-000-0149-00	REID CARY E	ASSESSABLE FEET:	54.2
	2284 AUSTIN ST	COST PER FOOT:	\$36.35
@ 2284 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,970.17

24-860-000-0150-00	PRIETO ELVIRA	ASSESSABLE FEET:	54.2
	2294 AUSTIN	COST PER FOOT:	\$36.35
@ 2294 AUSTIN ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,970.17

SUM OF ASSESSABLE FOOTAGE:	<u>2414.81</u>	SUM OF ESTIMATED P.O. COST:	<u>\$87,778.34</u>
----------------------------	----------------	-----------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS	24
------------------------------------	----

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1544, AUSTIN-BARNEY TO DELANO

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

GAIL A. KUNDINGER, CITY CLERK

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

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By FEBRUARY 12, 2002

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2116 ALSTIN ST

Parcel Number 24-860-000-0123-00

Assessable Frontage: 52 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,890.20

Property Description

WELWORTH S, 28 FT OF LOT 122 & N 24 FT OF LOT 123

RECEIVED

FEB - 5 2002

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner <u>Allen Herron</u>	CoOwner/Spouse <u>Chaddie Herron</u>
Signature <u>Allen Herron</u>	Signature <u>Chaddie Herron</u>
Address <u>2116 Austin St.</u>	Address <u>2116 Austin St.</u>

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

HERRON ALLEN

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

02/12/2002 5:29 PM TABULATION OF THE RESPONSES TO THE SP. ASS. HEARING ON AUSTIN

RECEIVED

FEB 12 2002

City Clerks Office

AUSTIN	Name	Check list
	2108 Fulton Ware	
	2116 Allen Herron	
	2124 Ben & Patricia Cole	
	2132 Darleen Townsend	
	2142 Willie B. Odneal	
	2148 James Holsey	
	2156 Ottaco, Inc	
	2164 N & N	
	2174 West Man LLC	
	2184 John Achterhoff	
	2208 Linda D. Robinson	
	2213 James M. Swan	
	2224 Robert G. Mortensen	
	2232 Clarice Anderson	
	2240 REG ILC	
	2248 Robert L. Billings	
	2283 Mark & Christine Rice	
	2285 Doris Anderson & Mark Rice	
	2295 Tonie D. Brooks	
	2183 Joyce Jemison	
	2177 Luanne Sims	
	2167 Margareta L. Montalvo	
	2161 Enous Lee — <i>L. W. Lee</i>	
	2145 Wells Fargo Home	
	2137 Muskegon Housing Comm	
	2131 Onesiphorus B. Burrel	
	2127 Onesiphorus B. Burrel	
	2121 Robert Y Kimberly Billings	
	2115 Mary A. Mallard	
	2109 Jason Probeliski	
	2256 Robert Erickson Sr.	
	2262 Donald & Tina Dill	
	2270 Robert Billings II	
	2278 Herbert H. Grissom	
	2284 Cary E. Reed	
	2294 Elvira Prieto	
	2207 Geraldine Parker	
	2215 Arthur Backmann	
	2223 Arthur Backmann	
	2231 Robert L. Billings	
	2239 Othell Kitchens	
	2243 Irene M. Croff	
	2253 Harold Williams	
	2263 Daniel A. Busman — <i>C.P. Anderson</i>	
	2279 Chester Johnson	
916 Hackely	Sharon Love Rice	
936 Halcley	Porter Wimbley	

PETITION RESPONSE REGARDING SPECIAL ASSESSMENT

Project Title: Austin, Barney to Delano

Project Description: all parcels abutting Austin from North of Barney to South of Delano.

We the undersigned, property owners within the proposed Special Assessment District as described above, hereby state and affirm that we are opposed to the creation of the Special Assessment Street Paving Project. We also request that the City of Muskegon Council hereby oppose the creation of the Special Assessment Street Paving Project.

Name:

Property Address

Date:

Shirley White

2124 Austin

2/11/02

Freda Wozniak

2108 Austin

2/11/02

Conny Christensen

2145 Austin

2/11/02

Son + purchaser from Father - James Nolsey

Joey Ferris

2183 Austin St.

2-12-02

daughter + signing on behalf of mother - Joyce C. Ferris

RECEIVED

FEB 12 2002

City Clerks Office

PETITION RESPONSE REGARDING SPECIAL ASSESSMENT

Project Title: Austin, Barney to Delano

Project Description: all parcels abutting Austin from North of Barney to South of Delano.

We the undersigned, property owners within the proposed Special Assessment District as described above, hereby state and affirm that we are opposed to the creation of the Special Assessment Street Paving Project. We also request that the City of Muskegon Council hereby oppose the creation of the Special Assessment Street Paving Project.

Name:	Property Address	Date:
<u>Dan Szost</u> DAN SZOST	<u>2223 Austin</u> (new owner)	<u>2/9/02</u>
<u>Dan Szost</u> DAN SZOST	<u>2215 Austin</u> (new owner)	<u>2/9/02</u>
<u>Geraldine Parker</u> GERALDINE PARKER H. H. & B. B. B. B.	<u>2207 Austin</u>	<u>2/9/02</u>
<u>Robert L. B. B.</u> ROBERT L. B. B.	<u>2270 Austin</u>	<u>2/9/02</u>
<u>Robert L. B. B.</u> ROBERT L. B. B.	<u>2248 Austin</u>	<u>2/9/02</u>
<u>Robert L. B. B.</u> ROBERT L. B. B.	<u>2231 Austin</u>	<u>2/9/02</u>
<u>Ernest R. H. H.</u> ERNEST R. H. H.	<u>2240 Austin St.</u>	<u>2/9/02</u>
<u>James L. L. L.</u> JAMES L. L. L.	<u>2261 Austin St</u>	<u>2-12-02</u>

RECEIVED

FEB 12 2002

City Clerks Office

RECEIVED

FEB 13 2002

PETITION RESPONSE REGARDING SPECIAL ASSESSMENT

City Clerks Office

Project Title: Austin, Barney to Delano

Project Description: all parcels abutting Austin from North of Barney to South of Delano.

We the undersigned, property owners within the proposed Special Assessment District as described above, hereby state and affirm that we are opposed to the creation of the Special Assessment Street Paving Project. We also request that the City of Muskegon Council hereby oppose the creation of the Special Assessment Street Paving Project.

Name:

Property Address

Date:

Jason Probeliski

2109 AUSTIN ST

2/9/02

"Priest"
Clara Rodriguez

2294 Austin

2/10/02

Herbert Livingston

2278 Austin

2/10/02

Hosea Johnson

2279 Austin

2/10/02

Georgis P. Anderson

2263 Austin

2-10-02

* PURCHASER on Land contract FOR SEVERAL YEARS - from - DAN BESMAN

Harold Williams

2253 Austin

2-10-02

Robert H. Eachus

2256 Austin

2-10-02

Clarice Anderson

2232 Austin

2-10-02

Orlando Kitchen

2239 Austin

2-10-002

Ronald H. Deth

2262 Austin ST

2-10-02

Mal Kim

→ 2283 AUSTIN ST

2-10-02

" "

→ 2285 Austin

Clay Burdick
aka

2284 Austin St

2-11-02

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2284 AUSTIN ST

Parcel Number 24-860-000-0149-00

Assessable Frontage: 54.2 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,970.17

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

WELWORTH S 25.8 FT OF LOT 148 & N 28.4 FT OF LOT 149

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.

(AKA. CARY E. REEB)

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2167 AUSTIN ST

Parcel Number 24-860-000-0110-00

Assessable Frontage: 60 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,181.00

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

WELWORTH N 20 FT OF LOT 109 & ALL OF LOT 110

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 Margarita L Montalvo Owner/Spouse _____

Signature Margarita Montalvo Signature _____

Address 2167 Austin Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Project Title: Austin, Barney to Delano
Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	2164	AUSTIN ST
Parcel Number	24-860-000-0130-00	
Assessable Frontage:	56	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$2,035.60	

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

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

NAN Associates

CoOwner/Spouse

Signature

[Signature]

Signature

Address

2164 Austin

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2127 AUSTIN ST

Parcel Number 24-860-000-0117-00

Assessable Frontage: 40 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,454.00

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

WELWORTH LOT 117

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

Onesiphorus B. Burrell

CoOwner/Spouse

Signature

Onesiphorus B. Burrell

Signature

Address

2127 Austin St

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2131 AUSTIN ST

Parcel Number 24-860-000-0116-00

Assessable Frontage: 40 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,454.00

RECEIVED
FEB 12 2002
City Clerks Office

Property Description

WELWORTH LOT 116

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 WELWORTH LOT 116 CoOwner/Spouse _____
Signature [Signature] Signature _____
Address 2131 Austin St Address _____

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

BURRILL & SONS

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2294 AUSTIN ST

Parcel Number 24-860-000-0150-00

Assessable Frontage: 54.2 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,970.17

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

WELWORTH S 11.6 FT OF LOT 149 & ALL LOT 150

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

Elvira P. P. P.

CoOwner/Spouse

Signature

Elvira P. P. P.

Signature

Address

2294 Austin St.

Address

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

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

if you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2223 AUSTIN ST

Parcel Number: 24-860-000-0102-00

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,817.50

RECEIVED
FEB 12 2002
City Clerks Office

Property Description

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

Just sold
Barbara Beckman

CoOwner/Spouse

Signature

Barbara Beckman

Signature

Address

2223 Austin St

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2215 AUSTIN ST

Parcel Number 24-860-000-0104-00

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,817.50

RECEIVED
FEB 12 2002
City Clerks Office

Property Description

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

Just sold
Arthur Bachmann

CoOwner/Spouse

Signature

Carol Bachmann

Signature

Address

2215 Austin St

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 886 E HACKLEY AVE

Parcel Number 24-860-000-0106-00

Assessable Frontage: 44.91 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,632.48

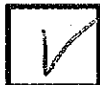
Property Description

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 A. Williams

CoOwner

MARY L. HARRIS

Signature

Victoria A. Williams

Signature

MARY L. HARRIS

Address

886 E. Hackley Ave

Address

886 E Hackley Ave

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

WILLIAMS VICTORIA A. HARRIS MARY L.
RY L

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Project Title: Austin, Barney to Delano
Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2184 AUSTIN ST

Parcel Number 24-860-000-0133-00

Assessable Frontage: 56 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,035.60

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

WELWORTH
S 36 FT OF LOT 133
& N 20 FT OF LOT 134

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.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2278 AUSTIN ST

Parcel Number 24-860-000-0147-00

Assessable Frontage: 54.2 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,970.17

Property Description

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

Herbert Harrison

CoOwner/Spouse

Alice Harrison

Signature

Herbert Harrison

Signature

Alice Harrison

Address

2278 Austin St.

Address

2278 Austin St.

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

To have your vote count, please

Project Title: Austin, Barney to Delano

INSTRUCTIONS

Assessment Information

Property Address: 2263 AUSTIN ST

Parcel Number 24-860-000-0096-00

Assessable Frontage: 50 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST	\$1,817.50
----------------------	------------

Property Description

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

Cochran Andrew W.
Cochran Andrew W.

☐ CoOwner/Spouse

Signature _____

2263 Austin

Signature

Address

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Project Title: Austin, Barney to Delano
Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 916 E HACKLEY AVE

Parcel Number 24-860-000-0135-00

Assessable Frontage: 64.63 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$2,349.30

RECEIVED

FEB 11 2002

Property Description

WELWORTH LOT 135 & S 20 FT OF LOT 134

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

Sharon Love Rice

CoOwner/Spouse

Willie Rice

Signature

Sharon Love Rice

Signature

Willie Rice

Address

*916 E. Hackley
Muskegon*

Address

*916 E. Hackley Avenue
Muskegon / Mich 49842*

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: Austin, Barney to Delano

Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2283 AUSTIN ST

Parcel Number 24-860-000-0094-00

Assessable Frontage: 50.06 Feet

Estimated Front Foot Cost: \$36.35 per Foot

ESTIMATED TOTAL COST \$1,819.68

RECEIVED

FEB 11 2002

City Clerks Office

Property Description

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 A. Rice

CoOwner/Spouse

Christine D. Rice

Signature

Mark A. Rice

Signature

Christine D. Rice

Address

2283 Austin St

Address

2283 Austin St

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Project Title: Austin, Barney to Delano
Project Description: All parcels abutting Austin from North of Barney to South of Delano

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	2285	AUSTIN ST
Parcel Number	24-860-000-0092-00	
Assessable Frontage:	50.06	Feet
Estimated Front Foot Cost:	\$36.35	per Foot
ESTIMATED TOTAL COST	\$1,819.68	

RECEIVED

FEB 11 2002

City Clerks Office

Property Description

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 K. Anderson

CoOwner/Spouse

Mark A. Rice

Signature

Doris K. Anderson

Signature

Mark A. Rice

Address

2285 Austin

Address

2283 Austin St.

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

Date: February 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Laketon Ave. from Peck to Park

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2002-16(c)

Resolution At First Hearing Creating Special Assessment District
For **Laketon Ave. from 256' E. Park to Peck**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 12, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 12, 2002**, there were 5.55 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Spataro and 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 **11.42%** 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 Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

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

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

LAKETON AVE. FROM PECK TO PARK

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Laketon Ave. from PECK TO 256' E. PARK

SPECIAL ASSESSMENT DISTRICT
CITY OF MUSKEGON, MI



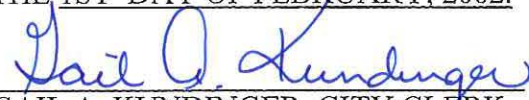
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1537, LAKETON AVE-PECK TO PARK STREET

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


GAIL A. KUNDINGER, CITY CLERK

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


NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
Linda S. Potter
MY COMMISSION EXPIRES 9-25-02

ENGINEERING FEASIBILITY STUDY

For

LAKETON AVE. FROM PECK TO PARK

This proposed project consist of Milling & resurfacing the entire section of Laketon between Peck & Park as well as widening that section between Sanford & Fifth to construct a left turn lane. The proposed project was initiated by the City due to its conditions and the need for a left turn lane @ Jefferson & Fifth. With this project, we would have completed the entire Laketon Ave. corridor in the last 10-years.

The proposed resurfacing, we feel, is necessary to prevent this section of roadway from further deteriorating where resurfacing would no longer be a valid option and a complete reconstruction would then be necessary, and subsequently increasing the cost to the property owners as well as to 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 \$550,000 with the length of the project being approximately 2410 lineal feet or 3489.48 of assessable footage. This translates into an estimated improvement cost of \$157 per assessable foot. The assessment figure will be at a cost not to exceed \$18.00 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442

(231) 724-6386

FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair

Bill Gill, Vice Chair

Paul Baade

Douglas Bennett

Nancy G. Frye

James J. Kobza

Louis McMurray

Tony Moulatsiotis

Clarence Start

January 30, 2002

Mohammed Al-Shatel, City Engineer

City of Muskegon

933 Terrace Street

Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Laketon Avenue between Park Street and Peck 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 January 30, 2002.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$18.00 appears reasonable in light of analysis that indicates a possible enhancement of \$18.90. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3

Senior Appraiser

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

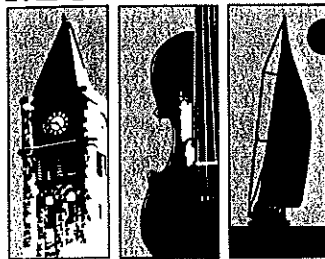
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

February 1st, 2002

PARCEL OWNER
XXX STREET
MUSKEGON, MI ZIP CODE

5

Parcel Number XX-XXX-XXX-XXXX-XX: at PARCEL ADDRESS

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:

LAKETON AVE- PECK ST TO PARK ST

The proposed special assessment district will be located as follows:

All parcels abutting Laketon Ave from 256' E of Park St to E side of Peck, also including Fifth St and Jefferson St 100' N of Laketon.

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

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$550,000.00 of which approximately 11.42% (\$62,810.64) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mohammed Al-Shatel'.

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: **LAKETON AVE- PECK ST TO PARK ST**

Project Description: **all parcels abutting Laketon Ave from 256' E of Park to E side of Peck.**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: **366 W LAKETON AVE**

Parcel Number **24-205-461-0005-10**

Assessable Frontage: **207 Feet**

Estimated Front Foot Cost: **\$18.00 per Foot**

ESTIMATED TOTAL COST \$3,726.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
PART OF BLK 461 DESC AS
COM AT S 1/4 COR OF SEC 30 T10N R16W
TH S 89D 57M 35S E ALG S LN OF SD SEC 454.35 FT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

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

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

**CITY OF MUSKEGON – H 1537
LAKETON, PECK TO PARK
STREET ASSESSMENT PROGRAM
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

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

Total: \$ _____

PROPERTY INFORMATION

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

Homeowner's Insurance Co: _____ Expiration Date: _____

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

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
COMMUNITY DEVELOPMENT BLOCK GRANT
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon, for roadway improvements, is specially assessing property owners in your area. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners, who may have difficulty paying the costs of the special assessment, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay for your special assessment **to the extent that funds is available.**

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2001, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$26,650
2	30,420
3	34,255
4	38,025
5	41,080
6	44,135
7	47,125
8	50,180
For each extra, add	3,055

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

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

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

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

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

- 1. Austin, Barney to Delano**
- 2. Laketon Ave. Peck to Park**

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

- **All parcels abutting Austin Street from Barney to Delano**
- &
- **All parcels abutting Laketon Ave. from 256' E. Park to Peck**

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

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

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

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

PUBLISH: **February 2, 2002**

Gail Kundering, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H-1537

MILLING AND RESURFACING

HEARING DATE

FEBRUARY 12, 2002

LAKETON AVE- PECK ST TO PARK ST

24-205-460-0003-00	MUSKEGON RESCUE MISSION 1691 PECK ST	ASSESSABLE FEET:	61.15
@ 400 W LAKETON A	MUSKEGON MI 49441	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	<u>\$1,100.70</u>
24-205-461-0005-10	CITY OF MUSKEGON 933 TERRACE ST	ASSESSABLE FEET:	207
@ 366 W LAKETON A	MUSKEGON MI 49443	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	<u>\$3,726.00</u>
24-205-461-0014-00	KEENE LUMBER CO 346 W LAKETON AVE	ASSESSABLE FEET:	286.2
@ 346 W LAKETON A	MUSKEGON MI 49441	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	<u>\$5,151.60</u>
24-205-462-0005-00	CITY OF MUSKEGON 933 TERRACE ST	ASSESSABLE FEET:	441
@ 280 W LAKETON A	MUSKEGON MI 49443	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	<u>\$7,938.00</u>
24-205-463-0005-00	CITY OF MUSKEGON 933 TERRACE ST	ASSESSABLE FEET:	330
@ 1790 5TH ST	MUSKEGON MI 49443	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	<u>\$5,940.00</u>
24-205-464-0005-00	CITY OF MUSKEGON 933 TERRACE ST	ASSESSABLE FEET:	267
@ 1790 JEFFERSON	MUSKEGON MI 49443	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	<u>\$4,806.00</u>
24-205-465-0003-00	HACKLEY HOSPITAL 1700 CLINTON	ASSESSABLE FEET:	134
@ 1778 SANFORD S	MUSKEGON MI 49442	COST PER FOOT:	\$18.00
		<u>ESTIMATED P.O. COST:</u>	<u>\$2,412.00</u>

LAKETON AVE- PECK ST TO PARK ST

24-205-465-0006-10	CITY OF MUSKEGON	ASSESSABLE FEET:	134
	933 TERRACE	COST PER FOOT:	\$18.00
@ 1781 PECK ST	MUSKEGON MI 49440	ESTIMATED P.O. COST:	\$2,412.00
24-230-001-0001-00	FEDERAL MOGUL PISTON RING	ASSESSABLE FEET:	325.75
	US 31 @ M 45	COST PER FOOT:	\$18.00
@ 1839 6TH ST	GRAND HAVEN MI 49417	ESTIMATED P.O. COST:	\$5,863.50
24-230-002-0001-00	TIME OUT LOUNGE	ASSESSABLE FEET:	76
	313 W LAKETON AVE	COST PER FOOT:	\$18.00
@ 313 W LAKETON A	MUSKEGON MI 49441-032	ESTIMATED P.O. COST:	\$1,368.00
24-230-002-0003-00	JBE PROPERTIES LLC	ASSESSABLE FEET:	55
	313 W LAKETON AVE	COST PER FOOT:	\$18.00
@ 307 W LAKETON A	MUSKEGON MI 49441-032	ESTIMATED P.O. COST:	\$990.00
24-230-002-0018-00	SHERMAN LEASING LLC	ASSESSABLE FEET:	131
	301 W LAKETON AVE	COST PER FOOT:	\$18.00
@ 301 W LAKETON A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,358.00
24-230-003-0001-00	1840 CORPORATION	ASSESSABLE FEET:	83
	1840 6TH ST	COST PER FOOT:	\$18.00
@ 261 W LAKETON A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,494.00
24-230-003-0001-10	1840 CORPORATION	ASSESSABLE FEET:	48
	1840 6TH ST	COST PER FOOT:	\$18.00
@ 247 W LAKETON A	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$864.00

LAKETON AVE- PECK ST TO PARK ST

24-230-003-0020-00	BRADFORD GARTH TRUST 515 GRANT ST @ 237W LAKETON A GRAND HAVEN MI 49417	ASSESSABLE FEET: 70.63 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,271.34
24-232-001-0002-00	HOAGLAND CHARLES 1022 E ADAMS @ 1801 PECK ST SPRINGFIELD IL 62703	ASSESSABLE FEET: 62.75 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,129.50
24-232-001-0011-00	HUNTINGTON BANK 221 W WEBSTER AVE @ 43W LAKETON A MUSKEGON MI 49440	ASSESSABLE FEET: 125.5 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$2,259.00
24-232-006-0001-00	MUSK GOVT EMPLOYEES FED 65 W LAKETON AVE @ 65W LAKETON A MUSKEGON MI 49441	ASSESSABLE FEET: 133 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$2,394.00
24-232-006-0014-00	WILLIAMS PEGGY A 1810 JEFFERSON ST @ 1810 JEFFERSON MUSKEGON MI 49441	ASSESSABLE FEET: 66.5 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,197.00
24-232-007-0001-00	BUCKLEY KENNETH 1811 JEFFERSON ST @ 1811 JEFFERSON MUSKEGON MI 49441	ASSESSABLE FEET: 62.5 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,125.00
24-232-007-0013-00	BLAIS L & M INC 185 W LAKETON AVE @ 145W LAKETON A MUSKEGON MI 49441	ASSESSABLE FEET: 89 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$1,602.00

LAKETON AVE- PECK ST TO PARK ST

24-232-007-0013-10	BLAIS LINCOLN MERCURY	ASSESSABLE FEET:	36
	185 W LAKETON AVE	COST PER FOOT:	\$18.00
@ 139W LAKETON A	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$648.00</u>

24-232-012-0001-00	BLAIS KAREN L TRUST	ASSESSABLE FEET:	132.25
	185 W LAKETON AVE	COST PER FOOT:	\$18.00
@ 185W LAKETON A	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,380.50</u>

24-232-012-0013-00	BLAIS KAREN L TRUST	ASSESSABLE FEET:	132.25
	185 W LAKETON AVE	COST PER FOOT:	\$18.00
@ 185W LAKETON A	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,380.50</u>

SUM OF ASSESSABLE FOOTAGE:	<u>3489.48</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$62,810.64</u>
----------------------------	----------------	------------------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS	24
------------------------------------	----

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: **LAKETON AVE- PECK ST TO PARK ST**

Project Description: **all parcels abutting Laketon Ave from 256' E of Park to E side of Peck.**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: **1811 JEFFERSON ST**

Parcel Number **24-232-007-0001-00**

Assessable Frontage: **62.5 Feet**

Estimated Front Foot Cost: **\$18.00 per Foot**

ESTIMATED TOTAL COST \$1,125.00

Property Description

CITY OF MUSKEGON
DENNIS SMITH & COS SOUTH SIDE ADDITION
LOT 1 BLK 7

RECEIVED
FEB 07 2002
City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner VERONICA E. BUCKLEY CoOwner/Spouse DECEASED
Signature Veronica E. Buckley Signature _____
Address 1811 JEFFERSON ST. Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: **LAKETON AVE- PECK ST TO PARK ST**

Project Description: **all parcels abutting Laketon Ave from 256' E of Park to E side of Peck.**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: **301 W LAKETON AVE**

Parcel Number **24-230-002-0018-00**

Assessable Frontage: **131 Feet**

Estimated Front Foot Cost: **\$18.00 per Foot**

ESTIMATED TOTAL COST \$2,358.00

RECEIVED

FEB 11 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
DENNIS SMITH & COS SECOND ADDITION
LOTS 18-19 & 20
& E 8 FT OF VAC ALLEY ABUTTING SAME
BLK 2

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Scott L. Sherman

CoOwner/Spouse

Signature

Scott L. Sherman

Signature

Address

301 W Laketon

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Project Title: **LAKETON AVE- PECK ST TO PARK ST**

Project Description: **all parcels abutting Laketon Ave from 256' E of Park to E side of Peck.**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: **1801 PECK ST**

Parcel Number **24-232-001-0002-00**

Assessable Frontage: **62.75 Feet**

Estimated Front Foot Cost: **\$18.00 per Foot**

ESTIMATED TOTAL COST \$1,129.50

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

CITY OF MUSKEON
DENNIS SMITH & COS SOUTH SIDE ADDITION
N 24 FT LOT 1 BLK 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>CR Hoogland</u>	CoOwner/Spouse _____
Signature <u>CR Hoogland</u>	Signature _____
Address <u>1022 E Adams</u>	Address _____
<u>Springfield IL 62703</u>	

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

HOAGLAND CHARLES

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

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

Project Title: **LAKETON AVE- PECK ST TO PARK ST**

Project Description: **all parcels abutting Laketon Ave from 256' E of Park to E side of Peck.**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: **400 W LAKETON AVE**

Parcel Number **24-205-460-0003-00**

Assessable Frontage: **61.15 Feet**

Estimated Front Foot Cost: **\$18.00 per Foot**

ESTIMATED TOTAL COST \$1,100.70

RECEIVED

FEB 12 2002

City Clerks Office

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 3 BLK 460

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner MUSKEGON RESERVE MISSION CoOwner/Spouse _____
Signature Paula J Skoglund Signature _____
Address 400 W. Laketon Address _____

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

H-1537 LAKETON, PECK TO PARK

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	TOTAL NUMBER OF PARCELS - 24					
			FOR	OPPOSE				
			LETTER#	PARCEL#	FEET	LETTER#	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	3489.480 ***		23	24-232-0007-0001-00	62.50	12	24-230-002-0018-0	131.00
FRONT FEET OPPOSED	193.75	5.55%	17	24-205-460-0003-00	61.15	1	24-232-001-0002-0	62.75
RESPONDING FRONT FEET IN FAVOR	123.650	3.54%						
NOT RESPONDING - FRONT FEET IN FAVOR	3172.080	90.90%						
TOTAL FRONT FEET IN FAVOR	3295.730	94.45%						
TOTALS					123.65			193.75

TABULATED AS OF: 02/12/02 05:30 PM

failed

Date: January 22, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Black Creek Rd. Sherman to Latimer

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Black Creek Rd., Sherman to Latimer**, 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 **Black Creek Rd. from 563' S. of the CL. Of Olthoff to Latimer.**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 22, 2002** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 22, 2002**, 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 **27.40%** 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 **January 22, 2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Gail A. Kunding, Clerk

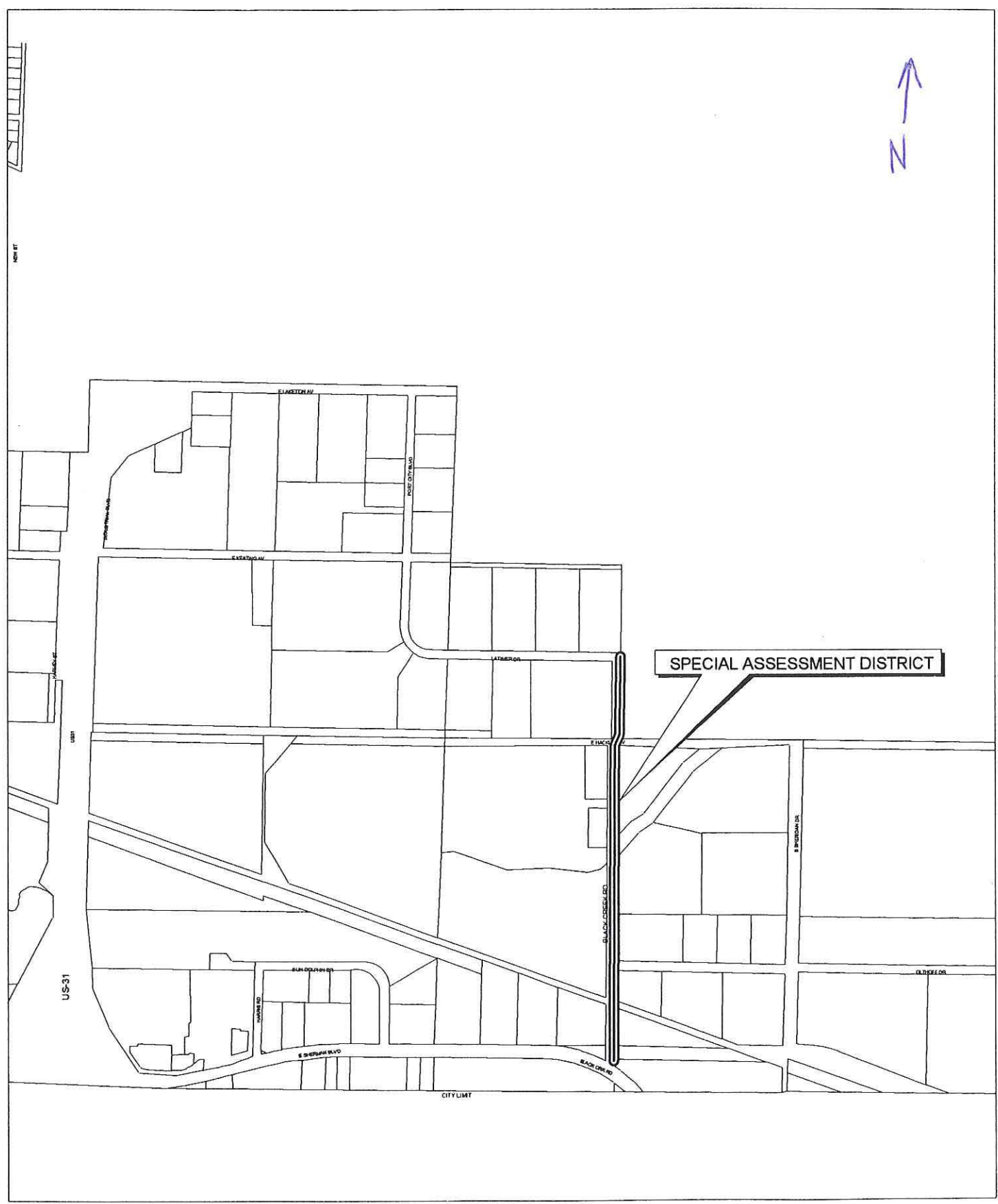


EXHIBIT A

BLACK CREEK FROM SHERMAN BLVD. TO LATIMER

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Black Creek Rd. from 563' S. of the Centerline of
Olthoff to Latimer**

ENGINEERING FEASIBILITY STUDY

For

BLACK CREEK RD. BETWEEN SHERMAN TO LATIMER

The proposed Milling & resurfacing of Black Creek Rd. between Sherman & Latimer was initiated by the City due to it's conditions. The proposed resurfacing, we feel, is necessary to prevent this section of roadway from further deteriorating where resurfacing would no longer be a valid option and a complete reconstruction would then be necessary, and subsequently increasing the cost to the property owners as well as to the City.

Facts;

- The section of Black Creek between the Creek & Latimer was constructed in 1989, since then, it has not received any surface improvements
- The section between Sherman and the Creek was constructed back in 1977, since that time, no improvements was performed
- The overall "Pavement Condition Index" (PCI) of the section proposed for improvement is 65 on a scale of 0-100 according to our Pavement Management System.
- That area has seen a considerable additional development which in terns generated commercial traffic and resulted in a considerable number of patches due to extension of public utilities.
- 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 \$300,000 with the length of the project being approximately 2,830 lineal feet or 4,566.75 of assessable footage. This translates into an estimated improvement cost of \$65.69 per assessable foot. The assessment figure will be at a cost not to exceed \$18.00 per assessable foot as established in the 2002 Special Assessment for this type of improvement.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442

(231) 724-6386

FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair

Bill Gill, Vice Chair

Paul Baade

Douglas Bennett

Nancy G. Frye

James J. Kobza

Louis McMurray

Tony Moulatsiotis

Clarence Start

January 11, 2002

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Black Creek Drive from Sherman Boulevard to Latimer Drive. 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 January 11, 2002. The scope of this assignment entails only those properties located in the City Of Muskegon and listed in Table A. Possible benefits, if any, resulting to Muskegon Township properties are not addressed.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$18.00 appears reasonable in light of analysis that indicates a possible enhancement of \$18.34. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3

Senior Appraiser

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

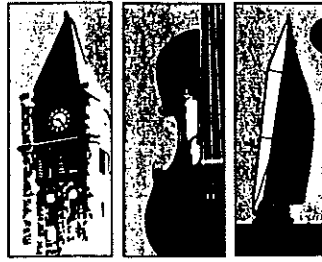
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City

January 22, 2002

PARCEL NUMBER
ADDRESS
CITY , STATE, ZIP 1

Parcel Number: at XX-XXX-XXX-XXXX-XX @ XXXX BLACK CREEK RD

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:

Milling & Resurfacing-Black Creek, Sherman N to Latimer

The proposed special assessment district will be located as follows:

All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

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 JANUARY 22nd, 2002 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$300,000 of which approximately 27.40% (\$82,201.50) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By JANUARY 22ND, 2002

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer

Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2325 BLACK CREEK RD

Parcel Number 24-134-400-0002-10

Assessable Frontage: 300 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$5,400.00

Property Description

THAT PT OF NW 1/4 OF SE 1/4 SEC 34, T10N, R16W DESC AS FOL: COM AT E 1/4 COR OF SD SEC, TH N 89 DEG 43 MIN 20 SEC W ALG E & W 1/4 LINE OF SD SEC 1401.10 FT TO SE COR OF LOT 37 PORT CITY IND CENTER NO 3, TH S 00 DEG 36 MIN 10 SEC W ALG W LINE OF BLACK CREEK RD 530 FT FOR POB, TH N 89 DEG 43 MIN 20 SEC W 140 FT, TH S 00 DEG 36 MIN 10 SEC W 300 FT, TH S 89 DEG 43 MIN 20 SEC E 140 FT TO W LINE OF SD BLACK CREEK RD, TH N 00 DEG 36 MIN 10 SEC E ALG SD W LINE 300 FT TO POB. CONT 0.96 ACRES. E 10 FT THEREOF RESERVED FOR A PRIVATE EASEMENT FOR PUBLIC UTILITIES.

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.

SIGN CRAT 1/01

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**Roberts St., Keating to Laketon
Black Creek Rd., Sherman to Latimer**

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

- **All parcels abutting Roberts Street from 192' N. of CL of Keating to Laketon Ave.
&**
- **All parcels abutting Black Creek Rd. from 563' S. of the CL of Olthoff to Latimer**

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

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS
ON **January 22, 2002 AT 5:30 O'CLOCK P.M.**

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

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

PUBLISH: **January 12, 2002**

Gail Kunderger, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

HEARING DATE JANUARY 22nd,2002 H-1536

Milling & Resurfacing-Black Creek, Sherman N to Latimer

24-134-400-0001-00	CONSUMERS ENERGY 4000 CLAY AVE SW	ASSESSABLE FEET:	142.23
@ 2200 BLACK CREEK GRAND RAPIDS MI 49501-020		COST PER FOOT:	\$18.00
		ESTIMATED P.O. COST:	\$2,560.14
24-134-400-0002-00	PLANNING DEPT C/O CITY OF M 933 TERRACE ST	ASSESSABLE FEET:	61.2
@ 2285 BLACK CREEK MUSKEGON MI 49443		COST PER FOOT:	\$18.00
		ESTIMATED P.O. COST:	\$1,101.60
24-134-400-0002-10	SIGN CRAFTERS 2325 BLACK CREEK	ASSESSABLE FEET:	300
@ 2325 BLACK CREEK MUSKEGON MI 49442-000		COST PER FOOT:	\$18.00
		ESTIMATED P.O. COST:	\$5,400.00
24-134-400-0002-20	TRACE ENVIRONMENTAL SER 2241 BLACK CREEK	ASSESSABLE FEET:	396.33
@ 2241 BLACK CREEK MUSKEGON MI 49442-000		COST PER FOOT:	\$18.00
		ESTIMATED P.O. COST:	\$7,133.94
24-134-400-0002-30	PLANNING DEPT C/O CITY OF M 933 TERRACE ST	ASSESSABLE FEET:	124.35
@ 2400 BLACK CREEK MUSKEGON MI 49443		COST PER FOOT:	\$18.00
		ESTIMATED P.O. COST:	\$2,238.30
24-134-400-0003-00	SOUTH SHORE PROPERTIES 2300 BLACK CREEK	ASSESSABLE FEET:	658.3
@ 2300 BLACK CREEK MUSKEGON MI 49444-000		COST PER FOOT:	\$18.00
		ESTIMATED P.O. COST:	\$11,849.40

Milling & Resurfacing-Black Creek, Sherman N to Latimer

24-134-400-0003-10	PLANNING DEPT C/O CITY OF M 933 TERRACE ST @ 2330 BLACK CREEK MUSKEGON MI 49443	ASSESSABLE FEET: 0 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$0.00
24-134-400-0006-00	BJE L L C 1985 E LAKETON AVE @ 2350 BLACK CREEK MUSKEGON MI 49442-000	ASSESSABLE FEET: 285 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$5,130.00
24-693-000-0036-00	BEKAERT STEEL WIRE CORP 2121 LATIMER DR @ 2121 LATIMER DR MUSKEGON MI 49442	ASSESSABLE FEET: 598.45 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$10,772.10
24-694-000-0038-00	R S B PROPERTY L L C 2265 BLACK CREEK RD. @ 2265 BLACK CREEK MUSKEGON MI 49444	ASSESSABLE FEET: 1045.56 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$18,820.08
24-694-000-0039-00	REID TOOL SUPPLY CO 2265 BLACK CREEK RD @ 2246 OLTHOFF ST MUSKEGON MI 49444	ASSESSABLE FEET: 366 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$6,588.00
24-694-000-0053-00	STATE OF MICHIGAN PO BOX 30050 @ 2225 OLTHOFF ST LANSING MI 48909	ASSESSABLE FEET: 0 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$0.00
24-695-000-0055-00	WESTSHORE ENG & SURVEY 2534 BLACK CREEK ROAD @ 2534 BLACK CREEK MUSKEGON MI 49442-000	ASSESSABLE FEET: 280 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$5,040.00

HEARING DATE JANUARY 22nd,2002 H-1536

Milling & Resurfacing-Black Creek, Sherman N to Latimer

24-695-000-0056-00	MUNN PROPERTIES LLC	ASSESSABLE FEET:	309.33
	1489 US31 NORTH	COST PER FOOT:	\$18.00
@ 2541	BLACK CREEK TRAVERSE CITY MI 49686	<u>ESTIMATED P.O. COST:</u>	\$5,567.94

SUM OF ASSESSABLE FOOTAGE:	<u>4566.75</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	\$82,201.50
----------------------------	----------------	------------------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS 14

PARCEL WITH \$0.00 TOTAL ARE EXEMPT

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

H-1536 BLACK CREEK ROAD, SHERMAN NORTH TO LATIMER

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

GAIL A. KUNDINGER, CITY CLERK

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

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **JANUARY 22ND, 2002**

Project Title: **Milling & Resurfacing-Black Creek, Sherman N to Latimer**

Project Description: **All parcels abutting Black Creek from 563' S of Olthoff N to Latimer**

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: **2246 OLTHOFF ST**

Parcel Number **24-694-000-0039-00**

Assessable Frontage: **366 Feet**

Estimated Front Foot Cost: **\$18.00 per Foot**

ESTIMATED TOTAL COST \$6,588.00

JAN 16 2002

Property Description

CITY OF MUSKEGON
PORT CITY INDUSTRIAL CENTER #4
LOTS 39 AND 40

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

John E. Johnson

CoOwner/Spouse

Signature

[Signature]

Signature

Address

2246 Olthoff St

Address

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

ADD TOTAL SUPPLY GO

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By JANUARY 22nd, 2002

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer

Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2265 BLACK CREEK RD

Parcel Number 24-694-000-0038-00

Assessable Frontage: 1045.56 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$18,820.08

JAN 16 2002

Property Description

LOT 38 PORT CITY IND CTR #4 ALSO INCL THAT PART OF NW 1/4 OF SE 1/4 SEC 34 T10N R16W LYING S OF C/L OF LITTLE BLACK CREEK AND N OF LOT 38 PORT CITY IND CTR #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

John F. DePue

CoOwner/Spouse

Signature

[Signature]

Signature

Address

2265 Black Creek Rd

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **JANUARY 22nd, 2002**

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer

Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2241 BLACK CREEK RD

Parcel Number 24-134-400-0002-20

Assessable Frontage: 396.33 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$7,133.94

Property Description

THAT PT OF NW 1/4 OF SE 1/4 SEC 34, T10N, R16W DESC AS FOL: COM AT E 1/4 COR SD SEC TH N 89 DEG 43 MIN 20 SEC W ALG E & W 1/4 LINE SD SEC 1401.10 FT TO SE COR OF LOT 37 PORT CITY INDUSTRIAL CENTER NO 3 TH S 00 DEG 36 MIN 10 SEC W ALG W LINE OF BLACK CREEK RD 69.67 FT TO S LINE OF CONSUMERS POWER CO PROP AS DESC IN A DEED RECORDED LIBER 1006 PAGE 153, FOR POB, TH N 87 DEG 13 MIN 22 SEC W ALG SD S LINE 84.22 FT TO A PT WHICH IS 66 FT S OF SD E & W 1/4 LINE, TH N 89 DEG 43 MIN 20 SEC W PAR TO SD E & W 1/4 LINE 80.84 FT, TH S 00 DEG 36 MIN 10 SEC W 400 FT

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Bruce Pellerin

CoOwner/Spouse

WILLIAM SCHROEDER

Signature

Bruce Pellerin

Signature

[Signature]

Address

2241 BLACK CREEK RD

Address

2241 BLACK CREEK RD

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By JANUARY 22nd, 2002

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer
Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2300 BLACK CREEK RD
Parcel Number 24-134-400-0003-00
Assessable Frontage: 658.3 Feet
Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$11,849.40

Property Description

CITY OF MUSKEGON
THAT PART OF NE 1/4 OF SE 1/4 OF SEC 34 T10N
DESC AS FOL
COM AT E 1/4 COR OF SD SEC
TH N 89D 43M 20S W ALG E & W 1/4 LINE 1335.10' F

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. D. [Signature] CoOwner/Spouse _____
Signature [Signature] Signature _____
Address 2300 Black Creek Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By JANUARY 22nd, 2002

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer

Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2121 LATIMER DR

Parcel Number 24-693-000-0036-00

Assessable Frontage: 598.45 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$10,772.10

JAN 18 2002

Property Description

CITY OF MUSKEGON PORT CITY INDUSTRIAL CENTER NO 3 LOTS 36 & 37 EXC THAT PART OF LOT 37 DESC AS BEG AT NE COR OF LOT 37 TH N 89D 41M 50S W 25 FT ALG N LINE OF SD LOT TH S 44D 09M 25S E 35.02 FT TO PT ON E LINE SD LOT SD POINT BEING 25 FT S 1D 23M 00S W FROM POB TH N 1D 23M 00S E 25 FT ALG E LINE OF SD LOT TO POB (SPLIT 11/30/99 BASED ON DEED DATED MARCH 30, 1989 BUT RECORDED MARCH 10, 1999 IN LIBER/PAGE 2215/830) 88-244 IFT NEW EXP 2001 92-557 IFT NEW EXP 2000

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

C. T. MILLER

CoOwner/Spouse

Signature

[Signature]

Signature

Address

2121 LATIMER DR.

Address

2121 LATIMER DR.

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

JOHN EDWARDS & SONS, INC.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By **JANUARY 22nd, 2002**

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer

Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2325 BLACK CREEK RD

Parcel Number 24-134-400-0002-10

Assessable Frontage: 300 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$5,400.00

Property Description

THAT PT OF NW 1/4 OF SE 1/4 SEC 34, T10N, R16W DESC AS FOL: COM AT E 1/4 COR OF SD SEC, TH N 89 DEG 43 MIN 20 SEC W ALG E & W 1/4 LINE OF SD SEC 1401.10 FT TO SE COR OF LOT 37 PORT CITY IND CENTER NO 3, TH S 00 DEG 36 MIN 10 SEC W ALG W LINE OF BLACK CREEK RD 530 FT FOR POB, TH N 89 DEG 43 MIN 20 SEC W 140 FT, TH S 00 DEG 36 MIN 10 SEC W 300 FT, TH S 89 DEG 43 MIN 20 SEC E 140 FT TO W LINE OF SD BLACK CREEK RD, TH N 00 DEG 36 MIN 10 SEC E ALG SD W LINE 300 FT TO POB. CONT 0.96 ACRES. E 10 FT THEREOF RESERVED FOR A PRIVATE EASEMENT FOR PUBLIC UTILITIES.

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

Stephen M. Carlson

CoOwner/Spouse

Vicki R. Carlson

Signature

[Signature]

Signature

[Signature]

Address

2325 Black Creek Rd

Address

2325 Black Creek Rd

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By JANUARY 22nd, 2002

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer

Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2350 BLACK CREEK RD

Parcel Number 24-134-400-0006-00

Assessable Frontage: 285 Feet

Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$5,130.00

JAN 18 2002

Property Description

CITY OF MUSKEGON
THAT PT OF NE 1/4 OF SE 1/4 SEC 34 T10N R16W
DESC AS FOL
COM AT E 1/4 COR OF SD SEC
TH N 89D 43M 20S W ALG E & W 1/4 LINE SD SEC 1335.10 FT TO A PT WHICH IS 66 FT ELY OF SE COR OF LOT 37 PORT CITY
Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Bruce Essex CoOwner/Spouse _____
Signature Bruce Essex Signature _____
Address 2350 Black Creek Rd Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By JANUARY 22nd, 2002

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer
Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2534 BLACK CREEK RD
Parcel Number 24-695-000-0055-00
Assessable Frontage: 280 Feet
Estimated Front Foot Cost: \$18.00 per Foot

ESTIMATED TOTAL COST \$5,040.00

JAN 18 2002

Property Description

PORT CITY INDUSTRIAL CENTER NO 5 LOT 55

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

[Signature]

CoOwner/Spouse

[Signature]

Signature

Signature

Address

2534 BLACK CREEK RD.

Address

2534 BLACK CREEK RD.

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

Mail to City Clerk, City of Muskegon, 933 Terrace St, Muskegon Mich
SPECIAL ASSESSMENT
HEARING RESPONSE CARD *49443-0536*

13

To have your vote count, please
Return This Card By JANUARY 22ND, 2002

Project Title: Milling & Resurfacing-Black Creek, Sherman N to Latimer
Project Description: All parcels abutting Black Creek from 563' S of Olthoff N to Latimer

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address: 2534 BLACK CREEK RD
Parcel Number 24-695-000-0055-00
Assessable Frontage: 280 Feet
Estimated Front Foot Cost: \$18.00 per Foot
ESTIMATED TOTAL COST \$5,040.00

JAN 8 2002

Property Description

PORT CITY INDUSTRIAL CENTER NO 5 LOT 55

Your vote COUNTS!

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

I AM IN FAVOR ☐

I AM OPPOSED ☒

MUNN PROPERTIES L.L.C.
MUNN PROPERTIES LLC
Owner *Robert J. Munn* CoOwner/Spouse _____
Signature *Robert J. Munn* Signature _____
Address *1489 W. S. 31 N.* Address _____
TRAVERSE CITY, MICH 49686
Thank you for taking the time to vote on this important issue.
ROBERT J. MUNN

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

1/22/024:16 PMTABUALATION OF THE RESPONSES TO THE SP. ASS. HEARING ON BLACK CREEK.xls

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

			total of 7 parcels			
			FOR	OPPOSE	NOT RESPONDING	
	FEET	PERCENTAGE	LETTER#	PARCEL#	FEET	LETTER#
			PARCEL#		PARCEL#	FEET
						LETTER#
						PARCEL#
						FEET
TOTAL ASSESSABLE FRONT FOOTAGE	1940.260	***				
FRONT FEET OPPOSED	0	0.00%				
RESPONDING FRONT FEET IN FAVOR	0.000	0.00%				
NOT RESPONDING - FRONT FEET IN FAVOR	1940.260	100.00%				
TOTAL FRONT FEET IN FAVOR	1940.260	100.00%				
TOTALS	0				0	



A safe
harbor for
your
casting
needs

PORT CITY GROUP

January 21, 2002

Members of the Muskegon City Commission
City of Muskegon
PO Box 536
Muskegon, MI 49443-0536

To the Honorable Members of the Muskegon City Commission:

I would like to take this opportunity to express my company's views regarding the proposed Special Assessment for Resurfacing Black Creek Road, from Sherman north to Latimer.

I must admit I was quite surprised when I received the "Notice of Hearing" regarding this issue. I quickly contacted people who work for other municipalities regarding their policies for upkeep of public roads. Of the three I had spoken with, not one charged its property owners and businesses for their expense above what they already received in taxes from them.

I, as well as other property owners I contacted, did not feel that this section of Black Creek Road was in need of such a repair at this time. Also, the \$300,000.00 projected project cost seems far to high for the work described in the notice.

With this, I must notify you that we strongly object to being assessed for these expenses. In our business, we are under constant pressure to provide better products and services to our customers at a lower price. It is important that our operations are located in a city that understands the importance of being competitive as well.

I appreciate your consideration in this matter.

Sincerely,

B. John Essex, Jr.
President



Port City Die Cast

1985 E. Laketon Avenue • Muskegon, Michigan 49442
Phone (231) 777-3941 • Fax (231) 773-3416

Port City Metal Products

2350 Black Creek Road • Muskegon, Michigan 49444
Phone (231) 777-5615 • Fax (231) 777-5911

Mirror Image Tool

1985 E. Laketon Avenue • Muskegon, Michigan 49442
Phone (231) 777-3941 • Fax (231) 773-3416

Muskegon Castings Corporation

2325 S. Sheridan Street • Muskegon, Michigan 49442
Phone (231) 773-4491 • Fax (231) 773-4919

PCMP Specialty Division

2385 S. Sheridan Street • Muskegon, MI 49442
Phone (231) 777-5809 • Fax (231) 777-8750

MEMORANDUM

To: Mayor and City Commissioners

From: Mohammed Al-Shatel, City Engineer *MSA*

Date: February 1, 2002

Re: Black Creek Rd.

In concurrence with your wishes, I invited the business owners affected by the proposed special assessment district on Black Creek between Latimer & Sherman to discuss the proposed project and address some of the concerns that they may have.

The meeting was held on January 30, 2002 and was attended by representatives from:

- Trace Analytical
- Harborfront
- Bekaert
- Reid Tool
- Signcrafters

During the meeting, which was attended by Mr. Spataro as well, the following issues (most of which are presented in the attached letters) were discussed;

1. The type of improvements being proposed;
The attendee expressed some reservation toward the proposed pavement and it's effectiveness in light of what they see happening on Latimer's (cracks in the pavement).

Response was: It has been 8-years since Latimer was resurfaced. Back in 1994 we used a method of milling and resurfacing only the top 1 ¼" of the pavement. Furthermore, and in my best judgment, since what is being proposed at this time entails the milling & resurfacing 3"- 4" using a higher

strength asphalt for the top course, the proposed pavement will last a minimum of 10-years.

2. Special Assessment;

Concern was, since we are paying income tax as well as other taxes and given the fact that very few community, if any, have a similar assessment program, why have it?

Response; the special assessment was created back in 1992 to help offset some of the overwhelming demands to keep the City's street system in a reasonably acceptable condition while recognizing the benefits abutting properties gain when a street is upgraded.

3. Estimated Cost;

Concern; the estimated cost of \$300,000 in letters seemed to be much higher than it should be for this type of improvement. The thought was that the owners participation was a percentage of the estimated cost.

Response; I explained that the assessment was based on set figure of \$18 per assessable foot for this type of improvement. And that the percentages presented in the letters are to ensure that the City participate in the cost (total assessment can't exceed 80% of total cost according to the policy).

4. Timing of the Assessment;

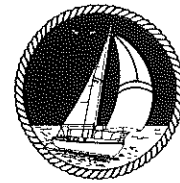
Concern; the assessment amount was not budgeted for in 2002 since they were not aware of the pending project and assessment until the notices had arrived.

Response; it was explained to the attendees that first installment, if the district is created, would not be due until after the construction is completed and another hearing is held. I went on to say that the spreading of the roll would then take place toward the end of 2002 which would ensure a due date for the first installment in 2003.

Cc: Bryon Mazade
Bob Kuhn

Encl.

Harborfront Interiors, Inc.



2300 BLACK CREEK ROAD, MUSKEGON, MICHIGAN 49444 PHONE (231) 777-3838 FAX (231) 777-3850

January 30, 2002

Muskegon City Commission
City of Muskegon
P.O. Box 536
Muskegon, MI 49443

Dear Commissioners:

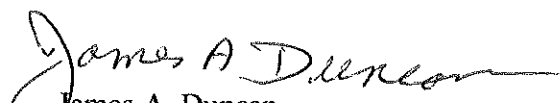
At the last city counsel meeting, I spoke about the proposed special assessment district for repaving Black Creek Road from Sherman Boulevard to Latimar Street. As I indicated at that time, I feel that this is only one-third of the total project that should be accomplished – if you were to accomplish it. No consideration has been given for Latimar Drive or for Port City Boulevard, which are two other streets that make up this thoroughfare.

When we moved into our new facility here eight years ago, the traffic was a fraction of what it is today. This has become a thoroughfare with heavy car and truck traffic, which now includes the Mats Bus Line. I really do not think it is fair to assess property owners for repaving a road that is used very little by the business owners. In other communities such as Norton Shores, they do not have special assessment districts for paving roads, nor do they collect a city income tax as the City of Muskegon does, nor do they have a registration fee for their businesses. I think that things are getting a little out of hand and an analysis must be done.

In checking some figures with commercial black top paving companies, it seems that the rough estimate of \$300,000 to do this project is about 6 times higher than it should be. As I understand, there are 14 property owners along this section and 9 of them have in sent, in writing, to the City Commission that they are not in favor of the repaving at this time. I have also been told that a resurfacing ONLY of the road is not an answer to the problem. I have been told that the road should be used until it is in disrepair and at that time it should be completely replaced.

Please review what I have said and I would like to restate that at this time I am opposed to any resurfacing project.

Sincerely,


James A. Duncan
President

phone 231.773.5998
toll-free 800.733.5998
fax 231.773.6537

Trace Analytical Laboratories, Inc.
2241 Black Creek Road
Muskegon, MI 49444-2673
traceanalytical@mad.scientist.com



January 29, 2002

Members of the Muskegon City Commission
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

Dear Members of the City Commission:

Pursuant to your instructions at the last City Council Meeting, I have documented our company's concerns regarding the proposed assessment for resurfacing Black Creek Road. I believe that the following points must be considered before straddling business with yet another City tax:

1. Black Creek has become mostly a thoroughfare for cars and trucks between Laketon and Sherman Roads and also for those vehicles traveling out Olthof Road to the Prison. Business such as ours receive very little of the type of traffic that causes the road to deteriorate.
2. I don't believe that most cities levy a special assessment on businesses in their industrial park areas for road maintenance projects. I checked with Norton Shores and they have no ordinance providing for special assessments to resurface roads in their industrial park. Also, they do not have a City Income Tax, as does Muskegon.
3. The City feels that 27% of the cost burden should be passed on to the businesses occupying this stretch of Industrial Park. How did the City arrive at this percentage? It certainly doesn't appear to reflect traffic usage of our business.
4. The City has indicated that the total cost for this resurfacing project will be in the realm of \$300,000. A call to Reith Riley in Ludington to inquire about such costs, indicated that this amount appears to be abnormally high. The following information summarizes their estimates:
 - a. Road resurfacing for a section of asphalt 0.5 miles long, 35 foot wide and 1.5 inches deep would require 925 tons of new asphalt.
Cost at \$40 / ton = \$37,000

- b. Mobilization, demobilization and operation of a milling machine = \$8,000
- c. Removal of milled asphalt by truck = \$2,000
- d. Traffic control = \$ 1,500
- e. Signs and barrels for project = \$2,500

TOTAL COST = \$51,000 (This cost was stated to have been estimated on the "high side" to provide a margin of error.)

- 5. With the above information in mind, we would like to know if the City is using estimated costs or have they actually solicited bids for this work? If bids were solicited, it would also be beneficial for us to know the actual scope of work that was requested?
- 6. A reputable Engineer in Ludington indicated, that resurfacing projects such as this are normally considered a "Band Aid" approach. The cracks that exist in the asphalt usually run all the way through to the gravel underneath. One only needs look at Latimer and Port City Blvd. to see that this reasoning is probably correct. These roads were resurfaced in 1995 and don't look any better than Black Creek does now. Wouldn't it be more prudent to wait a few years and replace the entire road? Most business owners that I have talked to feel that Black Creek is not in a bad enough condition to warrant resurfacing at this time.
- 7. The original letter I received from the City regarding the proposed assessments contained incorrect information for our business. When I called to inquire about this, I asked the responding individual how road maintenance projects such as this are initiated. I was told that a property owner in the proposed project area had to have made a request for improvements. The implied answer was that the request came from one of the other businesses in the Industrial Park. Upon further questioning, it was learned that the property owner was the City of Muskegon. With all due respect, it gave the appearance that the City was trying to manipulate the business owners.

8. I was also told that our vote on this issue was important. However, when I questioned City Officials regarding the voting process, I was told any businesses not responding to the questionnaire would have a "yes" vote recorded in their behalf. Why does the City believe that a business owner's failure to respond should automatically constitute an affirmative vote? Perhaps they were out of town or home with an injury or illness and didn't receive the information. Don't you think a project such as this should stand on its own merits? If it can't then it is probably the wrong thing to do.

Thank you for taking the time to consider my concerns regarding this project

Sincerely,

A handwritten signature in cursive script that reads "R. Bruce Pelletier". The signature is written in dark ink and is positioned below the word "Sincerely,".

R. Bruce Pelletier
President

cc: Mr. MoHammed S. Al-Shatel, PE



Westshore Consulting
2534 Black Creek Road • Muskegon, MI 49444
Ph: (231) 777-3447 • Fx: (231) 773-3453
Email: Westshore1@aol.com

MEMORANDUM

To: Bruce Pelletier
From: Dennis Dunlap
Re: Black Creek Road Repaving

Date: January 30, 2002
File No. NA

Bruce:

You requested my concerns in regard to the proposed paving project on Black Creek Road.

My biggest concern is the idea that this is a special assessment type project. My feeling is that this should be a general maintenance project, not framed by special assessments. Many people that do not own frontage use the road. My experience with special assessment projects would be that the improvement gives something special to those assessed, and not a generally used major road.

I also object to the nature of how the special assessment district has been created (i.e., by the City who owns 4 percent of the frontage requesting it). It seems to me that the City has a vested interest in the creation of the special assessment, and I wonder about the legality of this.



SIGNCRAFTERS, Inc.

Custom Plastic Face Manufacturers

2325 BLACK CREEK ROAD • MUSKEGON, MICHIGAN, 49444 • (773-3343 • FAX (777-1767

January 29, 2002

To:

The Mayor, City Commisioners, City Manager, Planning and City Engineer of
The City of Muskegon

Re: H-1536- Black Creek, Sherman to Latimer

It is Signcrafters, Inc. contention that this project be delayed. We were not happy with being informed about this project on such short notice.. No contact was made by the City in regard to our opinion on this issue. Sending the initial notice for this project just before most businesses are going to pay their taxes and then adding this surprise seems unfair. We were told with the City income tax, that all my employees pay, would be used for or help with street maintenance.

The City of Muskegon gave no facts on why this project was necessary. Park owners deserve forewarning on special assessment projects. Signcrafters, Inc. would appreciate the time necessary to set aside the funds, as to avoid paying interest on this project.

Sincerely,

Stephen M. Carlson
President/Owner



A safe
harbor for
your
casting
needs

PORT CITY GROUP

January 21, 2002

Members of the Muskegon City Commission
City of Muskegon
PO Box 536
Muskegon, MI 49443-0536

To the Honorable Members of the Muskegon City Commission:

I would like to take this opportunity to express my company's views regarding the proposed Special Assessment for Resurfacing Black Creek Road, from Sherman north to Latimer.

I must admit I was quite surprised when I received the "Notice of Hearing" regarding this issue. I quickly contacted people who work for other municipalities regarding their policies for upkeep of public roads. Of the three I had spoken with, not one charged its property owners and businesses for their expense above what they already received in taxes from them.

I, as well as other property owners I contacted, did not feel that this section of Black Creek Road was in need of such a repair at this time. Also, the \$300,000.00 projected project cost seems far to high for the work described in the notice.

With this, I must notify you that we strongly object to being assessed for these expenses. In our business, we are under constant pressure to provide better products and services to our customers at a lower price. It is important that our operations are located in a city that understands the importance of being competitive as well.

I appreciate your consideration in this matter.

Sincerely,

B. John Essex, Jr.
President



Port City Die Cast

1985 E. Laketon Avenue • Muskegon, Michigan 49442
Phone (231) 777-3941 • Fax (231) 773-3416

Port City Metal Products

2350 Black Creek Road • Muskegon, Michigan 49444
Phone (231) 777-5615 • Fax (231) 777-5911

Mirror Image Tool

1985 E. Laketon Avenue • Muskegon, Michigan 49442
Phone (231) 777-3941 • Fax (231) 773-3416

Muskegon Castings Corporation

2325 S. Sheridan Street • Muskegon, Michigan 49442
Phone (231) 773-4491 • Fax (231) 773-4919

PCMP Specialty Division

2385 S. Sheridan Street • Muskegon, MI 49442
Phone (231) 777-5809 • Fax (231) 777-8750

Date: February 12, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Black Creek Rd. from Sherman to Latimer

*Special Assessment
District did not
pass.*

SUMMARY OF REQUEST:

The contract to mill and resurface Black Creek Rd. from Sherman to Latimer be awarded to Asphalt Paving since they were the lowest (see bid tabulation) responsible bidder with a bid price of \$117,565.88.

FINANCIAL IMPACT:

The construction cost of \$117,565.88 plus associated engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Asphalt Paving if the **special assessment district is created**.

COMMITTEE RECOMMENDATION:

MILLING AND RESURFACING

			WOODLAND		JACKSON MERKEY		ASPHALT PAVING		C&D HUGHES		FELCO		REITH RILEY		
	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	ADJUST MANHOLE CASTING	21	EACH	\$375.00	\$7,875.00	\$425.00	\$8,925.00	\$425.00	\$8,925.00	\$400.00	\$8,400.00	\$350.00	\$7,350.00	\$470.00	\$9,870.00
2	ADJUST WATER VALVE CASTINGS	13	EACH	\$365.00	\$4,745.00	\$330.00	\$4,290.00	\$330.00	\$4,290.00	\$400.00	\$5,200.00	\$300.00	\$3,900.00	\$350.00	\$4,550.00
3	BITUMINOUS BASE COURSE .2C @440#/S.YD	12	TON	\$45.00	\$540.00	\$49.50	\$594.00	\$45.00	\$540.00	\$45.00	\$540.00	\$65.00	\$780.00	\$80.00	\$960.00
4	BIT. LEVELING MIX 3C @ 165#/S.Y.	927	TON	\$35.15	\$32,584.05	\$38.65	\$35,828.55	\$28.95	\$26,836.55	\$35.15	\$32,584.05	\$36.00	\$33,372.00	\$38.45	\$35,643.15
5	BIT. TOP MIX 4C POLYMER MOD @ 220#/S.Y.	1229	TON	\$33.82	\$41,564.78	\$37.20	\$45,718.80	\$37.80	\$46,456.20	\$33.82	\$41,564.78	\$46.00	\$56,534.00	\$36.50	\$44,858.50
6	CATCH BASIN CASTING E J #7045 OR EQUAL	1	EACH	\$400.00	\$400.00	\$550.00	\$550.00	\$550.00	\$550.00	\$475.00	\$475.00	\$500.00	\$500.00	\$550.00	\$550.00
7	CATCH BASIN-2' INLET	1	EACH	\$600.00	\$600.00	\$1,245.00	\$1,245.00	\$1,245.00	\$1,245.00	\$800.00	\$800.00	\$1,400.00	\$1,400.00	\$1,300.00	\$1,300.00
8	CONC. CURB & GUTTER F-4 MODIFIED.	72	LIN. FT.	\$35.00	\$2,520.00	\$18.00	\$1,296.00	\$20.00	\$1,440.00	\$20.00	\$1,440.00	\$29.00	\$2,088.00	\$25.00	\$1,800.00
9	MANHOLE CASTING, EJ #1000 OR EQUAL	3	EACH	\$300.00	\$900.00	\$575.00	\$1,725.00	\$575.00	\$1,725.00	\$500.00	\$1,500.00	\$320.00	\$960.00	\$575.00	\$1,725.00
20	PAVEMENT PREPARATORY WORK	28.3	STA	\$300.00	\$8,490.00	\$165.00	\$4,668.50	\$150.00	\$4,245.00	\$325.00	\$9,197.50	\$225.00	\$6,367.50	\$87.00	\$2,462.10
11	PAVEMENT MARKING	707.5	LIN. FT.	\$2.00	\$1,415.00	\$2.15	\$1,521.13	\$1.95	\$1,379.63	\$1.25	\$884.38	\$3.40	\$2,405.50	\$2.00	\$1,415.00
12	PREPARED TOP SOIL & SEED, CLASS A	80	S YDS	\$6.00	\$480.00	\$4.25	\$340.00	\$4.25	\$340.00	\$5.00	\$400.00	\$32.00	\$2,560.00	\$4.25	\$340.00
13	RECONSTRUCTING MANHOLES	3	V. FT	\$250.00	\$750.00	\$495.00	\$1,485.00	\$495.00	\$1,485.00	\$400.00	\$1,200.00	\$150.00	\$450.00	\$500.00	\$1,500.00
14	REMOVING BIT. SURFACE (3"-4")	10598	SQ.YD.	\$1.97	\$20,878.06	\$1.30	\$13,777.40	\$0.80	\$8,478.40	\$2.00	\$21,196.00	\$1.85	\$19,606.30	\$0.85	\$9,008.30
15	REMOVING CONC. CURB & GUTTER	80	LIN. FT.	\$10.00	\$800.00	\$5.75	\$460.00	\$5.75	\$460.00	\$6.00	\$480.00	\$23.00	\$1,840.00	\$5.75	\$460.00
16	STORM SEWER 10" CL52 DCI	5	LIN. FT.	\$35.00	\$175.00	\$45.00	\$225.00	\$45.00	\$225.00	\$60.00	\$300.00	\$29.00	\$145.00	\$50.00	\$250.00
17	TRAFFIC CONTROL	1	LUMP	\$11,500.00	\$11,500.00	\$5,445.00	\$5,445.00	\$8,075.00	\$8,075.00	\$4,600.00	\$4,600.00	\$5,800.00	\$5,800.00	\$12,000.00	\$12,000.00
18	WATER VALVE BOX AND COVER COMPLETE	2	EACH	\$250.00	\$500.00	\$435.00	\$870.00	\$435.00	\$870.00	\$400.00	\$800.00	\$550.00	\$1,100.00	\$480.00	\$960.00
	TOTALS				\$136,716.89		\$128,965.38		\$117,565.88		\$131,561.71		\$147,158.30		\$129,652.05

ADJUST MANHOLE CASTING	21	EACH	\$400.00	\$8,400.00
ADJUST WATER VALVE CASTINGS	13	EACH	\$240.00	\$3,120.00
BITUMINOUS BASE COURSE, 2C @ 440#/S.YD	12	TON	\$60.00	\$720.00
BIT. LEVELING MIX 3C @ 165#/S.Y.	927	TON	\$42.00	\$38,934.00
BIT. TOP MIX 4C POLYMER MOD @ 220#/S.Y.	1229	TON	\$48.00	\$58,992.00
CATCH BASIN CASTING E.J.#7045 OR EQUAL	1	EACH	\$600.00	\$600.00
CATCH BASIN-2" INLET	1	EACH	\$1,300.00	\$1,300.00
CONC. CURB & GUTTER, F-4 MODIFIED.	72	LIN. FT.	\$12.00	\$864.00
MANHOLE CASTING, E.J.#1000 OR EQUAL	3	EACH	\$600.00	\$1,800.00
PAVEMENT PREPARATORY WORK	28.3	STA	\$300.00	\$8,490.00
PAVEMENT MARKING	707.5	LIN. FT.	\$0.50	\$353.75
PREPARED TOP SOIL & SEED, CLASS A	80	S YDS	\$8.00	\$640.00
RECONSTRUCTING SURFACES	3	V. FT	\$400.00	\$1,200.00
REMOVING BIT. SURFACE (3"-4")	10598	SQ. YD.	\$5.00	\$52,990.00
REMOVING CONC. CURB & GUTTER	80	LIN. FT.	\$8.00	\$640.00
STORM SEWER 10" CL52 DCI	5	LIN. FT.	\$40.00	\$200.00
TRAFFIC CONTROL	1	LUMP	\$15,000.00	\$15,000.00
WATER VALVE BOX AND COVER COMPLETE	2	EACH	\$345.00	\$690.00

1 02/06/2002 4:11 PMBlack Creek Bid Tabulation

Date: January 31, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Grant Application for Consumer's Energy
Property Purchase

SUMMARY OF REQUEST:

To authorize staff to submit a grant application to the DNR Trust Fund for the purchase of the land from Consumers Energy for the future development of a sports complex

FINANCIAL IMPACT:

Approximately \$900,000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board Recommends approval

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

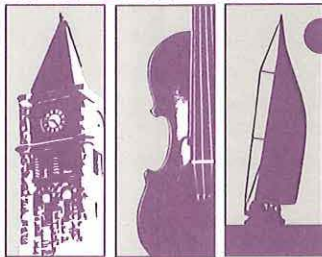
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: January 30, 2002

To: City Commission

From: Ric Scott

Re: Grant Application for Consumers Energy
Property Purchase

Last year, the City Commission approved a Memorandum of Understanding with Consumer's Energy for the development and purchase of the property across from Veteran's Park. I am seeking authorization to apply to the DNR Trust Fund to purchase the property.

A recent appraisal of the property puts a value on the property of \$900,000. The grant would request \$675,000 from the Trust Fund and the City would need to provide a \$225,000 match. However, Consumers Energy has agreed to donate back to the City the \$225,000 match.

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

Thank you for your consideration.

RESOLUTION NO. 2002-18(a)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR
THE PURCHASE OF THE CONSUMER'S ENERGY PROPERTY UNDER THE
MNRTF.

WHEREAS, the City of Muskegon wishes to purchase approximately 56 acres of
property from Consumer's Energy for the development of a sports
complex; and

WHEREAS, the property has been appraised at \$900,000,

WHEREAS, grant applications are now being received by the Michigan
Department of Natural Resources for Michigan Natural Resources
Trust Fund (MNRTF), which will provide up to 75% funding for the
project;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon approve the submission of the grant application to the
MNRTF for \$900,000 for the purchase of the Consumer's
Energy property,

BE IT FURTHER RESOLVED, that the City's \$225,000 match will be provided,
and the City hereby commits itself to complete this purchase if the
grant application is approved.

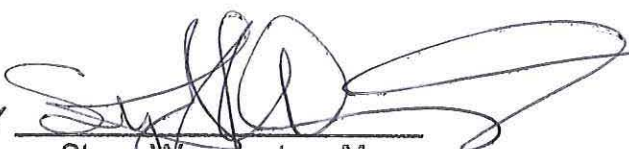
Adopted this 12th day of February, 2002

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

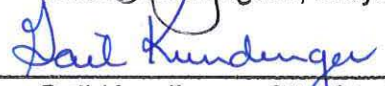
NAYS: None

ABSENT: None

BY


Steve Warmington, Mayor

ATTEST

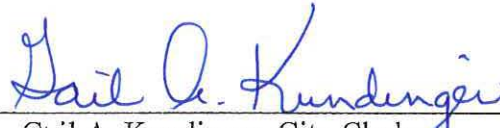

Gail Kunding, City Clerk

2002-018(a)
CERTIFICATION

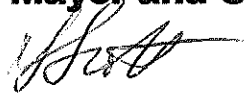
This resolution was adopted at a regular meeting of the City Commission, held on February 12, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunderinger, City Clerk

Date: February 1, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Sheldon Park Grant Application to UPARR

SUMMARY OF REQUEST:

To authorize staff to submit a grant application to the National Park Service for the rehabilitation of Sheldon Park, to update the Recovery Action Plan (RAP) of the City of Muskegon, and do adopt the attached resolution.

FINANCIAL IMPACT:

\$271,429

BUDGET ACTION REQUIRED:

Will need to put \$81,429 into the 2003 budget if the grant is awarded

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board recommends approval

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

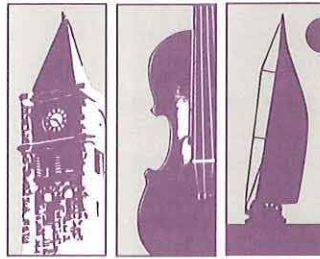
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: February 1, 2002
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Sheldon Park Grant Application to UPARR

Sheldon Park is one of the top priorities for rehabilitation within both the Leisure Services Master Plan and the Recovery Action Plan (RAP). The RAP is a requirement of the National Parks Service (NPS), but is not significantly different than the Master Plan. Last year, the City Commission authorized the submittal of a grant application to the Trust Fund to do the work. The grant was not approved.

The Urban Parks and Recreation Recovery Act (UPARR) provides funds to rehabilitate existing facilities. The program provides for an exact 70-30 match. To gain the most points, we need to stay less than \$5 per capita for the Federal match.

Consequently, I am requesting authorization to submit a grant to the NPS for \$271,429 to build a picnic shelter, put in new irrigation, build walkways, build a new restroom facility, and to pave the parking lot and hard court surface, as well as putting ADA surfacing under the playground equipment. This would provide \$190,000 from NPS and would require a local match of \$81,429 that would need to be included in the 2003 budget. I would also ask that you adopt the attached resolution.

Further, I would ask that you approve the attached priority list for updating the RAP that shows Sheldon as a high priority for the city. A total new RAP will need to be done in 2003 to continue to be eligible for UPARR funding.

Thank you for your consideration.

RESOLUTION NO. 2002-18(b)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR
SHELDON PARK DEVELOPMENT UNDER THE UPARR PROGRAM.

WHEREAS, the City of Muskegon wishes to redevelop Sheldon Park; and

WHEREAS, grant applications are now being received by the National Park Service for the UPARR program, which will provide 70% of the funding for the project; and

WHEREAS, has adopted the updates to the Recovery Act Plan,

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon approve the submission of the grant application to UPARR for \$271,429 for the Rehabilitation of Sheldon Park; and

BE IT FURTHER RESOLVED, that the City's \$81,429 match will be provided, and the City hereby commits itself to complete this project if the grant application is approved.

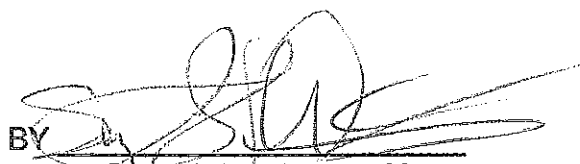
Adopted this 12th day of February, 2002

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

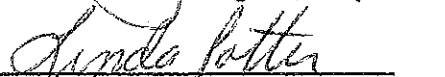
NAYS: None

ABSENT: None

BY


Steve Warmington, Mayor

ATTEST


Linda Potter, Deputy Clerk

2002-018(b)
CERTIFICATION

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

CITY OF MUSKEGON

By *Linda Potter*
Linda Potter, Deputy Clerk

Affirmative Action
231/724-5703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

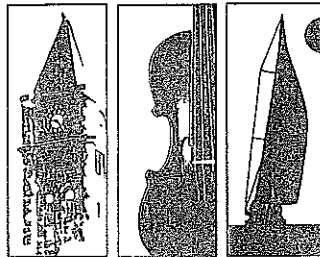
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

February 14, 2002

Jim Krejci
NPR, Midwest Region
1709 Jackson Street
Omaha, NEB 68102-2571

Dear Mr. Krejci,

On behalf of the City of Muskegon, I am pleased to send you this letter of transmittal for the Urban Parks and Recreation Recovery (UPARR) program pre-application for the rehabilitation of Sheldon Park. This is a rehabilitation grant application. The City of Muskegon has worked hard at rehabilitating its existing facilities. Sheldon Park is one that has yet to be done and is therefore a very high priority for the City.

The City of Muskegon will comply with all NPS requirements. The total grant is for \$271,429, with \$190,000 coming from UPARR. The local match of \$81,429 will be provided from the City's General Fund in the form of cash. The City has applied for funding through the State Trust Fund, I don't expect and help from them for this project. The project will begin within one year of receiving the grant and will be completed within two years. Sheldon Park is owned fee simple by the City and is one of the City's Charter Parks.

The City Commission has approved the updated RAP and looks forward again working with the NPS on a UPPAR project.

Thank you for your consideration.

Sincerely,

Steve Warmington, Mayor
City of Muskegon

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

Planning/Zoning
231/724-6702
FAX/724-6798

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

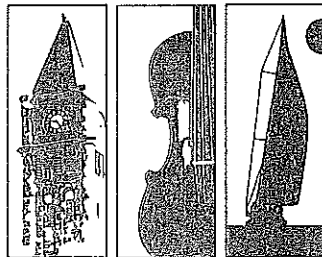
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

February 14, 2002

Jim Krejci
NPR, Midwest Region
1709 Jackson Street
Omaha, NEB 68102-2571

Dear Mr. Krejci,

On behalf of the City of Muskegon, I am pleased to send you this letter of transmittal for the update to the RAP. The City Commission approved the update at their meeting on February 12, 2002. A copy of the Resolution is attached. Also attached is an update on the projects listed in our RAP, and the new list of projects for the updated RAP.

The City Commission has authorized staff to submit a grant application for UPARR funding for the Rehabilitation of Sheldon Park. The park is a heavily used neighborhood park. Little work has been done to the park in over 50 years, except normal maintenance. The park is not accessible and needs paved walkways. The parking lot is not paved and does not meet city code. The restrooms are all but unusable as they do not meet ADA nor are they in a location easily accessible to where people play in the park. The playground surface no longer meets safety guidelines or ADA. The irrigation system is not automatic and the coverage is poor in areas where the system does work.

The city has been systematically rehabilitating all of its parks and it is time Sheldon was done. We look forward to working with you on this important project for the City of Muskegon.

Thank you for your consideration.

Sincerely,

Steve Warmington, Mayor
City of Muskegon

URBAN PARK AND RECREATION RECOVERY PROGRAM

RECOVERY ACTION PROGRAM

UPDATE

In 1992, the City of Muskegon adopted a Recovery Action Program (RAP), which outlines the City's plan for rehabilitating, upgrading, renovating and improving the quality of the recreation facilities within the City of Muskegon. Since 1992, a great deal of progress has been made in completing the rehabilitation, and more is scheduled to be completed in 2002.

The Capital Improvement Schedule on pages 138-140 at the end of the RAP lists the proposed projects. The status on each is reviewed below.

1. **Muskegon Lake Frontage**
The Lakeshore Trail has had four phases constructed. Two phases are scheduled for construction in 2002 and the last major section has now been designed and money applied for to construct it. It is anticipated that by 2004, the major sections of the trail will be completed. Links are also being designed to tie the city's trails into the state system.
2. **Smith-Ryerson**
The existing building (facility) was rehabilitated in the mid 1990's. New playground equipment has been added, and the softball diamonds rebuilt. Because of a change in use, and ADA issues, future work at this site includes a new restroom/shelter facility and converting the softball fields into football fields. Additional parking will also be required.
3. **Seyferth Park**
Seyferth Park has been totally rehabilitated. New restrooms have been built. A skatepark, new playground equipment, and an in-line hockey rink have all been added. The basketball court has been resurfaced, the irrigation system replaced, the parking lots paved, and the trees trimmed.
4. **Hackley Park**
Paving of the walkways and the adding of trees have been done. Additionally, the statues and monuments have all been rehabilitated.

5. Walker Arena
Walker Arena was renovated with a \$9,000,000 county bond issue in the late 1990's.
6. Beachwood Park
Beachwood Park is being rehabilitated in 2002 through a state of Michigan CMI grant. A section of the Lakeshore trail behind the dunes is also being constructed with this project. The project includes paving the parking lot, new playground equipment, an irrigation system, and a new restroom/shelter building.
7. Pere Marquette Park
The new walkways and bikepaths have not been done.
8. Bronson Park
Bronson Park is now called Kruse Park, and the parking and dune walkways have been completed. The campground has not been built.
9. Fisherman's Landing
Fisherman's Landing has had some paving completed and landscaping added. The launch ramps have also been rebuilt, a picnic shelter added, and additional campsites completed. This facility does need major renovation or may be moved
10. Hartshorn Marina
New small boat basin docks have been added and the area has been dredged. The large boat basin is in the middle of a major renovation. The launch ramps have also been rehabilitated.
11. Chase Hammond Golf Course
This facility has been sold and converted into the Lakeshore Trail with NPS approval. The last couple pieces of land needed to build the trail are now being purchased.
12. Beukema Playfield
New playground equipment has been added and the parking lot has been paved.

13. Marsh Field
The concession maintenance building has been replaced and the parking lot paved. No work has been done on the grandstands.
14. McCrea Playfield
New playground equipment has been added and the parking lot paved.
15. Campbell Field
This park was totally rehabilitated in 2001. While playground equipment had been added in previous years, a new restroom facility was built, one diamond totally rebuilt, parking added, and a new irrigation system was installed.
16. Sheldon Park
Some playground equipment has been added.
17. Reese Field
The parking lots have been improved, but not totally paved. New playground equipment has been added. A new maintenance/restroom building will be built in 2002. The tennis courts have been resurfaced.
18. McGraft Park
Only the new playground equipment has been done at McGraft Park.
19. Causeway-Veteran's Park
The fountain has been lit. Additionally, a walkway throughout the park has been constructed.
20. Fisheries Interpretive Center
This project has been dropped

FUTURE PLANS FOR EXISTING PROJECTS WITHIN THE RAP

While most of the projects within the RAP have been accomplished, the following projects are still scheduled to be completed, and have been prioritized as follows:

1. Lakeshore Trail \$1,600,000
Phase I of the trail will be completed within the next couple of years. Some minor sections into neighborhoods may be done sometime in the future.
2. Sheldon Park \$400,000
The restroom facility needs replacing to bring it up to ADA standards. Walkways will need to be provided and a resurfacing of the basketball court. The playground equipment needs ADA surfacing. A picnic shelter will be added. A new irrigation system will be installed. The baseball diamonds will be realigned. And the parking area will be paved.
3. Hartshorn Marina \$2,000,000
The large boat basin will need some major rehabilitation including new breakwalls, new electrical system, resurfacing of the paving, and a renovated office.
4. Smith-Ryerson \$400,000
The restroom building needs to be replaced and made barrier free. The softball fields will be converted to football fields. A picnic shelter and other park amenities will be added as will additional parking. A gymnasium needs to be added to the facility.
5. Pere Marquette Park \$150,000
The Lakeshore trail will be extended into the Park.
6. Fisherman's Landing \$500,000
Fisherman's Landing will either be moved to a new location, or major improvements will be made including additional campsites, new restrooms, resurfacing of the paved areas, and improved landscaping.
7. Reese Playfield \$125,000
The parking lots need to be paved and a second soccer field developed.

- | | | |
|----|--|-----------|
| 8. | McGraft Park | \$250,000 |
| | One of the parking lots needs to be paved and the back roadway also needs to be paved. Much of the park still needs an irrigation system. A picnic shelter needs to be provided. | |

Date: February 6, 2002
To: The Honorable Mayor and City Commissioners
From: City Treasurer
RE: Write-off of Uncollectible Accounts Receivable

SUMMARY OF REQUEST:

Periodically it is necessary to purge from the City's general accounts receivable records items that are deemed uncollectible. In some cases these items have gone through the entire collection process without success. In many other cases, further collections efforts may be made by using an outside collection agency. However, at this time, it is requested that the City Commission authorize staff to write-off these receivables from the City's books.

FINANCIAL IMPACT:

Reduce the City's accounts receivable by \$135,660.50. The impact would be a decrease in the fund balance/retained earnings of several City funds as follows:

101	General Fund	\$ 98,764.99
455	Micro Loan Fund	12,357.77
472	CDBG Fund	6,600.02
590 & 591	Sewer Fund & Water Fund	343.88
591	Water Fund	1,165.87
204	State Trunklines	16,427.97
Total		<u>\$ 135,660.50</u>

BUDGET ACTION REQUIRED:

For the General, Sewer and Water Funds, there are sufficient funds for bad debt expense included in the 2001 budget, so no further action is required.

STAFF RECOMMENDATION:

Approval of the 2001 write-offs effective for the fiscal year ended December 31, 2001 for the various funds as shown above.

COMMITTEE RECOMMENDATION

N/A

**2001 Miscellaneous Invoices
Submitted for Write Off**

1

Invoice No.	Date of Service/Invoice	Invoiced To	Reason for Write Off	Amount
9805719	7/10/98	First National Acceptance	Legal Settlement	\$ 104.00
9806791	8/28/98	First National Acceptance	Legal Settlement	\$ 85.62
9807238	9/18/98	First National Acceptance	Legal Settlement	\$ 86.00
9808294	11/30/98	First National Acceptance	Legal Settlement	\$ 124.00
9808854	1/22/99	First National Acceptance	Legal Settlement	\$ 1,000.00
9812070	9/17/99	First National Acceptance	Legal Settlement	\$ 104.00
9815454	7/14/00	First National Acceptance	Legal Settlement	\$ 158.00
9815996	8/11/00	First National Acceptance	Legal Settlement	\$ 92.00
9816395	8/25/00	First National Acceptance	Legal Settlement	\$ 86.00
9807577	10/9/98	William Mark C.	Uncollectable, Bankrupt	\$ 269.60
9813812	3/10/00	William Mark C.	Uncollectable, Bankrupt	\$ 111.00
9814782	6/9/00	William Mark C.	Uncollectable, Bankrupt	\$ 280.00
9817017	10/13/00	William Mark C.	Uncollectable, Bankrupt	\$ 158.00
9816031	8/11/00	Trudi Sawyer-North	Uncollectable, Bankrupt	\$ 40.00
9816818	9/29/00	Trudi Sawyer-North	Uncollectable, Bankrupt	\$ 40.00
9819520	6/8/01	Trudi Sawyer-North	Uncollectable, Bankrupt	\$ 252.02
9814905	6/23/00	Trudi Sawyer-North	Uncollectable, Bankrupt	\$ 86.00
9814264	4/28/00	Trudi Sawyer-North	Uncollectable, Bankrupt	\$ 156.00
9815316	6/30/00	Trudi Sawyer-North	Uncollectable, Bankrupt	\$ 40.00
9805680	7/2/98	Roger Balcom	Uncollectable, Bankrupt	\$ 40.00
9806509	8/28/98	Roger Balcom	Uncollectable, Bankrupt	\$ 86.00
9806945	8/28/98	Roger Balcom	Uncollectable, Bankrupt	\$ 0.75
9807557	10/9/98	Roger Balcom	Uncollectable, Bankrupt	\$ 30.00
9808218	11/30/98	Roger Balcom	Uncollectable, Bankrupt	\$ 30.00
9809366	3/12/99	Roger Balcom	Uncollectable, Bankrupt	\$ 128.55
9809514	3/19/99	Roger Balcom	Uncollectable, Bankrupt	\$ 75.00
9809520	3/19/99	Roger Balcom	Uncollectable, Bankrupt	\$ 75.00
9809864	4/30/99	Roger Balcom	Uncollectable, Bankrupt	\$ 40.00
9809930	5/7/99	Roger Balcom	Uncollectable, Bankrupt	\$ 75.00
9811290	8/6/99	Archie L. Cox, Sr. & Janice M. Cox	Uncollectable, Bankrupt	\$ 11.70
9819053	4/20/01	Collie William Dotson	Uncollectable, Bankrupt	\$ 226.32
9820572	7/27/01	Collie William Dotson	Uncollectable, Bankrupt	\$ 158.00
9822576	11/21/01	Collie William Dotson	Uncollectable, Bankrupt	\$ 122.00
9816500	9/8/00	Donnelda Genson	Uncollectable, Bankrupt	\$ 122.00
9815927	8/11/00	Donnelda Genson	Uncollectable, Bankrupt	\$ 122.00
9815705	7/21/00	Donnelda Genson	Uncollectable, Bankrupt	\$ 130.00
9814919	6/23/00	Donnelda Genson	Uncollectable, Bankrupt	\$ 158.00

**2001 Miscellaneous Invoices
Submitted for Write Off**

9813611	2/11/00	Skipper Heating	Uncollectable, Bankrupt	\$ 65.00
9814682	6/2/00	Skipper Heating	Uncollectable, Bankrupt	\$ 65.00
9810336	6/11/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 86.00
9811903	9/10/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 56.00
9814705	6/2/00	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 122.00
9807197	9/18/98	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 104.00
9808682	1/8/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 70.00
9809098	2/12/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 40.00
9809308	3/12/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 40.00
9809710	4/16/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 40.00
9810117	5/21/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 40.00
9810548	6/25/99	Brent J. Vanderstelt	Uncollectable, Bankrupt	\$ 45.00
9820210	7/6/01	James Walker	Uncollectable, Bankrupt	\$ 158.00
9821876	10/5/01	James Walker	Not Responsible Party	\$ 122.00
9822282	July 1-Sept 30, 2001	Michigan Department of Transportation	Not Covered under Construction Grant	\$ 7,627.08
9822284	July 1-Sept 30, 2001	Michigan Department of Transportation	Not Covered under Construction Grant	\$ 8,800.89
9819176	4/5/01	Ronald L. II/Humphrey Sniff	Not Responsible Party	\$ 105.13
9821928	9/4/01	Chisteropher F. Clerk	Not Responsible Party	\$ 104.00
9822729	11/9/01	MK Four Co.	Not Responsible Party	\$ 40.00
9815618	6/15/00	Pearline Minor	Not Responsible Party	\$ 122.00
9821784	9/28/01	Port City Mechanical Contractors	Not responsible party, did not complete project	\$ 1,298.25
9807007	8/28/98	Lack's Grocery	Uncollectable, out of business no assets	\$ 0.30
9808293	11/30/98	Lack's Grocery	Uncollectable, out of business no assets	\$ 107.00
9810580	6/25/99	Lack's Grocery	Uncollectable, out of business no assets	\$ 94.17
9811198	7/30/99	Lack's Grocery	Uncollectable, out of business no assets	\$ 104.00
9812065	9/17/99	Lack's Grocery	Uncollectable, out of business no assets	\$ 86.00
9812066	9/17/99	Lack's Grocery	Uncollectable, out of business no assets	\$ 86.00
9812073	9/17/99	Lack's Grocery	Uncollectable, out of business no assets	\$ 86.00
9815065	6/23/00	Lack's Grocery	Uncollectable, out of business no assets	\$ 122.00
9811197	7/30/99	Lack's Grocery	Uncollectable, out of business no assets	\$ 86.00
9820409	7/13/01	Lack's Grocery	Uncollectable, out of business no assets	\$ 92.00
9816764	9/22/00	Lack's Grocery	Uncollectable, out of business no assets	\$ 122.00
9818272	12/31/00	Lack's Grocery	Uncollectable, out of business no assets	\$ 6,348.00
9815064	6/23/00	Lack's Grocery	Uncollectable, out of business no assets	\$ 86.00
9819921	6/22/01	Lack's Grocery	Uncollectable, out of business no assets	\$ 86.00
9819969	6/22/01	Lack's Grocery	Uncollectable, out of business no assets	\$ 86.00
9816624	9/15/00	Lack's Grocery	Uncollectable, out of business no assets	\$ 103.80
9820409	8/11/00	Lack's Grocery	Uncollectable, out of business no assets	\$ 122.00

**2001 Miscellaneous Invoices
Submitted for Write Off**

3

9818577	3/2/01	Helen M. Jacobson	Debtor is deceased	\$ 88.00
9820518	7/27/01	Helen M. Jacobson	Debtor is deceased	\$ 92.00
9819860	6/15/01	Helen M. Jacobson	Debtor is deceased	\$ 92.00
9822798	12/7/01	Helen M. Jacobson	Debtor is deceased	\$ 164.00
9816793	9/22/00	Valentin Mendiola	Not Responsible Party	\$ 40.00
9817946	12/31/00	Erik J Garvey	Debtor is deceased	\$ 30.00
9817727	12/8/00	Erik J Garvey	Debtor is deceased	\$ 30.00
9817417	11/3/00	Erik J Garvey	Debtor is deceased	\$ 30.00
9818126	12/31/00	Erik J Garvey	Debtor is deceased	\$ 173.33
9819087	4/27/01	Mallory Eassree	Debtor is deceased	\$ 364.12
9815018	6/23/00	TAZ Investments LLC	Uncollectable, Bankrupt	\$ 122.00
9809924	5/7/99	Michael Green	Not Responsible Party	\$ 75.00
9822504	11/16/01	Helen M Jacobson	Debtor is Deceased	\$ 92.00
9822075	10/12/01	Lasalle Bank National Ass.	Uncollectable, no longer in business	\$ 122.00
9806412	8/21/98	Joe Battle	Debtor is Deceased	\$ 108.00
9808402	12/11/98	Joe Battle	Debtor is Deceased	\$ 88.00
9809841	4/23/99	Joe Battle	Debtor is Deceased	\$ 100.64
9813431	1/21/00	Joe Battle	Debtor is Deceased	\$ 1,035.00
9816910	10/6/00	Robert Deweese	Debtor is Deceased	\$ 198.78
9820665	7/27/01	Robert Deweese	Debtor is Deceased	\$ 113.91
9819562	6/8/01	Willie Gordon	Debtor is deceased	\$ 182.02
9816534	9/8/00	Willie Gordon	Debtor is deceased	\$ 122.00
9819706	6/15/01	Willie Gordon	Debtor is deceased	\$ 86.00
9822671	12/7/01	Willie Gordon	Debtor is deceased	\$ 126.00
9821071	8/17/01	Willie Gordon	Debtor is deceased	\$ 86.00
9821396	9/14/01	Huffman Properties LLC	Uncollectable, property being foreclosed by State	\$ 60.00
9821203	8/24/01	Huffman Properties LLC	Uncollectable, property being foreclosed by State	\$ 40.00
9818625	3/9/01	Blaine Harrington	Uncollectable, no assets-in jail	\$ 1,096.02
9811165	7/30/99	Dewey Bros Auto & RV	Uncollectable, out of business	\$ 158.00
9817038	10/13/00	Dewey Bros Auto & RV	Uncollectable, out of business	\$ 86.00
9819229	5/4/01	Charles Haynie	Not Responsible Party	\$ 40.00
9813774	3/10/00	Scott Nuvill	Uncollectable, Bankrupt	\$ 40.00
9813228	12/31/99	Scott Nuvill	Uncollectable, Bankrupt	\$ 30.00
9813461	1/28/00	Scott Nuvill	Uncollectable, Bankrupt	\$ 30.00
9812881	12/10/99	Scott Nuvill	Uncollectable, Bankrupt	\$ 40.00
9813735	3/3/00	Scott Nuvill	Uncollectable, Bankrupt	\$ 30.00
9814311	4/28/00	Scott Nuvill	Uncollectable, Bankrupt	\$ 40.00
9814887	6/16/00	Scott Nuvill	Not Responsible Party	\$ 40.00

**2001 Miscellaneous Invoices
Submitted for Write Off**

4

9816730	9/22/00	Scott Nuvill	Not Responsible Party	\$ 122.00
9816037	8/11/00	Scott Nuvill	Not Responsible Party	\$ 30.00
9816455	9/1/00	Scott Nuvill	Not Responsible Party	\$ 30.00
9815774	7/21/00	Scott Nuvill	Not Responsible Party	\$ 122.00
9822968	9/26/01	John Cox	Not Responsible Party	\$ 69.85
9820210	6/18/01	James Walker	Uncollectable, Bankrupt	\$ 158.00
				\$ 37,892.85

2001 Loans Submitted for Write Off

Business Name	Responsible Party	Address	Reason for Write Off	Amount
Great Lakes Metal Finishing	Edward & Brenda Thigpen	3885 Holton Rd	Uncollectable, Bankrupt	\$ 9,657.77
Wee-Zee's Lingerie	Mary Williams	2925 Park St	Uncollectable, Bankrupt	\$ 2,700.00
				\$ 12,357.77

2001 Water/Sewer Accounts Submitted for Write Off

Account Number	Account Name	Service Address	Reason for Write Off	Amount
404704502	Kevin Davis	1852 Buton Rd	Uncollectable, bankrupt	\$ 51.65
108349001	Mary Gilliam	1397 Amity Ave	Uncollectable, bankrupt	\$ 292.23
				\$ 343.88

2001 Other Item(s) Submitted for Write Off

Invoice Number and Date	Description	Reason for Write Off	Amount
JE#967 - 12/21/99	Journal entry recorded to book results of State audit of DDA tax increments for tax years 1994, 1995, and 1996.	State Administrative Error	\$ 85,066.00
			\$ 85,066.00

Commission Meeting Date: February 12, 2002

Date: February 1, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Acquisition of Property for Seaway Industrial Park through
Eminent Domain - 2009 Park Street

SUMMARY OF REQUEST:

Since negotiations with the owner to purchase the property at 2009 Park Street have been unsuccessful, it is necessary to begin eminent domain proceedings in order to acquire the property.

FINANCIAL IMPACT:

State of Michigan Urban Land Assembly funds will be used to purchase this property. Undetermined legal fees may also apply.

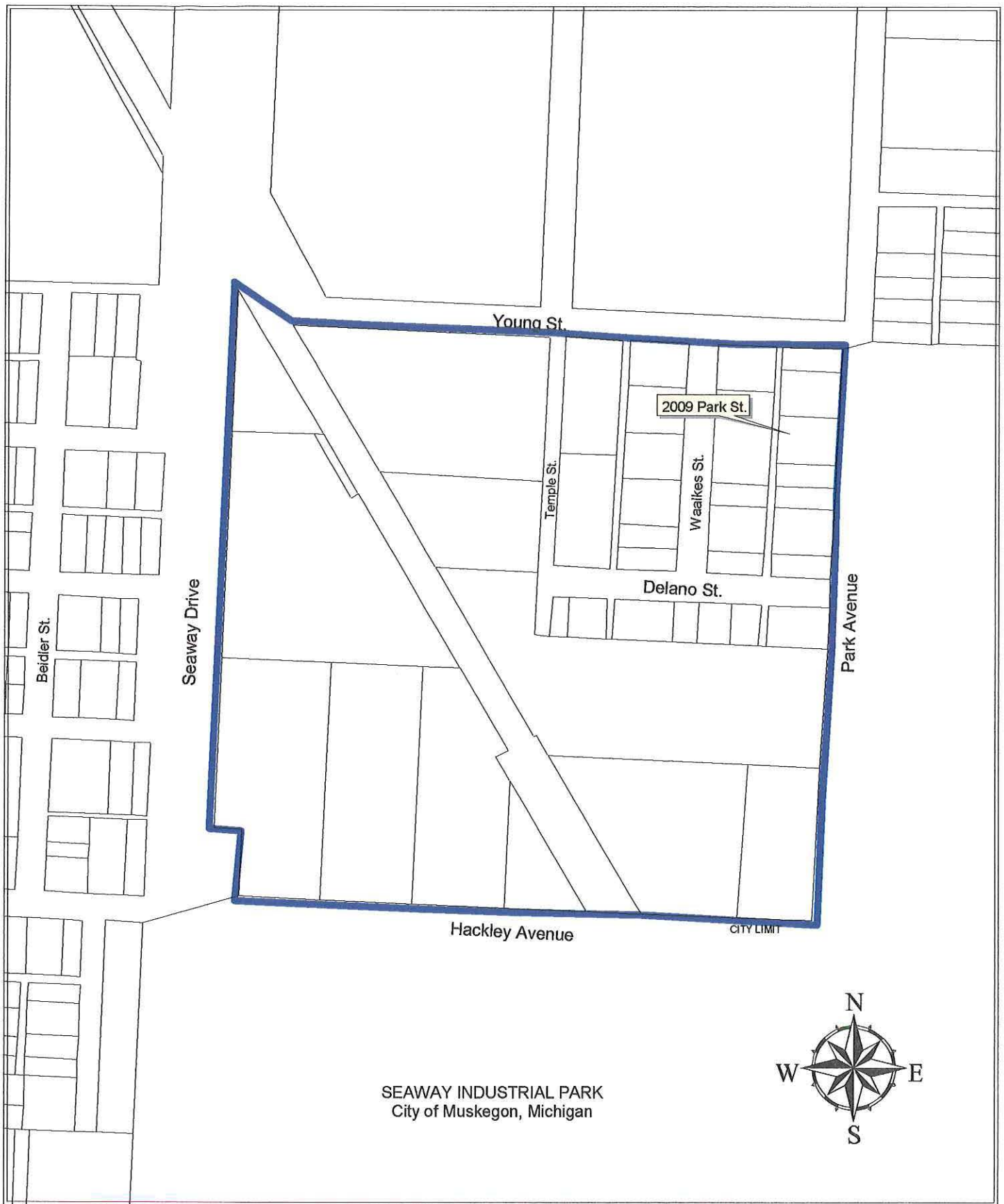
BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To grant approval of the attached resolution determining the necessity to acquire land for public purposes by eminent domain and to have the Mayor and Clerk sign the attached Declaration of Taking.

COMMITTEE RECOMMENDATION:



SEAWAY INDUSTRIAL PARK
City of Muskegon, Michigan



**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2002-18(d)

A resolution determining the necessity to acquire land for public purposes by eminent domain.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The City of Muskegon is presently engaged in developing and acquiring a property located in Block 1 of the Revised Plat of 1903 of the City of Muskegon for the purpose of conveying the same to the Local Development Finance Authority for use in a Development Plan, pursuant to MCL 125.2159.
2. It appears that it is necessary to begin eminent domain proceedings because of the status and results of negotiations which have been carried on by the City.
3. The use of the said lands pursuant to a Development Plan at the said location will further economic development in the City of Muskegon, and it is in the best interests of the City to acquire the said land for use in a Development Plan. The District and its boundaries have been established and the land is sufficiently identified.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. The City Commission hereby declares and determines that it is in the public interest and constitutes a public purpose to acquire the property set forth in Schedule A attached to this resolution for the purpose of acquiring sufficient land to develop the Seaway Industrial Park.
2. The City Commission further declares and determines that it is necessary to acquire the said land for conveyance to the Authority for use in a development plan.
3. It is further declared and determined that it is necessary to acquire and take the fee simple estate in real property, fully described in Schedule A, without the consent of the owners thereof, for the purpose of using the property in a Development Plan. The said described parcel is necessary for the use and benefit of the public and a good faith written offer to purchase said parcel has been made. The City Attorney is directed to institute condemnation proceedings against the owners and any other parties in interest in the said described parcel which has been deemed necessary for the acquisition and conveyance to the Authority pursuant to MCL 125.2159.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the Declaration of Taking in the form attached to this resolution.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

CERTIFICATE

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

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

City of Muskegon
Muskegon County, Michigan
2002-18(d)
DECLARATION OF TAKING

Land in Block 1, Williams & Young Subdivision, City of Muskegon

A statement of necessity has been made by the City Commission of the City of Muskegon setting forth that the acquisition of properties for the Seaway Industrial Park, located in the District administered by the Local Development Finance Authority is necessary. As a result, it is necessary to acquire certain property for said purpose, and a good faith written offer to purchase said parcels of property has heretofore been made.

Therefore, by virtue of the authority vested in the City of Muskegon by law and constitution, and pursuant to 1980 PA 87, MCLA 213.51, MSA 8.265(1), it is now declared that by the filing of the Complaint and this Declaration in the Circuit Court for the County of Muskegon, title to the property hereinafter described is taken in the name of the City of Muskegon for the purpose of transfer to the Authority for use in a Development Plan, pursuant to MCL 125.2159.

A description of the property taken sufficient for its identification, the names of the persons interested in said property so far as known, a statement of the estate or interest being taken, and statement of the sum of money estimated by complainant to be just compensation for the part to be taken is as follows:

Legal Description

See attached Schedule A

Estate to be acquired: Fee Simple

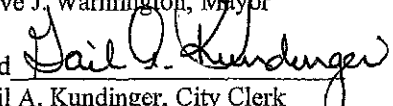
Owners and Interested Parties: Richard Wilson, owner; and all persons occupying the premises

Estimated Just Compensation: \$52,000

Dated February 14, 2002

CITY OF MUSKEGON

By 
Steve J. Warrington, Mayor

And 
Gail A. Kunding, City Clerk

SCHEDULE A

LEGAL DESCRIPTION

2009 Park Street

Lots 4 and 5, Block 1, Young & Williams Addition, City of Muskegon, County of
Muskegon, State of Michigan

Commission Meeting Date: February 12, 2002

Tabled

Date: February 6, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CB*
**RE: Approval of Contract for Payments in Lieu of
Taxes for Arbors at Jackson Hill**

SUMMARY OF REQUEST: A contract providing for payments in lieu of taxes for Arbors at Jackson Hill (currently property owned by Don Balcom- see map attached) has been requested in accordance with Section 2-6 of the City Code of Ordinances. Members of the Sterling Group have met with City staff, as well as members of the Jackson Hill Neighborhood Association. The Association is supportive of their project. The contract is attached. The City Commission is requested to approve the contract.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached contract and authorize the Mayor and Clerk to execute the contract on behalf of the City.

COMMITTEE RECOMMENDATION: The City Commission Working Session will be reviewing PILOTS at their meeting on 2/11/02 and may have some additional input on this particular project.

Date: February 12, 2002
To: Honorable Mayor and City Commission
From: Legislative Policy Committee
RE: Construction of Four Houses in Lakeside

SUMMARY OF REQUEST: To rescind previous action of the City Commission regarding this request and approve the construction of four homes on four lots with dimensions of 72 feet x 102 feet.

FINANCIAL IMPACT: Construction of four homes (instead of only two) will generate additional tax revenue for the City

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to build four homes on the site and authorize the Mayor and Clerk to sign necessary documents.

PARMENTER O'TOOLE

Attorneys at Law

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

January 28, 2002

**Via fax 724.4178
and Hand Delivery**

Ms. Gail A. Kunding
City Clerk
City Hall
Muskegon, MI 49443-0536

Dear Gail:

You have asked me to review Robert's Rules and indicate the kind of motion and vote which might be appropriate where the Commission wants to revisit the Ingalls' building restriction imposed by the purchase agreement and deed given by the City last year. If I remember correctly, the City's action in approving the purchase agreement was to require a covenant that only two single-family houses would be built on the property. That covenant was recorded with the deed and also placed in the purchase agreement.

In order to change that, there must be a motion to "rescind" the previous action of the Commission or amend the previous action adopted. This type of motion is different from a motion for reconsideration. There is no time limit in bringing it and it may be proposed by anyone making the motion to accomplish the change. Accordingly, the motion would be a motion to amend the previously adopted action, and it would refer to that action (which you will need to bring up from the minutes) to allow the building of a different number of houses on the property (which should be defined).

Assuming that such a motion is made, Robert's Rules list the following characteristics:

1. The motion takes precedence over nothing and can only be moved when nothing else is pending.
2. It can be applied to any sort of action of the Commission.
3. It is out of order when another has the floor.
4. It must be seconded.
5. It is debatable.

6. The motion is amendable, but, depending on what is amended, would possibly require a super majority for voting.
7. Voting requirements. Either: a) a two-thirds vote; b) a majority vote with notice of intent to make the motion being noticed before the meeting in the call; or, c) a vote of a majority of the entire membership.

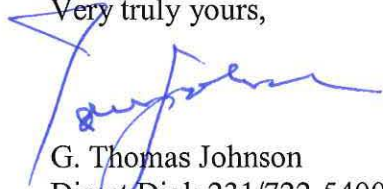
Obviously, if all seven members of the Commission are present the majority of the entire membership is the same as the majority vote.

8. A negative vote on the motion can be reconsidered, but not an affirmative vote.

All this is found in the Tenth Edition of Robert's Rules at paragraph 35.

Please call me if there are any questions.

Very truly yours,



G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com

GTJ:mmf

b. Sale of Vacant Land on Miner Street in Lakeside.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the property described as map number 24-30-34-429-006 to Bill Ingalls II of 110 John Ave. for \$15,500. The parcel is 150 feet x 205 feet, and as such will be split to make two lots for the construction of two single family homes having 75 feet of frontage each. The appraised value of each parcel is \$4,500 for a total minimum bid price of \$9,000.

Mr. Ingalls submitted the high bid of three bids submitted for this property. The other bidders were as follows: Mr. Patrick J. Mason of 3032 Farr Road, Fruitport, Michigan (\$9,260) and Mr. Mark Anderson of 2140 McCracken Street (\$9,000). All bidders were notified of the meeting and asked to be prepared to answer questions from the Commission.

FINANCIAL IMPACT: The sale of the property will allow the City to collect taxes on the two new homes and relieve the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the sale, as well as, authorization for both the Mayor and the Clerk to sign the resolution and deed.

Motion by Commissioner Shepherd, second by Commissioner Aslakson to approve the sale of the property to Bill Ingalls II of 110 John Ave. for \$15,500.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict
Nays: None

ADOPTED

c. Additional Solid Waste Services.

PUBLIC WORKS

SUMMARY OF REQUEST: The Staff has been negotiating with Sunset Waste to offer additional solid waste services:

1. Full season yard waste pick up at the curb on household garbage days.
2. Eliminate Saturday morning drop-offs.
3. Establish an \$.18 per household credit per month towards recycling fees (10% discount).
4. Continue current limitation of \$1.00 per year maximum landfill charge increase.
5. The addition of corrugated cardboard to the recycling stream.
6. Increase yard waste handling fee to \$10.00 from \$5.00.
7. A three-year contract extension from March 2002 to February 2005.

FINANCIAL IMPACT:

1. Year-around curbside pick up		No cost
2. Eliminate Saturday drop offs	Savings	\$54,718/year
3. Recycling credit	Savings	\$28,872/year
4. Tipping fee savings		Varies

BUGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

Motion by Commissioner Aslakson, second by Commissioner Benedict to adopt the minutes as presented.

ROLL VOTE: Ayes: Schweifler, Spataro, Aslakson, Benedict, Nielsen

Nays: Sieradzki

Absent: Shepherd

ADOPTED

b. Communication Equipment Purchases.

PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase eighteen portable radios for Fire/Police at \$678.50 each and six for DPW at \$615.50 each (Motorola model HT750), twelve mobile radios for DPW at \$602.50 each (Motorola model CDM-1250), and six patrol car mobile radios for Police at \$3,032.69 each (Motorola model MCS-2000) from Tele-Rad Inc.

FINANCIAL IMPACT: Total cost is \$41,332.14 for all units, this money will come from the Equipment Fund.

BUDGET ACTION REQUIRED: None, \$46,800.00 budgeted for these purchases.

STAFF RECOMMENDATION: Approve purchase of above radio equipment from Tele-Rad Inc. for a total of \$41,332.14.

Motion by Commissioner Benedict, second by Vice Mayor Sieradzki to approve the purchase of communication equipment for Fire/Police and DPW.

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler

Nays: None

Absent: Shepherd

ADOPTED

e. Construction of four houses in Lakeside.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the construction of two additional houses on the parcel designated as map #24-30-34-429-006. Last month, the commission approved the sale of the land to Bill Ingalls, II for two houses that will front Miner. After careful consideration Mr. Ingalls decided to build two additional homes which will front Harrison. All four lots will have dimensions of 72 feet x 102 feet.

FINANCIAL IMPACT: Construction of the additional two homes fronting Harrison will generate additional tax revenue for the City.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Aslakson, second by Commissioner Schweifler to table this item until the July 11, 2000 Regular Commission Meeting.

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler

Nays: None

Absent: Shepherd

ADOPTED

i. Handicapped Ramp Bids.

LEISURE SERVICES

SUMMARY OF REQUEST: To purchase 230' of 5' x 10' portable decking to provide an accessible walkway on Pere Marquette Beach.

FINANCIAL IMPACT: \$10,040

BUDGET ACTION REQUIRED: None, paid for with grant from the Paul C. Johnson Foundation.

STAFF RECOMMENDATION: Approve. The Leisure Services Board recommends approval.

Motion by Commissioner Aslakson, second by Commissioner Benedict to purchase 230' of portable decking to provide an accessible walkway on Pere Marquette Beach.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Sieradzki

Nays: None

Absent: Shepherd

ADOPTED

2000-065 PUBLIC HEARINGS:

a. Request for the Establishment of an Industrial Development District for Consumers Energy.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Consumers Energy, 151 N. Causeway, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 151 N. Causeway (B. C. Cobb Generating Plant), Muskegon, Michigan. The project will result in the creation of 2 new jobs and \$22 million in private investment.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing the Industrial Development District for Consumers Energy.

Mayor Nielsen thanked Lee Slaughter, Assistant City Manager, for filling in until Mr. Harris was hired.

2000-070 UNFINISHED BUSINESS:

a. Construction of 4 houses in Lakeside.

PLANNING & ECONOMIC DEVELOPMENT (From June 27th meeting)

SUMMARY OF REQUEST: To approve the construction of two additional houses on the parcel designated as map #24-30-34-429-006. Last month, the Commission approved the sale of the land to Bill Ingalls, II for two houses that will front Miner. After careful consideration Mr. Ingalls decided to build two additional homes which will front Harrison. All four lots will have dimensions of 72 feet x 102 feet.

FINANCIAL IMPACT: Construction of the additional two homes fronting Harrison will generate additional tax revenue for the City.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Sieradzki to approve the construction of two additional houses on the parcel.

Amendment by Commissioner Aslakson, second by Commissioner Spataro to instruct staff to clarify the environmental status to the satisfaction of the City Attorney.

**ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson
Nays: Nielsen, Schweifler, Shepherd
Excused: Benedict**

FAILS

b. Sale of Four (4) Non-Buildable Lots to Habitat for Humanity.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of four non-buildable lots for the construction of two (2) single family homes. The lots will be sold to Habitat for Humanity for \$6,000. Each of the proposed homes will have 66 feet of frontage and will include the following amenities: brick; gabled roofs; front porches; shutters; and decorative windows. As the lots are adjacent, noticeable differences in exterior design are a condition of sale. Information regarding the impending sale of these lots has been forwarded to the Jackson Hill Neighborhood Association. Financial information to support the purchase was unavailable at the time agenda items were due, which explains why this item was recently added to the agenda.

FINANCIAL IMPACT: Approval of the sale allows the property to be placed on the city's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

b. Construction of 4 Houses in Lakeside.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: At the last City Commission meeting, this item was presented, and additional information regarding possible environmental concerns was brought forward. The City Attorney was particularly concerned about the statements being made that the site may be a facility, as defined by the Michigan Department of Environmental Quality (MDEQ). Although staff had no knowledge of this prior to the meeting, we feel that these statements may have influenced the Commission to vote against the item. Therefore, staff has researched the environmental concerns with the MDEQ and found that the site is not a facility. However, due to the information staff has indicating that a greenhouse was previously on the site, we will send a letter to the purchaser of the property, indicating that we have such information, and recommending that the purchaser have a Baseline Environmental Assessment completed for the property. This letter will be sent prior to our closing on the property. In light of this information, staff requests that the City Commission reconsiders this item.

FINANCIAL IMPACT: Construction of the additional two homes fronting Harrison will generate additional tax revenue for the City.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Aslakson to approve the construction of four homes to be built on the lot.

Motion and second withdrawn.

No other action taken on this item.

2000-075 NEW BUSINESS:

**a. Request for a Planned Unit Development for 700 Terrace Street.
(Formerly Teledyne Property)**

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for a Planned Unit Development for the former Teledyne property, for a mixed-use development, containing offices, retail, condominiums and a marina. The request is from Lakefront Development, L. L. C.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the PUD provided that the conditions listed in the resolution are met. The Planning Commission recommended approval of the PUD, with the conditions listed on the resolution. The vote was unanimous.

**City of Muskegon
Planning and
Economic
Development
Department**

Memo

To: Members of the Commission
From: Cathy Brubaker-Clarke *CBC*
CC:
Date: 01/17/02
Re: Bill Ingles Property

This is additional information on the Bill Ingles property that you may want to review.

**HARRISON COURT
CITY COMMISSION PRESENTATION
July 11, 2000**

1. There is a City of Muskegon Street sign, which reads Harrison Court., indicating that this a street as opposed to an alley (this street is 27 ft in width). (*show picture*) Harrison Court shows up on plat map of 1903 according to Moore & Bruggink Surveyors.
2. There is one existing house, which fronts Harrison and is recorded with a Harrison address—**2436 Harrison.** (North side of Harrison —second lot going west)
3. The subject parcel, prior to the demolition of the greenhouse also had a Harrison address—**2429 Harrison.**
4. Neither the existing house, the subject parcel, nor any other lots bordering Harrison Court indicate via legal descriptions showing easements or other indicia of private ownership of the road.
5. Both Fire and Police staff have indicated that the road poses no problems related to access.

6. 5

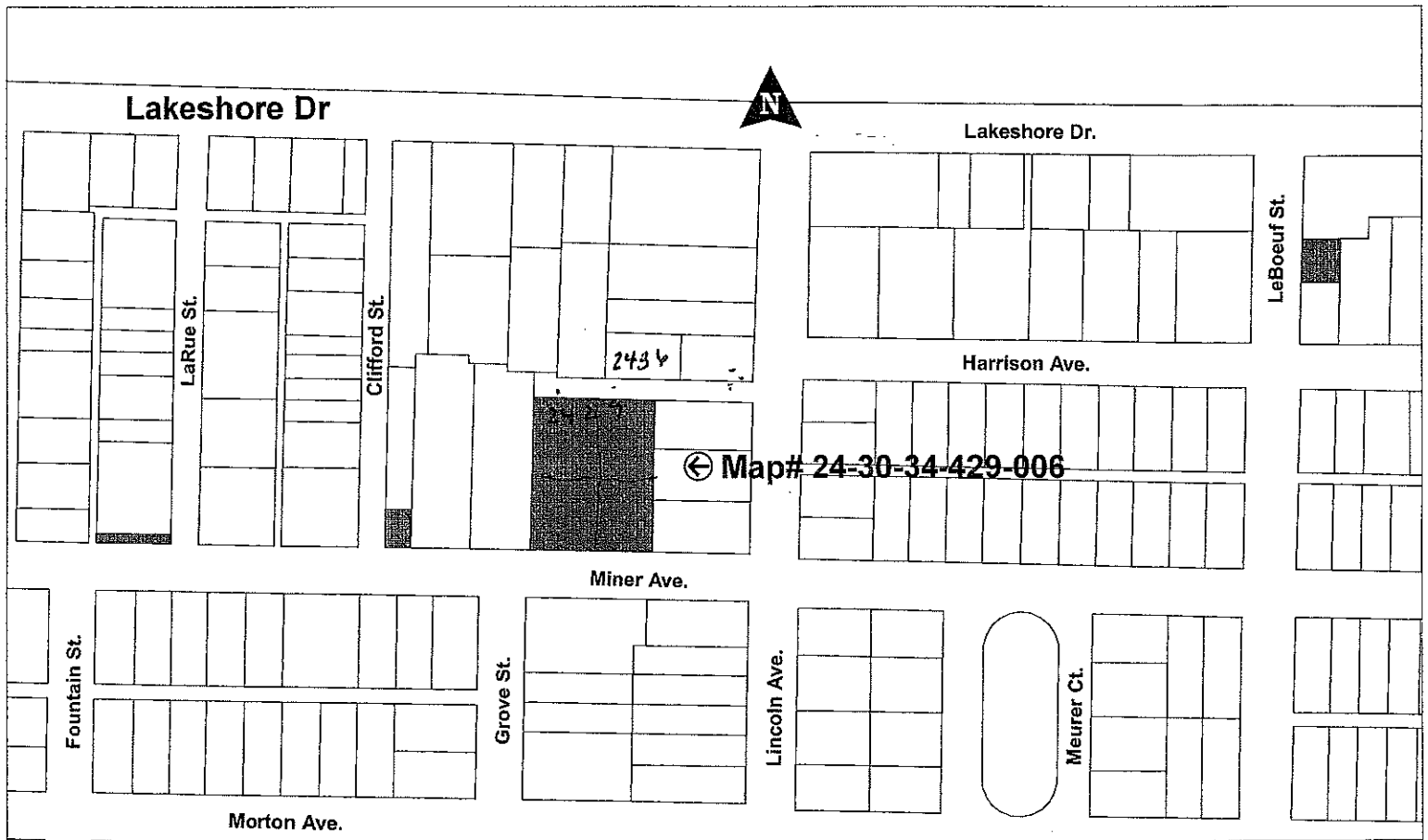
Sanborn map

Vol 1 1911

18-88

Harrison Ct.

≈ 27 ft x 300



QUIT-CLAIM DEED

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

QUIT CLAIMS to Bill Ingalls, II, a married man, of 110 John Avenue, Muskegon, MI 49442,

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

Lot 2, except the West 15 feet of the North 205 feet thereof,
Block 676 of the Revised Plat of 1903;

for the sum of Fifteen Thousand Five Hundred (\$15,500) Dollars.

PROVIDED, HOWEVER, Grantee, or his assigns, shall commence construction of four single family homes on the premises herein conveyed within eighteen (18) months after date hereof. In default of such construction, title to the premises herein conveyed shall revert to the City of Muskegon free and clear of any claim of Grantee or his assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or his assigns. "Commence construction" means 1) the issuance of residential building permits by the City of Muskegon; and, 2) in the sole opinion of the City of Muskegon's Director of Inspections, twenty-five (25%) percent completion of the dwellings described in the said building permits.

This deed is subject to a covenant by the Grantee and all persons claiming under and after Grantee that no more than four residences shall be constructed on the property, which shall be divided into two lots fronting on Miner Street and two lots fronting on Harrison Street only. This covenant runs with the land. Violation of this restriction shall result in reversion of title to the Grantor.

In the event of reversion of title of the above described premises, improvements made thereon shall become the property of the Grantor.

By action of the City Commission of the City of Muskegon, taken February 12, 2002, the former covenant restricting building on the land to two houses, found in the deed recorded at Liber 3231 Page 424, Muskegon County Register of Deeds, has been rescinded, and the covenants regarding building on the property set forth in this deed approved. This deed is given and recorded for the purpose of vacating the former covenant and instituting the above covenant restricting improvements on the property to four single family homes.

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 21st day of March, 2002.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON, a municipal corporation

By Stephen J. Warrington
Stephen J. Warrington, Its Mayor

and Gail A. Kunderling
Gail A. Kunderling, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 21st day of March, 2002, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

G. Thomas Johnson
Parmenter O'Toole
P.O. Box 786
Muskegon, MI 49443-0786
Telephone: (231) 722-1621

Linda S. Potter

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

When Recorded Return to: Grantor
Send Subsequent Tax Bills to: Grantee