

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 8, 2000

AGENDA

❑ CALL MEETING TO ORDER:

❑ PRAYER:

❑ PLEDGE OF ALLEGIANCE:

❑ ROLL CALL:

❑ HONORS AND AWARDS:

❑ CONSENT AGENDA:

- a. Approval of Minutes. CITY CLERK
- b. Campbell Field Architect. LEISURE SERVICES
- c. Consumer's Energy Lease. LEISURE SERVICES
- d. Sale of Non-Buildable Lot on Harrison in Lakeside. PLANNING & ECONOMIC DEVELOPMENT
- e. Traffic Department Materials and Services. PUBLIC WORKS
- f. 2000 Budgeted Vehicle Purchase, Fire Command. PUBLIC WORKS
- g. Sale of Non-Buildable Lot on Sumner in Jackson Hill. PLANNING & ECONOMIC DEVELOPMENT
- h. Sale of Buildable Lot on Wesley Street in Marquette. PLANNING & ECONOMIC DEVELOPMENT
- i. Concurrence with Housing Board of Appeals Finding and Order for the following:

1) 1282 Arthur

2) 497 Catawba

❑ PUBLIC HEARINGS:

- a. Spring Street, Wood to Apple. ENGINEERING
- b. Wood Street, Apple to Jackson. ENGINEERING
- c. Morton Avenue, Torrent to Bourdon. ENGINEERING
- d. Amendment to the Special Assessment Roll, Getty Street, Allen to Wesley. ENGINEERING

☐ **COMMUNICATIONS:**

☐ **CITY MANAGER'S REPORT:**

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

- a. Naming of the New Basketball Courts. LEISURE SERVICES
- b. Amended Purchase Agreement – Lakos Building. PLANNING & ECONOMIC DEVELOPMENT
- c. Sale of Non-Buildable Lot on Marquette in Jackson. PLANNING & ECONOMIC DEVELOPMENT
- d. Committee of the Whole Meetings. LEGISLATIVE/ POLICY COMMITTEE

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

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

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT GAIL A. KUNDINGER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (616) 724-6705 OR TDD: (616) 724-4172.

Date: February 8, 2000
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 25, 2000.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

COMMITTEE RECOMMENDATION: Committee of the Whole will review this item February 7, 2000.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 8, 2000

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, February 8, 2000.

Mayor Nielsen opened the meeting with a prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Fred J. Nielsen; Vice Mayor Scott Sieradzki; Commissioners John Aslakson, Jone Wortelboer Benedict, Robert Schweifler, Clara Shepherd, Larry Spataro

Absent: None

2000-022 HONORS AND AWARDS:

a. Resolution – Tony Lisman, Fury Hockey Club, staff at L.C. Walker.

A resolution was presented to Tony Lisman of the Fury Hockey Club. Commissioner Spataro read the resolution and presented it to Mr. Lisman.

2000-023 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 25, 2000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

b. Campbell Field Architect.
LEISURE SERVICES

SUMMARY OF REQUEST: To award a contract to MC Smith & Associates for the design and construction administration for the Campbell Field Renovation project.

FINANCIAL IMPACT: \$35,629

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

c. Consumer's Energy Lease.
LEISURE SERVICES

SUMMARY OF REQUEST: To approve a lease agreement to use a portion of the Cobb Plant Property for the Lakeshore Trail.

FINANCIAL IMPACT: \$862.48 annually

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

d. Sale of Non-Buildable Lot on Harrison in Lakeside.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the west 15 feet of the buildable lot designated as map #24-30-34-429-006 to Scott Cooley of 2456 Miner. The property would be sold for \$100. Mr. Cooley would like the land to add a one-stall garage to his existing home. 15 feet is the minimum amount of property needed to construct the garage and meet the set back requirements per the city policy. This would leave 150 feet of frontage left, enough for two buildable lots (75 feet of frontage each).

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the sale, as well as, authorization for both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

e. Traffic Department Materials and Services.
PUBLIC WORKS

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

FINANCIAL IMPACT: Sign materials to be jointly bid:

Sign blanks	\$4,400.00 approx.
Sign posts	\$4,500.00 approx.
Sign sheeting	\$6,600.00 approx.
Centerline painting	\$10,800.00 approx.
Total	\$26,300.00 (\$26,340.00 in 1999)

BUDGET ACTION REQUIRED: None, this item is requested each year in the appropriate Highway budgets.

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

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

f. 2000 Budgeted Vehicle Purchase, Fire Command.
PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Ford Expedition from Signature Ford for \$26,832.00. Per state purchasing contract.

FINANCIAL IMPACT: \$25,832.00 (Public Improvement Fund)

BUDGET ACTION REQUIRED: None, \$30,000.00 is budgeted for this purchase.

STAFF RECOMMENDATION: Committee of the Whole recommended approval.

g. Sale of Non-Buildable Lot on Sumner in Jackson Hill.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the non buildable lots designated as map #24-31-20-183-012 and map #24-31-20-183-013 to Mr. Terry & Mrs. Juel Ford. The total frontage for the combined lots is 66 feet and will be sold for \$100. The Fords would like the land to add to their existing home, specifically to fence in the lots and prevent littering. The sale of this lot is consistent with the Jackson Hill Marketing Strategy.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the sale, as well as, authorization for both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

h. Sale of Buildable Lot on Wesley Street in Marquette.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the west ½ of the vacant buildable lot described as map #24-31-21-179-009 to Willie Wilson of 640 W. Forest Avenue. Total frontage for the sale is 120 feet. Mr. Wilson intends to build a single-family three-bedroom ranch style

home with an attached 2-car garage and partial basement. The appraised value of the parcel is \$4,000 and Mr. Wilson submitted the only bid of \$4,000.

FINANCIAL IMPACT: The sale of the parcel will 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.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

- i. Concurrence with Housing Board of Appeals Finding and Order for the following:

1) 1282 Arthur

2) 497 Catawba

SUMMARY OF REQUEST: This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structures are unsafe, substandard and public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute contracts for demolition with the lowest responsible bidders.

FINANCIAL IMPACT: (1292 Arthur) The cost of demolition will be paid with general funds.

FINANCIAL IMPACT: (497 Catawba) The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: (1282 Arthur) A dangerous building inspection was conducted in January of 1999. This was one of the properties owned by Jonathon Brandel, forfeited to Mortgage Corp. of America who then sold it to Joseph Ross. Mr. Ross applied for a building permit on February 24, 1999. His permit was voided October 12, 1999 due to confusion of information on the permit and lack of inspections. A phone call on October 12, 1999 from Mr. Ross to Jerry McIntyre indicated that he did not wish to repair the house at this time.

The estimated cost of bringing the property into compliance with City codes is \$18,000.

According to the Title Search taxes are owed for 1997 in the amount of \$413.46, sidewalk assessment due in the amount of \$1,498.86 plus penalties and interest and a water bill is due in the amount of \$106.88 plus interest.

Attached are copies of the minutes of the December 2, 1999 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated December 10, 1999.

STAFF RECOMMENDATION: (497 Catawba) A dangerous building inspection was conducted on April 6, 1998 and a Notice and Order was sent out April 15, 1998 ordering repair or demolishing of the structure within 30 days. An interior inspection was conducted July 15, 1998. On October 27, 1998 the case was brought to the City Commission for concurrence. On October 27, 1998 the Muskegon City Commission voted to postpone for thirty (30) days consideration of this department's request for concurrence in the determination of the

Housing Board of Appeals that the subject property be demolished. An agreement was made by the owner to have all repairs done by January 31, 1999. A permit was issued October 30, 1998. To date little or no progress has been made. At the December 2, 1999 meeting of the Muskegon Housing Board of Appeals, the building was declared unsafe, sub-standard, and a public nuisance. On December 8, 1999 a Finding of Facts and Order was sent out requiring that the owner repair or remove such structure or it would be sent to the City Commission for concurrence with the Housing Board of Appeals. To date no progress has been made.

The estimated cost of bringing the property into compliance with City codes is \$25,000.

At the time the title search was done taxes for 1996 and 1997 were owed as well a miscellaneous invoices totaling \$360.27.

Attached are the Findings of Fact and Order dated December 8, 1999, minutes of the Housing Board of Appeals meeting on December 2, 1999, interior inspection dated July 15, 1998, schedule of repairs, letter sent to owner October 28, 1998 regarding the Muskegon City Commission decision to postpone determination for 30 days and the request for concurrence dated October 20, 1998.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended concurrence with Housing Board of Appeals Finds and Orders for 1282 Arthur. Committee of the Whole recommended concurrence with Housing Board of Appeals Finds and Orders for 497 Catawba with no demolition until May 31, 2000, to allow the homeowner time to 1) complete the repairs and bring the building up to code and 2) pay the taxes that are owed on the property.

k. Amended Purchase Agreement – Lakos Building.

PLANNING & ECONOMIC DEVELOPMENT (b. new business)

SUMMARY OF REQUEST: The Holiday Inn – Muskegon Harbor has requested the City of Muskegon to amend the original purchase agreement for the acquisition of the former Lakos Restaurant Building located at 428 W. Western Avenue. The original purchase agreement was approved by the City Commission on December 14, 1999. The requested changes are summarized in the memorandum.

FINANCIAL IMPACT: Additional property and income taxes will be captured as a result of this project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the amended purchase agreement for the sale of the former Lakos Building to Muskegon Hospitality, Inc.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

I. Sale of Non-Buildable Lot on Marquette in Jackson.
PLANNING & ECONOMIC DEVELOPMENT (c. new business)

SUMMARY OF REQUEST: To approve the sale of the east 57 feet of the vacant non-buildable lot designated as map #24-31-20-181-009 to Linwood Lee, and the west 20 feet of the same lot to the Jackson Hill Neighborhood Association. The subject parcel is adjacent to a duplex that Mr. Lee currently owns. The parcel has 77 feet of frontage and 66 feet of depth. The duplex has been vacant for at least a year. Mr. Lee plans to fix up the home (painting and other minor cosmetic repairs) and sell it. A building permit for approximately \$15,000 of repairs was obtained by Mr. Lee on November 22. Staff recommends approval of the sale contingent upon completion of the repairs. The deed will be held until the repairs are complete and have been reviewed by the Inspection Services Department. The neighborhood association wishes to use their portion of the lot to maintain the area where their neighborhood sign is currently located.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the sale with the aforementioned contingencies, as well as, authorization for both the Mayor and the Clerk to sign the resolution. The LRC endorsed this sale at their January 18 meeting.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval contingent upon completion of the repairs.

m. Ordinance Amending Chapter 20, Section 20-6 of the UTC.
CITY ATTORNEY (e. new business)

SUMMARY OF REQUEST: An ordinance and notice of adoption restoring the correct penalties to the OUIL, etc., ordinances.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

Motion by Commissioner Aslakson, second by Vice Mayor Sieradzki, to approve the Consent Agenda with the exception of item j.

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd
Nays: None

ADOPTED

2000-024 ITEMS REMOVED FROM CONSENT

- j. Naming of the New Basketball Courts.
LEISURE SERVICES (a. - new business)

SUMMARY OF REQUEST: To name the new park with the basketball courts on Southern Ave. "Clara Shepherd Park".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The Leisure Services Board recommends approval.

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.

Motion by Vice Mayor Sieradzki, second by Commissioner Spataro to name the new park with the basketball courts on Southern Ave. "Clara Shepherd Park".

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki
Nays: None

ADOPTED

2000-025 PUBLIC HEARINGS:

- a. Spring Street, Wood to Delaware.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Spring Street, Wood to Delaware, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$96,040.91 will be spread against the fifty-four (54) parcels abutting project.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATIONS: No action was taken on this item.

The Public Hearing opened at 5:47 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel, City Engineer gave an overview of the item. Tellis Waller, 1321 Spring St. opposes the special assessment. Raymond Lawrence, 1297 Spring St. opposes the special assessment.

Motion by Commissioner Benedict, second by Commissioner Aslakson to close the Public Hearing at 5:51 p.m. and to approve the spreading of the special assessment for Spring Street and to adopt the resolution confirming the special assessment roll.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro
Nays: None

ADOPTED

Mayor Nielsen appointed Vice Mayor Sieradzki and Commissioner Shepherd to serve on the Board of Assessors.

b. Wood Street, Apple to Jackson.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Wood Street, Apple to Jackson, 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 approve the creation of the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution.

COMMITTEE RECOMMENDATION: No action was taken on this item.

The Public Hearing opened at 5:55 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel, City Engineer, gave an overview of the item. Michael Lashley, 762 Wood St. opposes the assessment. Philip Prior, 925 Wood St. opposes the assessment.

Motion by Commissioner Aslakson, second by Commissioner Benedict to close the Public Hearing at 6:04 p.m. and to approve the special assessment of Wood St. and to create the special assessment district and to appoint two City Commissioners to the Board of Assessors.

ROLL VOTE: Ayes: Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson
Nays: None

ADOPTED

Mayor Nielsen appointed Vice Mayor Sieradzki and Commissioner Shepherd to the Board of Assessors.

c. Morton Avenue, Torrent to Bourdon. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Morton, Torrent to Bourdon, 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 REQUESTED: None at this time.

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

COMMITTEE RECOMMENDATION: No action was taken on this item.

The Public Hearing was opened at 6:05 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel, City Engineer, gave an overview. Amanda Shunta, 2187 Estes is in favor of the assessment. Vicki Bowman, 2209 Estes is in favor of the assessment.

Motion by Commissioner Benedict, second by Commissioner Shepherd to close the Public Hearing at 6:07 p.m. and to approve the special assessment of Morton and to create the special assessment district and appoint two City Commissioners to the Board of Assessors.

**ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict
Nays: None**

ADOPTED

Mayor Nielsen appointed Vice Mayor Sieradzki and Commissioner Shepherd to the Board of Assessors.

d. Amendment to the Special Assessment Roll, Getty Street, Allen to Wesley.
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing to amend the Special Assessment Roll for Getty Street, Allen to Wesley Avenue and to adopt the resolution amending the roll to reflect Jeffrey and Veronica C. Graves as the owners of 741 Getty instead of Frank E. Bruce Jr. as appeared on the original roll.

FINANCIAL IMPACT: A total of \$4,850.95 will be spread against that one (1) parcel abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

COMMITTEE RECOMMENDATION: No action was taken on this item.

The Public Hearing was opened at 6:10 p.m. to hear and consider any comments from the public. Jeff Graves, 741 Getty objects.

Motion by Commissioner Spataro, second by Commissioner Aslakson to close the Public Hearing at 6:25 p.m. and to amend the Special Assessment Roll for Getty Street and to adopt the resolution amending the roll.

**ROLL VOTE: Ayes: Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen
Nays: None**

ADOPTED

COMMUNICATIONS:

a. Michigan Liquor Control Commission – 248 Mason.
CITY CLERK

Gail Kunderger, City Clerk informed the Commission of the denial of a new SDM license that was to be located at 248 Mason by the Liquor Control Commission.

2000-026 NEW BUSINESS:

a. Committee of the Whole Meetings.
LEGISLATIVE/ POLICY COMMITTEE

SUMMARY OF REQUEST: Legislative Policy Committee is requesting to eliminate the Committee of the Whole meetings on the Mondays preceding the second and fourth Tuesday City Commission Meetings. A monthly work session will be held with city staff. The date of that meeting needs to be determined. This will begin for a trial period starting in March. The committee requested input from city staff. Department Heads will discuss this at their February 3, 2000 meeting. Also requested by the committee was that the City Clerk and City Manager have the authority to put together a Consent Agenda for the Tuesday City Commission meetings. This shall begin on the first meeting in the month of February.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION: Committee of the Whole recommended approval.
(Vote 6-1)

Motion by Vice Mayor Sieradzki, second by Commissioner Aslakson to eliminate the Committee of the Whole Meetings, and to meet as the City Commission Work Session on the Monday preceding the second Tuesday of each month in the Commission Chambers, Room 107 and to schedule the time at 5:15 p.m.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler
Nays: None

ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Benedict to direct the City Clerk and City Manager to put together a Consent Agenda for the Tuesday City Commission meetings.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Spataro
Nays: Sieradzki

ADOPTED

b. One-Hour Ozone Monitoring Rules.
LEGISLATIVE / POLICY COMMITTEE

SUMMARY OF REQUEST: To adopt a resolution opposing the implementation of U.S. Environmental Protection Agency "One-Hour Ozone Monitoring Rules".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Legislative Policy Committee recommended approval.

COMMITTEE RECOMMENDATION: No action was taken on this item.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to concur with the Legislative Policy Committee.

ROLL VOTE: Ayes: Benedict, Nielsen, Schweifler, Sieradzki, Spataro, Aslakson

Nays: None

Abstain: Shepherd

ADOPTED

ANY OTHER BUSINESS:

Commissioner Shepherd informed the public that there will be a Youth Local Government meeting at MTEC on February 29 at 3:00 p.m.

Mayor Nielsen congratulated Ric Scott, Leisure Services Director for his accomplishments in Racquetball.

PUBLIC PARTICIPATION:

Helen Abbey, 760 Catherine, had questions about the traffic light on Sherman. She also informed the Commission that the doors on the North end of the building are locked.

ADJOURNMENT:

The Regular Commission Meeting was adjourned at 6:52 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding". The signature is written in a cursive, flowing style.

Gail A. Kunding, CMC/AAE
City Clerk

Date: January 27, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Campbell Field Architect

SUMMARY OF REQUEST:

To award a contract to MC Smith & Associates for the design and construction administration for the Campbell Field Renovation project.

FINANCIAL IMPACT:

\$35,629

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

The Campbell Field Renovation Committee 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/724-4055

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

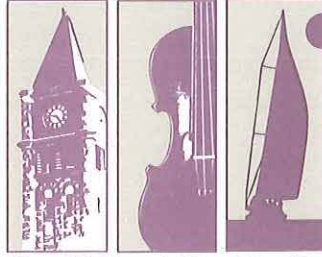
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

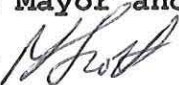
MUSKEGON



West Michigan's Shoreline City

Date: January 27, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Campbell Field Architect

On Tuesday, January 25, 2000, priced proposals were received from four professional firms to design and oversee the construction of the Campbell Field Renovation Project. The prices were as follows:

Capital Consultants \$53,081

OCBA \$45,810

DLZ \$83,658

M. C. Smith \$35,629

At their meeting on Wednesday, January 26, 2000, the Campbell Field Renovation project Committee recommended that you award the contract to M.C. Smith and Associates, the low bidder.

Thank you for your consideration.

Date: January 26, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Consumers Energy Lease

SUMMARY OF REQUEST:

To approve a lease agreement to use a portion of the Cobb Plant Property for the Lakeshore Trail.

FINANCIAL IMPACT:

\$862.48 annually

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/724-4055

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

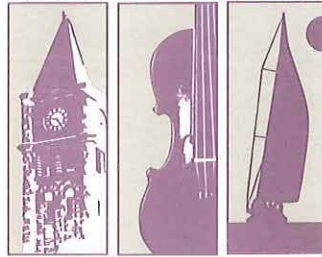
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: January 26, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott *[Signature]*

Re: Consumer's Energy Lease

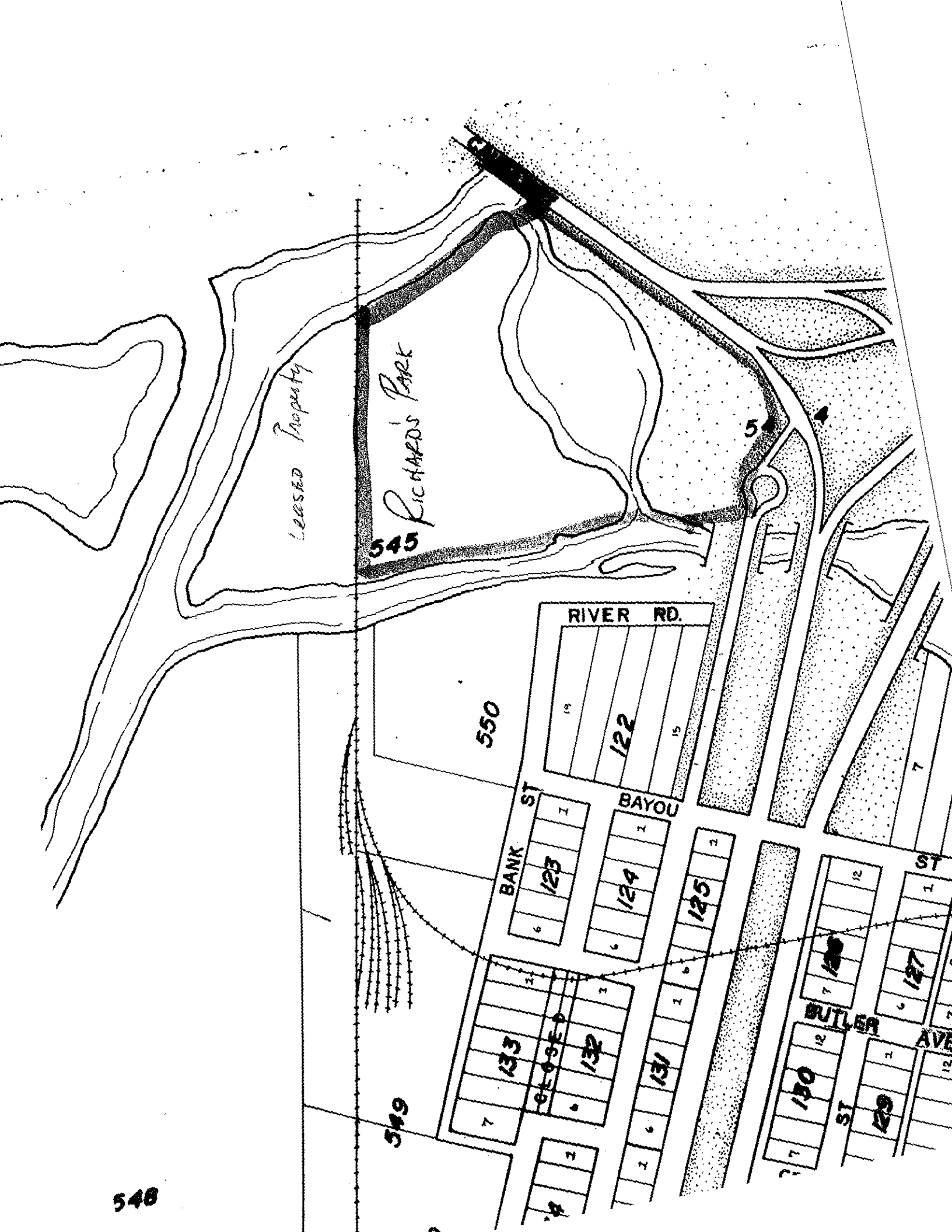
In order to construct the Lakeshore Trail Phase III from the Muskegon River to Fisherman's Landing, we need to cross a section of the Cobb Plant property. This section is located immediately behind Richard's Park, on the opposite side of the railroad tracks.

Because of the possible future needs of the plant, Consumer's Energy does not want to sell the property. Consequently, we have reached an agreement through our legal department on leasing the property. That agreement is attached.

This is a thirty-year lease with outs from both sides. The city will pay the annual property taxes on the primary parcel, which currently is \$862.48 annually.

I would ask that you approve the agreement and authorize the Mayor and Clerk sign the lease.

Thank you for your consideration.



January 24, 2000

Mr. Rick Scott
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

LEASE - B. C. COBB PLANT

Enclosed is our Lease with you dated..

Please have both copies signed, retain one copy for your files and return one signed original to me.

Thank you.



Anitra Lewis
B. C. Cobb Plant
151 N. Causeway
Muskegon, MI 49442

LEASE

THIS LEASE is entered into as of the 8th day of February, 2000 ~~1999~~, between CONSUMERS ENERGY COMPANY, a Michigan corporation, 212 West Michigan Avenue, Jackson, Michigan 49201 ("Lessor"), and the CITY OF MUSKEGON, a Michigan municipal corporation, 933 Terrace Street, Muskegon, Michigan 49443, ("Lessee"):

Lessor, in consideration of the covenants and agreements to be performed by Lessee, as hereafter set forth, hereby LETS and LEASES to Lessee, on the terms and conditions set forth below, certain land ("the Leased Premises") in the City of Muskegon, County of Muskegon, and State of Michigan, described as:

A parcel of land in Section 17, Town 10 North, Range 16 West, described as: Beginning at the intersection of the Southwesterly line of the M-120 Causeway and the Westerly line of the CSX Railroad strip and run thence South 09° 36' 47" West, along said Westerly line, 971.05 feet; thence South 54° 36' 47" West 191.23 feet; thence South 09° 28' 05" West 118.92 feet; thence North 78° 28' 13" West 16.01 feet; thence North 09° 28' 05" East 125.00 feet; thence North 54° 36' 47" East 191.25 feet; thence North 09° 36' 47" East 699.22 feet; thence North 20° 23' 13" West 28.00 feet; thence North 09° 36' 47" East 50.00 feet; thence North 39° 36' 47" East 28.00 feet; thence North 09° 36' 47" East 178.54 feet; thence South 43° 53' 00" E 19.90 feet to the point of beginning.

Lessee hereby hires the Leased Premises from Lessor and agrees to perform the covenants and agreements hereinafter set forth.

1. This Lease shall continue in effect for a term of thirty (30) years from the date hereof and from year to year thereafter until terminated by Lessor or Lessee. Lessee shall have the right to extend this Lease for two (2) additional terms of five (5) years each. This Lease shall automatically be extended unless Lessee notifies Lessor of its intention not to renew at least sixty (60) days, but no more than one hundred twenty (120) days, prior to the expiration of the then-current term. Notwithstanding the foregoing, Tenant shall have no right to extend the term of this Lease if Tenant is then in default in performing any of Tenant's obligations under the terms of this Lease.

2. Lessee may terminate this Lease at any time by giving Lessor at least thirty (30) days written notice. Lessor may terminate this Lease if Lessor's needs of service so require, by giving Lessee at least two (2) years written notice; provided, however, that if Lessor terminates this Lease during the first ten (10) years of the term of this Lease, Lessor shall reimburse Lessee a sum equal to one-tenth (1/10) of the unamortized cost of capital improvements Lessee has made on the Leased Premises multiplied by the number of years remaining in the first ten (10) years of the lease. Lessee shall promptly quit the premises; Lessor, its certain attorneys, successors, and assigns, may put out Lessee and each and every other occupant, and Lessee hereby waives any claim for damage as a result of such removal. If Lessor terminates this Lease, Lessor will attempt to provide another mutually-agreeable location on Lessor's land for Lessee's trail and will attempt to assist Lessee in relocating Lessee's trail to such location.

3. Lessee shall use the Leased Premises for the sole purpose of constructing, operating, and maintaining a portion of a public non-motorized trail to convey users of the trail safely across Lessor's land. Lessee shall be solely responsible for the cost of constructing, operating, and maintaining the trail and any related improvements made on the Leased Premises in accordance with this Lease. Lessee shall not erect on the Leased Premises any benches, viewing platforms, buildings, or signs other than those signs necessary for safe use of the trail and shall not store any materials in, on, or under the Leased Premises. All work Lessee does or has done on the Leased Premises shall be done in a workmanlike manner satisfactory to Lessor and at Lessee's sole expense. At least thirty (30) days prior to performing any excavation or construction work on the Leased Premises, Lessee shall submit such plans to Lessor for Lessor's review and approval. The commencement of any such work is conditioned upon Lessee giving Lessor at least five (5) days notice in advance of the beginning of such work. Such plans and notice shall be directed to the Plant Manager, B.C. Cobb Plant, 151 North Causeway, Muskegon, Michigan 49445-3301, (231) 727-6100. Lessee's use of the Leased Premises shall comply with the following conditions:

- A. Lessee shall be solely responsible for obtaining any necessary governmental approvals or permits for its activities on the Leased Premises.
- B. Lessee shall contact the Utility Communications System (Miss Dig), at (800) 482-7171, prior to performing any excavation on the Leased Premises, as required by MCL 460.701 et seq.
- C. Any machinery that works underneath or adjacent to Lessor's electric or communication lines shall not at any time be closer than twelve (12) feet to Lessor's lines. Lessee shall do no work on the Leased Premises that shall in any way affect or interrupt the continuity of service of Lessor as provided by Lessor's utility facilities or telephone and communication lines on the Leased Premises or the adjoining land.
- D. If Lessor finds it necessary to change any of its structures now or hereafter on said Leased Premises in order to facilitate any work to be done in connection with Lessee's use of said Leased Premises, Lessee shall reimburse Lessor for its actual cost and expense incurred thereby. Any such work shall be done at times to least inconvenience Lessor. Lessee shall give Lessor at least five (5) days advance notice for any temporary removal or relocation of any of its lines or structures. Such notice shall be directed to the Plant Manager, B.C. Cobb Plant, 151 North Causeway, Muskegon, Michigan 49445-3301, (231) 727-6100.
- E. Lessee shall at all times maintain the Leased Premises in a proper, clean, and safe condition. Lessee shall, without expense to Lessor, cut and remove from the Leased Premises all thistles and noxious weeds as the law (either now or hereafter) requires to be cut.

4. Lessor expressly retains the right to use and possess the Leased Premises for its purposes, including, without limitation, the construction, operation, inspection, maintenance, repair, replacement, improvement, and removal of electric and gas transmission and distribution lines and communication lines and all appurtenances used or usable in connection therewith, and the construction, use, and maintenance of roadways for the purpose of carrying on such activities.

5. Lessee shall, at Lessee's sole expense, erect fencing along both sides of the trail across the Leased Premises, to discourage trail users from entering Lessor's land adjoining the Leased Premises. The fencing shall be cyclone fencing, except that on the boardwalk section of the trail, the fencing may consist of railings. Lessee shall, at Lessee's sole expense, provide at least one (1) set of vehicle gates in the fence, of a width of at least sixteen (16) feet, together with a properly-engineered asphalt road crossing for use by Lessor's heavy trucks and equipment in accessing facilities on the Leased Premises and the adjoining land. The gates and crossing shall be located as specified by Lessor. The gates shall be locked with locks provided by Lessor.

6. Use of the Leased Premises pursuant to this Lease shall comply with all applicable laws, ordinances, rules, and regulations of all federal, state, or local governmental authorities that are now or hereafter in any manner affecting the Leased Premises. Without limiting the generality of the foregoing, Lessee shall not dispose or suffer to be disposed of any waste material whatsoever upon the Leased Premises, or store, use, or maintain, or suffer to be stored, used, or maintained, upon the Leased Premises any material that is or may be or become hazardous to human health or the environment, or the storage, treatment, or disposal of which is regulated by any governmental authority. In the event use of the Leased Premises pursuant to this Lease results in the presence on or under the Leased Premises (which includes but is not limited to the groundwater underlying the Leased Premises) of contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, as currently or hereafter defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USCA 9601 et seq; the Resource Conservation and Recovery Act (RCRA), 42 USCA 6901 et seq; the Toxic Substances Control Act (TSCA), 15 USCA 2601 et seq; the Michigan Natural Resources and Environmental Protection Act, MCL 324.101 et seq; or any other similar existing or future statutes, Lessee shall, at no cost to Lessor, promptly take: 1) all actions required by any federal, state, or local governmental agency or political subdivision, and 2) all actions necessary to restore the Leased Premises to the condition existing prior to the introduction of such contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, notwithstanding any lesser standard of remediation allowable under applicable law or governmental policies. The actions required by Lessee pursuant to this paragraph include, but are not be limited to: a) the investigation of the environmental condition of the Leased Premises; b) the preparation of any feasibility studies, reports, or remedial plans required by law or governmental policy, and c) the performance of cleanup, remediation, containment, operation, maintenance, monitoring, or restoration work, whether on or off the Leased Premises. Lessee shall proceed continuously and diligently with such investigatory and remedial actions. Lessee shall promptly provide to Lessor, free of charge, copies of all test results and reports generated in connection with the above activities and copies of all reports submitted to any governmental entity. No cleanup, remediation, restoration, or other work required to be performed pursuant to this paragraph will require or result in the imposition of any limitation or restriction on the use of the Leased Premises without Lessor's prior written approval and permission. The provisions of this paragraph will survive the termination of this Lease. Additionally, Lessee shall indemnify, defend, and hold Lessor, its officers, employees, agents, affiliates, and parent corporation, harmless from and against any and all losses, liabilities, claims, damages, payments, actions, recoveries, settlements, judgments, orders, costs, expenses, attorney fees, penalties, fines, encumbrances, and liens arising out of: A) the presence on or beneath the Leased Premises and the groundwater underlying the Leased Premises, of contaminants, hazardous waste, hazardous substances or constituents, or toxic substances, as currently or hereafter defined in CERCLA, RCRA, TSCA, NREPA, or any other similar existing or future statutes, as a result of use of the Leased Premises pursuant to this Lease; B) Lessee's

violation or alleged violation of any federal, state, or local law related directly or indirectly to the use of the Leased Premises pursuant to this Lease; or 3) Lessee's failure to comply with the terms and conditions of this Lease; provided, that Lessee's indemnification obligation shall not extend beyond the limitations placed on a governmental body or employee to indemnify another pursuant to law, and such obligation shall not abrogate or diminish Lessee's defense of governmental or sovereign immunity against any party, including Lessor. The provisions of this paragraph shall survive the termination of this Lease.

7. During the term or any extended term of the Lease, Lessee shall reimburse Lessor for any increased real or personal property taxes resulting from the improvements Lessee makes on the Leased Premises, upon receipt from Lessor of a bill therefor.

8. Lessee shall reimburse Lessor for the amount of any real property taxes or assessments levied against Tax Parcel #24-205-545-0002-00 (the Leased Premises and other land).

9. Lessee shall not assign this Lease or sublet the Leased Premises or any part thereof without Lessor's written consent. Any attempted assignment or subletting without Lessor's written consent is void and not merely voidable.

10. Lessee accepts the Leased Premises in their present condition. Lessee acknowledges that Lessor is leasing the Leased Premises to Lessee for the sole purpose of allowing Lessee to make the Leased Premises available to the public for recreational purposes and that Lessee is solely responsible for and in control of the design, construction, operation, use, patrolling, inspection, and maintenance of the public non-motorized trail on the Leased Premises pursuant to this Lease. Lessee shall, at all times during the term of this Lease, assume all liability for and protect, indemnify, and save Lessor, its successors and assigns, harmless from and against all actions, claims, demands, judgments, losses, expenses of suits or actions, and attorney fees, for injury to or death of any person or persons and loss or damage to the property of any person or persons whomsoever, including the parties hereto and their agents, contractors, subcontractors, and employees, arising in connection with or as a direct or indirect result of the use and occupancy of the Leased Premises pursuant to this Lease. The provisions of this paragraph shall apply to each and every such injury, death, loss, and damage, however caused, whether due, or claimed to be due, to the negligence of Lessee, the negligence of Lessor, the negligence of Lessor and the negligence of Lessee, the negligence of any other person, or otherwise; provided, however, Lessee shall not be required to indemnify Lessor for such injury, death, loss, or damage caused by Lessor's sole negligence, and further provided that Lessee's indemnification obligation pursuant to this paragraph shall not extend beyond the limitations placed on a governmental body or employee to indemnify another pursuant to law and shall not abrogate or diminish Lessee's defense of governmental or sovereign immunity against any party, including Lessor. The provisions of this paragraph shall survive any assignment, subletting, or termination of this Lease.

11. During the term of this Lease, Lessee shall, at its sole expense, maintain in full force and effect a policy of Comprehensive General Liability Insurance with a minimum combined bodily injury and property damage single limit of One Million Dollars (\$1,000,000), which insurance will either include a Cross Liability Endorsement or not preclude recovery by a named insured as a result of the negligence of any other named insured under said policy. Said policy shall be written by an insurance company authorized to do business in the State of Michigan and shall name Consumers Energy Company as an additional insured. The policy shall describe the insured premises in the same manner as in the Leased Premises are

described in this Lease and shall include the entire grounds and all equipment used thereon pursuant to this Lease. The policy must also contain an endorsement that the insurance will not be canceled, that no changes will be made in the policy that change, restrict, or reduce the insurance provided, and that the name of the insured will not be changed, without first giving Consumers Energy Company ten (10) days notice in writing, as evidenced by receipt of registered letter. At Lessor's request, Lessee shall provide to Lessor evidence of such coverage. Lessee may supply the insurance provided for in this paragraph in the form of its Risk Authority coverage and, if requested by Lessor, a certificate from its Risk Authority.

12. This Lease is entered into and granted by Lessor subject to any lease, license, easement or other interest in land heretofore granted by Lessor or its predecessors in title in the Leased Premises and to any such interest reserved to other parties in instruments granted to Lessor or its predecessors in title. Lessee agrees to secure all necessary consents and permits from such lessees, licensees, and owners of such outstanding interest as may be necessary prior to entering the Leased Premises.

13. If Lessee fails to observe or perform any of its obligations under this Lease or causes health hazards or injury to the Leased Premises and fails to cure such default within thirty (30) days after written notice from Lessor to do so, Lessor shall have the right to terminate this Lease and shall be entitled to retake possession of the Leased Premises. Lessor may make its election to terminate known to Lessee by delivering a notice of termination to Lessee. Such notice shall be immediately effective, and Lessor shall be entitled to forthwith commence an action in summary proceedings to recover possession of the Leased Premises. Lessee waives all other notice in connection with such termination, including but not limited to notice of intent to terminate, demand for possession or payment, and notice of re-entry.

14. Unless otherwise provided herein, any notice required or permitted to be given hereunder shall be in writing and mailed, postage prepaid, by certified or registered U.S. Mail, return receipt requested, to the address as set forth in the first paragraph of this lease, or such other address as the party to whom such notice is to be given may specify from time to time by notice to the other party. Notices shall be deemed to have been given when mailed, as evidenced by receipt for said mailing.

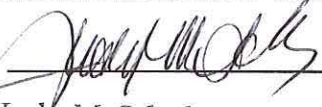
15. Except as to Lessor's Trust Indenture dated September 1, 1945, as amended and supplemented, with The Chase Manhattan Bank, as Trustee, and easements or other restrictions of record, Lessor covenants that if Lessee performs its obligations under this Lease, Lessee shall freely, peaceably, and quietly occupy and enjoy the full possession of the Leased Premises during the term of this Lease.

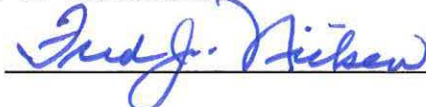
16. Upon execution of this Lease, Lessee may record a memorandum of this Lease at the Muskegon County Register of Deeds.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Lease to be executed by their duly authorized representatives as of the day and year first above written.

CONSUMERS ENERGY COMPANY

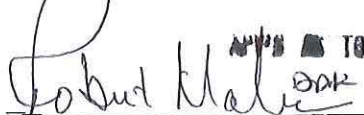
CITY OF MUSKEGON

By: 

By: 

Judy M. Schultz

Its Real Estate & Facilities Planning Manager Its MAYOR


Robert Malec, Plant Manager

MEMORANDUM OF LEASE

This Memorandum of Lease is made between CONSUMERS ENERGY COMPANY, a Michigan corporation, 212 West Michigan Avenue, Jackson, Michigan 49201, as Lessor, and the CITY OF MUSKEGON, a Michigan municipal corporation, 933 Terrace Street, Muskegon, Michigan 49443, as Lessee.

By instrument dated February 8, 2000, ~~1999~~, Lessor has leased to Lessee, and Lessee has hired from Lessor, certain land in the City of Muskegon, County of Muskegon, State of Michigan ("the leased premises") described as follows:

A parcel of land in Section 17, Town 10 North, Range 16 West, described as: Beginning at the intersection of the Southwesterly line of the M-120 Causeway and the Westerly line of the CSX Railroad strip and run thence South 09° 36' 47" West, along said Westerly line, 971.05 feet; thence South 54° 36' 47" West 191.23 feet; thence South 09° 28' 05" West 118.92 feet; thence North 78° 28' 13" West 16.01 feet; thence North 09° 28' 05" East 125.00 feet; thence North 54° 36' 47" East 191.25 feet; thence North 09° 36' 47" East 699.22 feet; thence North 20° 23' 13" West 28.00 feet; thence North 09° 36' 47" East 50.00 feet; thence North 39° 36' 47" East 28.00 feet; thence North 09° 36' 47" East 178.54 feet; thence South 43° 53' 00" E 19.90 feet to the point of beginning.

The term of the Lease is for thirty (30) years, commencing February 8, 2000, ~~1999~~, and Lessee has the option to extend the term of the Lease for two (2) additional terms of five (5) years each.

This Memorandum of Lease is given to provide record notice of Lessee's interest in the leased premises.

WITNESSES:

CONSUMERS ENERGY COMPANY

By: _____

Judy M. Schultz

Its Real Estate & Facilities Planning Manager

APPROVED BY TO RECORD
DAK

Acknowledged before me in Jackson County, Michigan, this ____ day of _____, 1999, by _____, _____ of CONSUMERS ENERGY COMPANY, a Michigan corporation, on behalf of the corporation.

Notary Public

County, Michigan
Acting in _____ County
My Commission Expires: _____

CITY OF MUSKEGON

Linda Potter
Linda Potter
Shauna Hull
Shauna Hull

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

²⁰⁰⁰ Acknowledged before me in Muskegon County, Michigan, this 29th day of February, 1999, by Fred J. Nielsen, Mayor of the City of Muskegon, a Michigan municipal corporation, on behalf of the municipal corporation.

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

Prepared by:
Deborah Ann Kile (P36689)
Consumers Energy Company
212 West Michigan Avenue
Jackson, MI 49201

Commission Meeting Date: February 8, 2000

Date: January 21, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *etc*
RE: Sale of Non-Buildable Lot on Harrison in Lakeside

SUMMARY OF REQUEST:

To approve the sale of the west 15 feet of the buildable lot designated as map # 24-30-34-429-006 to Scott Cooley of 2456 Miner. The property would be sold for \$100. Mr Cooley would like the land to add a one stall garage to his existing home. The 15 feet is the minimum amount of property needed to construct the garage and meet the set back requirements per the city policy. This would leave 150 feet of frontage left, enough for two buildable lots (75 feet of frontage each).

FINANCIAL IMPACT:

The sale of the parcel will allow the property to be placed back on the City's tax rolls, thus relieving the City of continued maintenace 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 attached resolution.

COMMITTEE RECOMMENDATION:

The LRC endorsed this sale at their January 18 meeting.

Resolution No. 2000-23 (d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A LOT IN LAKESIDE FOR \$100.

WHEREAS, Mr. Scott Cooley would like to purchase the west 15 feet of the buildable lot adjacent to his home located at 2456 Miner for the addition of a one-stall garage and has deposited \$100 for map # 24-30-34-429-006 (located on Harrison between Lincoln and Clifford);

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

WHEREAS, the garage addition would enhance Mr. Cooley's property and the sale of the lot is compatible with existing City policies;

NOW THEREFORE BE IT RESOLVED, map # 24-30-34-429-006 be sold to the above-mentioned.

(W 15 FT of N 205 FT of Lot 2 Blk 676)

Adopted this 8th day of February, 2000

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

Nays: None

Absent None

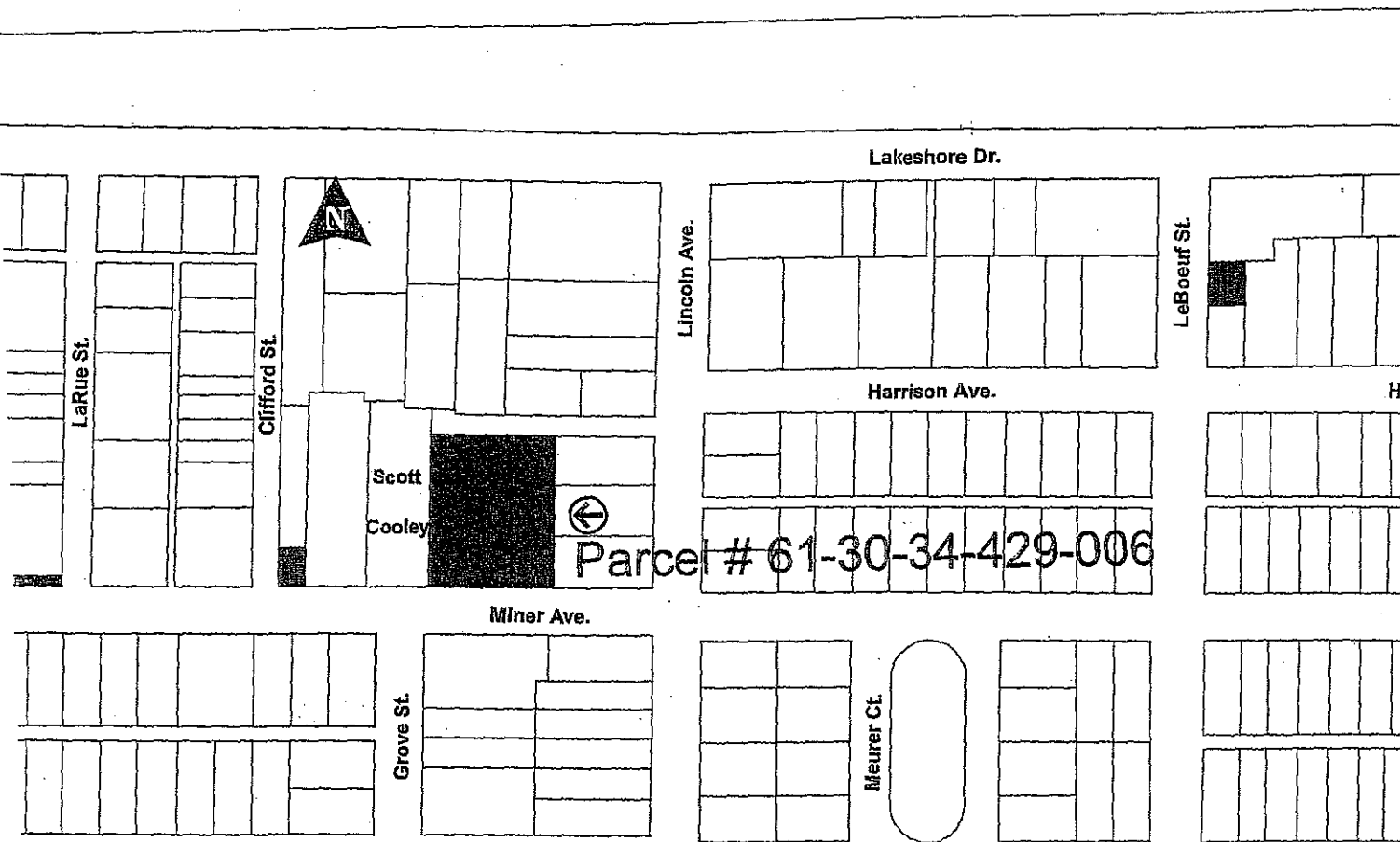
By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
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 8, 1999.

By: Gail Kunding
Gail Kunding, Clerk



AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: February 8, 2000
SUBJECT: Traffic Department materials and services

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

Sign materials to be jointly bid:

Sign blanks	\$ 4,400.00 approx.
Sign posts	\$ 4,500.00 approx.
Sign sheeting	\$ 6,600.00 approx.
Centerline painting	\$10,800.00 approx.

Total \$ 26,300.00 (\$26,340.00 in 1999)

BUDGET ACTION REQUIRED:

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

STAFF RECOMMENDATION:

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

Traffic Department materials and services

We again this year are requesting to jointly bid our sign materials and services with the Muskegon County Road Commission as we have done for the past eleven years. MCRC is getting ready to go out for bids on these items and thus we do not have any quotes for 2000.

Sign blanks

We use a wide variety of sign blank sizes to prepare the nearly 1,200 new and replacement signs needed in the City of Muskegon annually. Below is a cost breakdown for the last four years (the cost varies with the price of aluminum).

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

Following is a list of our needs for **2000**:

<u>Size</u>	<u>Shape</u>	<u>Quantity</u>
24" x 24"	square	50
12" x 18"	rectangle	300
24" x 24"	diamond	50
36" x 12"	rectangle	25
36 " x 18"	rectangle	25
30" x 30"	square	50
30" x 30"	stop	200
36" x 48"	pennant	10

Sign posts:

We also need to install and replace nearly 600 sign posts each year. Below is a cost breakdown for the last four years.

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>
2# x 11' posts →	\$6.96/ea	\$6.29/ea	\$5.91/ea	\$5.60/ea
3# x 12' posts →	\$11.30/ea	\$10.30/ea	\$9.66/ea	\$9.22/ea

Following is a list of our needs for **2000**:

11' x 2# painted sign posts = 400 12' x 3# painted sign posts = 200

Sheeting:

Our standard has always been 3M sheeting, they are the only bid usually received by MCRC, who like us, uses 3M sheeting exclusively. 3M also has supplied us with a sheeting roller at no cost and to maintain the warranty on their sheeting they also supply us with inks at no cost. The cost of sheeting has risen only very slightly over the last few years, this year most items will rise from anywhere from 2% to 8%.

Sign Faces:

Because of toxicity and environmental concerns we no longer screen the majority of our signs. Instead we have begun to purchase ready-made sign faces. In some cases this makes the cost of some signs a little bit higher but it also frees up our Sign Fabricator to tackle other important tasks.

Centerline painting:

Prior to 1997, we contracted with the Muskegon County Road Commission for this work. But in 1997 they sold their equipment and we jointly bid out centerline painting with all other cities and townships in the County. In 1997 M&M Pavement Marking, Inc. was awarded the bid and it was extended for both 1998 and 1999 at the same unit prices. Our overall cost in 1999 was higher because we painted over significant amounts of faded PPM.

Below is a cost breakdown for the last four years:

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

Date: 1/31/2000
To: Honorable Mayor and City Commission
From: Randy Smith, Equipment Supervisor DPW
RE: 2000 Budgeted Vehicle Purchase, Fire Command

SUMMARY OF REQUEST: Approval to purchase one Ford Expedition from Signature Ford for \$26,832.00. Per State purchasing contract.

FINANCIAL IMPACT: \$26,832.00 (Public Improvement Fund)

BUDGET ACTION REQUIRED: None, \$30,000.00 is budgeted for this purchase.

STAFF RECOMMENDATION: Approve the purchase of one Ford Expedition from Signature Ford for \$26,832.00, to replace existing unit.

Expedition 4X4

<u>Bidder</u>	<u>Model</u>	<u>Each</u>		<u>Total</u>
Macomb County				
Signature Ford	Expedition	\$27,177.00	X 1 Units	\$27,177.00
Oakland County				
Buff Whelan Chevy	Suburban	\$31,027.62		\$31,027.62
State Contract				
Signature Ford	Expedition	\$26,832.00		\$26,832.00
Replacing 30532--1994, 62,000 miles				

2000 Expedition 4-Door 4x4 & 4x2 Major Standard Equipment

4.6L SOHC Auto Trans O/D
Air Conditioning
Electronic AM/FM Stereo/clock/Cassette
P255/70Rx16 BSW All-Season Tires
Fixed rear quarter Windows

Wheels, Styled Steel 16"
Power windows & Locks
Wipers- Front speed sensitive/Intermittent
Rear intermittent/Washer/Defroster

Fleet Special Package Equipment:

Seats-Cloth Bucket Seats in Med. Graphite
Vinyl Floor Covering
Deletes Floor Mats
Painted Front and Rear Bumpers
Black Painted Mirrors
Black Painted Door Moldings

Base Price 4x2 \$23,397.00

Second Row Vinyl Bench w/o Armrest
Vinyl Visors w/o Aux. Visors
642 Styled Steel Wheels
Deletes Remote Keyless entry & Illuminated Entry
Black Painted Door Handles
Title

Base Price 4x4 \$25,747.00

Available in:

Black (UA) ☐
Oxford White (YZ) ☒

Silver Clearcoat Metallic (YN) ☐
Tropic Green Clearcoat Metallic (SU) ☐

Available Options:

☐ 5.4L SOHC/4 Speed Auto O/D	99L/44E	565.00
☒ Privacy Glass	924	251.00
☐ 3 rd Row Bench Seat	875	544.00
☐ Axle, Limited Slip Rear	XH9/XH6	(190.00)
☐ Aux. Rear Heat & Air Conditioning	574	675.00
☒ Trailer Towing Group	535	800.00
7-Pin Trailer Wiring Harness, Class III Frame		
Mounted Hitch, Super Engine Cooling, Auxiliary Auto		
Transmission Oil Cooler		
☐ License Plate Bracket, Front	153	N/C
☐ Running Boards,	186	370.00
☐ Skid Plate Package	413	89.00
☒ Tow Hooks	53T	34.00
☐ Left Hand Spot Lamp	DLT	300.00
☐ Dual Spot Lamps	DDL	600.00

Total Price \$ 26,832.⁰⁰

Dealership: Signature Ford, L-M, Jeep
Contact Person: Bill Stenback

888-92-FLEET FAX 517-625-9104

Commission Meeting Date: February 8, 2000

Date: January 26, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CPE*
RE: Sale of Non-Buildable Lots on Sumner in Jackson Hill

SUMMARY OF REQUEST:

To approve the sale of the non buildable lots designated as map # 24-31-20-183-012 and map # 24-31-20-183-013 to Mr. Terry & Mrs. Juel Ford. The total frontage for the combined lots is 66 feet and will be sold for \$100. The Fords would like the land to add to their existing home, specifically to fence in the lots and prevent littering. The sale of this lot is consistent with the Jackson Hill Marketing Strategy.

FINANCIAL IMPACT:

The sale of the parcel will allow the property to be placed back on the City's tax rolls, thus relieving the City of continued maintenace 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 attached resolution.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will discuss the issue at their February 7 meeting.

Resolution No. 2000-23(g)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF LOTS IN JACKSON HILL FOR \$100.

WHEREAS, Mr. Terry and Mrs. Juel Ford would like to purchase map # 24-31-20-183-012 and map # 24-31-20-183-013 (located on Sumner between Erickson and Octavius);

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

WHEREAS, the sale of the lot is consistent with the Jackson Hill Marketing Plan and compatible with existing City policies;

NOW THEREFORE BE IT RESOLVED, map # 24-31-20-183-012 and map # 24-31-20-183-013 be sold to the above-mentioned.

(WLY 38 Ft of E ½ lot 1 BLK 153 and E 28 Ft Lot 1 BLK 153)

Adopted this 8th day of February, 2000

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

Nays: None

Absent None

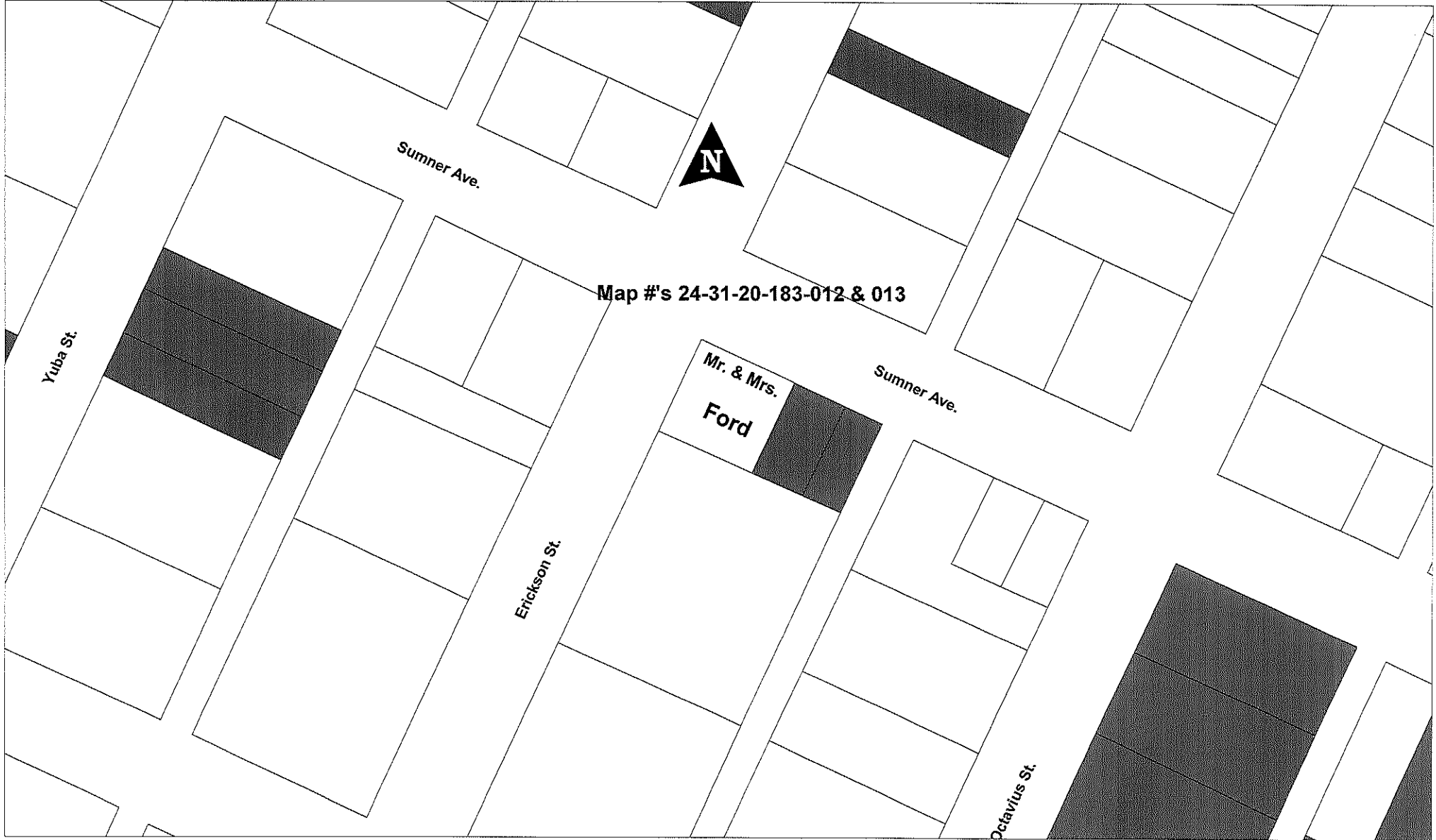
By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunderger
Gail Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on February 8, 2000.

By: Gail Kunderger
Gail Kunderger, Clerk



Commission Meeting Date: January 11, 2000

Date: January 28, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Buildable Lot on Wesley Street in Marquette

SUMMARY OF REQUEST:

To approve the sale of the west 1/2 of the vacant buildable lot described as map number 24-31-21-179-009 to Willie Wilson of 640 W. Forest Avenue. Total frontage for the sale is 120 feet. Mr. Wilson intends to build a single-family three bedroom ranch style home with an attached 2 car garage and partial basement. The appraised value of the parcel is \$4,000 and Mr. Wilson submitted the only bid of \$4,000.

FINANCIAL IMPACT:

The sale of the parcel will 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 attached resolution.

COMMITTEE RECOMMENDATION:

The LRC endorsed the sale of the property at their December meeting.

Resolution No. 2000-23 (h)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT ON WESLEY STREET
IN MARQUETTE FOR \$4,000.

WHEREAS, Mr. Willie Wilson has submitted the only bid of \$4,000 for the property for
construction of a single family 3-bedroom ranch style house with two-car garage and partial
basement,

WHEREAS, the sale would enable the City to place these properties back on the tax rolls, and
would relieve the City of further maintenance costs;

WHEREAS, sale of the land and subsequent construction of the home would be in accordance
with existing City policies and those of HUD, concerning the disposition of Urban Renewal
lands;

NOW THEREFORE BE IT RESOLVED, map # 24-31-21-179-009 be sold to the above-
mentioned buyer as recommended by staff and the LRC.

(Urban Renewal Plat No 3 Lots 556 & 557)

Adopted this 8th day of January, 2000

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

Nays: None

Absent None

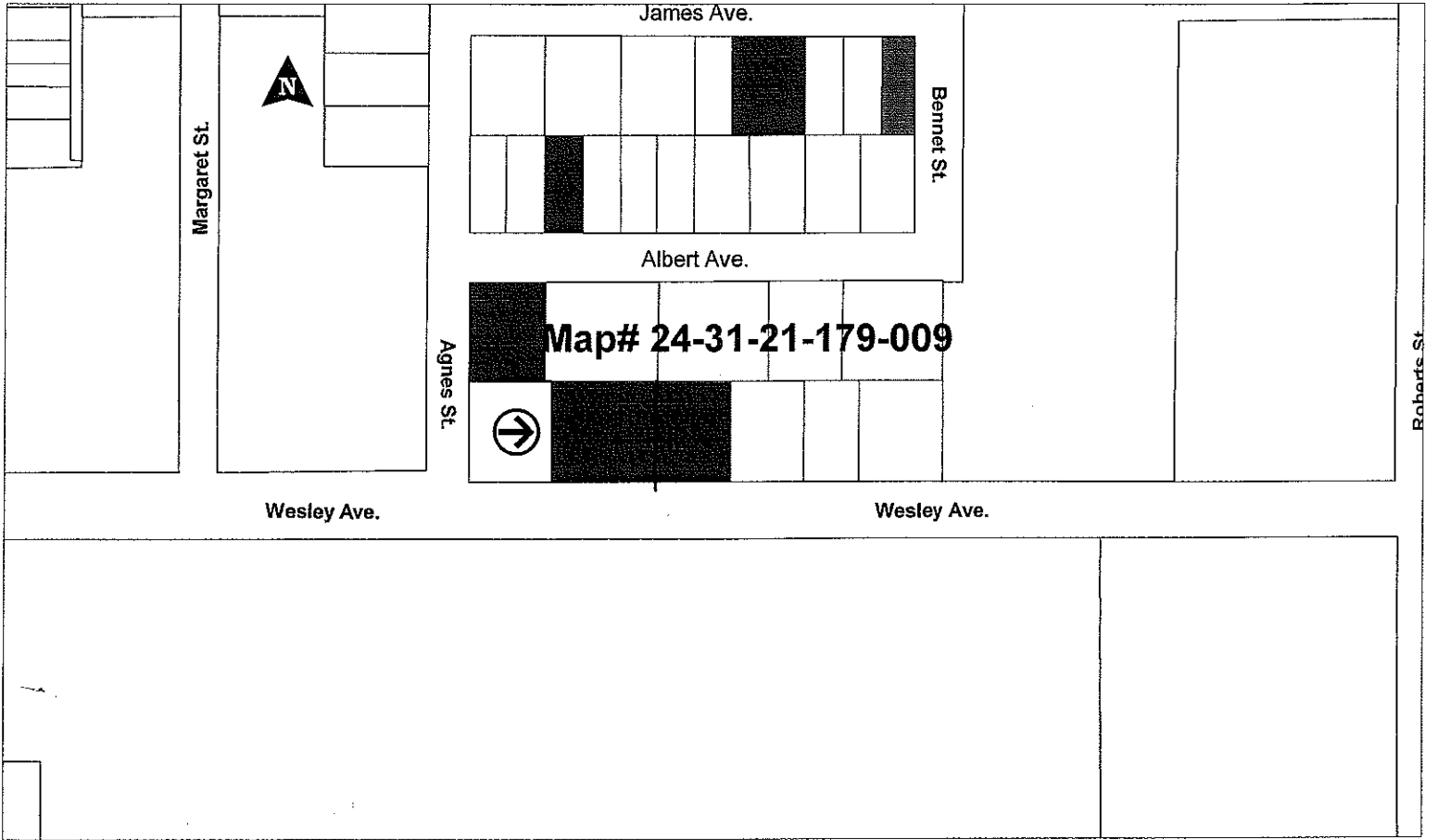
By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
Gail Kunding, Clerk

CERTIFICATION

I hearby 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 8, 2000.

By: Gail Kunding
Gail Kunding, Clerk



2000-23(h)
QUIT-CLAIM DEED

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

QUIT CLAIMS to WILLIE WILSON, a single man, of 640 W. Forest, Muskegon, MI 49441,

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

Lots 556 and 557, Urban Renewal Plat No. 3;

for the sum of Four Thousand Hundred (\$4,000) Dollars.

PROVIDED, HOWEVER, Grantee, or his assigns, shall substantially complete construction of a single-family home on the premises herein conveyed, up to all codes, 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; 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. "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 the Grantor. Furthermore, Grantee has covenanted that the home shall be owner occupied for five (5) years from the date of this deed.

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

Dated this 8th day of February, 2000.

Signed in the presence of:

Linda Potter
Linda Potter
Tamika A. Hob
Tamika A. Hob

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor
and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 25th day of February, 2000, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: G. Thomas Johnson
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Ave., MI 49443-0786
WHEN RECORDED RETURN TO: Grantee

Linda S. Potter
Linda S. Potter Notary Public, Muskegon County, MI
My commission expires: 9-25-02
SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made February 8, 2000, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **WILLIE WILSON**, a single man, of 640 W. Forest, Muskegon, Michigan 49441 ("Buyer").

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

Lots 556 and 557 of Urban Renewal Plat No. 3;

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Four Thousand Dollars (\$4,000), payable, in cash, to Buyer at Closing.

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

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance, issued by Transnation Title Insurance Company, for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment 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 owners 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. The home shall be substantially completed by that time and, in the event said substantial completion has not occurred, in the sole judgement 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 agreement, and paying the cost of such survey. Buyer may elect to purchase the Premises subject to said encroachment or variation.

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

a. To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

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

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

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

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

RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER.

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

10. **Closing.** The closing date of this sale shall be on or before May 8, 2000 ("Closing"). The Closing shall be conducted at Transnation Title Insurance Company, 570 Seminole Road, Ste. 102, Muskegon, MI 49444. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

15. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Linda S. Potter
Linda S. Potter
Tamika A. Hale
Tamika A. Hale

SELLER: CITY OF MUSKEGON

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

BUYER:

Thomas Agnew
Deborah Annan

Willie C. Wilson
Social Security No. 350-90-5503

Drafted by:
PARMENTER O'TOOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786



Transnation

TRANSNATION TITLE INSURANCE COMPANY

490 CENTURY LANE
HOLLAND, MI 49423
(616) 392-2341

075388

FILE NO.

614371

ESCROW ACCOUNT

SLW

DATE

05/17/00

No. 75388

9-9/720

PAY

THREE THOUSAND FOUR HUNDRED NINETY AND 60/100 DOLLARS \$3490.60



TO
THE
ORDER
OF

The City of Muskegon

VOID AFTER 90 DAYS
COMERICA BANK
DETROIT, MI 48275-7586
720-12658

TRANSNATION TITLE INSURANCE COMPANY

Sharon Hadema
N/A
AUTHORIZED SIGNATURE

AUTHORIZED COUNTERSIGNATURE

00440/20440

⑈075388⑈ ⑆072000096⑆ 1850655091⑈

DATE

DESCRIPTION

AMOUNT

Bank 6145

Order No 614371

Closed by SLW

Check 75388

Property

614371

Buyer WILSON, WILLIE

Seller

05/17/00 Net proceeds to seller(s)

3490.60

\$3490.60

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Your Ref: /Vacant Land Wesley

Commitment No. 409452

File No. 409452

1. Effective Date: November 22, 1999 at 8:00 AM

2. Policy or Policies to be issued: Amount

(a) Owner's Policy \$4,000.00

Proposed Insured:

Willie Wilson

(b) ALTA Loan Policy: 10-17-92, without exceptions. \$

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is fee simple and is at the effective date hereof vested in

The City of Muskegon, a Michigan Municipal Corporation

4. The land referred to in this Commitment is situated in the City of Muskegon, County of Muskegon, State of Michigan, and described as follows:

Lots 556 and 557, Muskegon Urban Renewal Plat No. 3, as recorded in Liber 19 of Plats, Pages 16, 17 and 18, Muskegon County Records.

Willie Wilson

**SCHEDULE B-SECTION I
REQUIREMENTS**

The following are the requirements to be complied with:

1. Standard requirements set forth on inside front cover.
2. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
3. Deed from The City of Muskegon, a Michigan Municipal Corporation to Willie Wilson.

NOTE: No 1999 Summer tax.

Permanent Property No. 61-24-612-000-0556-00.

NOTE: No Homestead filed.

NOTE: 1999 Winter taxes are exempt.

**SCHEDULE B-SECTION II
EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Standard exceptions set forth on inside back cover.
2. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
3. Muskegon Urban Renewal Plan recorded April 10, 1961 in Liber 730, Page 657, and revisions and amendments, thereto.
4. Reservation of easement in the vacated alley as evidenced by the instrument recorded July 16, 1962 in Liber 758, Page 369. A copy of said instrument is attached hereto.

JMS/dej

CLOSING AGREEMENT

Property Address: Lots 556 & 557, Muskegon, Michigan 49442
Escrow No.: 614371

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, THAT I/we, as Seller(s), for valuable consideration, receipt of which is acknowledged, have bargained and sold and do grant and convey to the Buyer(s), in an "AS IS" condition with no warranty, either expressed or implied, the following goods and chattels:

See terms of Purchase Agreement

ACCEPTING PROPERTY "AS IS"

Buyer(s) understand and acknowledge, that he/she (they) is/are buying the property in an "AS IS" condition and that neither the Seller(s) nor Realtor make any warranties as to the structure(s) located upon the land purchased or the condition thereof. We agree to hold harmless the listing and selling broker, and/or their agents and Transnation Title Insurance Company from any liability concerning this matter.

BUY AND SELL RESOLUTION

It is agreed, between the Buyer(s) and Seller(s) of this property that all contingencies and addendums to the Offer to Purchase thereto, have been met or are hereby resolved or removed to the satisfaction of the parties concerned. We agree to hold harmless the listing and selling broker, and/or their agents and Transnation Title Insurance Company from any liability concerning this matter.

SELLER'S AFFIDAVIT

The undersigned Seller(s) represent and warrant to the Buyer(s) and Transnation Title Insurance Company, that I/we have no knowledge on any proceedings instituted or taken by anyone which will result in a lien or special assessment upon the premises. That we have no knowledge of any delinquent taxes, special assessment, water bills, utility bills, furnished and financed insulation, or Homeowner's Association fees covering subject property, except as follows:

Seller(s) further agree that in the event it is determined there are unpaid fees for any of the above specified items for amounts which are due or become due prior to and including the date of closing or which become due after the date of closing, and which are payable prior to and including the date of closing or become payable after the date of closing, and which are the responsibility and obligation of Seller(s), that Seller(s) shall pay any and all amounts as so charged as their obligation and responsibility during the time they had possession of said property, and shall provide proof of payment of same to Transnation Title Insurance Company and Buyer(s) of said property.

Seller(s) further agree to pay any final water and/or sewer bills charged as their obligation and responsibility during the time they had possession of said property and shall hold harmless Transnation Title Insurance Company from any liability concerning this matter.

Seller(s) have not undertaken, within the past three (3) months, to have any work performed or materials furnished to the premises, which would give rise to any claim of a construction lien against the premises.

CLOSING AGREEMENT - continued

Property Address: Lots 556 & 557, Muskegon, Michigan 49442
Escrow No.: 614371

The foregoing closing agreements are hereby accepted and approved.

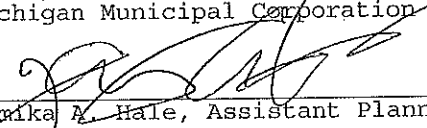
Closing Date: May 17, 2000

Seller(s):

Witness

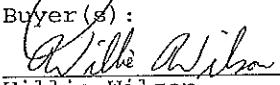
The City of Muskegon,
a Michigan Municipal Corporation

Witness

BY 
Tamika A. Hale, Assistant Planner

Witness

Buyer(s):


Willie Wilson

Witness

A. Settlement Statement

Title Insurance No. 614371

B. Type of Loan

1. ☐ FHA	2. ☐ FmHA	3. ☒ Conv. Unins.	6. File Number	7. Loan Number	8. Mortgage Insurance Case No.
4. ☐ VA	5. ☐ Conv. Ins.		614371		

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name and Address of Borrower	E. Name and Address of Seller	F. Name and Address of Lender
Willie Wilson	The City of Muskegon	THE MORTGAGE HOUSE
		603 East 16th Street
		HOLLAND MI 49423
640 W. Forest Avenue	933 Terrace	
Muskegon, MI 49441	Muskegon, MI 49441	

G. Property Location
Lots 556 & 557
Muskegon, Michigan 49442

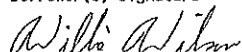
H. Settlement Agent	I. Settlement Date
TRANSACTION TITLE INSURANCE COMPANY	
Place of Settlement	
490 Century lane	May 17, 2000
Holland, MI 49423	
Sharon Heidema	

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER	
101. Contract sales price	4000.00	401. Contract sales price	4000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	7871.00	403.	
105. Construction Holdback	90746.00		
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes to		407. County taxes to	
120. GROSS AMOUNT DUE FROM BORROWER	102617.00	420. GROSS AMOUNT DUE TO SELLER	4000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER		500. REDUCTIONS IN AMOUNT DUE TO SELLER	
201. Deposit of earnest money	200.00	501. Excess Deposit (see instructions)	
202. Principal amount of new loan(s)	93500.00	502. Settlement charges to seller (line 1400)	309.40
203. Existing loan(s)		503. Existing loan(s)	
206. A1 Homes Contribution	2850.00	506. Deposit or earnest money with seller	200.00
207. Lender Contribution	1317.00	507.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
220. TOTAL PAID BY/FOR BORROWER	97867.00	520. TOTAL REDUCTION AMOUNT DUE SELLER	509.40
300. TOTAL AT SETTLEMENT FROM/TO BORROWER		600. CASH AT SETTLEMENT TO/FROM SELLER	
301. Gross amount due from borrower (line 120)	102617.00	601. Gross amount due to seller (line 420)	4000.00
302. Less amounts paid by/for borrower (line 220)	97867.00	602. Less reductions in amount due seller (line 520)	509.40
303. CASH (LXX FROM) (L J TO) BORROWER	4,750.00	603. CASH (LXX TO) (L J FROM) SELLER	3,490.60

L. SETTLEMENT CHARGES				PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700. TOTAL SALES/BROKER'S COMMISSION based on price \$ 4000.00 @ % =					
Division of commission(line 700) as follows:					
701.\$	to				
702.\$	to				
703.Commission Paid at Settlement					
704.\$	to				
800. ITEMS PAYABLE IN CONNECTION WITH LOAN					
801.Loan Origination Fee	% to				
802.Loan Discount	% to	THE MORTGAGE HOUSE	1860.00		
803.Appraisal Fee	to	Timothy Salamone	300.00		
804.Credit Report	to	Metro West	11.00		
805.Lender's Inspection Fee	to				
808.Inspection Fees	to	THE MORTGAGE HOUSE	225.00		
809.Construction Fee	to	THE MORTGAGE HOUSE	4825.00		
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE					
901.Interest from	to	@ \$ /day			
901.1 Interest from	to	@ \$ /day			
902.Mortgage Insurance Premium for	mo. to				
903.Hazard Insurance Premium for	yrs.to				
1000.RESERVES DEPOSITED WITH LENDER					
1001.Hazard insurance	mo.@ \$	per mo.			
1002.Mortgage insurance	mo.@ \$	per mo.			
1003.City property taxes	mo.@ \$	per mo.			
1004.County property taxes	mo.@ \$	per mo.			
1100. TITLE CHARGES					
1101.Settlement or closing fee	to	TRANSACTION TITLE	125.00		125.00
1102.Abstract or title search	to	TRANSACTION TITLE			
1103.Title examination	to				
1104.Title insurance binder	to				
(includes above items No.:)			*****	*****	
1108.Title Insurance	to	TRANSACTION TITLE	333.00		150.00
(includes above items No.:)			*****	*****	
1109.Lender's coverage	\$	90350.00	*****	*****	
1110.Owner's coverage	\$	59405.00	*****	*****	
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES					
1201.Recording fees:	Deed \$	10.00 Mortgage \$	21.00 Releases \$	31.00	
1202.City/county tax/stamps:	Deed \$	4.40 Mortgage \$			4.40
1203.State tax/stamps	Deed \$	30.00 Mortgage \$			30.00
1204.Record Notice of Commencement				11.00	
1300. ADDITIONAL SETTLEMENT CHARGES					
1301.Survey	to	Nederveld	150.00		
1400.TOTAL SETTLEMENT CHARGES (entered on lines 103, SECTION J AND 502, Section K)				7,871.00	309.40

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 settlement Statement.

Borrower(s) Signature Date: 05/17/00


Willie Wilson

Seller(s) Signature Date: 05/17/00

The City of Muskegon,
a Michigan Municipal Corporation

BY 
Tamika A. Hale, Assistant Planner

The HUD-1 settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Transaction Title Insurance Company Date: 05/17/00 Settlement Agent: _____ Date: 05/17/00

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon convictions can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.
FORM 912 (7-95) HUD-1 (3-86) RESPA, HB4305-2

Michigan Department of Treasury
2766 (9-97)

This form is issued under authority of
P.A. 415 of 1994. Filing is mandatory.

PROPERTY TRANSFER AFFIDAVIT

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). It is used by the assessor to ensure the property is assessed properly and receives the correct taxable value. It must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. If it is not filed timely, a penalty of \$5/day (maximum \$200) applies. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property Lots 556 & 557 Muskegon, Michigan 49442	2. County Muskegon	4. Date of Transfer (or land contract was signed) 05/17/00
3. City/Township/Village of Real Estate ☒ City ☐ Township ☐ Village	5. Purchase Price of Real Estate \$4,000.00	
6. Property Identification Number (PIN) If you don't have a PIN, attach legal description.		PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice.
7. Seller's (Transferor) Name The City of Muskegon	8. Buyer's (Transferee) Name and Mailing Address Willie Wilson 640 W. Forest Avenue Muskegon, Michigan 49441	

Items 9 - 13 are optional. However, by completing them you may avoid further correspondence.

Transfers include deeds, land contracts, transfers involving trusts or wills, certain long-term leases and interest in a business. See the back for a complete list.

9. Type of Transfer
☐ Land Contract ☐ Lease
☒ Deed ☐ Other (specify) _____

10. Is the transfer between related persons?	☐ Yes ☐ No	11. Amount of Down Payment
12. If you financed the purchase, did you pay market rate of interest?	☐ Yes ☐ No	13. Amount Financed (Borrowed)

Exemptions

The Michigan Constitution limits how much a property's taxable value can increase while it is owned by the same person. Once the property is transferred, the taxable value must be adjusted by the assessor in the following year to 50 percent of the property's usual selling price. Certain types of transfers are exempt from adjustment. Below are brief descriptions of the types of exempt transfers; full descriptions are in MCL Section 211.27a(7)(a-m). If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ transfer from one spouse to the other spouse
- ☐ change in ownership solely to exclude or include a spouse
- ☐ transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- ☐ transfer to effect the foreclosure or forfeiture of real property
- ☐ transfer by redemption from a tax sale
- ☐ transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ transfer resulting from a court order unless the order specifies a monetary payment
- ☐ transfer creating or ending a joint ownership if at least one person is an original owner of the property (or his/her spouse)
- ☐ transfer to establish or release a security interest (collateral)
- ☐ transfer of real estate through normal public trading of stocks
- ☐ transfer between entities under common control or among members of an affiliated group
- ☐ transfer resulting from transactions that qualify as a tax-free reorganization
- ☐ other, specify: _____

Certification

I certify that the information above is true and complete to the best of my knowledge.

Owner's Signature <i>Willie Wilson</i>	Date 5-17-00	If signer is other than the owner, print name and title.
---	-----------------	--

ACKNOWLEDGEMENT OF HOMESTEAD EXEMPTION AFFIDAVIT
AND REQUEST TO RESCIND/WITHDRAW HOMESTEAD EXEMPTION
AND PROPERTY TRANSFER AFFIDAVIT

FILE # 614371
DATE: May 17th 2000

The undersigned hereby acknowledge that once construction of their principle residence on the above referenced property is completed, it is their responsibility to file for homestead exemption with the property municipality for the property taxes. Failure to do so will result with the higher property taxes being charged on the tax bill.

The undersigned further agree to hold Transnation Title Insurance Company harmless for any loss or damage that may occur in the event the exemption is not properly filed.

PURCHASER(S):

Willie Wilson
Willie Wilson

SURVEY WAIVER

Date: May 17, 2000

RE: 614371

To:

603 East 16th Street
HOLLAND, MI 49423

Property Address:

Lots 556 & 557
Muskegon, Michigan 49442
County: Muskegon

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

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

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

PURCHASER(S):

Willie Wilson
Willie Wilson

SELLER(S):

The City of Muskegon,
a Michigan Municipal Corporation

BY

Tamika A. Ware, Assistant Planner

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

} SS

Title Commitment # 614371

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

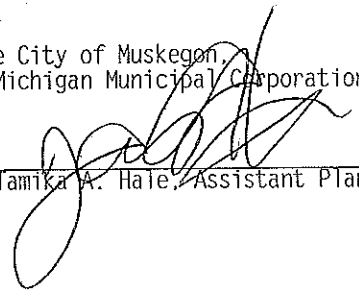
Lots 556 & 557
Muskegon, Michigan 49442

AND

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

Seller(s):

The City of Muskegon,
a Michigan Municipal Corporation

BY 
Tamika A. Haie, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 17th day of May, 2000

Notary Public _____ County _____

My Commission Expires: _____

Date: February 8, 2000
To: Honorable Mayor and City Commissioners
**From: Neighborhood and Construction Services
Department**
**RE: Concurrence with Housing Board of Appeals
Finding and Order for 1282 Arthur**

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 1282 Arthur is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

The cost of demolition will be paid with general funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A dangerous building inspection was conducted in January of 1999. This was one of the properties owned by Jonathon Brandel, forfeited to Mortgage Corp. of America who then sold it to Joseph Ross. Mr. Ross

applied for a building permit on 2/24/99 . His permit was voided 10/12/99 due to confusion of information on the permit and lack of inspections. A phone call on 10/12/99 from Mr. Ross to Jerry McIntyre indicated that he did not wish to repair the house at this time.

The estimated cost of bringing the property into compliance with City codes is \$18,000.

According to the Title Search taxes are owed for 1997 in the amount of \$413.46, sidewalk assessment due in the amount of \$1,498.86 plus penalties and interest and a water bill is due in the amount of \$106.88 plus interest.

Attached are copied of the minutes of the December 2, 1999 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated 12/10/99.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on February 7, 2000.

Affirmative Action

616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

DATE: December 10, 1999

CASE: #99-38 - 1282 ARTHUR

MORTGAGE CORP. OF AMERICA
24700 NW HIGHWAY
SOUTHFIELD, MI 48075

JOSEPH ROSS
2241 HOWDEN
MUSKEGON HTS., MI. 49444

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the December 2, 1999

The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **West 87 ½ feet of Lot 4, Block 240 also known as 1282 Arthur** found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order, you must do so within twenty days. You may obtain the appeal form at the City's Neighborhood and Construction Services Department (Inspections), City Hall, 933 Terrace Street.

A handwritten signature in dark ink, appearing to read "Greg Borgman", written over a horizontal line.

Greg Borgman, Chairman

HOUSING ADVISORY BOARD OF APPEALS

DANGEROUS BUILDING REPORT
1282 ARTHUR
1/22/99

1. Foundation block is in need of mortar repair.
2. Front entry steps are sagging, brick falling off side vertical supports.
3. Chimney cap broken.
4. Roof covering replacement needed.
5. Broken out windows.
6. Home partially painted.
7. Rotting fascia.
8. Siding repair needed.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE **DOES** MEET THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski BB 1/25/99
HENRY FALTINOWSKI, BUILDING INSPECTOR DATE

CONCURRED IN: Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

The motion carried.

#98-55 - 1338 GETTY (GARAGE) - JAMES G. JOHNSON, 1338 GETTY, MUSKEGON

Connie Johnson along with son, James II was in attendance for meeting. The son stated that that he has been doing the repairs, didn't know that he needed inspection. Motion made by Johnson, supported by Nielsen, to take item off agenda if there are no other items after inspection there will be no need to bring back to LBA. A roll call vote was taken:

AYES

NAYS

ABSENT

EXCUSED

Robert Johnson
Randy Mackie
John Warner
Clint Todd
Fred Nielsen

None

William Anderson

Greg Borgman

The motion carried.

#99-07 - 654 E. ISABELLA - PATRICK STONE - 604 MARQUETTE, MUSKEGON

No one attended meeting regarding this case. No permit, no inspection, not done by work schedule which was July 95. Suppose to be new owner under land contract but we haven't heard anything from anyone. Motion made by Mackie, supported by Warner to support staff recommendation to declare structure at 654 E. Isabella unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES

NAYS

ABSENT

EXCUSED

Robert Johnson
Randy Mackie
John Warner
Clint Todd
Fred Nielsen

None

William Anderson

Greg Borgman

The motion carried.

The next two cases on the agenda were moved to the bottom of the list as requested by an interested party.

**#99-38 - 1282 ARTHUR - MORTGAGE CORP OF AMERICA, 24700 NW HWY,
SOUTHFIELD**

No one attended meeting. Permit was voided due to confusion of information on the permit and the lack of inspections that was requested by the Inspection Department. Motion made by Mackie, supported by Warner to support staff recommendation to declare structure at 1282 Arthur unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert Johnson Randy Mackie John Warner Clint Todd Fred Nielsen	None	William Anderson	Greg Borgman

The motion carried.

#99-39 - 902 PINE - LEATH REALTY CO, 375 N. RIDGE, STE. 400, ALANTA, GA

No one present for meeting. Permit that was pulled in Sept. of 98 was voided because of no inspections. Robert Grabinski stated that it looks as if work has been performed. Motion made by Warner, supported by Mackie to support staff recommendation to declare structure at 902 Pine unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert Johnson Randy Mackie John Warner Clint Todd Fred Nielsen	None	William Anderson	Greg Borgman

The motion carried.

#99-40 - 127 HOLBROOK - VERSEY BEACHMAN, 58 E. ISABELLA, MUSKEGON

No one present at meeting. Fire case, no inspection, no permit, looking in the window some (little) work completed. Motion made by Mackie, supported by Warner to support staff recommendation to declare structure at 127 Holbrook unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert Johnson Randy Mackie John Warner	None	William Anderson	Greg Borgman

Date: February 8, 2000
To: Honorable Mayor and City Commissioners
**From: Neighborhood and Construction Services
Department**
**RE: Concurrence with Housing Board of Appeals
Finding and Order for 497 Catawba**

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 497 Catawba is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

The cost of demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A dangerous building inspection was conducted on 4/6/98 and a Notice and Order was sent out April 15, 1998 ordering repair or demolishing of the structure within 30 days. An interior inspection was conducted

7/15/98. On October 27, 1998 the case was brought to the City Commission for concurrence. On October 27, 1998 the Muskegon City Commission voted to postpone for thirty (30) days consideration of this department's request for concurrence in the determination of the Housing Board of Appeals that the subject property be demolished. An agreement was made by the owner to have all repairs done by January 31, 1999. A permit was issued 10/30/98. To date little or no progress has been made. At the December 2, 1999 meeting of the Muskegon Housing Board of Appeals, the building was declared unsafe, substandard, and a public nuisance. On December 8, 1999 a Finding of Facts and Order was sent out requiring that the owner repair or remove such structure or it would be sent to the City Commission for concurrence with the Housing Board of Appeals. To date no progress has been made.

The estimated cost of bringing the property into compliance with City codes is \$25,000.

At the time the title search was done taxes for 1996 and 1997 were owed as well as misc. invoices totaling \$360.27.

Attached are the Findings of Fact and order dated 12/8/99, minutes of the Housing Board of Appeals meeting on 12/2/99, interior inspection dated 7/15/98, schedule of repairs, letter sent to owner 10/28/98 regarding the Muskegon City Commission decision to postpone determination for 30 days and the request for concurrence dated 10/20/98.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on February 7, 2000.

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

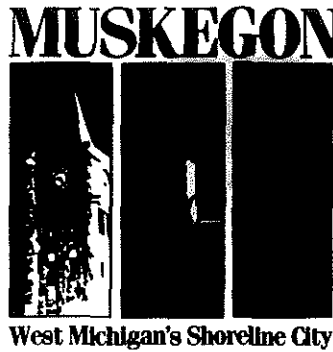
Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290



MUSKEGON HOUSING BOARD OF APPEALS

DATE: December 8, 1999

CASE: #98-22

Guadelupe Loera
1715 Superior
Muskegon, Mi. 49442

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the December 2, 1999

The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **sub-division of Block 95, Lot 22 also known as 497 Catawba** found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order, you must do so within twenty days. You may obtain the appeal form at the City's Neighborhood and Construction Services Department (Inspections), City Hall, 933 Terrace Street.



Greg Borgman, Chairman

HOUSING ADVISORY BOARD OF APPEALS

DANGEROUS BUILDING INSPECTION

497 CATAWBA

4/6/1998

APPROXIMATELY 20 FT. X 40 FT 2 STORY WOOD FRAME UNOCCUPIED HOUSE.

1. FRONT STEPS DETORIOTING AND FALLING APART.
2. WINDOWS BROKEN
3. FRONT PORCH FLOOR SAGGS
4. SIDING ROTTED WITH OPEN HOLES
5. REAR STEPS ROTTED.
6. FOUNDATION LOOSE WITH OPEN HOLES
7. BUILDING IS UNSECURED
8. ANIMALS LIVING IN HOUSE
9. SECOND FLOOR DOOR WITH OUT LANDING OR STEPS.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.



GEORGE DOOD, BUILDING INSPECTOR

4/6/98

DATE

CONCURRED IN :



JERRY MCINTYRE, BUILDING OFFICIAL

DANGEROUS BUILDING INSPECTION
INTERIOR INSPECTION
497 W. CATAWBA
JULY 15, 1998

PLUMBING/MECHANICAL/BUILDING

1. Paint peeling throughout house.
2. Holes in walls throughout house.
3. Front bedroom door is broken.
4. Kitchen has been gutted (plaster has been removed from walls and ceilings).
5. Draft stopping missing.
6. Furnace must be certified safe for operation licensed mechanical contractor, or be replaced.
7. Pipe missing on pressure relief valve for water heater.
8. Gas piping for water heater improperly installed.
9. Storage area under stairs must be drywalled.
10. Smoke detectors required per CABO One and Two family dwelling code.
11. Stairs must be repaired.
12. Guardrails on stairs must be repaired.
13. Handrails missing on stairs.
14. Bearing wall in upstairs of building has been removed.
15. Bathroom floor partially rotted.
16. Plumbing must be replaced or repaired throughout.
17. Bathroom outlet is not GFI protected.
18. Light fixtures throughout house are incomplete.
19. Doorway on second floor has no landing (15 ft. drop)
20. Add switches for lights in each room. (Note: wiring throughout house is in poor condition.)

ADDITIONAL EXTERIOR DEFECTS NOTED:

1. Window sashes and frames are rotted and falling apart.
2. Roof and ceiling on rear porch is rotted and falling apart.

SCHEDULE OF REPAIRS
497 CATAWBA

Phase I – September 30, 1998 Completion Date for Correction of Following Items:

- 11. Repair of interior stairs.
- 12. Repair of guardrail on interior stairs.
- 14. Installation of bearing wall upstairs where removed between two bedrooms.
- 19. Elimination of doorway on stairs exiting without landing.

Phase II – November 30, 1998 Completion Date for Correction of Remaining Items Included on July 15, 1998 Inspection Report.

Phase III – January 31, 1999 Completion Date for Correction of Additional Exterior Defects Noted on July 15, 1998 Report.

As owner of the above property, I hereby agree to obtain all necessary construction permits and complete repairs to the dwelling in accordance with the above timetable. I also agree to contact the Neighborhood and Construction Services department at least once every 30 days to request a progress inspection on the work underway.

Owner

Date

DANGEROUS BUILDING INSPECTION
INTERIOR INSPECTION
497 W. CATAWBA
JULY 15, 1998

PLUMBING/MECHANICAL/BUILDING

1. Paint peeling throughout house. *2 weeks*
2. Holes in walls throughout house. *SAME*
3. Front bedroom door is broken. *1 DAY*
4. Kitchen has been gutted (plaster has been removed from walls and ceilings). *2 weeks*
5. Draft stopping missing. *2 weeks*
6. Furnace must be certified safe for operation licensed mechanical contractor, or be replaced. *GAS CO.*
7. Pipe missing on pressure relief valve for water heater. *will get new valve.*
8. Gas piping for water heater improperly installed. *2 weeks*
9. Storage area under stairs must be drywalled. *2 weeks*
10. Smoke detectors required per CABO One and Two family dwelling code.
11. Stairs must be repaired.
12. Guardrails on stairs must be repaired. *1 week.*
13. Handrails missing on stairs.
14. Bearing wall in upstairs of building has been removed. *Setback to be*
15. Bathroom floor partially rotted.
16. Plumbing must be replaced or repaired throughout.
17. Bathroom outlet is not GFI protected.
18. Light fixtures throughout house are incomplete.
19. Doorway on second floor has no landing (15 ft. drop)
20. Add switches for lights in each room. (Note: wiring throughout house is in poor condition.)

ADDITIONAL EXTERIOR DEFECTS NOTED:

1. Window sashes and frames are rotted and falling apart.
2. Roof and ceiling on rear porch is rotted and falling apart.

going to get #1 Thru 13. Done within
a month. will need about 3 months
to finish #14 Thru 20.

Thank you.

Johnson supported by Mackie to declare structure at 451 White unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

NAYS:

ABSENT:

EXCUSED:

Robert Johnson
Randy Mackie
John Warner
Clint Todd
Fred Nielsen

None

William Anderson

Greg Borgman

The motion carried.

#98-22 – 497 CATAWBA – GUADALUPE LOERA, 497 CATAWBA, MUSKEGON

No one attended the meeting regarding this property. Robert Grabinski explained that this was a fire case and that the repairs were suppose to be completed by January 31, 1999. No call for inspection was received, work hasn't been performed. Motion made by Mackie, supported by Warner, to support staff recommendation to declare structure at 497 Catawba unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

NAYS:

ABSENT:

EXCUSED:

Robert Johnson
Randy Mackie
John Warner
Clint Todd
Fred Nielsen

None

William Anderson

Greg Borgman

The motion carried.

#98-38 – 1568 SIXTH – ROGER SCHMIDT, 880 BOARDWAY, MUSKEGON

Roger Schmidt attended the meeting, and stated that his address is 880 Broadway. This is a fire case and permit was pulled in '98 but no inspections. Mr. Schmidt stated that work is being done. Nielsen made a motion, supported by Johnson, to give Mr. Schmidt 60 days (after inspection report was generated) to pull a permit, submit a timeline and have the work done. A roll call vote was taken:

AYES:

NAYS:

ABSENT:

EXCUSED:

Robert Johnson
Randy Mackie
John Warner
Clint Todd
Fred Nielsen

None

William Anderson

Greg Borgman

The motion carried.

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

October 28, 1998

Guadalupe Loera
1968 Dyson
Muskegon, MI 49442

Dear Ms. Loera:

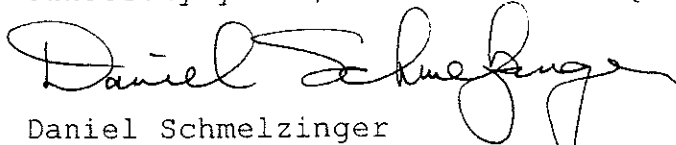
SUBJECT: 497 Catawba
Muskegon, Michigan

On October 27, 1998 the Muskegon City Commission voted to postpone for thirty (30) days consideration of this department's request for concurrence in the determination of the Housing Board of Appeals that the subject property be demolished.

At that time, the Commission will evaluate the progress you have made in repairing your house before making a final decision. Please remember that you must obtain all necessary permits in order to undertake work.

Should you have any questions concerning this matter, please do not hesitate to contact our building official, Jerry McIntyre, at 724-6715.

Sincerely yours,



Daniel Schmelzinger
Director, Neighborhood and Construction Services

Date: October 20, 1998
To: Honorable Mayor and City Commissioners
**From: Neighborhood and Construction Services
Department**
**RE: Concurrence with Housing Board of Appeals
Findings and Order for 497 Catawba**

SUMMARY OF REQUEST:

This is to request City Commission concurrence with the findings of the Housing Board of Appeals that the structure located at 497 Catawba is unsafe, substandard and a public nuisance and that it be demolished within thirty (30) days.

It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT:

The cost of demolition will be paid with budgeted CDBG funds.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

A dangerous building inspection was conducted in April of 1998 following a referral from the housing inspector who had been working the case since 1995. During that time the house had continued to deteriorate and was found vacant and unsecured at the time of the dangerous building inspection. Shortly after the Notice and Order was issued a relative of the owner contacted NCS and asked what needed to be done. An interior inspection was later scheduled for May 27 but the owner did not show up at the designated time.

Since no work schedule had been submitted and no repairs had been made, the case was referred to the Housing Board of Appeals on June 4, 1998. No one appeared at the meeting to contest the department's recommendation that the structure be demolished.

At the owner's request, another inspection was then scheduled for July 15 (findings attached). On August 18 the owner contacted NCS and said she would bring in a work schedule the following day. No schedule has been received to date.

It is estimated that the cost of bringing the property into compliance with City codes would be in the range of \$15,000 - \$19,000. Property taxes for 1996 and 1997 are delinquent.

Minutes of the June 4, 1998 meeting of the Housing Board of Appeals, the findings of fact and order of the Board dated June 8, 1998 and the findings from the April 6 and July 15, 1998 inspections of the property are attached.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will consider this item at its meeting on October 26, 1998.

HOUSING BOARD OF APPEALS
JUNE 4, 1998
PAGE 2

progress we would not forward this case to the City Commission. Greg Borgman made a motion, supported by Boyd Arthur, to declare the structures at 1072 Getty to be unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Fred Nielsen
Robert Johnson
Clint Todd
Boyd Arthur

NAYS:

None

The motion carried.

NEW CASES:

**#98-22 – 497 CATAWBA – GUADALOUPE LOERA/FRANCISCO SANTOS
1968 DYSON, MUSKEGON, MI.**

The owner did not attend meeting. Dan Schmelzinger said that we have had some contact with Ms. Loera. She wants to make improvements but has not pulled any permits. Staff recommendation is to declare the structure as a dangerous building. Robert Johnson made a motion, supported by Randy Mackie, to declare the structures at 497 Catawba to be unsafe, substandard, a public nuisance and forward to the City Commission for concurrence. A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Fred Nielsen
Robert Johnson
Clint Todd
Boyd Arthur

NAYS:

None

The motion carried.

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

MUSKEGON



West Michigan's Shoreline City

MUSKEGON HOUSING BOARD OF APPEALS

Clerk
616/724-6705

DATE: June 8, 1998

C. N. Services
616/724-6717

CASE: #98- 22 - 497 Catawba (all structures)

Engineering
616/724-6707

Guadaloupe Loera/Francisco Santos
1968 Dyson
Muskegon, Mi. 49442

Finance
616/724-6713

FINDING OF FACTS AND ORDER

Fire Dept.
616/724-6792

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on the 4th of June, 1998.

Income Tax
616/724-6770

The Neighborhood and Construction Services Department of the City of Muskegon, having inspected the building structure located upon the property described as **sub-division of Block 95, Lot 22 also known as 497 Catawba** found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

Inspections
616/724-6715

Insurance Service
616/724-6704

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the public.

Manager's Office
616/724-6724

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

Mayor's Office
616/724-6701

It is, therefore, ordered that the owners or other interested parties take such action to repair or remove said structure, or appeal this order within 20 days of the receipt of this order.

Planning/Zoning
616/724-6702

It is further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

DANGEROUS BUILDING INSPECTION

497 CATAWBA

4/6/1998

APPROXIMATELY 20 FT. X 40 FT 2 STORY WOOD FRAME UNOCCUPIED HOUSE.

1. FRONT STEPS DETORJOTING AND FALLING APART.
2. WINDOWS BROKEN
3. FRONT PORCH FLOOR SAGGS
4. SIDING ROTTED WITH OPEN HOLES
5. REAR STEPS ROTTED.
6. FOUNDATION LOOSE WITH OPEN HOLES
7. BUILDING IS UNSECURED
8. ANIMALS LIVING IN HOUSE
9. SECOND FLOOR DOOR WITH OUT LANDING OR STEPS.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

George Dood
GEORGE DOOD, BUILDING INSPECTOR

4/6/98
DATE

CONCURRED IN:

Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

DANGEROUS BUILDING INSPECTION
INTERIOR INSPECTION
497 W. CATAWBA
JULY 15, 1998

PLUMBING/MECHANICAL/BUILDING

1. Paint peeling throughout house.
2. Holes in walls throughout house.
3. Front bedroom door is broken.
4. Kitchen has been gutted (plaster has been removed from walls and ceilings).
5. Draft stopping missing.
6. Furnace must be certified safe for operation licensed mechanical contractor, or be replaced.
7. Pipe missing on pressure relief valve for water heater.
8. Gas piping for water heater improperly installed.
9. Storage area under stairs must be drywalled.
10. Smoke detectors required per CABO One and Two family dwelling code.
11. Stairs must be repaired.
12. Guardrails on stairs must be repaired.
13. Handrails missing on stairs.
14. Bearing wall in upstairs of building has been removed.
15. Bathroom floor partially rotted.
16. Plumbing must be replaced or repaired throughout.
17. Bathroom outlet is not GFI protected.
18. Light fixtures throughout house are incomplete.
19. Doorway on second floor has no landing (15 ft. drop)
20. Add switches for lights in each room. (Note: wiring throughout house is in poor condition.)

ADDITIONAL EXTERIOR DEFECTS NOTED:

1. Window sashes and frames are rotted and falling apart.
2. Roof and ceiling on rear porch is rotted and falling apart.

Commission Meeting Date: February 8 , 2000

Date: February 2, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amended Purchase Agreement - Lakos Building

SUMMARY OF REQUEST:

The Holiday Inn - Muskegon Harbor has requested the City of Muskegon to amend the original purchase agreement for the acquisition of the former Lakos Restaurant Building located at 428 W. Western Avenue. The original purchase agreement was approved by the City Commission on December 14, 1999. The requested changes are summarized in the attached memorandum.

FINANCIAL IMPACT:

Additional property and income taxes will be captured as a result of this project.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached amended purchase agreement for the sale of the former Lakos Building to Muskegon Hospitality, Inc.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will review this request at its meeting on February 7, 2000.

MEMORANDUM

To: Honorable Mayor and City Commission

From: Planning & Economic Development

Through: Bryon L. Mazade, City Manager _____

Date: February 1, 2000

RE: Amendment to Lakos Purchase Agreement

Please be advised that the following are the requested amendments to the original purchase agreement (approved on December 14, 1999) between the City of Muskegon and the Holiday Inn - Muskegon Harbor (a.k.a. Muskegon Nights, Inc.).

	<u>Original</u>	<u>Amended</u>
Construction Timeframe:	12 months	18 months*
Demolition of Existing Structure	N/A	150 Days
Construction Conditions	Façade Construction Restrictions	Removed
Buyer of Subject Property	Muskegon Nights, Inc.	Muskegon Hospitality, Inc.

* - The requested extension of the construction timeframe also included a provision providing up to an additional twelve (12) months (for a total of up to 30 months) in case of unknown environmental conditions, hold ups in governmental approval processes (i.e. liquor license, site plan approval, etc.) or other unexpected circumstances.

2000-23(k)

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made February 8, 2000, by and between **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **MUSKEGON NIGHTS, INC.**, of 939 Third Street, Muskegon, Michigan 49440 ("Buyer").

HOSPITALITY

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property commonly known as 428 W. Western Avenue, Muskegon, Michigan ("Premises"), and specifically described as:

Lot 8, EXCEPT the Easterly four inches thereof, and all of Lots 9, 10 and 11; also Lot 12, EXCEPT the Southwesterly 6/10ths of a foot, of Block 566 of the Revised Plat of the City of Muskegon.

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Thirty Five Thousand Dollars (\$35,000), payable as follows:

Fifteen Thousand Dollars (\$15,000) shall be paid to Buyer in certified funds at closing;

The balance of Twenty Thousand Dollars (\$20,000) shall be paid in two payments of Ten Thousand Dollars (\$10,000) each, on the anniversary date and the second anniversary date of the closing. Balances due from time to time shall accrue interest, compounded monthly, at 6% per annum. Buyer shall execute a Land Contract in the form attached to this Agreement reflecting the said payment arrangement (Exhibit A). The Land Contract shall carry the conditions and indemnity provisions set forth in this Agreement.

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

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

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unreasonableness of restriction and such unmarketability of title, to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided, within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at Buyer's option. The premium for the owner's title policy shall be paid by Buyer.

5. Personal Property and Fixtures. All personal property and fixtures which Seller wishes to remove shall be removed on or before Closing. The parties are aware that Buyer intends to demolish the building. 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 Purchaser as follows:

a. To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

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

c. The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the Closing. The representations, warranties and covenants set forth in this paragraph shall survive the Closing.

8. Condition of Premises and Examination by Buyer. NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL

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SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF BUYER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES BY THE SELLER. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER.

BUYER FURTHER AGREES TO INDEMNIFY AND HOLD THE SELLER HARMLESS FOR ALL COSTS, ATTORNEY FEES, FINES, PENALTIES OR OTHER EXPENSES WHICH MAY BE SOUGHT FROM SELLER BY REASON OF THE ENVIRONMENTAL CONDITION OF THE PREMISES. BUYER ACKNOWLEDGES THAT THE SELLER HAS NOT PHYSICALLY OCCUPIED, USED, MAINTAINED OR IMPROVED THE PREMISES SINCE IT RECEIVED THE TITLE IN EXCHANGE FOR A DEBT DUE IT FROM BUYER'S PREDECESSORS FAR IN EXCESS OF THE MARKET VALUE OF THE PREMISES. BUYER FURTHER ACKNOWLEDGES THAT THE SELLER IS CONVEYING THE PREMISES FOR A PRICE SUBSTANTIALLY LESS THAN THE APPRAISED VALUE, AND THE AGREEMENT TO INDEMNIFY AND HOLD SELLER HARMLESS, TOGETHER WITH OTHER AGREEMENTS FOUND IN THIS CONTRACT, IS PART OF THE CONSIDERATION AS A RESULT.

9. **Condition: To Construct Improvements.** Buyer acknowledges that, as part of the consideration inuring to the City, and as a condition of this sale, Buyer shall construct on the premises a building and all improvements within eighteen (18) months of the closing of this transaction. The building and all improvements shall be qualified for the issuance by the City of a Certificate of Occupancy or Compliance by that time and, in the event that has not occurred, the property and all improvements then installed shall revert in title to the City, without any compensation or credit to Buyer. In the event the said completion date cannot be met by Buyer for reasons beyond the control of Buyer, such as environmental or governmental regulatory orders which actually delay construction (not caused by buyer), Buyer may request, in writing, at least thirty (30), but no more than sixty (60), days before the end of the said eighteen month period, an extension of time for said completion, giving the reasons therefor and seeking an extension for no longer than 12 additional months, (for a total of no more than 30 months). The city shall not unreasonably refuse the request. The covenants in this paragraph shall survive the closing and run with the land.

As further condition of this Agreement, and subject to the reversion above, Buyer shall construct the said building and all improvements having the following structural and appearance characteristics:

- 9.1 The building shall have a height equal to the prevailing height of neighboring buildings, to be at least twenty feet at the front building line.

9.2 The building shall have a front building line at the same depth as neighboring buildings.

9.3 The building presently on the premises shall be demolished and legally disposed of within 150 days after the closing.

10. 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.

11. Closing. The closing date of this sale shall be on or before _____ 2000 ("Closing"). The Closing shall be conducted at the closing office of Transunion Title Insurance Company in Muskegon, Michigan. If necessary, the parties shall execute an IRS closing report at the Closing.

12. Delivery of Land Contract. Seller shall execute and deliver the Land Contract (Exhibit A) to Buyer at Closing.

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

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

15. General Provisions.

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

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

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

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

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

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

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

h. **Modification of the Agreement; No other Agreement.** This Agreement and the Land Contract shall not be amended except by a writing signed by Seller and Buyer. There is no other agreement, express or implied, between the parties except this one and the Land Contract which will be signed at closing.

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

WITNESSES:

[Signature]

[Signature]

SELLER: CITY OF MUSKEGON

By [Signature]
Fred J. Nielsen, Mayor

By [Signature]
Gail A. Kunderger, Clerk

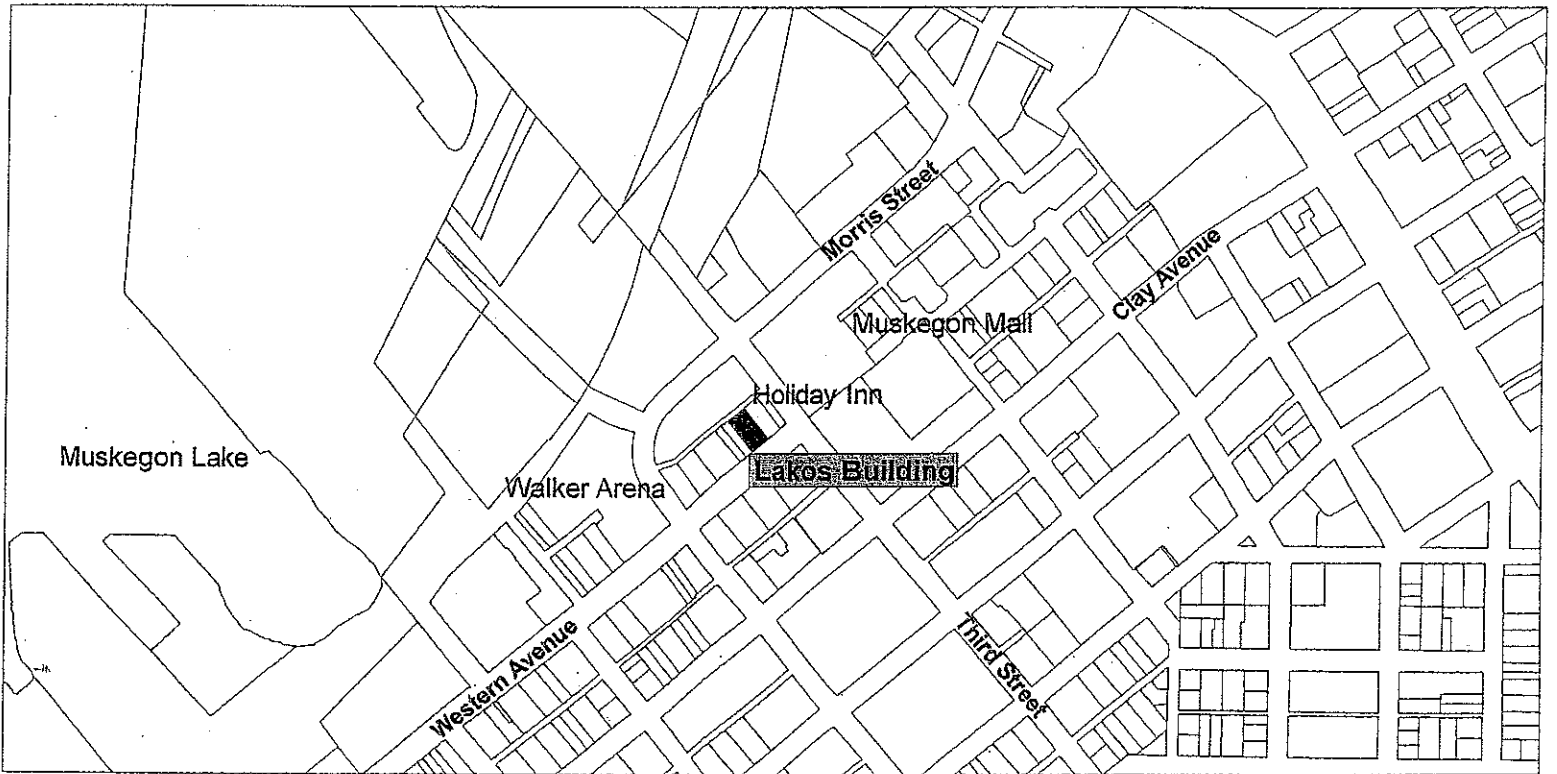
BUYER: MUSKEGON NIGHTS, INC.

By [Signature]
Its [Signature]

TID No. _____

Drafted by:
PARMENTER O'DOLE
BY: G. Thomas Johnson

Business Address:
175 W. Apple Avenue, P.O. Box 786
Muskegon, Michigan 49443-0786



Commission Meeting Date: February 8, 2000

Date: January 21, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cb*
RE: Sale of Non-Buildable Lot on Marquette Avenue in Jackson Hill

SUMMARY OF REQUEST:

To approve the sale of the east 57 feet of the vacant non-buildable lot designated as map number 24-31-20-181-009 to Linwood Lee, and the west 20 feet of the same lot to the Jackson Hill Neighborhood Association. The subject parcel is adjacent to a duplex that Mr. Lee currently owns. The parcel has 77 feet of frontage and 66 feet of depth. The duplex has been vacant for at least a year. Mr. Lee plans to fix-up the home (painting and other minor cosmetic repairs) and sell it. A building permit for approximately \$15,000 of repairs was obtained by Mr. Lee on November 22. Staff recommends approval of the sale contingent upon completion of the repairs. The deed will be held until the repairs are complete and have been reviewed by the Inspection Services Department. The neighborhood association wishes to use their portion of the lot to maintain the area where their neighborhood sign is currently located.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the sale with the aforementioned contingencies, as well as, authorization for both the Mayor and the Clerk to sign the attached resolution.

COMMITTEE RECOMMENDATION:

The LRC endorsed this sale at their January 18 meeting.

Resolution No. 2000-23(1)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A LOT IN JACKSON HILL FOR \$100.

WHEREAS, Mr. Linwood Lee would like to purchase the east 57 feet of the non-buildable lot adjacent to his duplex located at 319/321 Marquette and has deposited \$50 for map # 24-31-20-181-009 located on the corners of Marquette and Erickson Streets;

WHEREAS, the Jackson Hill Neighborhood Association would like to purchase the west 20 feet of the non-buildable lot described as map # 24-31-20-181-009, and have placed a \$50 deposit;

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

WHEREAS, the repair of the home and subsequent sale would be in accordance with existing City policies and those of HUD, concerning the disposition of Urban Renewal lands;

NOW THEREFORE BE IT RESOLVED, parcel # 61-31-20-181-009 be sold to the above-mentioned buyers with Mr. Lee's portion contingent upon cosmetic repairs as recommended by staff.

(Lot 1 EXC ELY 55 ft & N ½ Lot 2 BLK 141)

Adopted this 8th day of February, 2000

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

Nays: None

Absent None

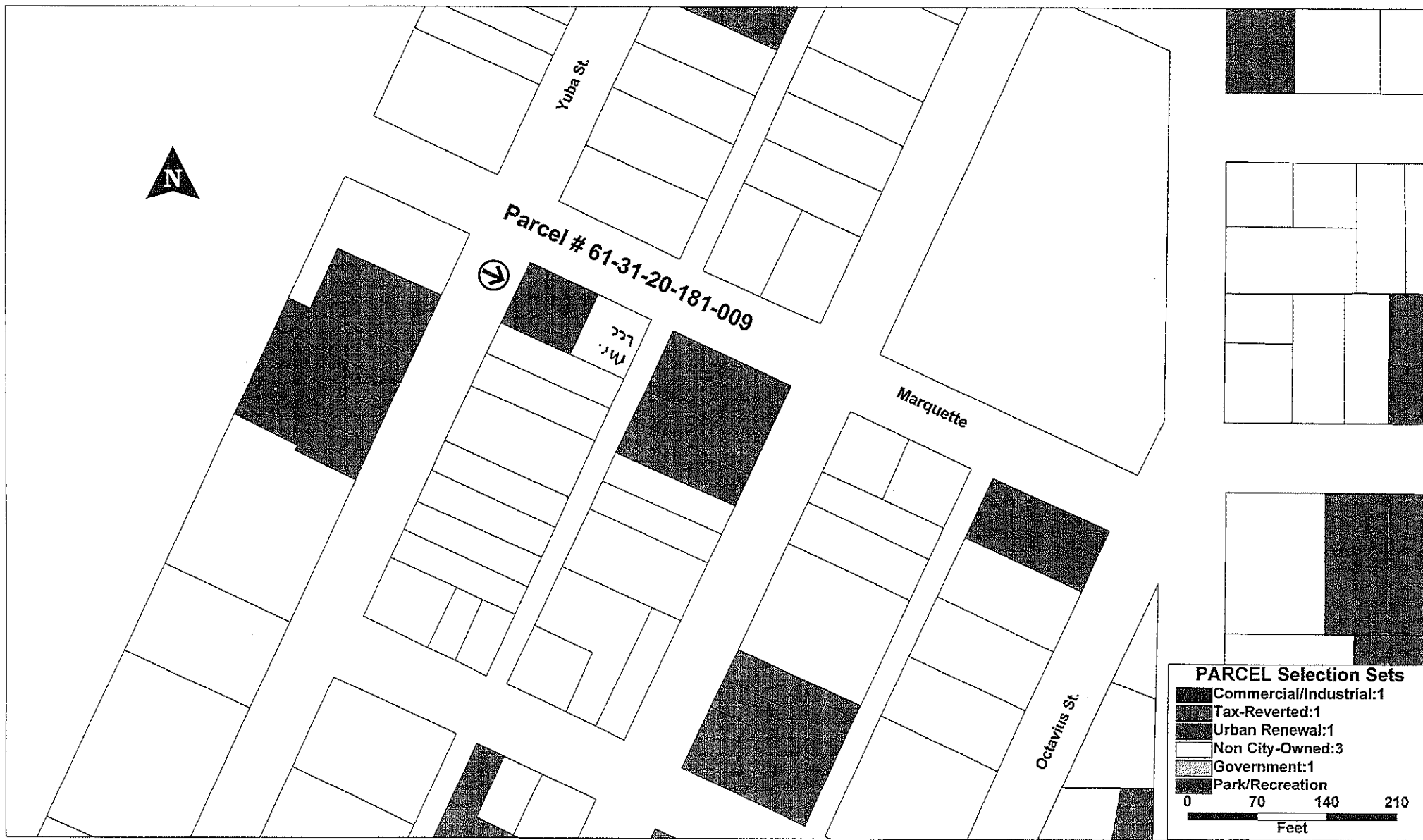
By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
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 8, 2000.

By: Gail Kunding
Gail Kunding, Clerk



CORRECTED QUIT-CLAIM DEED

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

QUIT CLAIMS to Jackson Hill Neighborhood Association, of **293 Erickson**, Muskegon, MI 49442

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

The West 20 feet of Lot 1 Block 141 of the Revised Plat (of 1903) City of Muskegon.

for the sum of Fifty (\$50) Dollars.

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 10th day of May 2000

Signed in the presence of:

Linda Potter
Linda Potter
Angie Berdinka
Angie Berdinka

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor
and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 10th day of May 2000, by FRED J. and GAIL A. KUNDERGER, 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: Grantee
Send Subsequent Tax Bills to: Grantee

CORRECTED QUIT-CLAIM DEED

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

QUIT CLAIMS to Lynwood Lee and Louise Lee, husband and wife, of 3735 Highgate, Muskegon, MI 49441

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

**The East 57 feet of the West 77 feet of Lot 1 all in Block 141
of the Revised Plat (of 1903) City of Muskegon.**

for the sum of Fifty (\$50) Dollars.

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 10th day of May 2000

Signed in the presence of:

Linda Potter
Linda Potter
Angie Berdinka
Angie Berdinka

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor
and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 10th day of May 2000, by FRED J. 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: Grantee
Send Subsequent Tax Bills to: Grantee

law offices of | **PARMENTER O'TOOLE**

175 W. Apple Avenue • P.O. Box 786 • Muskegon, Michigan • 49443-0786
Phone 231.722.1621 • Fax 231.722.7866 or 728.2206

January 14, 2000

Mr. Bryon L. Mazade
Ms. Gail A. Kunding
City of Muskegon
City Hall
Muskegon, MI 49440

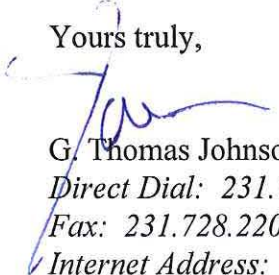
Re: Penalty Increases for City of Muskegon OUIL
and DWLS Ordinances to 93 Day Misdemeanors

Dear Bryon and Gail:

Enclosed is an ordinance and notice of adoption restoring the correct penalties to the OUIL, etc., ordinances. I am hoping these can go on the agenda right away so that we can publish and have them effective as soon in February as possible.

Also enclosed is a copy of my letter to Judge Nolan explaining what is going on. You can see how the idea of adopting the state motor vehicle code will not fly. If we do that, the court's computers will process everything by the statute ("code") numbers, and because of the computer, we will not get our notices or our revenue for the ordinance cases. They will all go to the state.

Yours truly,


G. Thomas Johnson
Direct Dial: 231.722.5400
Fax: 231.728.2206
Internet Address: gtj@parmenterlaw.com

GTJ/mh

cc. Ed Griffin
Tim Paul



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

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
William J. Meier
Keith L. McEvoy
James R. Scheuerle

Anna K. Urlick
Jennifer L. Hylland
Philip M. Stoffan
Scott R. Sewick

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

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

January 14, 2000

Honorable Michael J. Nolan
Chief District Court Judge
Muskegon County Building
990 Terrace
Muskegon, MI 49442-3357

Re: Penalty Increases for City of Muskegon OUIL
and DWLS Ordinances to 93 Day Misdemeanors

Dear Judge Nolan:

As you are well aware, the City has been unable to charge violators under the OUIL/DWI and DWLS city ordinances because of a conflicting charter problem. The legislature has recently passed a package of bills to remedy this problem, granting home rule cities authority to prosecute 93 day offenses despite city charters that limit prosecution to 90 day offenses. An ordinance will be forthcoming accomplishing that.

The package of bills also allows municipalities to incorporate the Michigan Motor Vehicle Code by reference. Due to the fact ordinances must substantially comply with state law, and because of the legislature's fondness for semi-annual changes to the drunk driving laws, we investigated the feasibility of simply doing that with the police department and Brenda Severeid. This would create a massive project to set up the court's computers to distinguish such an ordinance from the state law; so, for the time being, we are simply amending the "90 day" provisions of our otherwise updated local ordinance ("UTC") provisions for the alcohol and suspended license driving offenses. They will all read, when effective, 93 days, except in one section where the state law currently has the penalty limited to 90 days (having to do with a truck driver operating a vehicle ordered out of service).

To avoid another piece of paper, we will send the amending ordinance for the court's book after it is passed, which we figure will occur January 25. If it is promptly published, it should be effective around February 5, 2000. It will be a single sheet, amending several sections. We are planning a separate codification of the city's traffic code, in the UTC format, soon. (This will cost thousands.) For now, we believe we have everything the same as the state statutes to the extent that the law allows.

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

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
William J. Meier
Keith L. McEvoy
James R. Scheuerle

Anna K. Urick
Jennifer L. Hylland
Philip M. Stoffan
Scott R. Sewick

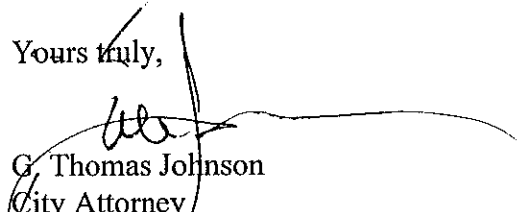
Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

Because this took so much of the court's attention a few months ago, we wanted to keep you informed of our intentions and activities.

Yours truly,



G. Thomas Johnson
City Attorney

Direct Dial: 231.722.5400

Fax: 231.728.2206

Internet Address: gtj@parmenterlaw.com

GTJ/mh

cc: ✓ Bryon Mazade
Gail Kunderinger
Ed Griffin
Tim Paul

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2011

An Ordinance amending Chapter 20, Section 20-6 of the Code of Ordinances amending the City's Uniform Traffic Code concerning the term of imprisonment for persons convicted of operating a motor vehicle under the influence of intoxicating liquor or controlled substances or while impaired, and persons driving while license suspended, revoked or denied.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The penalty provisions in the following ordinance sections of Chapter 20, Section 20-6 of the Code of Ordinances are amended to state that the maximum term of imprisonment is 93 days:

1. Section 5.15 (5)(a)(i)(A)
2. Section 5.15 (5)(b)(i)(C)
3. Section 5.15(5)(b)(ii)(A).
4. Section 5.15(6)(a)(ii)
5. Section 5.15(6)(b)(i)
6. Section 5.15(7)(a)
7. Section 5.15(8)(a)(ii)
8. Section 5.15(8)(b)(i)
9. Section 5.15(9)(b)(iii)
10. Section 5.15a(4)
11. Section 5.15a(5)
12. Section 5.15k(7)
13. Section 5.15k(8)
14. Section 5.15l(5).
15. Section 5.15m(3)
16. Section 5.15m(4)
17. Section 5.15n(10)
18. Section 5.62a(3)(a)
19. Section 5.62a(3)(b)
20. Section 5.62a(12)
21. Section 5.62e(5)

This ordinance adopted.

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

Nays None

Adoption Date: February 8, 2000

Effective Date: March 3, 2000

First Reading: February 8, 2000

Second Reading: N/A

Publish: February 22, 2000

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

CERTIFICATE

This ordinance was adopted at a meeting of the City Commission, held on February 8, 2000. 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

933 Terrace Street
Muskegon MI 49440

City of Muskegon

Phone: (616) 724-6705
Fax: (616) 724-4178

Fax

To:

Ann Mc Miller

From: City Clerk's Office

Linda

Fax:

Date:

2-17-00

Phone:

Pages:

2

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

Please publish ASAP.
Thanks,
Linda

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on February 8, 2000, the City Commission of the City of Muskegon adopted certain amendments to the city code concerning persons operating a motor vehicle under the influence of intoxicating liquor or controlled substances and covering persons driving while license suspended, revoked or denied.

In summary form, the ordinance provides as follows:

1. The penalty provisions concerning violations for persons operating a motor vehicle under the influence of intoxicating liquor or controlled substances, unlawful blood alcohol content, operating a motor vehicle while visibly impaired by alcohol, zero tolerance, and child endangerment have increased from 90 day misdemeanors to 93 day misdemeanors.
2. The penalty provisions concerning violations for operating a vehicle while operator's or chauffeur's license is suspended, denied, or revoked have increased from 90 day misdemeanors to 93 day misdemeanors.

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

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

Published 2-18, 2000
22

CITY OF MUSKEGON

By _____
Gail A. Kunding, City Clerk

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

Date: January 25, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Naming of the New Basketball Courts

SUMMARY OF REQUEST:

To name the new park with the basketball courts on Southern Ave. Clara Shepherd Park.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

The 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/724-4055

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

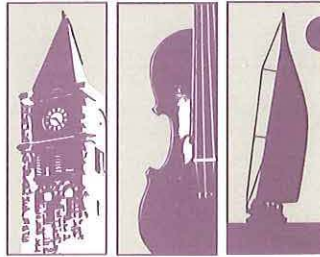
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: January 25, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
Re: Naming of the New Basketball Courts

Vice-Mayor Sieradzki recommended to the Leisure Services Board that the new park on Southern Ave. be named Clara's Court. The current policy on naming parks requires that the Leisure Services Board review any recommendation and then make a recommendation to the City commission.

At Their meeting on December 20, 1999, the Leisure Services Board recommended that the Park be named Clara Shepherd Park, rather than Clara's Court, so that future generations would know who Clara was.

Thank you for your consideration.

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: February 8, 2000

RE: Public Hearing
Spreading of the Special Assessment Roll
Spring Street, Wood to Delaware

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for Spring Street, Wood to Delaware, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$96,040.91 will be spread against the fifty-four (54) parcels abutting project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

This request will be reviewed by the Committee of the whole at the February 7, 2000 meeting

CITY OF MUSKEGON

Resolution No. 2000-25(a)

Resolution Confirming Special Assessment Roll

For Spring Street, Wood to Delaware

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 23, 1999** at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Spring Street, Wood to Delaware

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

By Fred J. Nielsen
Fred J. Nielsen, Mayor

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **FEBRUARY 8, 2000**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **FEBRUARY 8, 2000**.

City of Muskegon

By Gail A. Kunderger
Gail A. Kunderger, City Clerk

Spring Street, Wood to Delaware
MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


FRED J. NIELSEN, MAYOR

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT ON THE 25TH DAY OF JANUARY, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION OF ITS INTENTION TO CREATE THE FOLLOWING SPECIAL ASSESSMENT NUMBER AND TITLE:

H-1492 SPRING STREET, WOOD STREET TO APPLE AVENUE

A COPY OF SAID RESOLUTION BEING ATTACHED HERETO; AND THAT A NOTICE OF HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON ON JANUARY 29, 2000. A COPY OF SAID NOTICE IS ATTACHED HERETO.

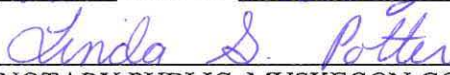
DEPONENT FURTHER SAYS THAT A LETTER OF NOTIFICATION WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTIES TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS 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, WHICH SAID HEARING WAS TO BE HELD ON FEBRUARY 8TH, 2000. THIS DEPONENT SAYS THAT IN SO SERVING SAID NOTICES SHE CHECKED ALL OF THE ENVELOPES CONTAINING THE NOTICES AND DID DETERMINE THAT THERE WAS A PROPERLY ADDRESSED ENVELOPE FOR EACH PROPERTIES DESCRIPTION, AS SHOWN ON SAID TAX ASSESSMENT RECORDS, AND THAT BEFORE SEALING OF SAID ENVELOPES SHE DID DETERMINE THAT THERE WAS A PROPER NOTICE INSERTED IN EACH ENVELOPE AND THAT THE ENVELOPES WERE THEN SEALED AND DELIVERED TO THE UNITED STATES POST OFFICE IN THE CITY OF MUSKEGON OR DEPOSITED IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28TH DAY OF JANUARY, 2000.



GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS

28th DAY OF February, 2000.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-02

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

January 28, 2000

Property Parcel Number:

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

Spring Street, Wood Street to Apple Avenue

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers Tuesday, February 8, 2000 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED TUESDAY, FEBRUARY 8, 2000, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$350,000 of which \$96,040.91 (27.4%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed _____ feet assessable front footage at _____ per assessable foot for the street improvements. In addition, you will be assessed _____ for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of _____. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: _____

Due Date: April 17, 2000

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

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

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

SPECIAL ASSESSMENT DISTRICT:

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

**All properties abutting SPRING STREET, 116 FEET SOUTH OF THE CENTERLINE
OF BAUER AVENUE TO DELAWARE AVENUE**

PLEASE TAKE NOTICE that a hearings to confirm the special assessment districts will be held at the City of Muskegon Commission Chambers on **FEBRUARY 8, 2000 at 5:30 p.m.**

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

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

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

Gail A. Kundering, City Clerk

Publish: **JANUARY 29, 2000**

ADA POLICY

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

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

RECEIVED
CITY OF MUSKEGON

CITY OF MUSKEGON

MAR - 4 1999

Resolution No. 99-15(c)

ENGINEERING DEPT.

Resolution At First Hearing Creating Special Assessment District
For **SPRING STREET, 116 FEET SOUTH OF THE CENTERLINE OF BAUER AVENUE
TO DELAWARE AVENUE**

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

RECITALS:

1. A hearing has been held on **FEBRUARY 23, 1999** 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 23, 1999**, there were 39.13 % 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 Michalski and Pleimling and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 21.29 % 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 Benedict, Michalski, Nielsen, Pleimling, Shepherd,
Sieradzki, Aslakson

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **FEBRUARY 23, 1999**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

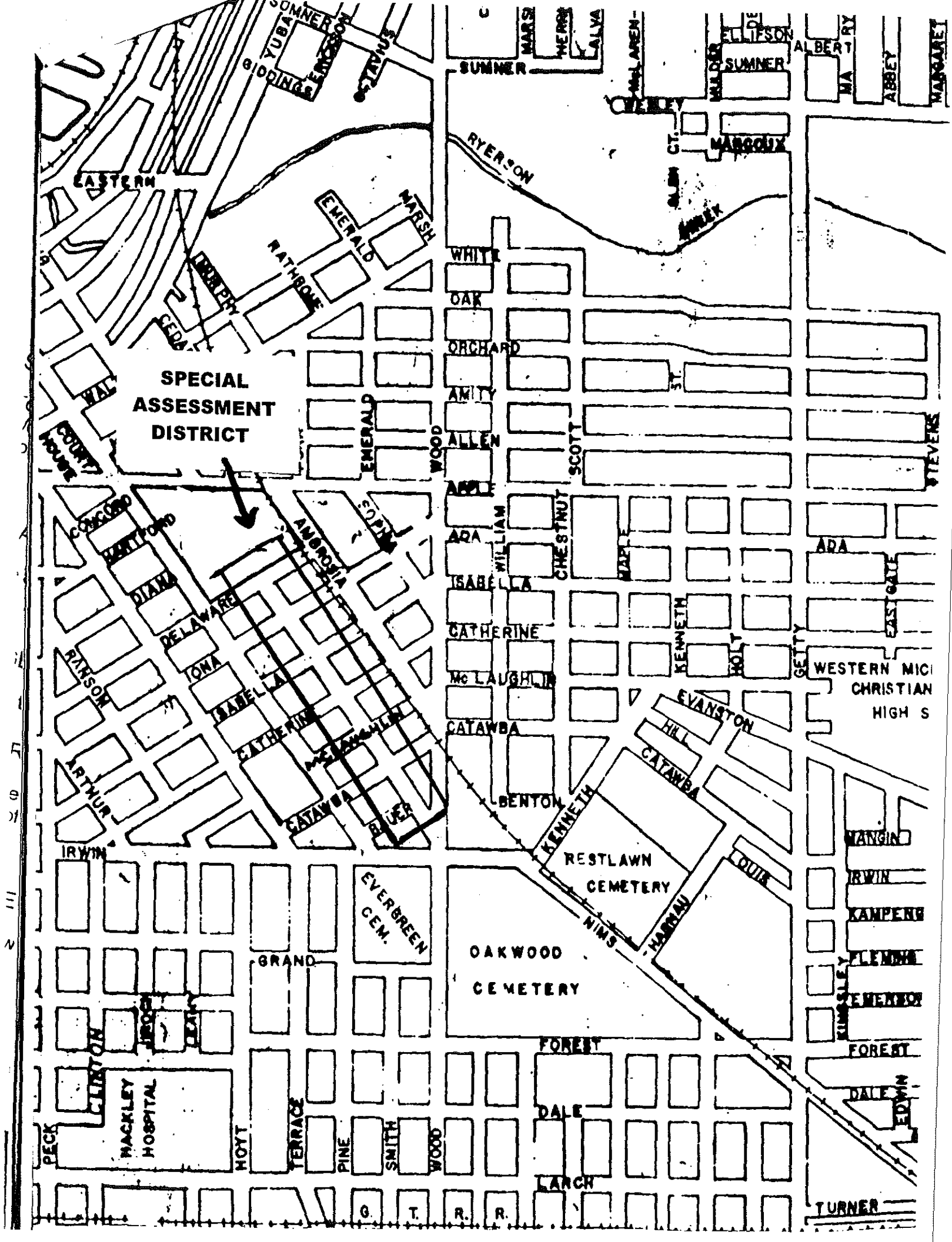
By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

SPRING STREET, WOOD TO DELAWARE

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **SPRING STREET, 116 FEET SOUTH OF THE
CENTERLINE OF BAUER AVENUE TO DELAWARE AVENUE**



CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

NAME: _____ **BIRTHDATE:** _____

SPOUSE'S NAME: _____ **BIRTHDATE:** _____

ADDRESS: _____ **PHONE:** _____

NUMBER OF UNITS: _____ **PARCEL #:** _____ **PLATE #:** _____
(Single family or # of Apts) (If known) (If known)

ETHNIC CLASS: _____ **MARITAL STATUS:** _____
(Asian, Black, Hispanic, Native American, White, etc) (Married, Single, Divorced, Widowed, Separated)

HANDICAPPED: () Yes () No **FAMILY SIZE:** _____
(Are you or your spouse legally handicapped or disabled?) (Number of people living in household)

MONTHLY HOUSEHOLD INCOME: \$ _____ **SOURCE:** _____
(Must include all household income)
_____ **SOURCE:** _____
_____ **SOURCE:** _____
Total: \$ _____ **OTHER:** _____

OWNERSHIP: () DEED () MORTGAGE () LAND CONTRACT

HOMEOWNER'S INSURANCE CO: _____ **EXPIRATION DATE:** _____

PROPERTY TAXES: () Current () Delinquent Year(s) Due (if any) _____

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.

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

STAFF SIGNATURE _____ **TITLE** _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

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

Property owners in your area are being specially assessed by the City of Muskegon for roadway improvements. 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.

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 federal/state income tax returns, copies of pension or other benefit checks or agency statements from all household income.

**1999
65% MEDIAN HOUSEHOLD INCOME CHART**

FAMILY SIZE	INCOME LIMIT
1	\$21,580
2	24,635
3	27,755
4	30,810
5	33,280
6	35,750
7	38,220
8	40,690
For each extra, add	2,800

- ◆ Applicants must submit proof that they both own and occupy property at the time of application; Land Contract purchasers must obtain approval of titleholder before 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.
- ◆ Applicant must submit proof of current property insurance; and
- ◆ Applicant must submit a recent property tax receipt to show that all tax payments are current.

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**

Applications must be submitted prior to confirmation of the special assessment roll takes place. 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 your assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

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

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

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$15,000.
- 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 (including deferment applications) may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**.

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 724-4121**.

H-1497
Spring St

Melvin Kimbrough Jr.
228 S. Warren Ave
Big Rapids, MI 49307

RECEIVED
CITY OF MUSKEGON

JAN 19 2000

ENGINEERING DEPT.

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

Re: Special assessment Parcel # 24-205-269-0005-10

I am strongly opposed to being assessed to repair the road which is publicly used. This is the reason we pay State and City income taxes.

It is **unfair and unreasonable** to ask homeowners to share in the expense of repairing publicly driven roads where does bureaucracy taxation end.

A couple of years ago we shared in the expense of Sidewalk repair. What is next?

I oppose this Special Assessment!!

Sincerely,

Mel Kimbrough

Date: February 8, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District
Wood Street, Apple to Jackson

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Wood Street, Apple to Jackson**, 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 approve the creation of the special assessment and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

This request will be reviewed by the Committee of the Whole at the February 7, 2000 meeting

CITY OF MUSKEGON

Resolution No. 2000-25(b)

Resolution At First Hearing Creating Special Assessment District
For **WOOD STREET, 15 FEET NORTH OF THE NORTHERLY "R-O-W" LINE ON
APPLE AVE. TO JACKSON.**

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

RECITALS:

1. A hearing has been held on **FEBRUARY 8, 2000** 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 8, 2000**, there were 26.13% 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 Sieradzki and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **10.88%** 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 Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro,
Aslakson

Nays Nays

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **FEBRUARY 8, 2000**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

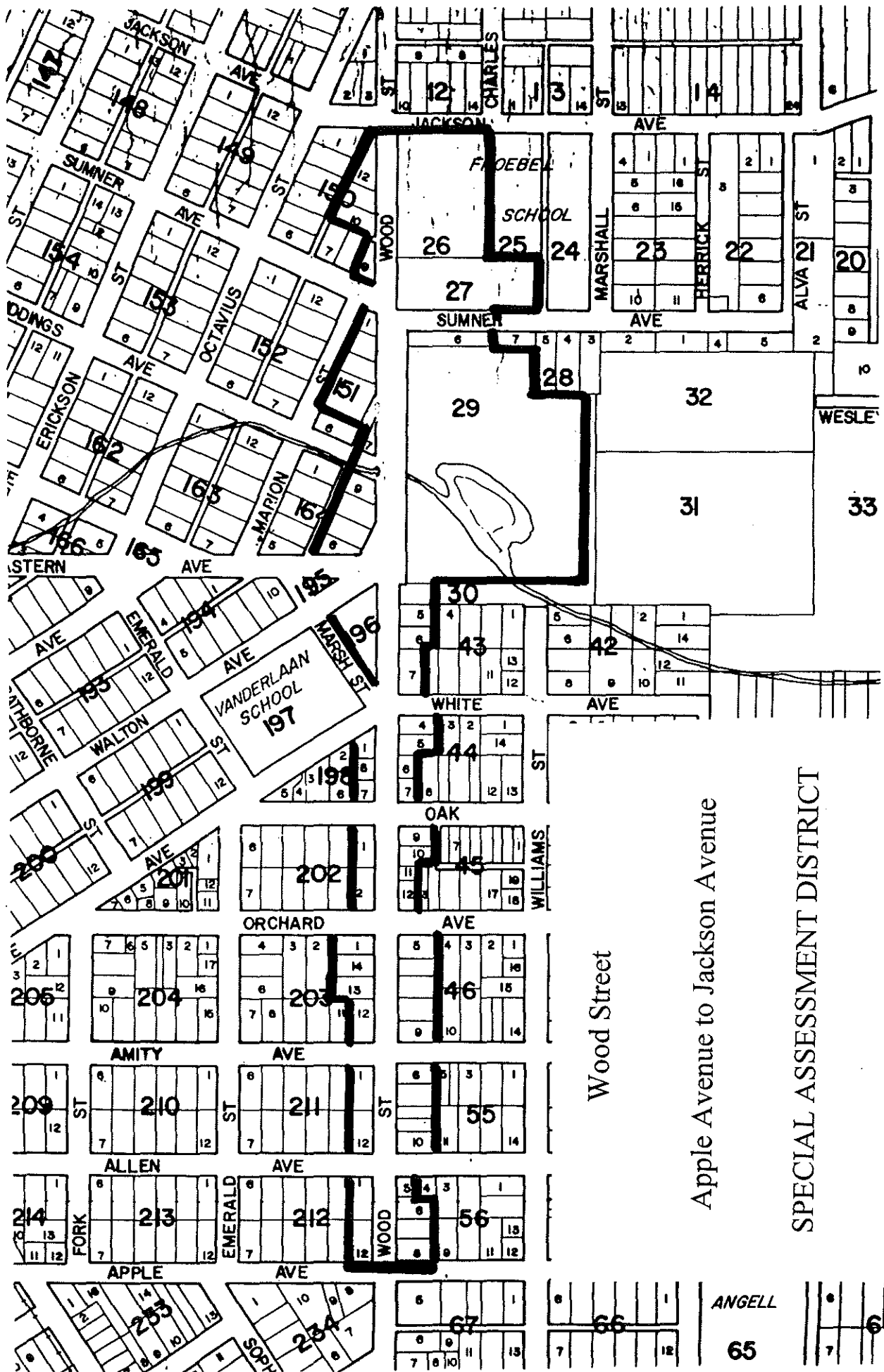
By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

Wood Street, Apple to Jackson

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **WOOD STREET, 15 FEET NORTH OF THE
NORTHERLY "R-O-W" LINE ON APPLE AVE. TO JACKSON**



Apple Avenue to Jackson Avenue

SPECIAL ASSESSMENT DISTRICT

Wood Street

ANGELL
65

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 8 TH DAY OF FEBRUARY, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

ALL PARCELS ABUTTING WOOD STREET, 15.0' NORTH OF THE
NORTHERLY RIGHT OF WAY LINE OF APPLE AVENUE TO JACKSON
AVENUE.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON JANUARY 29, 2000.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28TH DAY OF JANUARY, 1999, 2000

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
28th DAY OF February, 2000.

Linda D. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

**ENGINEERING FEASIBILITY STUDY
WOOD STREET
APPLE AVENUE TO JACKSON AVENUE**

The reconstruction of Wood Street from Apple Avenue to Jackson Avenue was initiated by the City of Muskegon, Department of Public Works. This project was identified and established in the 2000 Capital Improvement Budgets for Major Streets.

The project was identified due to the deterioration of the pavement. The pavement conditions have deteriorated to a point that resurfacing and/or major rehabilitation would not extend the life of the roadway. The improvement we are recommending consists of a complete removal and replacement of all existing pavement, curb and gutter.

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

The preliminary cost estimate for the work associated with this project is approximately \$936,000. The length of the project is approximately 3,467 lineal feet with 3,047.95 assessable footage. Therefore, the estimated improvement cost is \$307.09 per assessable foot. However, the assessment cost will not exceed \$33.40 per assessable foot. The maximum assessment cost of \$33.40 per assessable foot is based on the established 2000 *Special Assessment Cost Estimates* prepared by the City of Muskegon Engineering Department.

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
Jacob O. Funkhouser
James J. Kobza
Louis McMurray
Clarence Start

January 26, 2000

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the re-paving of Wood Street and the replacement of sewer and water services. 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 14, 2000.

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 \$33.40 appears reasonable in light of analysis that indicates a probable enhancement of \$33.01. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3
Senior Appraiser

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

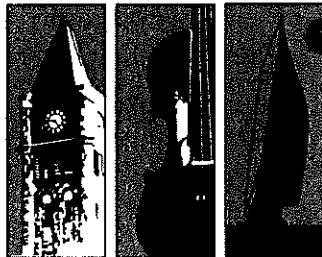
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

January 28, 2000

Parcel Number

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:

Wood Street, Apple Avenue to Jackson Avenue.

The proposed special assessment district will be located as follows:

All parcels abutting Wood Street, 15.0' north of the northerly right of way line of Apple Avenue to Jackson Avenue.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on Tuesday, February 8, 2000 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. **NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.**

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$936,000.00 of which approximately 10.88% (\$101,801.53) 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: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue

Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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

Assessment Information

Property Address:

Parcel Number

Plate Number

Assessable Frontage:

Estimated Front Foot Cost:

ESTIMATED TOTAL COST

Property Description

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

Signature _____

Address _____

Owner _____

Signature _____

Address _____

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

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*.

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

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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 \$15,000.
- 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.

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V. Additional Special Assessment Payment Assistance

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

Property owners in your area are being specially assessed by the City of Muskegon for roadway improvements. 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.

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 federal/state income tax returns, copies of pension or other benefit checks or agency statements from all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$21,580
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4	30,810
5	33,280
6	35,750
7	38,220
8	40,690
For each extra, add	2,800

- ◆ Applicants must submit proof that they both own and occupy property at the time of application; Land Contract purchasers must obtain approval of titleholder before 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.
- ◆ Applicant must submit proof of current property insurance; and
- ◆ Applicant must submit a recent property tax receipt to show that all tax payments are current.

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

Applications must be submitted prior to confirmation of the special assessment roll takes place. 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.

CITY OF MUSKOGEE
STREET ASSESSMENT PROGRAM
APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

NAME: _____ **BIRTHDATE:** _____
SPOUSE'S NAME: _____ **BIRTHDATE:** _____
ADDRESS: _____ **PHONE:** _____
NUMBER OF UNITS: _____ **PARCEL #:** _____ **PLATE #:** _____
(Single family or # of Apts) (If known) (If known)
ETHNIC CLASS: _____ **MARITAL STATUS:** _____
(Asian, Black, Hispanic, Native American, White, etc) (Married, Single, Divorced, Widowed, Separated)
HANDICAPPED: () Yes () No **FAMILY SIZE:** _____
(Are you or your spouse legally handicapped or disabled?) (Number of people living in household)

MONTHLY HOUSEHOLD INCOME: \$ _____ **SOURCE:** _____
(Must include all household income)
_____ **SOURCE:** _____
_____ **SOURCE:** _____
Total: \$ _____ **OTHER:** _____

OWNERSHIP: () DEED () MORTGAGE () LAND CONTRACT

HOMEOWNER'S INSURANCE CO: _____ **EXPIRATION DATE:** _____

PROPERTY TAXES: () Current () Delinquent Year(s) Due (if any) _____

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.

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

STAFF SIGNATURE _____ **TITLE** _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

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:

WOOD STREET, APPLE TO JACKSON

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

All properties abutting **WOOD STREET, 15 FEET NORTH OF THE NORTHERLY
"R-O-W" LINE ON APPLE AVE. TO JACKSON.**

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 8, 2000 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 29, 2000**

Gail Kundering, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

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:	732	WOOD ST
Parcel Number	24-205-043-0007-00	
Plate Number	24-31-20-405-004	
Assessable Frontage:	66	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$2,204.40	

Property Description

LOT 7 BLK 43

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>FANNIE BAKER</u>	Owner	_____
Signature	<u>Fannie Baker</u>	Signature	_____
Address	<u>732 Wood St.</u>	Address	_____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: **Tuesday, February 8, 2000**

Project Title: **Wood Street, Apple Avenue to Jackson Avenue**

Project Description: **Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.**

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: **939 WOOD ST**

Parcel Number **24-205-211-0012-10**

Plate Number **24-31-20-384-019**

Assessable Frontage: **39 Feet**

Estimated Front Foot Cost: **\$33.40 per Foot**

ESTIMATED TOTAL COST \$1,302.60

Property Description

E 41 FT OF S 78 FT LOT 12 BLK 211

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

JERRY CRITCHETT

Owner

PAMELA CRITCHETT

Signature

Jerry Critchett

Signature

Pamela Critchett

Address

1164 Wellshire Dr.

Address

1164 Wellshire Dr.

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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Assessment Information

Property Address:	868	WOOD ST
Parcel Number	24-205-046-0007-00	
Plate Number	24-31-20-457-009	
Assessable Frontage:	37.5	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$1,252.50	

Property Description

N 37 1/2 FT LOT 7 BLK 46

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Owner

Minnie B Hayes

Signature

Signature

868 Wood St

Address

Address

Washington Mich 48062

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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Assessment Information

Property Address: 922 WOOD ST
Parcel Number 24-205-055-0007-00
Plate Number 24-31-20-459-009
Assessable Frontage: 62 Feet
Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,070.80

Property Description

W 72 FT LOT 7 BLK 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

Adolf H. Cobb

Owner

[Signature]

Signature

[Signature]

Signature

[Signature]

Address

[Address]

Address

[Address]

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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Assessment Information

Property Address: 773 WOOD ST
Parcel Number 24-205-198-0007-00
Plate Number 24-31-20-339-009
Assessable Frontage: 33 Feet
Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$1,102.20

Property Description

LOT 7 BLK 198

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 Eleanor Stenberg

Signature Eleanor Stenberg

Address 38 380 Oak Ave.

Owner _____

Signature _____

Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

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: 918 WOOD ST
Parcel Number 24-205-055-0006-00
Plate Number 24-31-20-459-001
Assessable Frontage: 66 Feet
Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,204.40

Property Description

W 72 FT LOT 6 BLK 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

Owner

VERNON CHASE

Signature

Signature

Vernon Chase

Address

Address

582 Courtland Moss with #9442

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

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:	865	WOOD ST
Parcel Number	24-205-203-0013-00	
Plate Number	24-31-20-381-008	
Assessable Frontage:	49	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$1,636.60	

Property Description

N 27FT LOT 13 & S 22 FT LOT 14 EX W 12 FT FOR ALLEY BLK 203

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

DONALD FASER

Owner

008

Signature

[Signature]

Signature

Address

865 WOOD ST

Address

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

750 Wood St
Muskegon
2/4/2000

I wish to protest the assessment
for the above property.

Wood St has been terrible for
years. The only maintenance
has been to plug the pot holes.

We are all retired.

Harriet Sterenberg
(Lindemulder)

Parcel # 242050440040

Your vote COUNTS!

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

I AM IN FAVOR

☐

Owner Harry Sterenberg
Signature Harry Sterenberg
Address 750 Wood St.

I AM OPPOSED

☒

Owner Harriet Lindemulder
Signature Harriet Lindemulder
Address 750 Wood / 2637 W. 96th

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

Evergreen Park
ILL 60805

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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Assessment Information

Property Address: 732 WOOD ST
Parcel Number 24-205-043-0007-00
Plate Number 24-31-20-405-004
Assessable Frontage: 66 Feet
Estimated Front Foot Cost: \$33.40 per Foot
ESTIMATED TOTAL COST \$2,204.40

RECEIVED
CITY OF MUSKEGON
FEB 2 2000
ENGINEERING DEPT.

Property Description

LOT 7 BLK 43

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 FRANNIE BAKER Owner _____

Signature Frannie Baker Signature _____

Address 732 Wood St. Address _____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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Assessment Information

Property Address:	0	WOOD ST
Parcel Number	24-205-211-0001-20	
Plate Number	24-31-20-384-010	
Assessable Frontage:	52	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$1,736.80	

Property Description

S 42 FT LOT 1 BLK 211

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 Nellie Taylor

Owner _____

Signature Nellie Taylor

Signature _____

Address 391 County Line Dr. Milledgeville

Address _____

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

[Handwritten signature]

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

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:	391	AMITY AVE
Parcel Number	24-205-211-0001-10	
Plate Number	24-31-20-384-009	
Assessable Frontage:	45	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$1,503.00	

Property Description

E 33 FT OF N 90 FT LOT 1 BLK 211

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>Nellie Taylor</u>	Owner	_____
Signature	<u>Nellie Taylor</u>	Signature	_____
Address	<u>391 Amity Ave. Mustang, 74442</u>	Address	_____

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

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:	763	WOOD ST
Parcel Number	24-205-198-0001-00	
Plate Number	24-31-20-339-003	
Assessable Frontage:	51.75	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$1,728.45	

Property Description

LOT 1 EX N 15 FT USED FOR ST BLK 198

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Owner

Signature

Signature

Address

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue

Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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Assessment Information

Property Address: 762 WOOD ST

Parcel Number 24-205-044-0005-00

Plate Number 24-31-20-408-008

Assessable Frontage: 46.3 Feet

Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$1,546.42

Property Description

S 46.3 FT OF W 92 FT LOT 5 BLK 44

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____

Owner Michael Lazbely

Signature _____

Signature Michael T. Lazbely

Address _____

Address 762 Wood Street

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

INSTRUCTIONS

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Assessment Information

Property Address:	703	WOOD ST
Parcel Number	24-205-196-0001-00	
Plate Number	24-31-20-338-001	
Assessable Frontage:	221	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$7,381.40	

Property Description

ENTIRE BLK 196

Your vote COUNTS!

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

I AM IN FAVOR

☐

Owner
Signature
Address

~~Julia Smith~~
~~Julia Smith~~
~~703 Wood St~~

I AM OPPOSED

☒

Owner
Signature
Address

Julia Smith
Julia Smith
703 Wood St

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 8, 2000

Project Title: Wood Street, Apple Avenue to Jackson Avenue
Project Description: Create a left turn lane at Apple Avenue; Remove existing curb and gutter, and replace with new; remove existing pavement and construct new pavement.

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: 925 WOOD ST
Parcel Number 24-205-211-0012-00
Plate Number 24-31-20-384-018
Assessable Frontage: 54 Feet
Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$1,803.60

Property Description

N 54 FT LOT 12 BLK 211

Your vote COUNTS!

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

I AM IN FAVOR

☐

Owner _____

Signature _____

Address _____

I AM OPPOSED

☒

Owner _____

Signature _____

Address _____

Trustee Philip H. Pao
Philip H. Pao
925 Wood

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

Date: February 8, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District
MORTON TORRENT TO BOURDON

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Morton, Torrent to Bourdon**, 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:

This request will be reviewed by the Committee of the Whole at the February 7, 2000 meeting

CITY OF MUSKEGON

Resolution No. 2000-25(c)

Resolution At First Hearing Creating Special Assessment District
For **MORTON, TORRENT TO BOURDON**

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

RECITALS:

1. A hearing has been held on **FEBRUARY 8, 2000** 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 8, 2000**, there were 33.36% 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 Sieradzki and Shepherd
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **17.78%** 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 Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson,
Benedict

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **FEBRUARY 8, 2000**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

AFFIDAVIT OF MAILING BY CITY CLERK

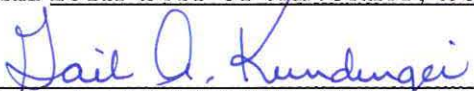
STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 8 TH DAY OF FEBRUARY, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Morton Avenue, East of the easterly right of way line of Torrent Street, to the westerly right of way of Bourdon Street.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON JANUARY 29, 2000.

DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28TH DAY OF JANUARY, 1999. 2000



GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2000.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES _____

EXIHBIT A

**Morton Avenue, Torrent Street to Bourdon Street
SPECIAL ASSESSMENT DISTRICT**

All properties abutting Morton Avenue from Torrent Street to Bourdon Street

STREET

This is a detailed street map of a residential area. The streets shown include Lakeshore Avenue, Mann Drive, Moon Street, Greenwood Avenue, and a street labeled 'SUP'. House numbers are clearly marked on several properties: 627, 628, 629, 630, 631, 632, 633, 634, 635, 638, 639, and 640. A circled '63' is also present near the bottom right. The map includes lot numbers and street names like 'MINER' and 'SON'. A 'SUP' label is located at the bottom left.

**ENGINEERING FEASIBILITY STUDY
MORTON AVENUE
TORRENT STREET TO BOURDON STREET**

The new construction of Morton Avenue from Torrent Street to Bourdon Street was initiated by the City of Muskegon, Department of Public Works. The proposed new construction of this unpaved section of Morton Street is consistent with the City's goals and objectives to eliminate all unpaved streets within the city limits. This project was identified and established in the 2000 Capital Improvement Budgets for Local Streets.

The project was identified due to the unpaved surface of the street. The improvement we are recommending consists of installing a paved surface, curb and gutter with associated storm water catchment.

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

The preliminary cost estimate for the work associated with this project is approximately \$140,000. The length of the project is approximately 925.5 lineal feet with 745.2 assessable footage. Therefore, the estimated improvement cost is \$187.87 per assessable foot. However, the assessment cost will not exceed \$33.40 per assessable foot. The maximum assessment cost of \$33.40 per assessable foot is based on the established 2000 *Special Assessment Cost Estimates* prepared by the City of Muskegon Engineering Department.

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
Jacob O. Funkhouser
James J. Kobza
Louis McMurray
Clarence Start

January 26, 2000

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the paving and curbing of Morton Avenue between Torrent Street and Bourdon 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 24, 2000.

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 \$33.40 appears reasonable in light of analysis that indicates a probable enhancement of \$37.61. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Jerry A Groeneveld, CMAE 3
Senior Appraiser

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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



January 28, 2000

Parcel Number

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:

Morton Avenue, Torrent Street to Bourdon Street

The proposed special assessment district will be located as follows:

All parcels abutting Morton Avenue, East of the easterly right of way line of Torrent Street, to the westerly right of way of Bourdon Street.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on Tuesday, February 8, 2000 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$140,000.00 of which approximately 17.78% (\$24,889.53) 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: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

INSTRUCTIONS

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

Assessment Information

Property Address:

Parcel Number

Plate Number

Assessable Frontage:

Estimated Front Foot Cost:

ESTIMATED TOTAL COST

Property Description

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

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

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 \$15,000.
- 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 (including deferment applications) may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**.

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 724-4121**.

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

Property owners in your area are being specially assessed by the City of Muskegon for roadway improvements. 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.

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 federal/state income tax returns, copies of pension or other benefit checks or agency statements from all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$21,580
2	24,635
3	27,755
4	30,810
5	33,280
6	35,750
7	38,220
8	40,690
For each extra, add	2,800

- ◆ Applicants must submit proof that they both own and occupy property at the time of application; Land Contract purchasers must obtain approval of titleholder before 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.
- ◆ Applicant must submit proof of current property insurance; and
- ◆ Applicant must submit a recent property tax receipt to show that all tax payments are current.

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

Applications must be submitted prior to confirmation of the special assessment roll takes place. 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.

CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

NAME: _____ **BIRTHDATE:** _____

SPOUSE'S NAME: _____ **BIRTHDATE:** _____

ADDRESS: _____ **PHONE:** _____

NUMBER OF UNITS: _____ **PARCEL #:** _____ **PLATE #:** _____
(Single family or # of Apts) (If known) (If known)

ETHNIC CLASS: _____ **MARITAL STATUS:** _____
(Asian, Black, Hispanic, Native American, White, etc) (Married, Single, Divorced, Widowed, Separated)

HANDICAPPED: () Yes () No **FAMILY SIZE:** _____
(Are you or your spouse legally handicapped or disabled?) (Number of people living in household)

MONTHLY HOUSEHOLD INCOME: \$ _____ **SOURCE:** _____
(Must include all household income)

_____ **SOURCE:** _____

_____ **SOURCE:** _____

Total: \$ _____ **OTHER:** _____

OWNERSHIP: () DEED () MORTGAGE () LAND CONTRACT

HOMEOWNER'S INSURANCE CO: _____ **EXPIRATION DATE:** _____

PROPERTY TAXES: () Current () Delinquent Year(s) Due (if any) _____

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.

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

STAFF SIGNATURE _____ **TITLE** _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

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:

MORTON, TORRENT TO BOURDON

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

All properties abutting **MORTON BETWEEN TORRENT AND BOURDON.**

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 8, 2000 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 29, 2000**

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

RECEIVED

FEB 08 2000

City Clerks Office

Bill Nobes
2207 Blodgett
Muskegon, Mich.

City Commission
City of Muskegon

49441

Every lot in the mentioned section to be assessed is a corner lot, and every one of those lots have already been assessed and paid for across the front by the person addressed to in your notice of intent.

I paid my share of that corner, the front street of my house and to be asked to pave the side is not a fair request.

I live on a fixed income and when taxes, gasoline and living cost are skyrocketing, our salary remains the same.

Your last pet Project in Lakeside, was all ~~about~~ sidewalks were to be repaved and after Lakeside you would over the rest of the city and request the same of them, you didn't, you said well they couldn't afford it.

To prove that by not paving, would constitute a health hazard was disproved before. Certainly I am against this and this will tell you why.

Sincerely, Bill Nobes

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

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:	1761	MORTON AVE
Parcel Number	24-777-001-0001-00	
Plate Number	24-30-35-426-014	
Assessable Frontage:	62.2	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$2,077.48	

Property Description

SUB DIV OF THE S 1/2 OF BLK 621 LOT 1 & N 1/2 LOT 2 BLK 1 R&M EXEMPTION-95-SIDING-\$2600 AV

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____

Owner Chad M Fellows

Signature _____

Signature Chad M Fellows

Address _____

Address 1761 Morton Ave

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

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:	2207	BLODGETT ST
Parcel Number	24-777-003-0001-00	
Plate Number	24-30-35-404-014	
Assessable Frontage:	62	Feet
Estimated Front Foot Cost:	\$33.40	per Foot
ESTIMATED TOTAL COST	\$2,070.80	

Property Description

SUB DIV OF THE S 1/2 OF BLK 621 LOT 1 BLK 3

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____
Signature _____
Address _____

Owner William Tubes
Signature William Tubes
Address 2207 Blodgett St

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

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: 2209 ESTES ST

Parcel Number 24-777-002-0001-00

Plate Number 24-30-35-405-011

Assessable Frontage: 62 Feet

Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,070.80

Property Description

SUB DIV OF THE S 1/2 OF BLK 621 LOTS 1 & 2 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 Vicki Bowman

Owner

Signature Vicki B

Signature

Address 2209 Estes

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

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: 2192 BLODGETT ST

Parcel Number 24-235-001-0017-00

Plate Number 24-30-35-264-015

Assessable Frontage: 62 Feet

Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,070.80

Property Description

DRIVING PARK SUB DIV BEING A SUB DIVISION OF THE W 2/3 OF THE N 1 1/2 BLK 621
LOT 17 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 Melissa K. Cahill

Owner James H. Decker

Signature Melissa K. Cahill

Signature James H. Decker

Address 2192 Blodgett

Address 2192 Blodgett

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

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: 2214 BLODGETT ST

Parcel Number 24-777-002-0029-00

Plate Number 24-30-35-405-001

Assessable Frontage: 62 Feet

Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,070.80

Property Description

SUB DIV OF THE S 1/2 OF BLK 621 LOTS 29 & 30 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: _____

Signature: _____

Address: _____

Owner: Jeffrey A. Simon

Signature: Christine Kowalczuk

Address: 2214 Blodgett St.

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

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: 0 ESTES ST

Parcel Number 24-235-001-0016-00

Plate Number 24-30-35-264-024

Assessable Frontage: 62 Feet

Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,070.80

Property Description

DRIVING PARK SUB DIV BEING A SUB DIVISION OF THE W 2/3 OF THE N 1 1/2 BLK 621
LOT 16 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 DAVID L. SHUNTA

Signature David Shunta

Address 2187 Estes Street

Owner Pamela S. Shunta

Signature Pamela S. Shunta

Address 2187 Estes Street

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

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Assessment Information

Property Address: 2192 TORRENT ST

Parcel Number 24-235-002-0017-00

Plate Number 24-30-35-263-015

Assessable Frontage: 62.4 Feet

Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,084.16

Property Description

DRIVING PARK SUB DIV BEING A SUB DIVISION OF THE W 2/3 OF THE N 1 1/2 BLK 621 LOT 17 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 _____

Owner JOANNA M. FURST

Signature _____

Signature Joanna M Furst

Address _____

Address 2192 TORRENT ST - MUSKOGEE

Thank you for taking your time to vote on this important issue. 2/4/00

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: Tuesday, February 08, 2000

Project Title: Morton Avenue, Torrent Street to Bourdon Street

Project Description: Construct new bituminous pavement with concrete curb and gutter.

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: 2208 ESTES ST

Parcel Number 24-777-001-0030-00

Plate Number 24-30-35-426-001

Assessable Frontage: 62 Feet

Estimated Front Foot Cost: \$33.40 per Foot

ESTIMATED TOTAL COST \$2,070.80

Property Description

SUB DIV OF THE S 1/2 OF BLK 621 LOT 30 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 Scott A Wohlfard

Owner _____

Signature Scott A Wohlfard

Signature _____

Address 2208 Estes St

Address _____

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

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: February 8, 2000

RE: Public Hearing
Amendment to the Special Assessment Roll
Getty Street, Allen to Wesley Avenue

SUMMARY OF REQUEST:

To hold a public hearing to amend the Special Assessment Roll for Getty Street, Allen to Wesley Avenue and to adopt the attached resolution amending the roll to reflect JEFFREY and VERONICA C. GRAVES as the owner of 741 Getty instead of Frank E. Bruce Jr. as appeared on the original roll.

FINANCIAL IMPACT:

A total of \$4,850.95 will be spread against that one (1) parcel abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

This request will be reviewed by the Committee of the whole at the February 7, 2000 meeting

CITY OF MUSKEGON

Resolution No. 2000-25(d)

Resolution to Amend the Special Assessment Roll

For GETTY STREET, ALLEN TO WESLEY

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 10, 1998**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City. The original Roll was adopted July 27, 1999, and it appears that the roll should be amended to state the correct owner of one parcel, being 741 Getty Street, 24-205-039-0006-50.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the amended roll filed before or at the hearing on the amendment.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING THE AMENDED SPECIAL ASSESSMENT ROLL

FOR GETTY STREET, ALLEN TO WESLEY

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

By Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on February 8, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being February 8, 2000.

City of Muskegon

By Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

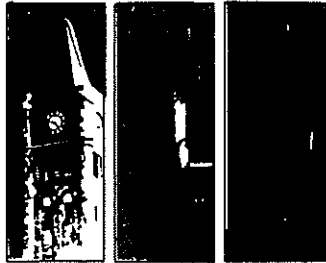
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

January 28, 2000

07
GRAVES, JEFFREY/VERONICA C
741 GETTY ST
MUSKEGON, MI 49442

Property Parcel Number: 24-205-039-0006-50 (old parcel number: 613120400064)
at 741 GETTY

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT **ROLL**

Dear Property Owner:

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

Getty Street, Allen Avenue to Wesley Avenue

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, February 8, 2000 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED FEBRUARY 8, 2000, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$1,465,000.00 of which \$65,937.00 (4.50%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed \$4,650.00 based on 150 feet assessable front footage at \$31.00 per assessable foot for the street improvements. In addition, you will be assessed \$200.95 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$4,850.95. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$485.10
Due Date: April 17, 2000

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

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$15,000.
- 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 (including deferment applications) may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**.

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 724-4121**.

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

Property owners in your area are being specially assessed by the City of Muskegon for roadway improvements. 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.

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 federal/state income tax returns, copies of pension or other benefit checks or agency statements from all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$21,580
2	24,635
3	27,755
4	30,810
5	33,280
6	35,750
7	38,220
8	40,690
For each extra, add	2,800

- ◆ Applicants must submit proof that they both own and occupy property at the time of application; Land Contract purchasers must obtain approval of titleholder before 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.
- ◆ Applicant must submit proof of current property insurance; and
- ◆ Applicant must submit a recent property tax receipt to show that all tax payments are current.

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

Applications must be submitted prior to confirmation of the special assessment roll takes place. 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.

CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

NAME: _____ **BIRTHDATE:** _____
SPOUSE'S NAME: _____ **BIRTHDATE:** _____
ADDRESS: _____ **PHONE:** _____
NUMBER OF UNITS: _____ **PARCEL #:** _____ **PLATE #:** _____
(Single family or # of Apts) (If known) (If known)
ETHNIC CLASS: _____ **MARITAL STATUS:** _____
(Asian, Black, Hispanic, Native American, White, etc) (Married, Single, Divorced, Widowed, Separated)
HANDICAPPED: () Yes () No **FAMILY SIZE:** _____
(Are you or your spouse legally handicapped or disabled?) (Number of people living in household)

MONTHLY HOUSEHOLD INCOME: \$ _____ **SOURCE:** _____
(Must include all household income)
_____ **SOURCE:** _____
_____ **SOURCE:** _____
Total: \$ _____ **OTHER:** _____

OWNERSHIP: () DEED () MORTGAGE () LAND CONTRACT

HOMEOWNER'S INSURANCE CO: _____ **EXPIRATION DATE:** _____

PROPERTY TAXES: () Current () Delinquent Year(s) Due (if any) _____

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.

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

STAFF SIGNATURE _____ **TITLE** _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

H-1456

Getty Street, Allen Avenue to Wesley Avenue

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP / SW	TOTAL
24-121-300-0126-00	810	ALLEN	YAGER, DIANNA	810 ALLEN	MUSKEGON	MI 49442-0	\$2,077.00	\$0.00	\$2,077.00
24-121-300-0067-00	0	AMITY	WYNN, BOAZIE/GERALDI	824 AMITY	MUSKEGON	MI 49442	\$1,953.00	\$11.02	\$1,964.02
24-205-051-0001-40	791	AMITY	TIBBS, MICHAEL W & DIA	1983 E SUMMIT	MUSKEGON	MI 49444	\$1,364.00	\$19.73	\$1,383.73
24-205-050-0021-50	792	AMITY	US DEPARTMENT OF HU	50 LOUIS ST NW	GRAND RAPID	MI 49503-2	\$1,364.00	\$0.00	\$1,364.00
24-121-300-0108-00	807	AMITY	ALLERS RANDY L	931 POST RD	MUSKEGON	MI 49441	\$1,348.50	\$0.00	\$1,348.50
24-205-039-0001-00	0	GETTY	CITY OF MUSKEGON	BETWEEN MARCOUX			\$0.00	\$0.00	\$0.00
24-205-039-0006-00	0	GETTY	CITY OF MUSKEGON	BETWEEN OAK & MA			\$0.00	\$0.00	\$0.00
24-590-001-0003-00	0	GETTY	CITY OF MUSKEGON	C/O PLANNING DEPT		I 00000	\$0.00	\$0.00	\$0.00
24-590-002-0001-00	0	GETTY	CITY OF MUSKEGON	PLANNING DEPT	MUSKEGON	MI 49443	\$0.00	\$0.00	\$0.00
24-590-001-0001-00	607	GETTY	BELMAREZ, ELIA	607 GETTY ST	MUSKEGON	MI 49442	\$527.00	\$0.00	\$527.00
24-590-001-0002-00	613	GETTY	HARVEY, THOMAS	613 GETTY ST	MUSKEGON	MI 49442	\$1,240.00	\$21.87	\$1,261.87
24-590-001-0030-00	625	GETTY	UNDERWOOD, CARL R	625 GETTY	MUSKEGON	MI 49442	\$992.00	\$27.00	\$1,019.00
24-590-001-0028-00	631	GETTY	BAILEY, DONALD	631 GETTY	MUSKEGON	MI 49442	\$2,480.00	\$0.00	\$2,480.00
24-205-039-0006-50	741	GETTY	BRUCE, FRANK E JR	741 GETTY ST	MUSKEGON	MI 49442	\$4,650.00	\$200.95	\$4,850.95

H-1456

Getty Street, Allen Avenue to Wesley Avenue

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP / SW	TOTAL
4-205-050-0001-20	827	GETTY	CLARK, WALTER G	3835 ELLIS	MUSKEGON	MI 49444	\$2,015.00	\$10.81	\$2,025.81
4-205-050-0001-40	829	GETTY	ODIE, GRIVERS JR.	829 GETTY ST	MUSKEGON	MI 49442	\$1,550.00	\$10.08	\$1,560.08
4-121-300-0040-00	840	GETTY	BABCOCK, CHERYL L	840 GETTY ST	MUSKEGON	MI 49442	\$2,046.00	\$11.73	\$2,057.73
4-121-300-0054-00	854	GETTY	JONES, JACQUELINE	854 GETTY	MUSKEGON	MI 49442	\$1,271.00	\$0.00	\$1,271.00
4-205-050-0021-10	861	GETTY	STEGALL, HALBERT	861 GETTY ST	MUSKEGON	MI 49442	\$1,364.00	\$13.13	\$1,377.13
4-121-300-0055-00	862	GETTY	MCKINNES, LARISSA	862 GETTY	MUSKEGON	MI 49442	\$1,705.00	\$11.24	\$1,716.24
4-205-050-0021-40	871	GETTY	GRAY, MARY E	871 GETTY ST	MUSKEGON	MI 49442	\$1,364.00	\$13.62	\$1,377.62
4-121-300-0056-00	872	GETTY	HARRIS, ENICE F. JR	872 GETTY	MUSKEGON	MI 49442	\$1,550.00	\$11.45	\$1,561.45
4-205-050-0021-20	881	GETTY	CHAPO, WILLIE B	881 GETTY	MUSKEGON	MI 49442	\$1,364.00	\$0.00	\$1,364.00
4-121-300-0109-00	922	GETTY	LANE, DARRYL	922 GETTY	MUSKEGON	MI 49442	\$1,395.00	\$17.93	\$1,412.93
4-205-051-0001-70	927	GETTY	SINGELTON, JAMES L & J	3925 E APPLE AVE	MUSKEGON	MI 49442	\$3,534.00	\$15.24	\$3,549.24
4-121-300-0125-00	928	GETTY	QUINN, LEROY & DENISE	928 GETTY	MUSKEGON	MI 49442	\$2,015.00	\$17.01	\$2,032.01
4-205-051-0001-60	935	GETTY	BLAIN EMMA P	754 ALLEN	MUSKEGON	MI 49442	\$992.00	\$27.09	\$1,019.09
4-205-050-0001-10	789	OAK	LESTER, JOHN B	1268 EDINBOROUGH	MUSKEGON	MI 49441	\$1,472.50	\$0.00	\$1,472.50

H-1456

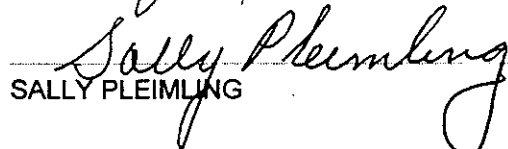
Getty Street, Allen Avenue to Wesley Avenue

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP / SW	TOTAL
24-205-039-0007-10	790	OAK	SINGLETON, JAMES	3925 E APPLE AVE	MUSKEGON	MI 49442	\$6,882.00	\$0.00	\$6,882.00
24-121-300-0003-00	808	OAK	VANDERSTELT, TIMOTHY	808 OAK	MUSKEGON	MI 49442	\$13,702.00	\$277.91	13,979.91
24-121-300-0024-00	809	OAK	ELLIOTT, MARY L	809 OAK	MUSKEGON	MI 49442	\$2,046.00	\$0.00	\$2,046.00
24-205-050-0001-50	790	ORCHARD	YOUNG, EASTER	790 ORCHARD	MUSKEGON	MI 49442	\$1,674.00	\$0.00	\$1,674.00
24-121-300-0001-00	0	WESLEY	MUSK INTER SCH DISTRI	630 HARVEY ST	MUSKEGON	MI 49442	\$0.00	\$0.00	\$0.00
TOTALS							\$65,937.00	\$717.81	\$66,654.81

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

	7/6/99
LARRY L. MILLARD, CMAE 4, CITY ASSESSOR	DATE
	8-2-99
TIMOTHY J. MICHALSKI	DATE
	7-19-99
SALLY PLEIMLING	DATE

H-1456

Getty Street, Allen Avenue to Wesley Avenue

AMMENDED SPECIAL ASSESSMENT ROLL

PARCEL	@							PAVING	DR APP / SW	TOTAL
24-121-300-0126-00	810	ALLEN	YAGER, DIANNA	810 ALLEN	MUSKEGON	MI 49442-0		\$2,077.00	\$0.00	\$2,077.00
24-121-300-0067-00	0	AMITY	WYNN, BOAZIE/GERALDI	824 AMITY	MUSKEGON	MI 49442		\$1,953.00	\$11.02	\$1,964.02
24-205-051-0001-40	791	AMITY	TIBBS, MICHAEL W & DIA	1983 E SUMMIT	MUSKEGON	MI 49444		\$1,364.00	\$19.73	\$1,383.73
24-205-050-0021-50	792	AMITY	US DEPARTMENT OF HU	50 LOUIS ST NW	GRAND RAPID	MI 49503-2		\$1,364.00	\$0.00	\$1,364.00
24-121-300-0108-00	807	AMITY	ALLERS RANDY L	931 POST RD	MUSKEGON	MI 49441		\$1,348.50	\$0.00	\$1,348.50
24-205-039-0001-00	0	GETTY	CITY OF MUSKEGON	BETWEEN MARCOUX				\$0.00	\$0.00	\$0.00
24-205-039-0006-00	0	GETTY	CITY OF MUSKEGON	BETWEEN OAK & MA				\$0.00	\$0.00	\$0.00
24-590-001-0003-00	0	GETTY	CITY OF MUSKEGON	C/O PLANNING DEPT		I 00000		\$0.00	\$0.00	\$0.00
24-590-002-0001-00	0	GETTY	CITY OF MUSKEGON	PLANNING DEPT	MUSKEGON	MI 49443		\$0.00	\$0.00	\$0.00
24-590-001-0001-00	607	GETTY	BELMAREZ, ELIA	607 GETTY ST	MUSKEGON	MI 49442		\$527.00	\$0.00	\$527.00
24-590-001-0002-00	613	GETTY	HARVEY, THOMAS	613 GETTY ST	MUSKEGON	MI 49442		\$1,240.00	\$21.87	\$1,261.87
24-590-001-0030-00	625	GETTY	UNDERWOOD, CARL R	625 GETTY	MUSKEGON	MI 49442		\$992.00	\$27.00	\$1,019.00
24-590-001-0028-00	631	GETTY	BAILEY, DONALD	631 GETTY	MUSKEGON	MI 49442		\$2,480.00	\$0.00	\$2,480.00
24-205-039-0006-50	741	GETTY	GRAVES, JEFFERY/MONI	741 GETTY ST	MUSKEGON	MI 49442		\$4,650.00	\$200.95	\$4,850.95

H-1456

Getty Street, Allen Avenue to Wesley Avenue

AMMENDED SPECIAL ASSESSMENT ROLL

PARCEL	@							PAVING	DR APP / SW	TOTAL
24-205-050-0001-20	827	GETTY	CLARK, WALTER G	3835 ELLIS	MUSKEGON	MI 49444		\$2,015.00	\$10.81	\$2,025.81
24-205-050-0001-40	829	GETTY	ODIE, GRIVERS JR.	829 GETTY ST	MUSKEGON	MI 49442		\$1,550.00	\$10.08	\$1,560.08
24-121-300-0040-00	840	GETTY	BABCOCK, CHERYL L	840 GETTY ST	MUSKEGON	MI 49442		\$2,046.00	\$11.73	\$2,057.73
24-121-300-0054-00	854	GETTY	JONES, JACQUELINE	854 GETTY	MUSKEGON	MI 49442		\$1,271.00	\$0.00	\$1,271.00
24-205-050-0021-10	861	GETTY	STEGALL, HALBERT	861 GETTY ST	MUSKEGON	MI 49442		\$1,364.00	\$13.13	\$1,377.13
24-121-300-0055-00	862	GETTY	MCKINNES, LARISSA	862 GETTY	MUSKEGON	MI 49442		\$1,705.00	\$11.24	\$1,716.24
24-205-050-0021-40	871	GETTY	GRAY, MARY E	871 GETTY ST	MUSKEGON	MI 49442		\$1,364.00	\$13.62	\$1,377.62
24-121-300-0056-00	872	GETTY	HARRIS, ENICE F. JR	872 GETTY	MUSKEGON	MI 49442		\$1,550.00	\$11.45	\$1,561.45
24-205-050-0021-20	881	GETTY	CHAPO, WILLIE B	881 GETTY	MUSKEGON	MI 49442		\$1,364.00	\$0.00	\$1,364.00
24-121-300-0109-00	922	GETTY	LANE, DARRYL	922 GETTY	MUSKEGON	MI 49442		\$1,395.00	\$17.93	\$1,412.93
24-205-051-0001-70	927	GETTY	SINGELTON, JAMES L & J	3925 E APPLE AVE	MUSKEGON	MI 49442		\$3,534.00	\$15.24	\$3,549.24
24-121-300-0125-00	928	GETTY	QUINN, LEROY & DENISE	928 GETTY	MUSKEGON	MI 49442		\$2,015.00	\$17.01	\$2,032.01
24-205-051-0001-60	935	GETTY	BLAIN EMMA P	754 ALLEN	MUSKEGON	MI 49442		\$992.00	\$27.09	\$1,019.09
24-205-050-0001-10	789	OAK	LESTER, JOHN B	1268 EDINBOROUGH	MUSKEGON	MI 49441		\$1,472.50	\$0.00	\$1,472.50

H-1456

Getty Street, Allen Avenue to Wesley Avenue

AMMENDED SPECIAL ASSESSMENT ROLL

PARCEL	@							PAVING	DR APP / SW	TOTAL
24-205-039-0007-10	790	OAK	SINGLETON, JAMES	3925 E APPLE AVE	MUSKEGON	MI 49442		\$6,882.00	\$0.00	\$6,882.00
24-121-300-0003-00	808	OAK	VANDERSTELT, TIMOTHY	808 OAK	MUSKEGON	MI 49442		\$13,702.00	\$277.91	13,979.91
24-121-300-0024-00	809	OAK	ELLIOTT, MARY L	809 OAK	MUSKEGON	MI 49442		\$2,046.00	\$0.00	\$2,046.00
24-205-050-0001-50	790	ORCHARD	YOUNG, EASTER	790 ORCHARD	MUSKEGON	MI 49442		\$1,674.00	\$0.00	\$1,674.00
24-121-300-0001-00	0	WESLEY	MUSK INTER SCH DISTRI	630 HARVEY ST	MUSKEGON	MI 49442		\$0.00	\$0.00	\$0.00

TOTALS \$65,937.00 \$717.81 \$66,654.81

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

DATE

DATE

DATE

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 HARRIS DRIVE
P.O. BOX 30005
LANSING, MICHIGAN 48909

DENIAL OF A REQUEST FOR A LICENSE
(M.A.C. R436.1105 & R436.1925)

February 7, 2000

Ben Roberts, Jr.
864 Emerald Street
Muskegon MI 49442

REQ ID# 38554

Mason Street Market

Dear Applicant:

The Commission at a meeting held on January 12, 2000, issued the attached order of denial of your request for a new SDM license, to be located at 248 Mason, Muskegon MI 49441, Muskegon County.

Any request for a hearing must be made in writing, by the applicant, to the Lansing office of the Commission within 20 days from the date of the mailing of this decision of denial. If you have any questions, please call the Licensing Division, at (517) 322-1400 and give the operator the type of license denied to ensure you are directed to the correct section.

alf
enclosure

cc: Grand Rapids District Office w/encl
Muskegon Police Department w/encl
Muskegon City Commission w/encl
Gary L. Veurink, Attorney w/encl

LC-33 REV. 5-84
4880-1206

RECEIVED
FEB 8 2000
CITY CLERK'S OFFICE

Michigan Department of Consumer and Industry Services
Liquor Control Commission

INTER-OFFICE CORRESPONDENCE

II-8
ORDER

TO Licensing Section F6
Licensing and Enforcement Divisions

January 12, 2000

DATE

FROM Administrative Commissioners

SUBJECT: Ben Roberts, Jr.
248 Mason
Muskegon, Michigan 49441

38554
Muskegon County

Application for a new Specially Designated Merchant license.

Commission rule R 436.1105 provides in pertinent part as follows: “. . . (2) The commission shall consider all of the following factors in determining whether an applicant may be issued a license: (a) The applicant's management experience in the alcoholic liquor business. . . (d) The opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business. . . (g) Past criminal convictions of the applicant for crimes involving moral turpitude, violence, or alcoholic liquor. . . (i) The effects that the issuance of a license would have on the economic development of the area. . . (j) The effects that the issuance of a license would have on the health, welfare, and safety of the general public.”

The Commission finds that the applicant previously held Specially Designated Distributor and Specially Designated Merchant licenses at the subject location from November 19, 1991 until the licenses were placed in escrow on or about April 30, 1997 and terminated on April 30, 1998 pursuant to the provisions of Commission rule R 436.1107 and that the applicant was cited and found responsible for two (2) violations of the Michigan Liquor Control Code and Administrative Rules with one (1) violation involving sale of alcoholic liquor to persons under the age of 21.

The Commission finds that the applicant was convicted of one (1) Count of Delivering Dangerous Drugs in 1987 and served two (2) years probation which terminated in 1989.

The Commission finds that the Muskegon City Commission and the Muskegon Police Department did not recommend the granting of this application based upon the previous operations and that the business is a detriment to the neighborhood.

NOW, THEREFORE, IT IS THE ORDER OF THE COMMISSION THAT THE APPLICATION AS MADE BY BEN ROBERTS, JR. FOR A NEW SPECIALLY DESIGNATED MERCHANT LICENSE TO BE HELD AT 248 MASON, MUSKEGON, MUSKEGON COUNTY, BE DENIED, PURSUANT TO COMMISSION RULE R 436.1105(2)(a)(g) AFTER CONSIDERATION OF THE OPERATING RECORD OF THE APPLICANT AS A LICENSEE OF THE COMMISSION AND THE ARREST AND CONVICTION RECORD OF THE APPLICANT; PURSUANT TO COMMISSION RULE R 436.1105(2)(d)(i) INASMUCH AS THE MUSKEGON CITY COMMISSION AND THE MUSKEGON POLICE DEPARTMENT DID NOT RECOMMEND THE GRANTING OF THIS APPLICATION BASED UPON THE PREVIOUS OPERATIONS AND THE DETRIMENT TO THE NEIGHBORHOOD; AND PURSUANT TO COMMISSION

Michigan Department of Consumer and Industry Services
Liquor Control Commission

INTER-OFFICE CORRESPONDENCE

II-8
ORDER

TO Licensing Section F6
Licensing and Enforcement Divisions

January 12, 2000

DATE

FROM Administrative Commissioners

SUBJECT: Ben Roberts, Jr.
248 Mason
Muskegon, Michigan 49441

38554
Muskegon County

RULE R 436.1105(2)(j) AFTER CONSIDERING THE ADVERSE IMPACT THE GRANTING
OF THIS APPLICATION MAY HAVE ON THE HEALTH, WELFARE AND SAFETY OF THE
GENERAL PUBLIC.

Date: February 2, 2000
To: Honorable Mayor and City Commission
From: Legislative/Policy Committee
RE: Committee of the Whole Meetings

SUMMARY OF REQUEST: Legislative Policy Committee is requesting to eliminate the Committee of the Whole meetings on the Mondays preceding the second and fourth Tuesday City Commission Meetings. A monthly worksession will be held with city staff. The date of that meeting needs to be determined. This will begin for a trial period starting in March. The committee requested input from city staff. Department Heads will discuss this at their February 3, 2000 meeting.

Also requested by the committee was that the City Clerk and City Manager have the authority to put together a Consent Agenda for the Tuesday City Commission meetings. This shall begin on the first meeting in the month of February.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION: Committee of the Whole will discuss this item at their meeting on January 10, 2000.

NOTICE

City Commission Meetings City of Muskegon

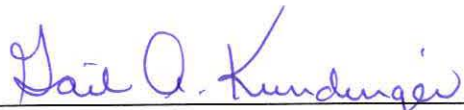
PLEASE TAKE NOTICE that the City Commission of the City of Muskegon, 933 Terrace Street, Muskegon, Michigan, telephone 724-6705, will hold Regular Meetings on the Second and Fourth Tuesdays of each month at 5:30 p.m., in the City Commission Chambers in City Hall, 933 Terrace Street, Muskegon, Michigan.

The City Commission Worksession will be held on the Monday prior to the Second Tuesday of each month at 5:15 p.m., in the City Commission Chambers in City Hall, 933 Terrace Street, Muskegon, Michigan.

For any rescheduled regular or special meetings of the City Commission, a public notice stating the date, time, and place of the meeting will be posted at least 18 hours prior to the meeting.

Proposed minutes of each of the meetings will be available for public inspection during regular business hours, at the City Clerk's office not more than eight (8) business days after the date of said meetings, and approved minutes of each meeting will be available for public inspection during regular business hours, at the same location, not more than five (5) business days after the meeting at which the minutes were approved.

This notice is given in compliance with Act No. 267 of the Public Acts of Michigan, 1976.



Gail A. Kunding, CMC/AEE
City Clerk

ADA POLICY The City will provide necessary appropriate auxiliary aids and services, to individuals with disabilities who want to attend the meeting, upon twenty-four (24) hour notices to the City of Muskegon. Please contact Gail Kunding, City Clerk, 933 Terrace Street, Muskegon, MI 49440 or by calling (231) 724-6705 or TDD 724-6773.

Gail A. Kunding, CMC/AEE
City Clerk

**CITY OF MUSKEGON
CITY COMMISSION MEETINGS
2000**

City Hall Commission Chambers – Room 107 – 5:30 p.m.

January	11 25
February	8 22
March	14 28
April	11 25
May	9 23
June	13 27
July	11 25
August	8 22
September	12 26
October	10 24
November	14 28
December	12

**City Commission Worksession meeting will be held on the Monday before the 2nd Tuesday City Commission meeting. The meeting will begin at 5:15 p.m. and will be in the City Commission Chambers (Room 107) on the first floor of City Hall, 933 Terrace Street, Muskegon, MI.

RESOLUTION NO. 2000-26(b)

MUSKEGON CITY COMMISSION

RESOLUTION OPPOSING THE IMPLEMENTATION
OF U.S. ENVIRONMENTAL PROTECTION AGENCY
"ONE-HOUR" OZONE MONITORING RULES

WHEREAS, the Muskegon City Commission strives to provide a high standard of living for community residents;
and

WHEREAS, the City of Muskegon is experiencing an economic renaissance; and

WHEREAS, under current E.P.A. regulations, the City of Muskegon and Muskegon County are classified as attainment areas for the purpose of monitoring air quality; and

WHEREAS, the United States Environmental Protection Agency proposes to re-institute "one-hour" air quality monitoring and utilize past air quality data (rather than more recent data) for purpose of determining compliance with U.S. air quality standards; and

WHEREAS, the re-institution of this method of monitoring will result in the classification of Muskegon County and all the communities within as "non-attainment" areas for air quality; and

WHEREAS, classification as a "non-attainment" area will have a severe negative impact upon the economy of the City of Muskegon and the entirety of Muskegon County; and

WHEREAS, scientific studies have indicated that the ozone levels found in Muskegon County are not the direct result of emissions produced in Muskegon County but rather from other major cities to the South and West.

NOW, THEREFORE, BE IT RESOLVED, that the Muskegon City Commission opposes the re-institution of the "one-hour" ozone monitoring rules by the U.S. Environmental Protection Agency.

BE IT FURTHER RESOLVED, that the Muskegon City Commission encourages the U.S. Environmental Protection Agency to consider some other form of monitoring air quality as to not implement "unfair" requirements upon the City of Muskegon and Muskegon County.

Adopted this 8th Day of February 2000.

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

NAYS: None

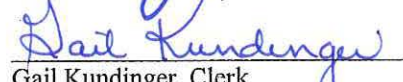
ABSENT: None

ABSTAIN: Shepherd

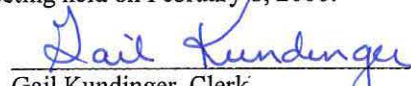
BY:


Fred J. Nielsen, Mayor

BY:


Gail Kunderinger, Clerk

I attest 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 8, 2000.


Gail Kunderinger, Clerk