

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 27, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **INTRODUCTIONS/PRESENTATION**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Request to Fly the Irish Flag. CITY CLERK
 - c. Sale of Buildable Vacant Lot on Alva Street. PLANNING & ECONOMIC DEVELOPMENT
 - d. Sale of Buildable Vacant Lot on Roberts Street. PLANNING & ECONOMIC DEVELOPMENT
 - e. Sale of Nonbuildable Lot at 1314 Seventh Street. PLANNING & ECONOMIC DEVELOPMENT
 - f. Marketing Plan for \$1 Unbuildable and Marginal Lots. PLANNING & ECONOMIC DEVELOPMENT
 - g. Request for Final Planned Unit Development Approval for Phase IV of the Park Terrace Development. PLANNING & ECONOMIC DEVELOPMENT
 - h. Request for Preliminary and Final Planned Unit Development Approval for 1204 Eighth St. (Former Boilerworks Property). PLANNING & ECONOMIC DEVELOPMENT
 - i. Annual Invoice for Stormwater Phase II Compliance. PUBLIC WORKS
- ❑ **PUBLIC HEARINGS:**
 - a. Create Special Assessment District for Torrent Street, Letart Ave. to

Sherman Blvd. ENGINEERING

b. Create Special Assessment District on 2004 Sidewalk Program (E-6).
ENGINEERING

c. Create Special Assessment District for Walnut Street, Wilcox to Thompson. ENGINEERING

d. Spreading of the Special Assessment Roll-Terrace Street, Iona to Peck.
ENGINEERING

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

a. Approval of Resolution to Sell 1938 Hoyt. COMMUNITY &
NEIGHBORHOOD SERVICES

b. Grocery Board Alliance Resolution of Support. PLANNING &
ECONOMIC DEVELOPMENT

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

d. FIRST READING: Rezoning Request for City-Owned Property Located at the NE Corner of Getty St. and Marquette Ave. PLANNING &
ECONOMIC DEVELOPMENT

e. Rezoning Request for Property Located at 407 Marquette Ave. (SE Corner of Marquette Ave. and Wood St.). PLANNING & ECONOMIC
DEVELOPMENT

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ ADJOURNMENT:

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

Date: January 27, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Organizational Meeting that was held Tuesday, January 6, 2004; the Commission Worksession that was held on Monday, January 12, 2004; and the Regular Commission Meeting that was held on Tuesday, January 13, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 27, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 27, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Hester of the Vineyard Christian Fellowship after which the Commission and Public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioners Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kunding. Commissioner Stephen Gawron arrived at 5:35 p.m.

2004-09 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Organizational Meeting that was held Tuesday, January 6, 2004; the Commission Worksession that was held on Monday, January 12, 2004, and the Regular Commission Meeting that was held on Tuesday, January 13, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Request to Fly the Irish Flag. CITY CLERK

SUMMARY OF REQUEST: The Muskegon Irish American Society requests permission to fly the Irish Flag outside City Hall on Wednesday, March 17th until Wednesday, March 24th to celebrate St. Patrick's Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

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

DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 523 Alva St. (Parcel #24-205-022-0009-00) to Elba Perez of 1761 Watauga Ave., Orlando, Fl. The lot is 66 x 132 ft. and is being offered to Ms. Perez for \$3,000. The details of the home are not confirmed as of this date, but she will conform to all standard requirements of the City-owned property policy. The True Cash Value (TCV) for the property listed in the Assessor's office is \$4,000, so our price is set at \$3,000 which is 75% of that amount.

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

BUDGET ACTION REQUIRED: None

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

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

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 333 Roberts Street (Parcel #24-613-000-0774-00) to Galloway Homes, LLC of 570 W. Broadway, Muskegon, MI. The lot is 150 x 135 ft. and is being offered to Galloway Homes for \$9,000. They plan to split the lot into two 75 ft lots and construct two 1,260 sq. ft. single-family homes. The homes will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

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

BUDGET ACTION REQUIRED: None

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

e. Sale of Nonbuildable Lot at 1314 Seventh Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-370-0007-00) at 1314 7th St. to Joseph Merrill, a married man, owner of 432 Monroe Ave., Muskegon, MI 49441. Approval of this sale will create a buildable lot for the adjacent property owner. This lot is being offered to Mr. Merrill for \$1 under the City's Area 10, \$1 lot sale policy.

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

BUDGET ACTION REQUIRED: None

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

f. Marketing Plan for \$1 Unbuildable and Marginal Lots. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: It is the desire of the City to place as many vacant parcels back on the tax rolls as possible, while at the same time affording property owners an opportunity to expand their current yards. In order to facilitate this effort, the marketing plan is presented for approval.

FINANCIAL IMPACT: There would be considerable savings to the City through reduced mowing and trash removal costs, since these lots would then be the responsibility of the new property owners.

BUDGET ACTION REQUIRED: None

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

g. Request for Final Planned Unit Development Approval for Phase IV of the Park Terrace Development. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for final approval for Phase IV of the Planned Unit Development and associated site, and landscape plans for the Park Terrace Development, for 12 condominium units. The request is from Ruddiman Associates.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends final PUD approval for Phase IV and approval of the associated plans provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended final approval of Phase IV of the PUD and associated plans, with the conditions listed on the resolution, at their regular meeting on 1/15. The vote was unanimous.

i. Annual Invoice for Stormwater Phase II Compliance. PUBLIC WORKS

SUMMARY OF REQUEST: The Muskegon Area Municipal Storm Water Committee is asking for a commitment to Muskegon's share of the 2004 Stormwater Phase II compliance program. Our expense is \$10,856. This is to pay for professional services to develop a public education plan, public participation plan and watershed management plans for this consortium of municipalities.

FINANCIAL IMPACT: \$15,000 is allocated for "Contractual Services" in the

Stormwater Management Budget of the General Fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this commitment.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda with the exception of item h.

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

Nays: None

MOTION PASSES

2004-10 ITEMS REMOVED FROM THE CONSENT AGENDA:

- h. Request for Preliminary and Final Planned Unit Development Approval for 1204 Eighth St. (Former Boilerworks Property). PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request for preliminary and final Planned Unit Development approval for 1204 Eight St. (former Boilerworks property), for a mixed-use multi-family residential development for artists, with associated gallery space. The request is from Muskegon Construction Co.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends preliminary approval of the PUD and final approval of the PUD and associated site plan, provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended preliminary approval of the PUD and final approval of the PUD and associated site plan, with the conditions listed on the resolution, at their 1/15 meeting. The vote was unanimous.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the preliminary approval of the PUD and final approval of the PUD and associated site plan, with the conditions listed on the resolution.

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

Nays: Davis

MOTION PASSES

2004-11 PUBLIC HEARINGS:

- a. Create Special Assessment District for Torrent Street, Letart Ave. to Sherman Blvd. ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Torrent St., Letart Ave., to Sherman Blvd., 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

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:00 p.m. to hear and consider any comments from the public. No comments were heard from the public.

Motion by Vice Mayor Larson, seconded by Commissioner Shepherd to close the Public Hearing at 6:01 p.m. and create the special assessment district for Torrent Street, Letart Avenue to Sherman Blvd.

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

Nays: None

MOTION PASSES

b. Create Special Assessment District on 2004 Sidewalk Program (E-6).
ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1st, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:02 p.m. to hear and consider any comments from the public. Comments in opposition were heard from Amy Buckner, 1060 Albert and Fletcher Fowler, 1116 Marquette.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:09 p.m. and create the special assessment district for the 2004 Sidewalk Program.

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

Nays: None

MOTION PASSES

c. Create Special Assessment District for Walnut Street, Wilcox to Thompson. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Walnut St., Wilcox to Thompson 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

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:11 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Vice Mayor Larson to close the Public Hearing at 6:13 p.m. and create the special assessment district for Walnut Street, Wilcox to Thompson.

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

Nays: None

MOTION PASSES

d. Spreading of the Special Assessment Roll-Terrace Street, Iona to Peck. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Terrace St., Iona to Peck, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$77,877.51 would be spread against the twenty three (23) parcels abutting the project.

BUDGET ACTION REQUIRED: None

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

The Public Hearing opened at 6:14 p.m. to hear and consider any comments from the public. No comments were heard from the public.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 6:15 p.m. and approve the spreading of the special assessment roll for Terrace Street, Iona to Peck.

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

Nays: None

MOTION PASSES

2004-12 CITY MANAGER'S REPORT:

a. Lakeshore Basketball. CITY MANAGER

Motion by Commissioner Shepherd, second by Vice Mayor Larson to endorse the contract between Lakeshore Basketball and the L.C. Walker Arena.

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

Nays: None

MOTION PASSES

2004-13 NEW BUSINESS:

a. Approval of Resolution to Sell 1938 Hoyt. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the transaction between Ms. Shawntaine Watson and the City of Muskegon for the purchase of the newly constructed home at 1938 Hoyt for the purchase price of \$107,500 with a subsidy of \$26,000.

The CNS office obtained the property at 1938 Hoyt through a donation from the previous owner. After gaining ownership of the property the CNS office demolished the original structure that had been severely damaged in a fire. Twenty feet of the original parcel was sold to each adjoining neighbor before construction on the new house was begun.

FINANCIAL IMPACT: The HOME fund will receive approximately \$78,000 of program income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and direct the Mayor and Clerk to sign the quitclaim for the sale of the property.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee approved the project.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the resolution to sell 1938 Hoyt Street.

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

Nays: None

MOTION PASSES

b. Grocery Board Alliance Resolution of Support. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Grocery Board is aware that in order to successfully locate a grocery in the downtown it is necessary to have the support of the City Commisison. The Grocery Board is also aware of budget constraints at the City at this time and is not requesting monetary support from the City. They do, however, at this time request staff and in kind support to the Grocery Board as they continue in their efforts to bring a grocery store to the downtown.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Shepherd, second by Commissioner Spataro to adopt the Grocery Board Alliance resolution of support.

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

Nays: None

MOTION PASSES

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

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs) of Article XXII (General Provisions) of the City's Zoning Ordinance in order to change the regulations regarding nonconforming signs, signs for multi-suite buildings, signs for buildings on corner lots and signs for waterfront properties.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend and add proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 1/15 meeting. The vote was unanimous with T. Harryman absent.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the zoning ordinance amendment for signs.

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

Nays: None

MOTION PASSES

d. FIRST READING: Rezoning Request for City-Owned Property Located at the NE Corner of Getty St. and Marquette Ave. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property owned by the City, located at the NE corner of Getty St. and Marquette Ave., from RM-1, Low Density Multiple-Family Residential, B-1, Limited Business and OSC, Open Space Conservation to entirely R-1, Single-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 12/11 meeting. The vote was unanimous.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the rezoning request for city-owned property located at the NE corner of Getty Street and Marquette Avenue to entirely R-1, single-family residential.

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

Nays: None

MOTION PASSES

e. Rezoning Request for Property Located at 407 Marquette Ave. (SE Corner of Marquette Ave. and Wood St.). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave., and Wood ST., from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 1/15 meeting. L. Spataro, J. Aslakson, T. Johnson, and P. Sartorius voted for denial; T. Michalski and B. Smith voted against denial; B. Mazade and

S. Warmington abstained, and T. Harryman was absent.

Motion by Commissioner Spataro, second by Commissioner Gawron to deny the rezoning request for property located at 407 Marquette Avenue from R-1, single-family residential to B-1, limited business.

ROLL VOTE: Ayes: Shepherd, Spataro, Gawron

Nays: Warmington, Carter, Davis, Larson

MOTION FAILS

Motion by Vice Mayor Larson, second by Commissioner Davis to approve the rezoning request for property located at 407 Marquette Avenue from R-1, single-family residential to B-1, limited business.

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

Nays: Spataro, Gawron, Shepherd

MOTION PASSES (Requires second reading)

2004-14 ANY OTHER BUSINESS:

Commissioner Spataro commented on Boilerworks. This will be on the next Worksession.

2004-15 PUBLIC PARTICIPATION:

Various comments were heard from the public.

Motion by Commissioner Spataro, second by Vice Mayor Larson to adjourn the City Commission Meeting at 7:08 p.m.

VOTE: All Yeas

Respectfully submitted



Gail A. Kunderger, MMC

City Clerk

MINUTES

CITY OF MUSKEGON ORGANIZATIONAL MEETING JANUARY 6, 2004 CITY COMMISSION CHAMBERS CITY HALL - 5:30 P.M.

The meeting was called to order by Mayor Warmington at 5:32 p.m. Also present were Commissioners Carter, Davis, Gawron, Larson, Shepherd and Spataro.

1. Prayer was given by Commissioner Shepherd. Pledge of Allegiance was led by the City Commissioners.
2. Oath of Office Ceremony. Judge Mullally gave the oath of office to the newly elected Ward Commissioners.
3. Election of Vice Mayor. Motion by Shepherd, seconded by Carter, to appoint Commissioner Bill Larson as Vice Mayor.
VOTE: 7 Yeas 0 Nays Carried
4. Setting Commission Meetings for 2004. Motion by Spataro, seconded by Larson to adopt the schedule for City Commission meetings for 2004.
VOTE: 7 Yeas 0 Nays Carried
5. Setting City Commission Worksession Meetings for 2004. Motion by Gawron, seconded by Davis, to adopt the schedule for Worksession meetings for 2004.
VOTE: 7 Yeas 0 Nays Carried
6. Appointment of City Manager: Bryon L. Mazade
Motion by Larson, seconded by Gawron, to appoint Bryon L. Mazade as City Manager.
VOTE: 7 Yeas 0 Nays Carried
7. Appointment of City Clerk: Gail A. Kunding
Motion by Shepherd, seconded by Spataro, to appoint Gail A. Kunding as City Clerk.
VOTE: 7 Yeas 0 Nays Carried
8. Appointment of City Treasurer: Derrick Smith.
Motion by Carter, seconded by Larson, to appoint Derrick Smith as City Treasurer.
VOTE: 7 Yeas 0 Nays Carried
9. Appointment of City Auditor: Timothy Paul.
Motion by Shepherd, seconded by Spataro, to appoint Timothy Paul as City Auditor.
VOTE: 7 Yeas 0 Nays Carried

10. Appointment of City Assessor and Deputy Assessor:
City Assessor: Cliff Turner
Deputy Assessor: Larry Millard

Motion by Spataro, seconded by Carter to appoint Cliff Turner as City Assessor and Larry Millard as Deputy City Assessor.

VOTE: 7 Yeas 0 Nays Carried

11. Designation of City Fund Depositories.

Motion by Larson, seconded by Spataro, to designate Comerica Bank, National City, Fifth-Third Bank, Huntington Bank, and Community Shores Bank as the official depositories of the City funds.

VOTE: 7 Yeas 0 Nays Carried

12. Designation of Firm to act as Legal Counsel: Parmenter-O'Toole.

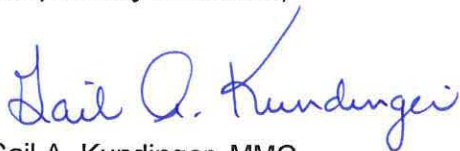
Motion by Spataro, seconded by Shepherd, to appoint the firm of Parmenter-O'Toole as Legal Counsel.

VOTE: 7 Yeas 0 Nays Carried

13. New Business:

14. Adjournment. Motion by Shepherd, seconded by Spataro, to adjourn the meeting at 5:58 p.m.

Respectfully submitted,

A handwritten signature in blue ink, reading "Gail A. Kunding". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

Gail A. Kunding, MMC
City Clerk

CITY OF MUSKEGON
City Commission Worksession
January 12, 2004

MINUTES

Meeting was called to order at 5:32 p.m.

Present: Mayor Warmington, Vice Mayor Larson, Commissioner Davis, Carter, Spataro, Gawron, and Shepherd

Absent: None

1. Presentation from Boiler Works Developers.
Presentation was made by Gary Post and Mike Jacobson.
2. Report on Cool Cities.
Cathy Brubaker-Clarke and John VanWyck explained the item. Resolution will be prepared for the Tuesday, January 13th City Commission Meeting.
Motion by Commissioner Spataro, second by Vice Mayor Larson to have a resolution prepared in favor of application.
VOTE: Ayes: 7 Nays: 0
3. Marketing Plan for sale of \$1 lots.
Lonna Anguilm and Brian Lazor explained the item.
4. Nugent Sand discussion
Discussion was held. Comments were heard from the public. Resolution will be prepared for the Tuesday, January 13th City Commission Meeting.
Motion by Commissioner Spataro, second by Commissioner Shepherd to have a resolution prepared in opposition of the pipeline through the dunes.
VOTE: Ayes: 7 Nays: 0
5. Liquor license renewal fees review.
It was recommended that liquor license renewal fees stay the same and business registration fees increase from \$25 to \$30.
6. Any other business.
Commissioner Shepherd gave an overview of the National League of Cities
7. Adjournment.
The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Gail A. Kunderger, MMC
City Clerk

Date: January 27, 2004
To: Honorable Mayor and City Commissioners
From: Gail Kunding, City Clerk
RE: Request to Fly the Irish Flag

SUMMARY OF REQUEST: The Muskegon Irish American Society requests permission to fly the Irish Flag outside City Hall on Wednesday, March 17th until Wednesday, March 24th to celebrate St. Patrick's Day.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval



January 10, 2004

Linda Potter, Deputy City Clerk
City of Muskegon
933 Terrace Street
Muskegon MI 49443

Dear Ms. Potter,

The Muskegon Irish American Society is submitting its request to fly the Irish Flag on Wednesday, March 17, 2004 to celebrate St. Patrick's Day. The Irish population of Muskegon enjoys seeing the flag displayed in conjunction with other St. Patrick's Day celebrations.

The flag measures 3' X 5' and consists of 3 stripes, green, white and orange.

The officers of the Muskegon Irish American Society are:

President- Kevin Donovan, 1086 Ireland, Muskegon MI 49441

Vice President- Kathleen Marek, 2504 Letart, Muskegon MI 49441

Treasurer- Kevin Donovan, 1086 Ireland, Muskegon MI 49441

Secretary- Jeanne O'Brien, 8985 Lakeshore, West Olive MI 49460

Program Chairperson- Mary Anne Gorman, 3475 Lake Dunes Drive, Muskegon MI 49456

We request that the flag be flown from Wednesday, March 17th until Wednesday March 24th in front of City Hall.

Our organization is a non-profit social organization.

I am the contact person who will be responsible for the flag's condition and presentation. We would like to gather at 12:15 p.m. on March 17th to raise the flag. The entire activity takes approximately 10 to 15 minutes. Please inform me if the above request is granted. We appreciate the past cooperation of the City of Muskegon.

Sincerely,

Kevin Donovan, President
Muskegon Irish American Society
Phone: 231-722-4237
1086 Ireland
Muskegon MI 49441

January 29, 2004

Kevin Donovan, President
Muskegon Irish American Society
1086 Ireland
Muskegon, MI 49441

Dear Mr. Donovan:

The City Commission approved your request to fly the Irish Flag at City Hall at their January 27, 2004, City Commission Meeting.

If you have any questions, please call me at 724-6915.

Thank you,

Linda Potter, CMC
Deputy Clerk

Commission Meeting Date: January 27, 2004

Date: January 9, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Buildable Vacant Lot on Alva Street

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 523 Alva Street (Parcel #24-205-022-0009-00) to Elba Perez of 1761 Watauga Avenue, Orlando, FL. The lot is 66 x 132 ft. and is being offered to Ms. Perez for \$3,000. The details of the home are not confirmed as of this date, but she will conform to all standard requirements of the City-owned property policy. The True Cash Value (TCV) for the property listed in the Assessor's office is \$4,000, so our price is set at \$3,000 which is 75% of that amount.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Resolution No. 2004-09(c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 523 ALVA STREET IN JACKSON HILL NEIGHBORHOOD FOR \$3,000.

WHEREAS, Elba Perez. has placed a \$400 deposit for the parcel designated as parcel number 24-205-022-0009-00, located at 523 Alva Street; and

WHEREAS, the price for parcel number 24-205-022-0009-00 is set by the City at \$3,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-022-0009-00, located at 523 Alva Street be sold to Elba Perez for \$3,000.

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 9 BLK 22

Adopted this 27th day of January, 2004

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

Nays: None

Absent None

By:


Stephen J. Warmington
Mayor

Attest:


Gail Kunding, MMC
City Clerk

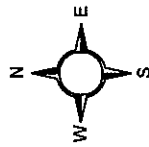
CERTIFICATION

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 January 27, 2004.

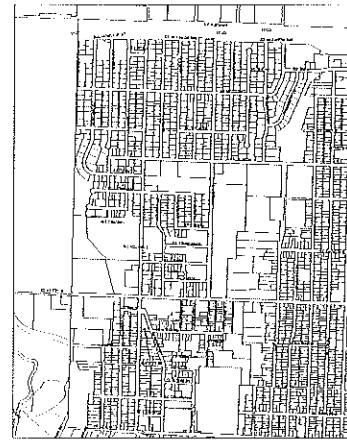
By:


Gail Kunding, MMC
City Clerk

Vacant Buildable City-Owned Lot 523 Alva Street



☆ = Subject Property(ies)
to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **ELBA PEREZ**, a single woman, and **ANDDY CARMONA**, a single man, of 1761 Watauga Avenue, Apartment 105, Orlando, Florida 34812,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 9, BLOCK 22

for the sum of Three Thousand and no/100 Dollars (\$3,000)

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

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

Dated this 2nd day of February, 2004.

Signed in the presence of:

JoAnn Krukowski
JOANN KRUKOWSKI

Linda Potter
Linda Potter

CITY OF MUSKEGON

By: [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 2nd day of February, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made January 27, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **ELBA PEREZ**, a single woman, and **ANDDY CARMONA**, a single man, of 1761 Watauga Avenue, Apartment 105, Orlando, Florida 34812 ("Buyer").

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

CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 9, BLOCK 22

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Three Thousand and no/100 Dollars (\$3,000).

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to split the two lots and construct on the each lot of the premises a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and driveway. The home shall be substantially completed within

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

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

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

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

9. **Closing.** The closing date of this sale shall be on or before _____, 2004 ("Closing"). The Closing shall be conducted at _____, Muskegon, MI _____. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Linda Potter
Lisa Mellon

Nancy Zlotzman

Irene Dempsey

Erika Blanco

[Signature]

SELLER:

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Mayor

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

BUYER:

[Signature]
Elba Perez
SS#: 111-38-8354

[Signature]
Andy Carmona
SS#: 000-64-2685

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

AFFIDAVIT OF TITLE

STATE OF MICHIGAN
COUNTY OF Muskegon

}
} SS
}

Title Commitment # 432403

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

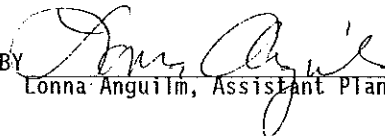
523 Alva
Muskegon, Michigan 49442

AND

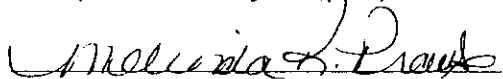
1. That on this date hereof there is no mechanic's lien on the property and that no work has been done, or materials furnished, out of which a mechanic's lien could ripen.
2. That no agreement is in effect which would adversely affect the title to the property such as a purchase agreement, lease, land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

Seller(s):

City of Muskegon

BY 
Lonna Anguilm, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 29th day of April, 2004


Notary Public _____ County

MELINDA K. PRAUSE
Notary Public, Muskegon County, Michigan
Acting in Muskegon County
My Commission Expires 05/08/07

My Commission Expires: _____

SURVEY WAIVER

Date: April 29, 2004

RE: 432403

To: City of Muskegon

933 Terrace P.O. Box 536

Muskegon, MI 494430536

Property Address:

523 Alva

Muskegon, Michigan 49442

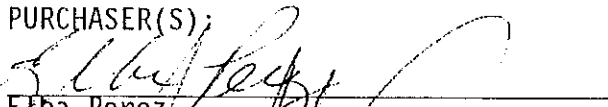
County: Muskegon

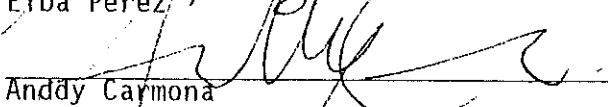
We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

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 City of Muskegon 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):

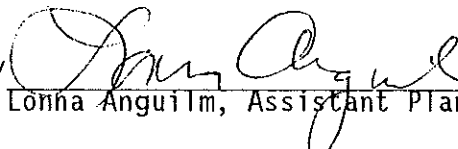

Elba Perez


Anddy Carmona

SELLER(S):

City of Muskegon

BY


Lonha Anguilm, Assistant Planner

**MUSKEGON REAL ESTATE BOARD
ADDENDUM TO BUY and SELL AGREEMENT**

Date: April 29, 2004,

Office of Phone REALTOR, MUSKEGON, MI

1. Addendum to Buy Sell Agreement dated covering property at 523 Alva, Muskegon, Michigan 49442 and legally described as:

Lot 9, Block 22 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

2. This Addendum to be an integral part of attached Buy and Sell Agreement, which is amended as follows:

The complete legal description is stated above. Closing date to be April 29, 2004.

3. RECEIPT IS ACKNOWLEDGED BY BUYER of a copy of this Agreement.

Melinda K. Prans
Witness

Elba Perez

Anddy Carmona

4. RECEIPT IS ACKNOWLEDGED BY SELLER of a copy of this Agreement.

Melinda K. Prans
Witness

City of Muskegon

BY Lonna Anguilm
Lonna Anguilm, Assistant Planner

LANDAMERICA TRANSNATION TITLE INSURANCE
570 Seminole Road
Muskegon MI 49444

Date: April 29, 2004
Escrow Number: 432403

Property Address: 523 Alva
Muskegon, Michigan 49442

	SELLER'S STATEMENT	
	DEBIT	CREDIT
Purchase Price	\$	\$ 3,000.00
EXISTING LOAN		
Deposit of earnest money	400.00	
CLOSING FEES	100.00	
OWNERS PREMIUM	190.00	
Real Estate Commission		
Sub Total	\$ 690.00	\$ 3,000.00
Amount due Seller	\$ 2,310.00	
TOTALS	\$ 3,000.00	\$ 3,000.00

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

Seller(s) Signature(s):

City of Muskegon

BY _____
Lonna Anguilm, Assistant Planner

FILE # 432403
DATE: April 29th 2004
PROPERTY ADDRESS: 523 Alva

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

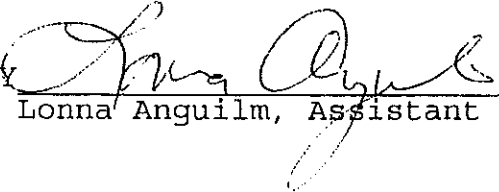
Please check one of the following:

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

SELLER(S) :

City of Muskegon

BY


Lonna Anguilm, Assistant Planner

Commission Meeting Date: January 27, 2004

Date: January 9, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Sale of Buildable Vacant Lot on Roberts Street

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 333 Roberts Street (Parcel #24-613-000-0774-00) to Galloway Homes, L.L.C., of 570 W. Broadway, Muskegon, MI. The lot is 150 x 135 ft. and is being offered to Galloway Homes for \$9,000. They plan to split the lot into two 75 ft. lots and construct two 1,260 sq. ft. single-family home. The homes will contain 3 bedrooms, a full basement, and a 2-stall attached garage. The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, so our price is set at \$9,000 which is 75% of that amount.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Resolution No. 2004-09(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 333 ROBERTS STREET IN MARQUETTE NEIGHBORHOOD FOR \$9,000.

WHEREAS, Galloway Homes, L.L.C. has placed a \$400 deposit for the parcel designated as parcel number 24-613-000-0774-00, located at 333 Roberts Street; and

WHEREAS, the price for parcel number 24-613-000-0774-00 is set by the City at \$9,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-613-000-0774-00, located at 333 Roberts Street be sold to Galloway Homes, L.L.C. for \$9,000.

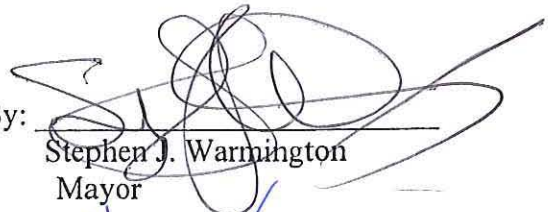
CITY OF MUSKEGON URBAN RENEWAL PLAT NO 4, LOTS 774 & 775

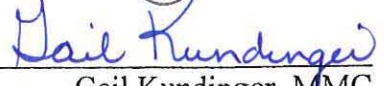
Adopted this 27th day of January, 2004

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

Nays: None

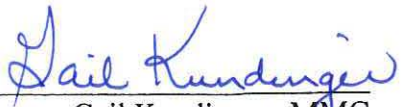
Absent None

By: 
Stephen J. Warmington
Mayor

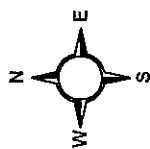
Attest: 
Gail Kunding, MMC
City Clerk

CERTIFICATION

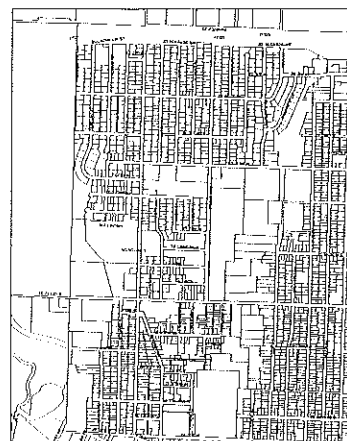
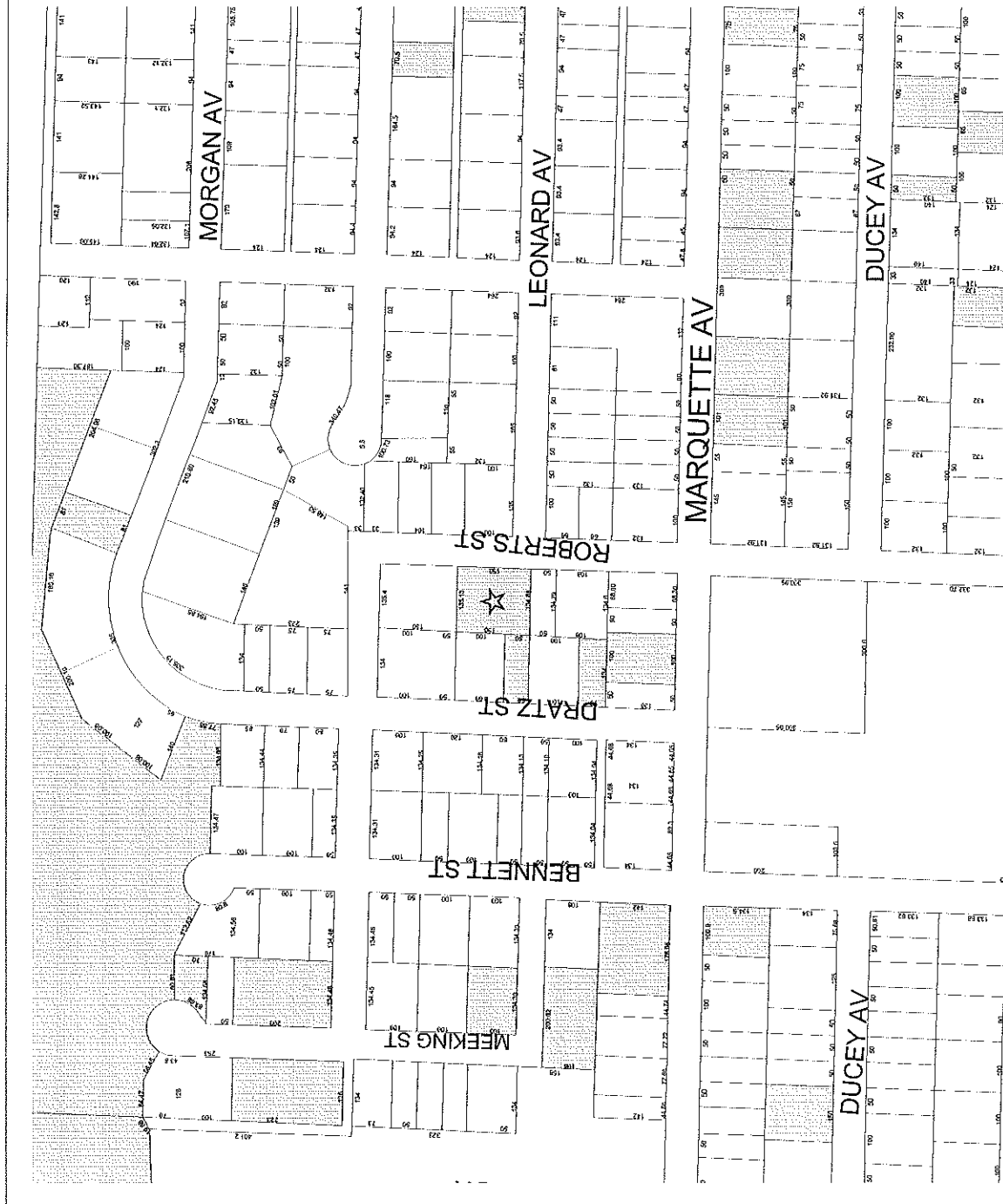
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on January 27, 2004.

By: 
Gail Kunding, MMC
City Clerk

Vacant Buildable City-Owned Lot 333 Roberts Street



☆ = Subject Property(ies)
to be sold



QUIT-CLAIM DEED

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

QUIT CLAIMS to **GALLOWAY HOMES, LLC**, a Michigan Limited Liability Company, of 570 Broadway Avenue, Muskegon, Michigan 49444,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, Lots 774 and 775

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

PROVIDED, HOWEVER, Grantee shall apply for tax parcel ID numbers for each lot. Grantee, or its assigns, shall complete construction of one (1) single family home on each lot herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 2nd day of February, 2004.

Signed in the presence of:

Jo Ann Krukowski
Jo Ann Krukowski

Linda Potter
Linda Potter

CITY OF MUSKEGON

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

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 2nd day of February, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 7-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made January 23, 2004, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **GALLOWAY HOMES, LLC**, a Michigan Limited Liability Company, of 570 Broadway Avenue, Muskegon, Michigan 49444 ("Buyer").

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, LOTS 774 AND 775

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

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Nine Thousand and no/100 Dollars (\$9,000).

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

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

5. **Covenant to Construct Improvements and Use.** Buyer acknowledges that, as part of the consideration inuring to the City, Buyer covenants and agrees to split the two lots and construct on each lot a single-family home, up to all codes, within eighteen (18) months of the closing of this transaction. Buyer may only remove those trees necessary for construction of the home and driveway. The home shall be substantially completed within eighteen (18) months

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

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

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

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

9. **Closing.** The closing date of this sale shall be on or before Feb 23, 2004 ("Closing"). The Closing shall be conducted at Transnation Title, Muskegon, MI _____. If necessary, the parties shall execute an IRS closing report at the Closing.

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

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

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

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

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

14. **General Provisions.**

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

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

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

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

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

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

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

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

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

WITNESSES:

Jo Ann Krukowski
Jo Ann Krukowski

Linda Potter
Linda Potter

SELLER:

CITY OF MUSKEGON

By Stephen J. Warmington
Stephen J. Warmington, Mayor

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

BUYER:

GALLOWAY HOMES, LLC

By: Donald Galloway, Member
EIN: 38-3629098

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

LANDAMERICA TRANSNATION TITLE INSURANCE
570 Seminole Road
Muskegon MI 49444

Date: February 3, 2004
Escrow Number: 432402

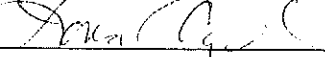
Property Address: 333 Roberts
Muskegon, Michigan 49442

S E L L E R ' S S T A T E M E N T			
	DEBIT	CREDIT	
Purchase Price	\$	\$ 9,000.00	
EXISTING LOAN			
Deposit of earnest money	400.00		
CLOSING FEES	100.00		
OWNERS PREMIUM	190.00		
Real Estate Commission			
Sub Total	\$ 690.00	\$ 9,000.00	
Amount due Seller	\$ 8,310.00		
TOTALS	\$ 9,000.00	\$ 9,000.00	

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

Seller(s) Signature(s):

The City of Muskegon, a Municipal Corporation.

By 
Lonna Anguilm, Assistant Planner

QUIT-CLAIM DEED

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

QUIT CLAIMS to **GALLOWAY HOMES, LLC**, a Michigan Limited Liability Company, of 570 Broadway Avenue, Muskegon, Michigan 49444,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 4, Lots 774 and 775

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

PROVIDED, HOWEVER, Grantee shall apply for tax parcel ID numbers for each lot. Grantee, or its assigns, shall complete construction of one (1) single family home on each lot herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to that lot shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with one (1) single family home on each lot, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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

Dated this 2nd day of February, 2004.

Signed in the presence of:

John Kruckowski
JOHN KRUCKOWSKI

Linda S. Potter
Linda S. Potter

CITY OF MUSKEGON

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

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 2nd day of February, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My Comm. Expires: 7-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

AFFIDAVIT OF TITLE

STATE OF MICHIGAN

COUNTY OF Muskegon

)
)SS
)

Title Commitment # 432402

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

333 Roberts
Muskegon, Michigan 49442

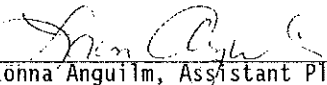
AND

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 bona fide tenants only and have no other interest in the premises whatsoever.
4. That there are no judgments or liens against affiant(s), including income tax liens, adversely affecting the title to said property.
5. That there are no unpaid taxes, special assessments or water bills outstanding other than those shown on the closing statement.
6. That any overlooked, unknown, or misquoted taxes, special assessments, water bills, mortgage deficiencies, etc. shall be immediately paid by affiant(s) as soon as informed of such.

Seller(s):

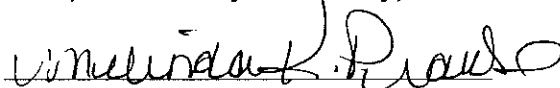
The City of Muskegon, a Municipal
Corporation

BY


Lonna Anguilm, Assistant Planner

Subscribed and sworn to, before me a Notary Public, this 3rd day of February, 2004

MELINDA K. PRAUSE
Notary Public, Muskegon County, Michigan
My Commission Expires 05/08/07



Notary Public _____ County

My Commission Expires: _____

SURVEY WAIVER

Date: February 3, 2004

RE: 432402

To: City of Muskegon

933 Terrace P.O. Box 536

Muskegon, MI 494430536

Property Address:

333 Roberts

Muskegon, Michigan 49442

County: Muskegon

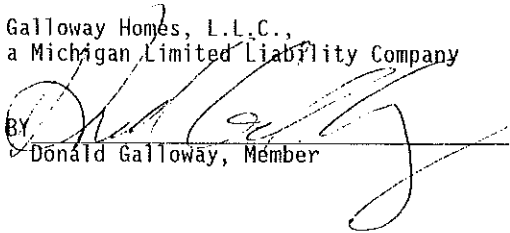
We, the undersigned, purchasers and sellers, of the above captioned property, acknowledge we have been strongly advised by you to obtain a land survey showing the dimensions of the property and the location of all buildings situated thereon.

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 City of Muskegon 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.

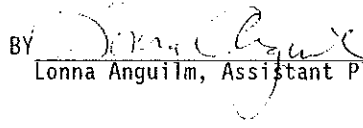
PURCHASER(S):

Galloway Homes, L.L.C.,
a Michigan Limited Liability Company

BY 
Donald Galloway, Member

SELLER(S):

The City of Muskegon, a Municipal
Corporation

BY 
Donna Anguilm, Assistant Planner

MUSKEGON REAL ESTATE BOARD
ADDENDUM TO BUY and SELL AGREEMENT

Date: February 3, 2004,

Office of Phone REALTOR, MUSKEGON, MI

1. Addendum to Buy Sell Agreement dated covering property at 333 Roberts, Muskegon, Michigan 49442 and legally described as:

Lot 774 and Lot 775, Muskegon Urban Renewal Plat No. 4, as recorded in Liber 19 of Plats, Pages 19 through 22, inclusive, Muskegon County Records.

2. This Addendum to be an integral part of attached Buy and Sell Agreement, which is amended as follows:

The complete legal description is stated above. Closing date to be February 3, 2004.

3. RECEIPT IS ACKNOWLEDGED BY BUYER of a copy of this Agreement.

Marinda K. Paus
Witness

Galloway Homes, L.L.C.,
a Michigan Limited Liability Company

BY Donald Galloway
Donald Galloway, Member

4. RECEIPT IS ACKNOWLEDGED BY SELLER of a copy of this Agreement.

Marinda K. Paus
Witness

The City of Muskegon, a Municipal
Corporation

BY Lonna Anguilm
Lonna Anguilm, Assistant Planner

FILE # 432402
DATE: February 3rd 2004
PROPERTY ADDRESS: 333 Roberts

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

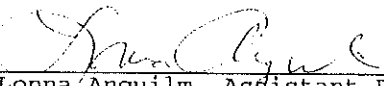
Please check one of the following:

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

SELLER(S) :

The City of Muskegon, a Municipal Corporation

BY


Lonna Anguilm, Assistant Planner

Commission Meeting Date: January 27, 2004

Date: January 20, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CRK*
RE: Sale of Non-buildable Lot at 1314 7th Street

SUMMARY OF REQUEST:

To approve the sale of a vacant non-buildable lot (Parcel #24-205-370-0007-00) at 1314 7th Street to Joseph Merrill, a married man, owner of 432 Monroe Ave, Muskegon, MI 49441. Approval of this sale will create a buildable lot for the adjacent property owner (see attached map). This lot is being offered to Mr. Merrill for \$1 under the City's Area 10 \$1 lot sale policy.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

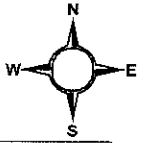
None.

STAFF RECOMMENDATION:

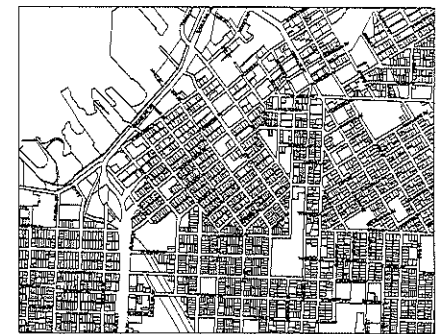
To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

Vacant Non-buildable City-Owned Lot 1314 7th Street



☆ = Subject Property(ies)
to be sold



CITY OF MUSKEGON

RESOLUTION #2004- 09(e)

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

WHEREAS, the City of Muskegon has received \$1 from Joseph Merrill, a Married Man, 432 Monroe Ave, Muskegon, MI 49441 for the purchase of a vacant, City-owned lot located adjacent to his property at 1314 7th Street (parcel #24-205-370-0007-00);

WHEREAS, this lot is not considered buildable under the City's Zoning Ordinance,

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

WHEREAS, the sale of this property would be in accordance with property disposition goals and the Area 10 \$1 lot program;

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 N 47 FT LOT 7 BLK 370 be sold to Joseph Merrill, a Married Man for \$1.

Resolution adopted this 27th day of January, 2004.

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

Nays: None

Absent: None

By: _____

Stephen J. Warmington
Mayor

Attest: _____

Gail A. Kunding, MMC
Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on January 27, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____

Gail A. Kunding, MMC
Clerk

QUIT-CLAIM DEED

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

QUIT CLAIM to **JOSEPH MERRILL**, a married man, of 467 West Shelby Road, Shelby, Michigan 49455,

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

CITY OF MUSKEGON REVISED PLAT OF 1903, NORTH 47 FEET OF LOT 7, BLOCK 370
(COMMON ADDRESS: 1314 SEVENTH STREET)

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

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

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

Dated this 2nd day of February, 2004.

Signed in the presence of:

Jo Ann Krukowski
JO ANN KRUKOWSKI

Linda Potter
Linda Potter

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

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

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 2nd day of February, 2004, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

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

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: January 27, 2004

Date: January 15, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CS*
RE: Marketing Plan for \$1 Unbuildable and Marginal Lots

SUMMARY OF REQUEST:

It is the desire of the City to place as many vacant parcels back on the tax rolls as possible, while at the same time affording property owners an opportunity to expand their current yards. In order to facilitate this effort, the attached marketing plan is presented for approval.

FINANCIAL IMPACT:

There would be considerable savings to the City through reduced mowing and trash removal costs, since these lots would then be the responsibility of the new property owners.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

City of Muskegon

Marketing Plan for sale of City-Owned Non-Buildable and Marginal Residential Property

Objective

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

The City Commission has initiated a Blight Fight in certain target areas of the city. Vacant non-buildable and marginal lots have a high maintenance cost for the City. These lots will be marketed to the adjacent property owner(s); neighborhood organization, or valid non-profit agencies to expand/improve or beautify existing property, for \$1 plus the cost of registering the deed(\$14).

Target Area

All non-buildable and marginal lots will have a set price of \$1. The initial marketing target areas for the sale of non-buildable and marginal city-owned property will be Areas; 10, 10b 11, 11b, and 12 which correlate to the City Commission/Planning Commission rezoning efforts.

Once the target areas have been sufficiently completed, marketing of the lots will be carried out on the remaining city-owned non-buildable and marginal lots.

The City Planning Department will actively market these properties in the targeted areas, **as time allows**, by sending letters to adjacent property owners

Once property owners have had the chance to purchase the property, neighborhood organizations, non-profits, and churches may have the opportunity to purchase the lots for community gardens, parks, or other approved uses that help to beautify the neighborhood.

Dollar Lots Sale Factors

1. Homeowners are given purchase preference.
2. The lot will be sold to the interested party with the smallest lot or nonconforming lot.
3. Any sale may be refused if the party does not properly maintain their existing property.
4. Any sale may be refused if the party owes back-taxes or has outstanding water bills.
5. The property shall comply with the standards of the zoning ordinance.
6. Once the lot is purchased, it must be combined in the assessor's office under one parcel number with the buyer's adjacent property unless it is sold to a non-neighbor property owner for use as a community garden, park, or other approved use that helps to beautify the neighborhood.
7. It will be indicated on letters to adjacent owners that if they choose not to respond or buy the property that it may be offered to an outside group.

RESOLUTION # 2004-09(f)

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE MARKETING PLAN FOR SALE OF CITY-OWNED NON-BUILDABLE AND MARGINAL RESIDENTIAL PROPERTY

WHEREAS, publicly owned, non-buildable and marginal lots are a City maintenance liability; and

WHEREAS, said non-buildable and marginal lots can add to the quality of life for City residents adjacent to them, if they are merged with their property or to the neighborhood, if used for beautification; and

WHEREAS, the City wishes to get non-buildable and marginal public lots into private ownership;

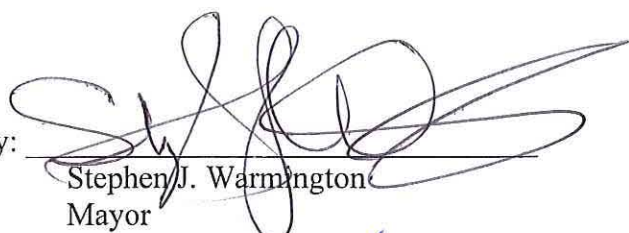
NOW, THEREFORE, BE IT RESOLVED, that the City Commission hereby approved the "Marketing Plan for Sale of City-Owned Non-Buildable and Marginal Residential Property".

Adopted this 27th day of January, 2004.

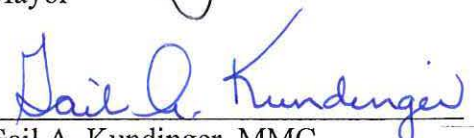
Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

Attest: 

Gail A. Kunderger, MMC
Clerk

CERTIFICATE

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 January 27, 2004.


Gail A. Kunderger, MMC
Clerk

Commission Meeting Date: January 27, 2004

Date: January 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Request for final Planned Unit Development approval for Phase IV of the Park Terrace Development

SUMMARY OF REQUEST:

Request for final approval for Phase IV of the Planned Unit Development and associated site, and landscape plans for the Park Terrace Development, for 12 condominium units. The request is from Ruddiman Associates.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

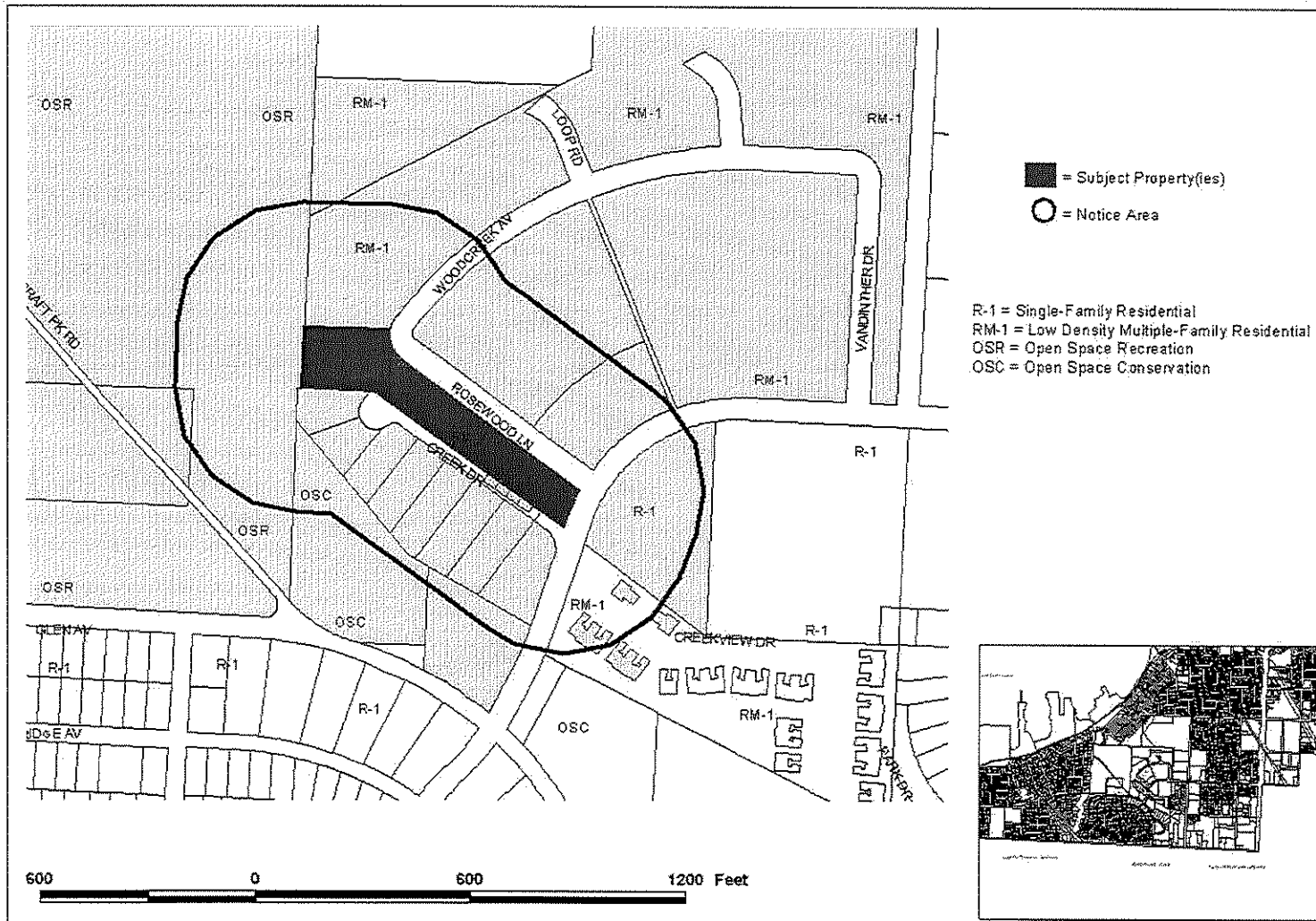
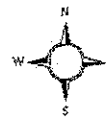
STAFF RECOMMENDATION:

Staff recommends final PUD approval for Phase IV and approval of the associated plans provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended final approval of Phase IV of the PUD and associated plans, with the conditions listed on the attached resolution, at their regular meeting on 1/15. The vote was unanimous.

City of Muskegon
Planning Commission
Case # 2004-02



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
January 15, 2004

Hearing; Case 2004-2: Request for final Planned Unit Development approval for Phase IV (condominiums) of the Park Terrace development at Hackley Ave. and Rosewood Ln., by Ruddiman Associates.

BACKGROUND

Applicant: Ruddiman Associates

Request: Final PUD approval for Phase IV of the Park Terrace development

Present Land Use: Vacant

Zoning: RM-1, Low Density Multiple-Family Residential

STAFF OBSERVATIONS

1. The subject property is part of the Park Terrace Development (former Hackley Glen site, on Hackley Ave., west of Barclay St.), which has an approved preliminary PUD for the entire former Hackley Glen property. Phases I and II of the project have already received final PUD and site plan approval and have been constructed. Phase III is not being developed at this time. This request is for final PUD and site plan approval for Phase IV.
2. Phase IV is located on the western edge of the development, along the west side of Rosewood Ln. This phase consists of 12 condominium units, to be constructed as duplexes. Each unit will have an attached garage and driveway, providing the minimum of 2 parking spaces required. The area encompassed by Phase IV also contains a stormwater detention basin.
3. Staff has reviewed the submitted final site plan and has the following comments:
 - a. The site plan shows six buildings containing a total of 12 condominium units. Each unit fronts on Rosewood Ln. with a private driveway. The site plan is very thorough and includes a great amount of detail about the site. Staff is not aware of any information which is missing from the plans.
 - b. The units are intended to have basements with daylight windows on the rear. In order to facilitate this, the site will be graded to direct stormwater away from the building foundations and footing drains are also proposed for all buildings. The stormwater is proposed to be directed to the north and drained into catch basins for the City's storm sewer system.
 - c. There are a great deal of existing trees on this site – all of which have been noted on the first sheet of the site plan. The landscape plan shows that most of these trees are proposed to be removed but that many new trees will be planted as part of the new development. Staff has indicated to the applicant that the Zoning Ordinance requires that as many existing trees as practical be saved.

- d. Most of the trees near Rosewood St. appear to be preserved on the landscape plan. Of the remaining trees on the site, most appear to be removed for the development. One oak to the rear of the property, and two evergreens near Hackley Ave. are shown as to be retained. The developer has stated that in order to grade the rear yard area for the daylight windows in the basement, almost all of the existing trees need to be removed in the rear yards.
 - e. Staff feels that there is a possibility that additional existing trees could be saved if the buildings were to be shifted somewhat. However, the landscape plan does show that additional new trees are being proposed to replace the trees (outside of the building footprints) that are proposed for removal, on a 2 for 1 ratio (as required by the ordinance).
 - f. The landscape plan meets ordinance requirements and also provides a landscape buffer between this development and the existing Glenside Estates townhouses (which are being converted to condominiums). Although the ordinance does not require any screening or buffer between two multi-family developments, there is no prohibition against it.
 - g. The site plan shows a 40-foot setback from Hackley Ave. to the nearest building. This more than meets the front setback requirement of 20 feet. The property is on a corner, and all buildings are shown to have a minimum 10-foot setback from the property line on Rosewood Ln. This is below the minimum requirement of 15 feet. The property line is somewhat far back from the edge of the curb however, which gives the buildings a 26.5-foot setback from the edge of the road. As this development is a PUD, the Planning Commission does have some leeway and flexibility to relax setback requirements if desired. The proposed side and rear setbacks for all buildings meet ordinance requirements. The buildings are shown as 20 feet apart, which provides a greater distance than what would be required if these were duplexes on separate lots.
 - h. The Engineering Dept. has reviewed the site plan (comments received 1/5) and has the following comments:
 - i) Need to see the grade for the proposed storm sewer system.
 - ii) An easement agreement for the existing storm sewer on the site needs to be prepared, signed and recorded. The storm sewer easement descriptions that are shown on the drawings need an easement drawing showing the bearing on a separate sheet.
 - i. The Fire Marshal has reviewed the site plan (comments received 1/5) and has the following comment, "All hydrants for this phase will be new and meet the spacing requirements of the International Fire Code and MFP Fire Marshal's Office (1 hydrant per 300 feet)."
 - j. The Department of Public Works has reviewed the site plan (comments received 1/8) and has no outstanding issues with it.
 - k. The Police Department has reviewed the site plan (comments received 1/5) and has no outstanding issues with it.
4. The site plan shows one free-standing sign at the corner of Rosewood Ln. and Hackley Ave. The ordinance states, "*Entranceway monument signs are permitted for residential developments of up to twelve (12) square feet. One sign for each major public road frontage may be provided. Signs shall not exceed eight feet in height.*" The proposed sign will require a permit and will need to meet these requirements. The site plan shows that the sign has been placed out of the 25-foot triangle of vision at the corner, so no clear vision issues should occur.

5. Staff has not received any phone calls or letters regarding this case.

DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

CITY OF MUSKEGON

RESOLUTION #2004-09(g)

RESOLUTION FOR FINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR PHASE IV OF THE PARK TERRACE DEVELOPMENT

WHEREAS, a petition for a planned unit development was received from Ruddiman Associates and,

WHEREAS, a planned unit development will allow a mixed-use residential development; and,

WHEREAS, the planned unit development received preliminary approval from this City Commission on August 15, 2002, and Phases I and II have since been approved and constructed; and,

WHEREAS, proper notice was given by mail and publication and a public hearing was held by the City Planning Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the final Planned Unit Development and associated site, landscaping and utility plans for Phase IV, with conditions as follows:

1. One free-standing sign will be permitted for this phase of the development. The proposed sign will require a permit and will need to meet ordinance requirements for size and height. The sign must be placed in the location specified on the site plan.
2. Easement agreements for the existing storm sewer and sanitary sewer on the site need to be prepared, signed and recorded. The storm sewer easement descriptions that are shown on the drawings need an easement drawing showing the bearing on a separate sheet.
3. The grade for the proposed storm sewer system must be provided to the City Engineer.
4. All hydrants for this phase will be new and meet the spacing requirements of the International Fire Code and MFP Fire Marshal's Office (1 hydrant per 300 feet)."

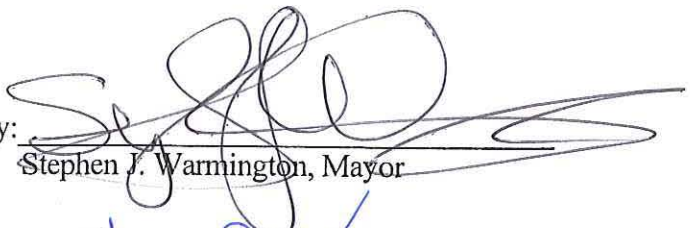
NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the final planned unit development is hereby approved with conditions for Phase IV of the development.

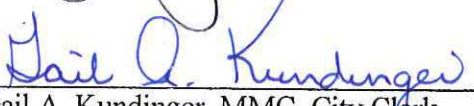
Adopted this 27th day of January, 2004

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

Nays: None

Absent: None

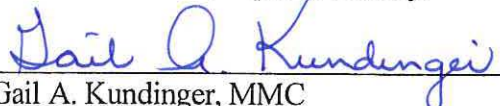
By: 
Stephen J. Warrington, Mayor

Attest: 
Gail A. Kunding, MMC, City Clerk

CERTIFICATE (Final PUD for Park Terrace, Phase IV)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of January, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: January 27, 2004.


Gail A. Kunding, MMC
Clerk, City of Muskegon

Date: January 27, 2004

To: Honorable Mayor and City Commissioners

From: Public Works

RE: Annual Invoice for Stormwater Phase II Compliance

SUMMARY OF REQUEST: The Muskegon Area Municipal Storm Water Committee is asking for a commitment to Muskegon's share of the 2004 Stormwater Phase II compliance program. Our expense is \$10,856. This is to pay for professional services to develop a public education plan, public participation plan and watershed management plans for this consortium of municipalities.

FINANCIAL IMPACT: \$15,000 is allocated for "Contractual Services" in the Stormwater Management Budget of the General Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this commitment.

Memo

To: Bob Kuhn, Public Works Director
From: Bob Fountain, Special Operations Supervisor
CC: Mohammed Al-Shatel, City Engineer/Deputy Public Works Director
Date: January 20, 2004
Re: Authorization for 2004 Stormwater Phase II compliance program

At the January 15, 2004 meeting of the Muskegon Area Municipal Stormwater Committee, we were advised by our consultant, FTCH, that Muskegon's share of the annual budget would be \$10,856. At this time we need to commit to paying this amount so that the work plan can begin. I have attached a spreadsheet that outlines the various expense categories and the amounts assigned to each governmental unit by a formula that we committed to in January 2002.

You will notice that the original budget ("Current Professional Services Authorization") that was established in 2003 has been revised. The Illicit Connections Identification Plan (IDEP) was expected to take 2 full years, but such good progress was made in the summer of 2003, that the expense for 2004 has been scaled back and some \$7,000 will be transferred to new projects to start up in 2004: watershed management plans and the public participation plan (WMP/PPP). In 2003 all governmental units except Muskegon contributed to the IDEP and it was largely their cash balance that was transferred. Muskegon, however, made only a small payment for IDEP activities since we carried out our plan independently of the others and at our own expense. The revised 2004 budget ("Proposed Professional Services Amendment") reflects the additional cost of the new plans, WMP/PPP, for which Muskegon is asked to contribute \$8,800.

We have allocated \$15,000 for Contractual Services in the Stormwater Budget, so I recommend that we continue to commit to this cost-sharing arrangement so that the regional watershed approach to stormwater compliance can proceed. We are benefiting by sharing in this expense which otherwise would be ours in its entirety. I recommend that we commit to \$10,856 to cover our share of the 2004 expense.

**Muskegon Area Municipal Storm Water Committee
NPDES Phase II Storm Water Permits**

FTC&H 2004 Professional Services Authorization Amendment

PHASE II COMMUNITIES	Current Professional Services Authorization			Proposed Professional Services Amendment			
	2004 IDEP	2004 PEP	2004 TOTAL	2004 IDEP	2004 PEP	WMP/PPP	2004 TOTAL
Dalton Township	\$1,650	\$784	\$2,434	\$727	\$408	\$923	\$2,058
Egelston Township	\$4,816	\$929	\$5,745	\$2,122	\$484	\$2,694	\$5,300
Fruitport Charter Township	\$9,970	\$1,120	\$11,090	\$4,392	\$584	\$5,578	\$10,554
Laketon Township	\$4,165	\$717	\$4,882	\$1,835	\$373	\$2,330	\$4,538
City of Muskegon	\$50	\$3,908	\$3,958	\$22	\$2,034	\$8,800	\$10,856
Muskegon Charter Township	\$8,724	\$1,728	\$10,452	\$3,843	\$800	\$4,881	\$9,624
Norton Shores	\$13,851	\$2,195	\$16,046	\$6,102	\$1,143	\$7,749	\$14,994
Roosevelt Park	\$1,650	\$379	\$2,029	\$727	\$197	\$923	\$1,847
Sullivan Township	\$1,650	\$241	\$1,891	\$727	\$126	\$923	\$1,776
Muskegon Heights	\$5,294	\$1,174	\$6,468	\$2,332	\$611	\$2,962	\$5,905
Muskegon County Administration and Drain Commissioner	\$11,250	\$5,149	\$16,399	\$4,956	\$2,680	\$6,294	\$13,930
Muskegon County Road Commission	\$8,875	\$2,060	\$10,935	\$3,910	\$1,072	\$4,965	\$9,947
Total	\$71,945	\$20,383	\$92,328	\$31,693	\$10,612	\$49,024	\$91,329
FTC&H Budget	\$71,945	\$9,200	\$81,145	\$31,693	\$2,200	\$49,024	\$82,917
PEP Activities		\$11,183			\$8,412		\$8,412

Commission Meeting Date: January 27, 2004

Date: January 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Request for preliminary and final Planned Unit Development approval for 1204 Eighth St. (former Boilerworks property).

SUMMARY OF REQUEST:

Request for preliminary and final Planned Unit Development approval for 1204 Eighth St. (former Boilerworks property), for a mixed-use multi-family residential development for artists, with associated gallery space. The request is from Muskegon Construction Co.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

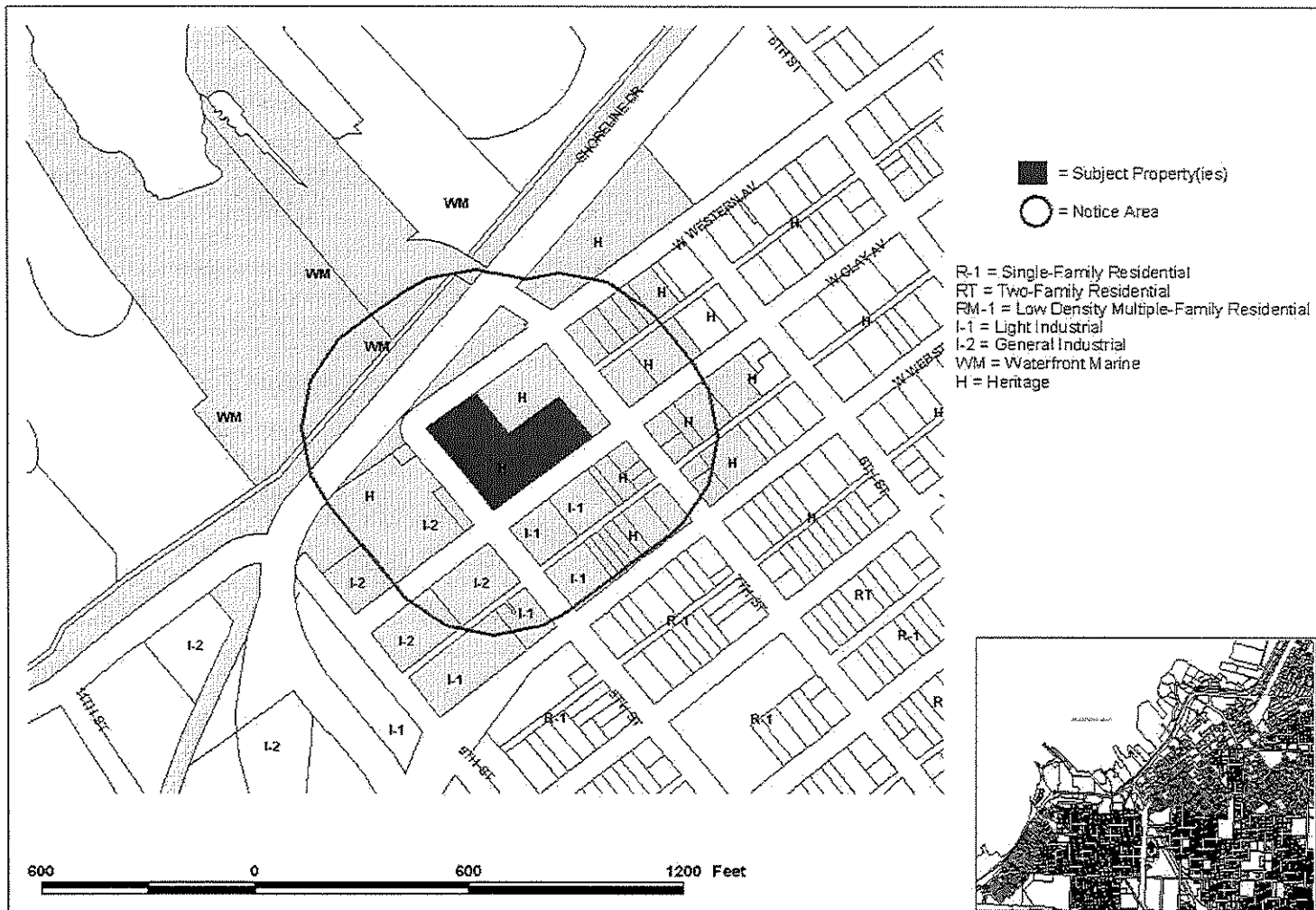
STAFF RECOMMENDATION:

Staff recommends preliminary approval of the PUD and final approval of the PUD and associated site plan, provided that the conditions listed in the attached resolution are met.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended preliminary approval of the PUD and final approval of the PUD and associated site plan, with the conditions listed on the attached resolution, at their 1/15 meeting. The vote was unanimous.

City of Muskegon
Planning Commission
Case #2004-3



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
January 15, 2004

Hearing; Case 2004-3: Request for preliminary and final Planned Unit Development approval for a mixed-use multi-family development for artists at 1204 Eighth St. (former Boilerworks property), by Muskegon Construction Company.

BACKGROUND

Applicant: Muskegon Construction Company

Request: Preliminary and Final PUD Approval for a mixed-use multi-family development for artists

Present Land Use: Vacant buildings

Zoning: H, Heritage

STAFF OBSERVATIONS

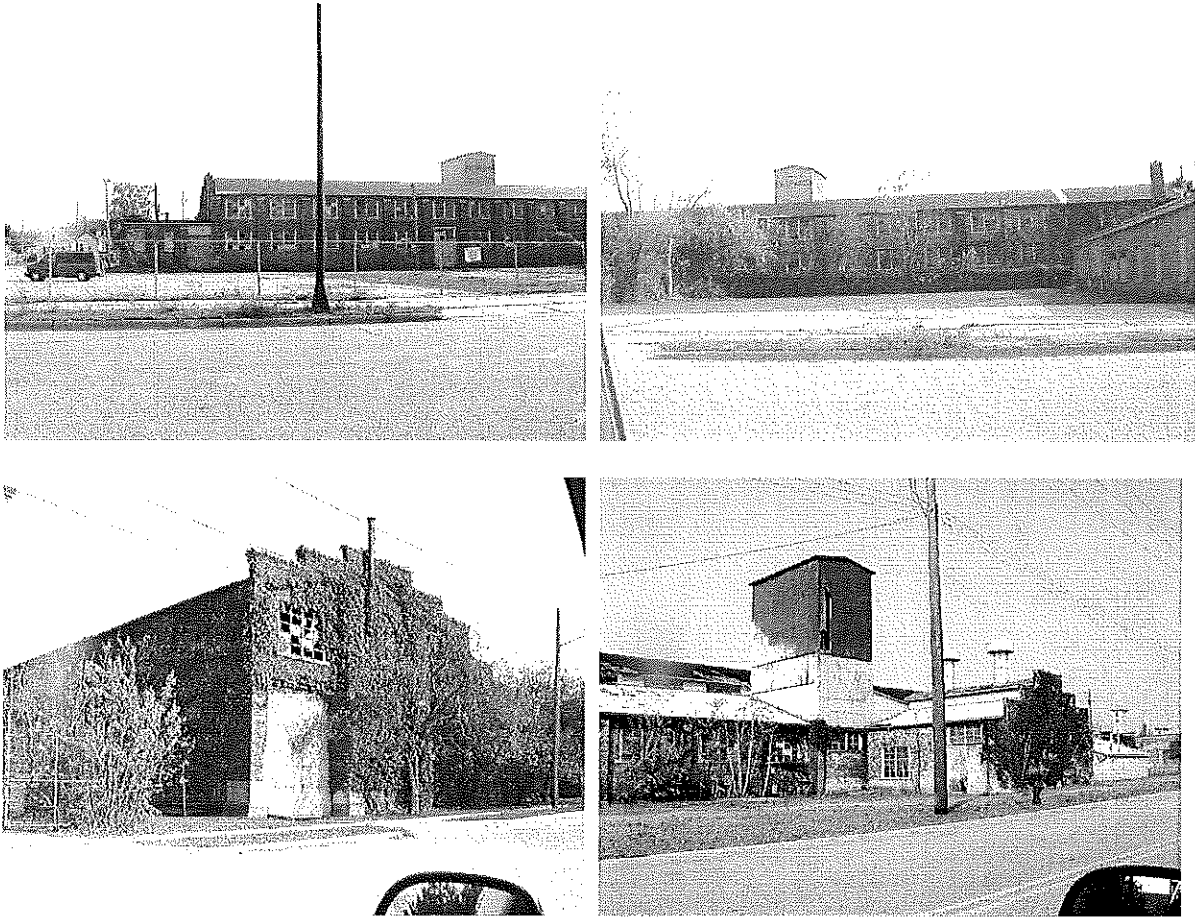
1. The subject property is located at the corner of Eighth St., Clay Ave. and Western Ave. The property takes up much of the block with the only other use being the Muskegon Eagles.
2. A portion of this property was recently rezoned from I-2, General Industrial to H, Heritage. The entire block is now zoned H. The H district allows various residential and commercial uses.
3. The applicant is applying for a Planned Unit Development (PUD) for this property. The proposed use is a multi-family development intended to be marketed toward artists. The apartments will all include studio space for artists and there will be some common gallery and display space as well. There are two smaller buildings on the site. Building "A" is proposed for a two-bedroom manager's office unit. The exact use proposed for Building "C" is not known at this time. According to the applicant it could be used as extra studio space for resident artists, or possibly classroom space if a local art program could use the space, or even additional studio apartments.
4. The applicant is requesting both preliminary and final PUD approval for the site at this time. Therefore, a detailed site plan was submitted and has been reviewed by staff. A booklet of background information was also submitted and is enclosed. Proposed floorplans and elevations for the buildings are also included.
5. Since the building is already in place, staff was only able to review the site plan in terms of how the existing site will function, for the purpose of the proposed use. Staff has reviewed the submitted site plan and has the following comments:
 - a. The site plan shows the three existing buildings along with two associated parking areas. The site takes up slightly over half of the block.
 - b. There are 53 parking spaces shown on the site plan. The Zoning Ordinance requires 2 spaces per residential unit. There are 26 proposed units, plus a manager's office. This

would require a minimum of 52 spaces, plus spaces for the office. Whatever use that Building "C" is used for may also require additional parking spaces. Given that this is a unique use, it may not be necessary to have 2 spaces per unit. The site is in the Downtown Parking Overlay District, which allows some flexibility for non-residential parking requirements, such as counting on-street parking and shared parking. With this being a PUD, the Planning Commission can relax the parking requirements, but at this time, the parking should be adequate. Depending on the use for Building "C", the parking may have to be looked at in further detail in the future, however. Parking space sizes are labeled and meet ordinance requirements.

- c. The zoning ordinance requires front setbacks on Western Ave., Eighth St., and Clay Ave. The building setbacks are already in place since these are existing buildings. Building "C" is built right up to the property lines. Buildings "A" and "B" are set back from the property lines, but none of the building setbacks are shown on the site plan. All building setbacks should be labeled for reference.
- d. The setbacks for the parking areas on Western and Clay Avenues are labeled. The ordinance requires an average of 10 feet of greenspace along street frontages. On the Clay Ave. frontage, the parking areas are set 6 feet 2 inches from the property line. The building in between the two parking areas is set back much further, but this setback is not shown. The parking areas are in line with the setback of Building "A". Given that the parking areas do not encroach on the front setback any more than the existing building and that there is a large greenspace area in front of the building in between the two parking areas, staff feels that the proposed setbacks along Clay Ave. are reasonable. The applicant has provided the maximum amount of setback possible while maintaining the minimum required sizes for parking spaces and maneuvering lanes in these parking areas. There also is greenspace between the building and the proposed sidewalk.
- e. The front setback on Western Ave. is taken up mostly by the two drive entrances. There is a landscape island located between the two drives, which does have a 10-foot setback from the property line. This setback meets ordinance requirements.
- f. The H district has no requirements for side setbacks. The side setback between the northerly parking area and the Muskegon Eagles is labeled as 2 feet 8 inches. The side setback between Building "B" and the Eagles' parking lot is not labeled. This setback should be labeled for reference.
- g. The rear setback requirement in the H district is 10 feet. The rear setback between Building "B" and the Eagles is not labeled but if below 10 feet, then this setback would be nonconforming since the building already exists. The setback should be labeled for reference.
- h. The site plan does show proposed landscaping for the site. The plan does not show existing landscaping, with the exception of one 8" cedar which is noted. The plan does not state if the cedar tree is proposed to be retained or removed. All existing trees should be retained as much as practical. There is a great deal of vegetative growth on the building itself. Staff recognizes that much construction work will need to be done on the building, but these plantings should be retained if possible. They add a great deal of vibrancy and appeal to the building's façade, especially during the fall months (see photos below). Details on the proposed landscaping for the site, including size and species of all proposed new landscape materials and notes on all existing landscaping (including whether or not it

- is to be retained or removed) need to be provided.
- i. The front setback along Clay Ave. is shown on the site plan as lawn. There should be landscape materials (trees, shrubs or both) provided in this setback. There are four street trees shown in the terrace along Eighth St. The site plan does not note if these trees are existing or proposed. If they are proposed, the applicant needs to work with the forestry department on placement of the trees.
 - j. The northerly parking area on Western Ave. appears to be larger than 5,000 square feet and therefore requires at least one landscape island. A landscape island is shown on the site plan and appears to contain two trees.
 - k. Site lighting locations are noted on the site plan but no details on the type of lights proposed are given. All lights need to be a down-type having one hundred percent (100%) cut off.
 - l. The site plan shows a paved area in between Buildings "B" and "C" on Eighth St. This area shows two sites marked 'trash'. If these are to be dumpster locations, they will need to be screened with a minimum 5-foot fence and will need to be located at least 5 feet from each building. There is a fence shown, but no details on the fence are given, and the fence does not appear to screen the area from Eighth St.
 - m. There is existing sidewalk along Eighth St. and Western Ave. The site plan shows new sidewalk to be installed along Clay Ave. and along all parking areas.
 - n. Staff has not yet received comments from the Engineering Dept. but will bring any comments to the meeting.
 - o. The Fire Marshal has reviewed the site plan (comments received 1/5) and has the following comments:
 - i) A fire flow test shall be conducted by the Department of Public Works. The project developer shall schedule this test with the DPW.
 - ii) Hydrant locations shall be listed on the site plan. They are currently not listed.
 - iii) Hydrants shall meet spacing requirements of the International Fire Code Appendix C.
 - p. The Department of Public Works has reviewed and accepted the site plan (comments received 1/8) with the following comment:
 - i) Existing sanitary sewer and water may need to be replaced/upgraded to serve multiple units.
6. The site plan shows two free-standing signs, one on Western Ave. and one on Clay Ave. The ordinance permits one free-standing sign per major road frontage for residential developments. Neither Western or Clay Avenues are a major street. The Planning Commission has the flexibility to allow both signs if they wish. No details on the signs are given, but they will need to meet ordinance requirements and will need to be placed so as to not block clear vision at the drives. Sign permits will be required.
7. Staff has not received any phone calls or letters regarding this case.

PHOTOS



DELIBERATION

Standards for discretionary uses: (emphasis provided)

1. Give due regard to the nature of all adjacent uses and structures and the consistency with the adjacent use and development.
2. Find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light.
3. Adequate water and sewer infrastructure exists or will be constructed to service the activity.
4. The proposed site plan complies with section 2313 (4) of the ordinance and has:
 - a. proper ingress and egress
 - b. sufficient parking areas, streets, roads and alleys
 - c. screening walls and/or fences
 - d. adequate fire and police protection
 - e. provisions for disposal of surface water run-off, sanitary sewage
 - f. adequate traffic control and maintenance services
 - g. preserves property values to related or adjoining properties.

CITY OF MUSKEGON

RESOLUTION #2004-10(h)

RESOLUTION FOR PRELIMINARY AND FINAL PLANNED UNIT DEVELOPMENT APPROVAL FOR 1204 EIGHTH ST. (former Boilerworks site)

WHEREAS, a petition for a planned unit development was received from Muskegon Construction Co. and,

WHEREAS, a planned unit development will allow a mixed-use multi-family residential development with associated gallery space; and,

WHEREAS, proper notice was given by mail and publication and public hearings were held by the City Planning Commission and by the City Commission to consider said petition, during which all interested persons were given an opportunity to be heard in accordance with provisions of the Zoning Ordinance and State Law; and

WHEREAS, the Planning Commission and staff have recommended approval of the Planned Unit Development and associated final site plan with conditions as follows:

1. When the proposed use for Building "C" is determined, a revised site plan must be submitted to the Planning Commission at that time addressing parking needs for that use.
2. A revised site plan will be submitted for staff's approval and will contain:
 - a. All setbacks from buildings and parking areas to the property lines need to be labeled.
 - b. Details on proposed landscaping need to be provided. The plan should show all existing trees and landscape materials and whether they are proposed to be retained or removed. All trees need to be retained as much as practical. Details on size and species of proposed landscaping need to be provided. Landscaping needs to meet ordinance requirements and there needs to be landscape materials (trees, shrubs or both) provided in the front setback along Clay Ave. The applicant needs to work with the forestry for the four street trees on Eighth Ave. if they are not already existing.
 - c. Any dumpster on the site needs to be noted and needs to be screened with a minimum 5-foot privacy fence and needs to be at least 5 feet away from any building.
3. All site lighting needs to be a down-type having 100% cut off.
4. All requirements of the Engineering Dept., DPW and Fire Marshal need to be met.
5. The development is permitted to have two free-standing signs as shown on the site plan. Sign permits will be required for all signage on the site, and signs cannot block clear vision.

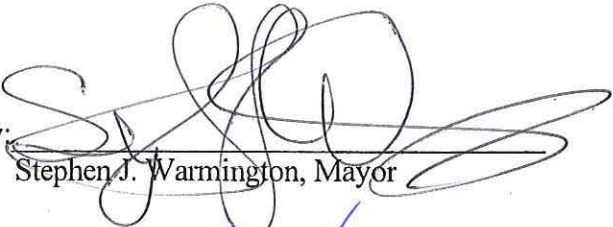
NOW, THEREFORE, BE IT RESOLVED that the recommendation by staff and the City Planning Commission be accepted and the preliminary and final planned unit development is hereby approved with conditions.

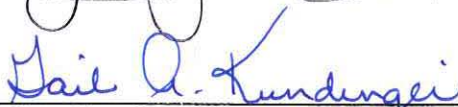
Adopted this 27th day of January, 2004

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

Nays: Davis

Absent: None

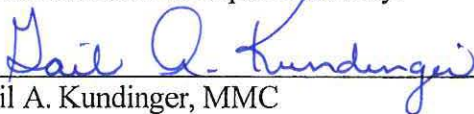
By: 
Stephen J. Warmington, Mayor

Attest: 
Gail A. Kunderinger, MMC, City Clerk

CERTIFICATE (Preliminary and final PUD for 1204 Eighth St.)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of January, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: January 27, 2004.


Gail A. Kunderinger, MMC
Clerk, City of Muskegon

Cool Muskegon

Be it resolved that the Muskegon Cool Cities Advisory Committee on Monday January 26, 2004 unanimously supported the Muskegon Construction/ HDC Constructions proposal to recondition the Muskegon Boiler Works Building bounded by Clay, Eight, Western and Ninth streets in Down Town Muskegon.

The creation of affordable living space for the "Creative Class" is a step in the direction of creating Coolness in Muskegon.

The Advisory committee encourages the city commission to work with Muskegon Construction and HDC Construction to help them put the project on the fast track.



John VanWyck – Co Chairman
Ambassador of Cool

January 27, 2004

Date: January 27, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
TORRENT ST., LETART AVE. TO SHERMAN BLVD.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **TORRENT ST., LETART AVE. TO SHERMAN BLVD.**, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2004-11(a)

Resolution At First Hearing Creating Special Assessment District
For **TORRENT ST., LETART AVE. TO SHERMAN BLVD.**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 27, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 27, 2004**, there were 24.91% 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 Davis and Larson and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **15.73%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

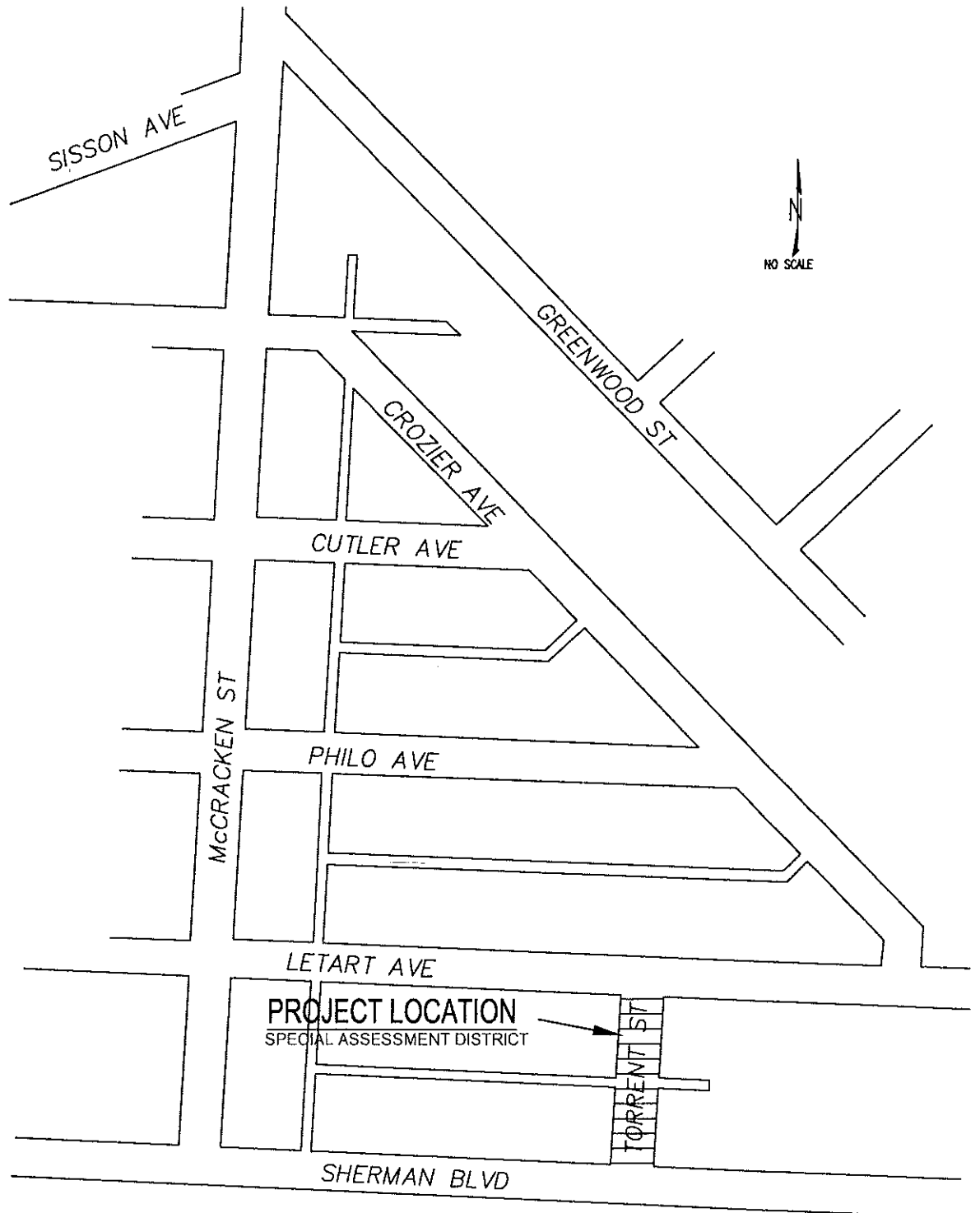
EXHIBIT A

TORRENT ST., LETART AVE. TO SHERMAN BLVD.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Torrent St., Letart to Sherman Blvd.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Torrent St. Sherman Blvd to LeTart Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 16TH DAY OF JANUARY, 2004.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF February, 2004.

Dinda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

ENGINEERING FEASIBILITY STUDY

For

TORRENT ST., LETART AVE. TO SHERMAN BLVD.

In an effort to incorporate the established goals of eliminating gravel streets from the City system into our proposed work, we are proposing the construction of a new curb & gutter street in Torrent between Letart & Sherman. In addition to the aforementioned, this proposal was initiated by the City due to :

1. That section of Torrent is gravel, therefore, in keeping with the City's goals of eliminating all gravel roads made this road a leading candidate for roadway construction.
2. The need to reduce maintenance cost associated with upkeep of the gravel road
3. Enhance the appearance of that area
4. improve the drainage facility
5. upgrade the water main & services

The combination of the above reasons makes the selection of this street for improvements an ideal one.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate for the work associated with paving is approximately \$56,000 with the length of the project being approximately 300 lineal feet (project length) or 250 of assessable footage. This translates into an estimated improvement cost of \$224 per assessable foot. The assessment figure will be at a cost not to exceed \$35.15 per assessable foot as established in the 2004 Special Assessment for this type of improvement

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

January 14, 2004

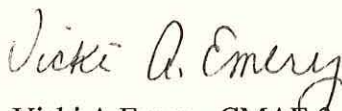
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the new construction of Torrent Street between Letart Avenue and W Sherman Boulevard. 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, 2004.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$35.15 for the new construction of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$36.82. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAA #3

Senior Appraiser

January 16, 2004

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on JANUARY 27, 2004. If you attend this public hearing you will be given an opportunity to present your questions and potential concerns on the proposed special assessment district to the commission.

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

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

January 16, 2004

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

TORRENT ST., LeTART AVE. TO SHERMAN BLVD.

The proposed special assessment district will be located as follows:

All parcels abutting Torrent St. from LeTart Ave. to Sherman Blvd.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on JANUARY 27, 2004 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$56,000.00 of which approximately 15.73% (\$8,808.24) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Al-Shatel', with a stylized, cursive script.

Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
STREET H-1583
TORRENT ST., SHERMAN BLVD. TO LETART AVE.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET- H-1583
TORRENT ST., SHERMAN BLVD. TO LETART AVE.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: TORRENT ST., LeTART AVE. TO SHERMAN BLVD.

Project Description: * NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 62.9 Feet

Estimated Front Foot Cost: \$35.15 per Foot

ESTIMATED TOTAL COST \$2,210.94

Property Description

CITY OF MUSKEGON
NEUMANS SUBDIVISION OF BLK 616
LOT 17 & E 10 FT OF LOT 16

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner

CoOwner/Spouse

Signature

Signature

Address

Address

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

CITY OF MUSKEGON

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**TORRENT ST., LETART AVE. TO SHERMAN BLVD.
AND
WALNUT ST., WILCOX ST. TO THOMPSON AVE.**

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

- **All parcels abutting Torrent St. from Letart Ave. to Sherman Blvd.
and**
- **All parcels abutting Walnut St from Wilcox St. to Thompson Ave.**

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **JANUARY 27, 2004 AT 5:30 P.M.**

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

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

PUBLISH: **January 17, 2004**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1583

NEW CONSTRUCTION

HEARING DATE

JANUARY 27, 2004

TORRENT ST., LeTART AVE. TO SHERMAN BLVD.

24-645-000-0017-00	SHEDD GARY/BETTY	ASSESSABLE FEET:	62.9
	550 W NORTON	COST PER FOOT:	\$35.15
@ 1916. W SHERMAN B	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$2,210.94

24-645-000-0030-00	COVELL DOMINIC	ASSESSABLE FEET:	62.42
	1909 LETART	COST PER FOOT:	\$35.15
@ 1909. LETART AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,194.06

24-645-000-0018-00	UNITED STATES OF AMERICA	ASSESSABLE FEET:	62.9
	477 MICHIGAN AVE 16TH FLOOR	COST PER FOOT:	\$35.15
@ 1892. W SHERMAN B	DETROIT MI 48226	ESTIMATED P.O. COST:	\$2,210.94

24-645-000-0029-00	BAILEY KRISTI A	ASSESSABLE FEET:	62.37
	1891 LETART AVE	COST PER FOOT:	\$35.15
@ 1891. LETART AV	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,192.31

SUM OF ASSESSABLE FOOTAGE:	<u>250.59</u>	SUM OF ESTIMATED P.O. COST:	<u>\$8,808.24</u>
TOTAL NUMBER OF ASSESSABLE PARCELS	4.00		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: TORRENT ST., LeTART AVE. TO SHERMAN BLVD.

Project Description: * NEW CONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address: 1916 W SHERMAN BLVD

Parcel Number 24-645-000-0017-00

Assessable Frontage: 62.9 Feet

Estimated Front Foot Cost: \$35.15 per Foot

ESTIMATED TOTAL COST \$2,210.94

Property Description

CITY OF MUSKEGON
NEUMANS SUBDIVISION OF BLK 616
LOT 17 & E 10 FT OF LOT 16

RECEIVED

JAN 22 2004

City Clerks Office

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Gary Shedd

CoOwner/Spouse

Signature

Gary L Shedd

Signature

Address

3838 Heron Ln 44444

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: TORRENT ST., LeTART AVE. TO SHERMAN BLVD.

Project Description: * NEW CONSTRUCTION

INSTRUCTIONS

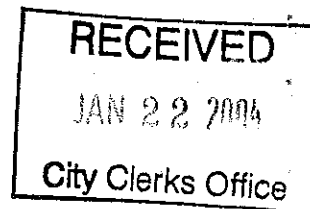
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address:	1909 LETART AVE
Parcel Number	24-645-000-0030-00
Assessable Frontage:	62.42 Feet
Estimated Front Foot Cost:	\$35.15 per Foot
ESTIMATED TOTAL COST	\$2,194.06

Property Description

CITY OF MUSKEGON
NEUMANS SUBDIVISION OF BLK 616
LOTS 30 & 31



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 Dominic Covell
Signature Dominic Covell
Address 1909 LeTart Ave

CoOwner/Spouse Virginia Covell
Signature Virginia Covell
Address 1909 LeTart Ave.

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

H-1588 TORRENT ST. SHERMAN BLVD. TO LETART AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	TOTAL NUMBER OF PARCELS - 4									
			FOR					OPPOSE				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	250.590 ***		1	1916	W SHERMAN	24-645-000-0017-00	62.90	2	1909	LETARTE	24-645-0000-0030-00	62.42
FRONT FEET OPPOSED	62.420	24.91%										
RESPONDING FRONT FEET IN FAVOR	62.900	25.10%										
NOT RESPONDING - FRONT FEET IN FAVOR	125.270	49.99%										
TOTAL FRONT FEET IN FAVOR	188.170	75.09%										

TOTALS

62.90

62.42

TABULATED AS OF: 05:05 PM

TO: Honorable Mayor and City commissioners

FROM: Engineering

DATE: January 27, 2004

RE: Public Hearing
Create Special Assessment District on:
2004 Sidewalk Program (E-6)

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment district of the project and to create a special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. The district will not include those who complete the work under a permit before June 1st 2004.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2004-11(b)

Resolution At First Hearing Creating Special Assessment District
For **The 2004 Sidewalk Replacement Program (E-6)**

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

RECITALS:

1. A hearing has been held on **January 27, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 27, 2004**, there were 2.03% objections by the owners of the properties in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

2. The City Commission determines to proceed with the improvements as set forth in the engineer's survey, inspection, recommendation and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Gawron and Spataro and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon actual work preformed.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 100% of the cost of the improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays, None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

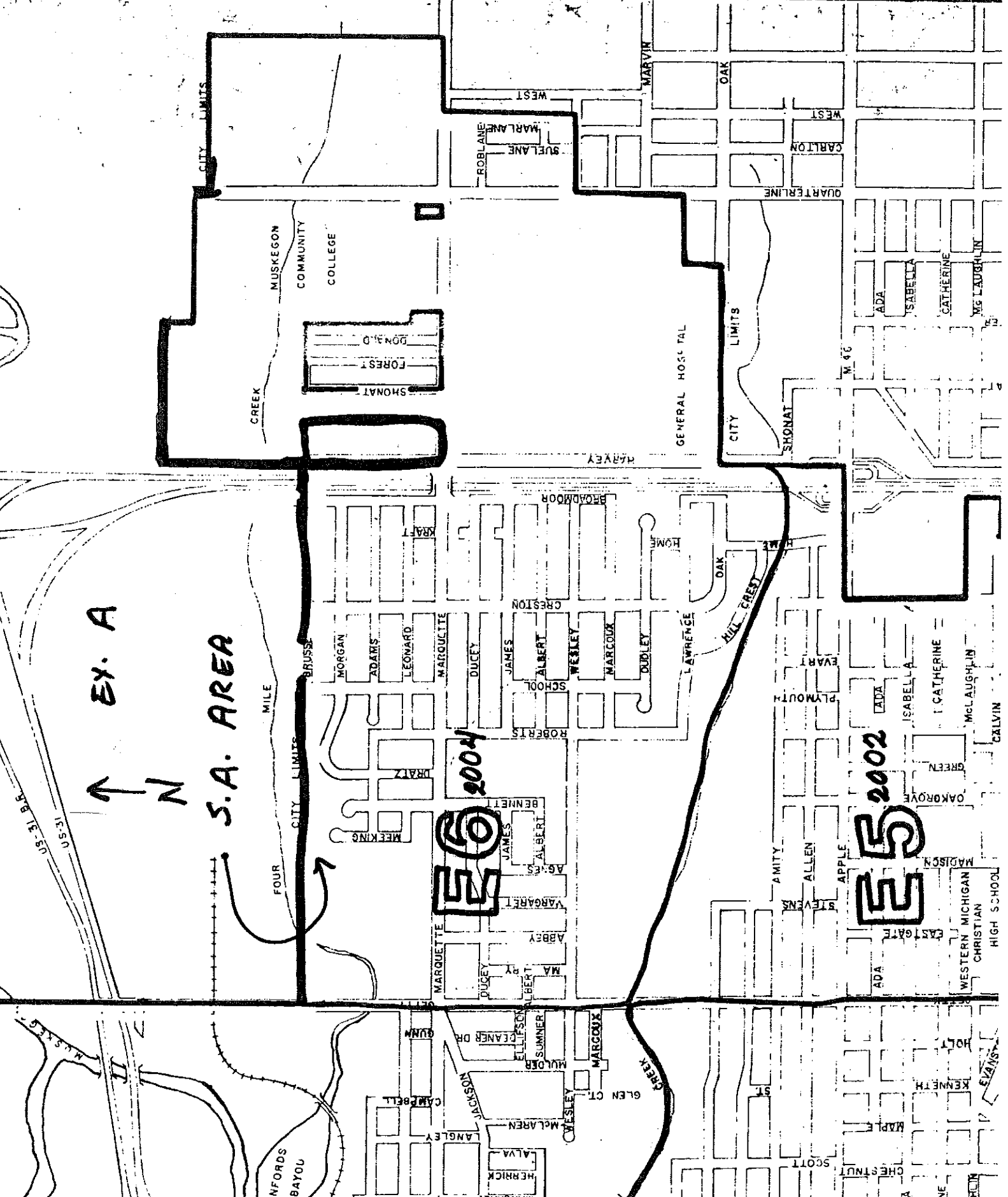
SIDEWALK REPLACEMENT PROGRAM FOR 2004

SPECIAL ASSESSMENT DISTRICT

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by **June 1, 2004**.

All parcels within area E-6 which is bounded by Getty Street to the west, City Limits to the north, City Limits to the east, and Ryerson Creek to the south



EX. A

N

S.A. AREA

2004
E

2002
S

US-31 B.A. 0-5-31
SANFORDS BAYOU
CREEK

CITY LIMITS

CREEK

MUSKEGON
COMMUNITY
COLLEGE

SHONAT
FOREST
DONALD

ROBLANE
MARLANE
SUELANE
WEST

HARVEY

GENERAL HOSPITAL

CITY LIMITS

QUARTERLINE

CARLTON
WEST

N. 46

ADA
ISABELLA
CATHERINE
MC LAUGHLIN

BRUSSE

MORGAN

ADAMS

LEONARD

MARQUETTE

DUCEY

JAMES

ALBERT

WESLEY

MARCOUX

ODDLEY

LAWRENCE

HILL CREST

OAK

HOME

BROADMOOR

SCHOOL

ROBERTS

AGNES

VARGARET

MA

LIBERT

DUCEY

ABBAY

STEVENS

AMITY

APPLE

ADAM

ISABELLA

CATHERINE

MC LAUGHLIN

GREEN

OAKROVE

CALVIN

MECKING

BRATZ

BENNETT

JAMES

ALBERT

AGNES

VARGARET

MA

LIBERT

DUCEY

ABBAY

STEVENS

AMITY

APPLE

ADAM

ISABELLA

CATHERINE

MC LAUGHLIN

GREEN

OAKROVE

CALVIN

QUINN

CAMPBELL

JACKSON

LANGLEY

MCLAREN

WESLEY

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

GLEN CT.

MARCOW

MULDER

ELIPSON

SUMNER

CLEANER DR.

WESLEY

MARCOW

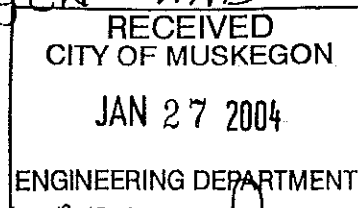
G

ROBERT D. & DONAJEAN DAWES
1453 MARCOUX AV.
MUSKEGON MICH 49442 1-27-04

Parcel No. 24-610-000-0010-00

ATTN: City of Muskegon AND

Engineering Dept.



I would make you AWARE OF

A SIDEWALK DEFECT AT MY RESIDENCE

AT OR ABOUT 1997, I BROUGHT THE

DEFECT TO THE ATTENTION OF THE CITY

AND TO DIANE M. ABRAHAM, CNS TECH,

COMMUNITY AND NEIGHBORHOOD SERVICES. THE

REPAIR WAS DONE BY THE CITY OR THEIR

AGENT. IT IS MY OPINION THAT THE

REPAIR WAS NOT ADEQUATE, IN THAT

THE ROOT STRUCTURE OF ~~THE~~ A NEAR BY

TREE WAS NOT CUT AWAY PROPERLY

Page 2 of 2

IN REGARD: Parcel No. 24.610.000.0010.00 (1-27-04)

to allow the sidewalk to remain flat. As a result of the inadequate repair the sidewalk as of JAN 2004 is out of standard and specifications in accord with a notice I received JAN. 16, 2004. I hope the City and Engineering will see the situation as one that they will address.

Thank You

Robert W. Dancy 1/27/04

H-1466 SIDEWALK REPLACEMENT PROGRAM FOR 1997 SPECIAL ASSESSMENT ROLL - CDBG - ESTIMATED

PARCEL	@				PER LETTER	PER F.M.	PROP DRIVE		PROP SW
611035352012	2494	LINCOLN	1	5	\$126.25	\$1,231.96	\$0.00		\$0.00
611035353011	2540	LINCOLN	1	5	\$126.25	\$138.88	\$0.00		\$0.00
611035257006	2122	MANN	9	45	\$1,136.25	\$0.00	\$0.00	50	\$1,262.50
61	1453	MARCOUX			\$0.00	\$0.00	\$0.00		\$0.00
611035198001	2164	MCCRACKEN	7	35	\$883.75	\$0.00	\$0.00	47	\$1,186.75
611035333004	2264	MCCRACKEN	10	50	\$1,262.50	\$0.00	\$0.00	39.8	\$1,004.95
611035452001	2360	MCCRACKEN	13	65	\$1,641.25	\$0.00	\$0.00	61.7	\$1,557.93
611035452003	2382	MCCRACKEN	5	25	\$631.25	\$0.00	\$0.00	23.7	\$598.43
611035335015	2389	MCCRACKEN	4	20	\$505.00	\$505.00	\$0.00		\$0.00
611035451001	2412	MCCRACKEN	10	50	\$1,262.50	\$0.00	\$0.00	49.2	\$1,242.30
611035376017	2465	MCCRACKEN	5	25	\$631.25	\$378.75	\$0.00		\$0.00
611035376018	2471	MCCRACKEN	4	20	\$505.00	\$769.42	\$0.00		\$0.00
611035453009	2480	MCCRACKEN	4	20	x \$505.00	\$0.00	\$0.00	15.5	\$391.38
611035454014	2518	MCCRACKEN	4	20	\$505.00	\$0.00	\$0.00	25	\$631.25
611035454015	2524	MCCRACKEN	3	15	\$378.75	\$0.00	\$0.00	20	\$505.00
611035455001	2556	MCCRACKEN	5	25	\$631.25	\$0.00	\$0.00	20.1	\$507.53
611035380021	2563	MCCRACKEN	3	15	x \$378.75	\$785.78	\$0.00		\$0.00
611035261003	1957	MINER	12	60	\$1,515.00	\$0.00	\$0.00	65.3	\$1,648.83
611035327009	2100	MINER	14	70	\$1,767.50	\$1,434.20	\$0.00		\$0.00
611035327003	2146	MINER	7	35	\$883.75	\$2,022.22	\$0.00		\$0.00
611035328001	2187	MINER	1	5	\$126.25	\$126.25	\$0.00		\$0.00
611035302023	2230	MINER	2	10	\$252.50	\$252.50	\$0.00		\$0.00
611035302019	2260	MINER	2	10	\$252.50	\$628.73	\$0.00		\$0.00
611035306004	2271	MINER	1	5	\$126.25	\$128.78	\$0.00		\$0.00
611035302017	2272	MINER	1	5	x \$126.25	\$881.04	\$0.00		\$0.00
611035302016	2278	MINER	3	15	\$378.75	\$1,157.02	\$0.00		\$0.00
611035301024	2310	MINER	4	20	\$505.00	\$1,406.43	\$0.00		\$0.00
611035301021	2330	MINER	5	25	\$631.25	\$850.93	\$0.00		\$0.00
611035301019	2342	MINER	4	20	\$505.00	\$606.00	\$0.00		\$0.00
611035301017	2360	MINER	3	15	\$378.75	\$646.40	\$0.00		\$0.00
611035301015	2376	MINER	7	35	\$883.75	\$770.13	\$0.00		\$0.00
611035261008	2206	MOON	5	25	\$631.25	\$0.00	\$0.00	49.2	\$1,242.30
611035406007	2271	MOON	17	85	\$2,146.25	\$0.00	\$0.00	39.8	\$1,004.95
611035403005	1919	MORTON	5	25	\$631.25	\$0.00	\$0.00	26	\$656.50

Hoffman, Evelyn

From: Griffin, Wilmern
Sent: Tuesday, January 27, 2004 11:19 AM
To: Robinson, Talonda; Al-Shatel, Mohammed
Cc: Sumrall, Calvin; Hoffman, Evelyn
Subject: RE: Sidewalk Protest

Actually if his total household income is over it will not be granted.

-----Original Message-----

From: Robinson, Talonda
Sent: Tuesday, January 27, 2004 11:16 AM
To: Al-Shatel, Mohammed; Griffin, Wilmern
Cc: Sumrall, Calvin; Hoffman, Evelyn
Subject: RE: Sidewalk Protest

According to our records, Mr. Dawes applied for CDBG assistance to have a Hazardous sidewalk repaired that was in front of his home.

At the time of his application, he met all the qualifying requirements for CDBG assistance.

Mr. Dawes has the right to apply for CDBG assistance. However, if he knows his total household income for 2003 is over income, CDBG assistance may not be granted.

I have forwarded a copy of the letter from 1997 to Evelyn.

-----Original Message-----

From: Al-Shatel, Mohammed
Sent: Tuesday, January 27, 2004 9:24 AM
To: Griffin, Wilmern; Robinson, Talonda
Cc: Sumrall, Calvin; Hoffman, Evelyn
Subject: RE: Sidewalk Protest

Can you verify these claims please before the end of the day, the hearing is scheduled for tonight. Has he applied? If not maybe you can call him to get some information to help you decide weather or not he is eligible.

-----Original Message-----

From: Hoffman, Evelyn
Sent: Tuesday, January 27, 2004 9:04 AM
To: Al-Shatel, Mohammed
Cc: Sumrall, Calvin
Subject: Sidewalk Protest

Mo,

Mr. Robert Dawes @ 1453 Marcoux Ave. would like to enter a formal protest via a phone call. His number is 773-3876. He says that the City (thru CNS) repaired the section approx. 6 years ago. There is a tree on the terrace that has caused the section to lift up. His opinion is that the roots on that tree were not trimmed enough at the time of the repair and has again caused the same section to lift. He and his wife are disabled,

Sew 2004

Hoffman, Evelyn

From: Hoffman, Evelyn
Sent: Tuesday, January 27, 2004 9:04 AM
To: Al-Shatel, Mohammed
Cc: Sumrall, Calvin
Subject: Sidewalk Protest

Mo,

Mr. Robert Dawes @ 1453 Marcoux Ave. would like to enter a formal protest via a phone call. His number is 773-3876. He says that the City (thru CNS) repaired the section approx. 6 years ago. There is a tree on the terrace that has caused the section to lift up. His opinion is that the roots on that tree were not trimmed enough at the time of the repair and has again caused the same section to lift. He and his wife are disabled, but have some temporary additional income making them ineligible for the CDBG. He would like for the City to be responsible for the repair since, in his opinion, the original repair was sub-standard.

Evelyn

July 8, 1997

COPY

Mr. & Mrs. Robert Dawes
1453 Marcoux Avenue
Muskegon MI 49442

Dear Applicant:

We have received your application for assistance in repairing the sidewalk in front of your home. While your area has not yet been targeted through our comprehensive sidewalk program, the hazardous nature of your sidewalk has allowed us to accept your application. We are pleased to inform you that your application has been **APPROVED** for assistance.

We will be informing the Engineering Department that your application has been approved for assistance. The City's contractor should begin repairs sometime this summer. Once all repairs for the 1997 program are completed, assessments will be made. Your assessment will be paid with Community Development Block Grant funds at **NO COST** to you.

PLEASE NOTE: We would also like to inform you that the City is required by law to notify certain property owners of public hearings on this assessment although you have already been approved for assistance. When notification is sent, owners have a second an opportunity to apply for assistance. Therefore, you may receive another application in the mail; however, since you have already been approved, please disregard the application.

If you have any questions, please contact me at 724-6969 or 724-6717 between 8:30 a.m. and 5:00 p.m. weekdays.

Sincerely,

Diane M. Abraham
Community & Neighborhood Services

Retrieved from file
RECEIVED
CITY OF MUSKEGON
JAN 27 2004
COMMUNITY & NEIGHBORHOOD
SERVICES

DATE APPL	NAME (Last, First/Spouse or Other)	STR NO	STREET	PLATE NUMBER	PARCEL NUMBER	C/T	E/C	N/S	Ove 62'	H/H	H/C	IN	ANNUAL INCOME	%	APPR/DENY	COMMENTS
04/24/96	Craig, Jean	1972	Harrison	9198	611035252008	9	W	D	Y	F	Yes	1	5,880	30	Approved	
03/29/96	Curry, Mary Jane	1950	Crozier	8855-03	611035452010	9	W	D	Y	F	No	1	20,516	80	Approved	
09/28/95	Curtice, Agnes	2524	McCracken	8779	611035454015	9	W	W	Y	F	No	1	8,924	30	Approved	
03/18/96	Daniels, Eleanor	2168	Denmark	9280	611135194010	9	W	D	Y	F	No	1	7,532	30	Approved	
08/22/95	Dare, Eugene/Ann	2411	Cutler	994-01	611034481004	9	W	M	Y	M	No	2	19,739	80	Approved	
02/13/96	Davis, Arthur/Arlene	2238	Lincoln	9776	611035201014	9	W	M	Y	M	No	2	11,089	50	Approved	
07/08/97	Dawes, Robert/Donajean	1453	Marcoux	19222010	61312142700	1	W	M	N	M	No	2	9,387	30	Approved	**Hazard Case
08/14/95	Dec, Charles/Mary	1857	Fair	8943	611035263006	9	W	M	Y	M	Yes	2	12,050	50	Approved	
04/18/96	Dertien, Myrie	2480	McCracken	8817	611035453009	9	W	W	Y	F	No	1	7,327	30	Approved	
10/19/95	Diliert, Esther	1995	Harding	9269	611035406002	9	W	W	Y	F	Yes	2	9,988	50	Approved	
05/07/96	Doe, Barbara	1873	Harrison	9117	611035248004	9	W	S	N	F	No	1	18,184	80	Approved	
08/21/95	Doppel, Kathleen	2237	Estes	9010	611035405014	9	W	S	N	F	No	1	17,469	80	Approved	
04/25/97	Doppel, Gregory	2278	Miner	9684	613035302016	9	?	S	N	M	No	1	22,895	80	Approved	
04/04/97	Edlund, Ralph	2029	Estes	9091	613035253006	9	W	W	Y	M	Yes	1	16,297	80	Approved	
04/29/96	England, Dave	2348	Leon	?	611035331008	9	W	D	N	M	No	3	27,701	80	Approved	
04/26/96	Emvall, Carrie	2179	Letart	9496	611035375002	9	W	S	N	F	No	1	15,482	80	Approved	
02/21/96	Firos, Charlene	2360	McCracken	8885	611035452001	9	W	W	Y	F	Yes	1	14,338	50	Approved	

COPY

Retrieved from file
RECEIVED
 CITY OF MUSKOGEE
 JAN 27 2004
 COMMUNITY & NEIGHBORHOOD SERVICES

file in SW
2003
with
11/10/03

BRITTON & BOSSENBROEK, P.C.

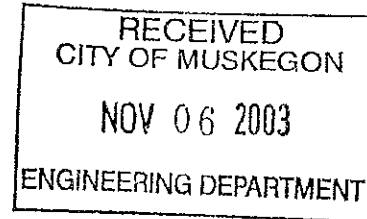
Attorneys

Gary T. Britton
David L. Bossenbroek

900 Third Street
Post Office Box 957
Muskegon, Michigan 49443-0957
(231) 726-6603

Facsimile
(231) 726-6701

November 4, 2003



Mr. Mohammed Al-Shatel
City Engineer
City of Muskegon
P. O. Box 536
Muskegon, MI 49443-0536

Re: Muskegon Area Intermediate School District
Property Address: 1001 Wesley Avenue, Muskegon, MI
Parcel No. 24-121-300-0001-00

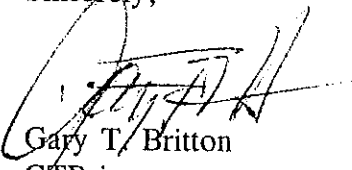
Dear Mr. Al-Shatel:

Your correspondence of June 25, 2003 directed to the Muskegon Area School District has been referred to our office for a response. Please be advised that, since the property is owned by a school district, it is exempt from taxation according to Michigan Statutes Annotated, §7.7(3). This exempt status also reaches to any form of special assessment levied by any governmental unit. I have been informed by the District that it has not entered into any written agreement by which it would agree to pay any special assessment and therefor it is anticipated that you will cease any attempts to assess this parcel of property for any purpose.

It is the Muskegon Area Intermediate School District's intent to always be a good neighbor and citizen. However the present financial situation facing public education in Michigan makes it incredibly difficult for educational institutions to meet all of the mandates required by various federal and state agencies. Should the City wish to modify or improve the sidewalks in question, it certainly is free to do so at its own expense. The District cannot simply agree in good conscience to expend funds that are otherwise needed to meet the educational mission of the MAISD.

If you have any questions or concerns regarding this correspondence, please do not hesitate to contact me at your convenience.

Sincerely,



Gary T. Britton

GTB:jr

cc: Mr. Roger Schecter

Engineering Dept

My name is Francisca Aguilar

Parcel No: 24-612-000-0533-00 1047 James

I recieved your letter stating the hearing that is on the date of January 27, 2004 I personally will not be here I am leaving to Mexico and returning on Febuary the 11th , 2004.

After recieving this letter I called January 20th , 2004 to the Engineering Dept where I expressed that I had called numerous times over the summer to have someone come out to let me know exactly what needed to be done , I was informed today that they would send someone out today and they did , The gentelman that came today stated that he dose not understand why I was sent this letter for my drive way is just fine and that he would return to inform the Lady in the office not to send us another letter . I just wanted to send this letter to make sure that this information has reached you for I do not want any confusion in this manner on both parts . Thank you so much for your time . If you need to contact me I will be returning to the United States on Febuary the 11th , 2004. Thank you very much for your time .

Sincerly Mrs. Francisa Aguilar
(231) 773-6005

Cal, did you
meet with the
Lady ? if you are
in agreement that no
work is need please
make the necessary notes
on the books / file .

mch
1/24/04

Francisca Aguilar
OFF LIST FOR
SW2004

OAZ
1/22/04

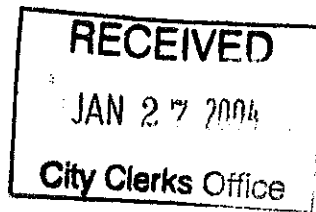
January 27, 2004

As a City Tax Payer of
Newkirk, I owner of 775
Broadmoor St object to
the Notice of Assessment.

Tex Sullivan
231-773 3613



Returned to
Clerk's office
90



Jackie L. May - Shambley
1387 Albert Ave
Muskegon, MI 49442
January 27, 2004

To: The City of Muskegon
Re: Parcel # 24-611-000-0288-00
1387 Albert Ave.

I am writing to inform you that I object to the Sidewalk replacement special assessment. I plan on replacing my sidewalks when the weather improves prior to the June 2004 deadline. I do not approve of this special assessment.

Sincerely
Jackie L. Shambley (May)

January 16, 2004

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Re: Parcel No: **24-XXX-XXX-XXXX-XX** @ PROPERTY ADDRESS & STREET

Dear Property Owner:

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

Sidewalk Replacement Program for 2004

The proposed special assessment district will be located as follows:

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by June 1, 2004.

AREA E6; bounded by Getty St. to the west, City Limits to the north, City Limits to the east,
and Ryerson Creek to the south

The above improvement will be paid entirely by special assessment. The 2004 cost has been set at \$5.40 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE CITY OF MUSKEGON COMMISSION CHAMBERS ON January 27, 2004 AT 5:30 P.M. You are entitled to appear at this hearing, either in person, by an agent, or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made to the City Clerk at or prior to the hearing.

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

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

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

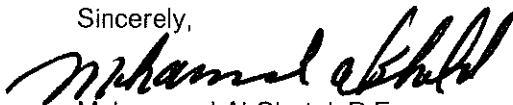
- (1) you can request to have your assessment payments spread over a ten-year period at a low interest rate of 5.00% per year (unless the City has borrowed money to complete the project for which you are assessed and has pledged your assessments for repayment of the borrowed money; in such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%),
- (2) if you are a low-income senior citizen you can leave the assessment as a lien against your property until the property is sold (contact the City Assessor's office for details), or
- (3) if you are a low income homeowner of the property requiring sidewalk replacement, you may be eligible for free sidewalk replacement. An application for this free assistance is enclosed. If you believe you are eligible for this free assistance, your application must be submitted to the City's Department of Community and Neighborhood Services, no later than April 15, 2004. If your application is approved, you need to do nothing else; the City will make the repairs, and you will not be assessed for the replacement costs.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

**CITY OF MUSKEGON MARQUETTE NEIGHBORHOOD
SIDEWALK ASSESSMENT PROGRAM FOR 2004
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON MARQUETTE NEIGHBORHOOD- H-1572
SIDEWALK REPLACEMENT PROGRAM
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

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

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

ADDITIONAL CONDITIONS:

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

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

SIDEWALK SIZE:

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

SIDEWALKS IN THE TERRACE:

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

DRIVE APPROACHES:

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

STREET CORNERS AND ALLEYS:

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

Requesting additional sections to be replaced:

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

APPEAL PROCESS:

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

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

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
SPECIAL ASSESSMENT DISTRICT

PLEASE TAKE NOTICE that in an effort towards neighborhood improvement, the Muskegon City Commission is proposing a special assessment district for the following project:

SIDEWALK REPLACEMENT PROGRAM FOR 2004

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

Those properties identified in the area listed below as having sidewalk deficiencies in which the owners have not completed the required improvements by June 1, 2004.

- **All parcels within area E-6 which is bounded by Getty Street to the west, City Limits to the north, City Limits to the east, and Ryerson Creek to the south.**

It is proposed that the total cost of the improvement will be paid through special assessments. The 2004 cost has been set at \$5.40 per square foot of sidewalk and will include all incidentals (i.e. root cutting, concrete removal, excavation, etc.). Any work on drive approaches will be assessed at the contract price plus related engineering fees.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON
JANUARY 27, 2004 AT 5:30 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 17, 2004**

Gail Kundering, City Clerk

ADA POLICY

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

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

TO: City of Muskegon

22 January 2004

Subject: Special Assessment Parcel NO: 24-611-000-0271-00

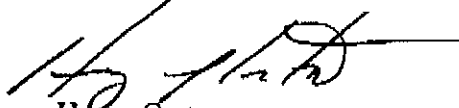
From: Henry J Cortez
119 Birchwood Lane
Cadillac MI 49601

This letter is to protest the creation of a special assessment on the above listed property for sidewalk assessment.

It is correct that the above property had 2 sidewalk squares that were identified by the City of Muskegon as needing to be replaced.

However, these two squares were removed and replaced in the summer of 2003.

Thank You



Henry Cortez



Date: January 27, 2004
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
Walnut St., Wilcox to Thompson

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2004-11(c)

Resolution At First Hearing Creating Special Assessment District
For **Walnut St., Wilcox to Thompson**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 27, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 27, 2004**, there were 24.09% 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 Warmington and Davis 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 **40%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

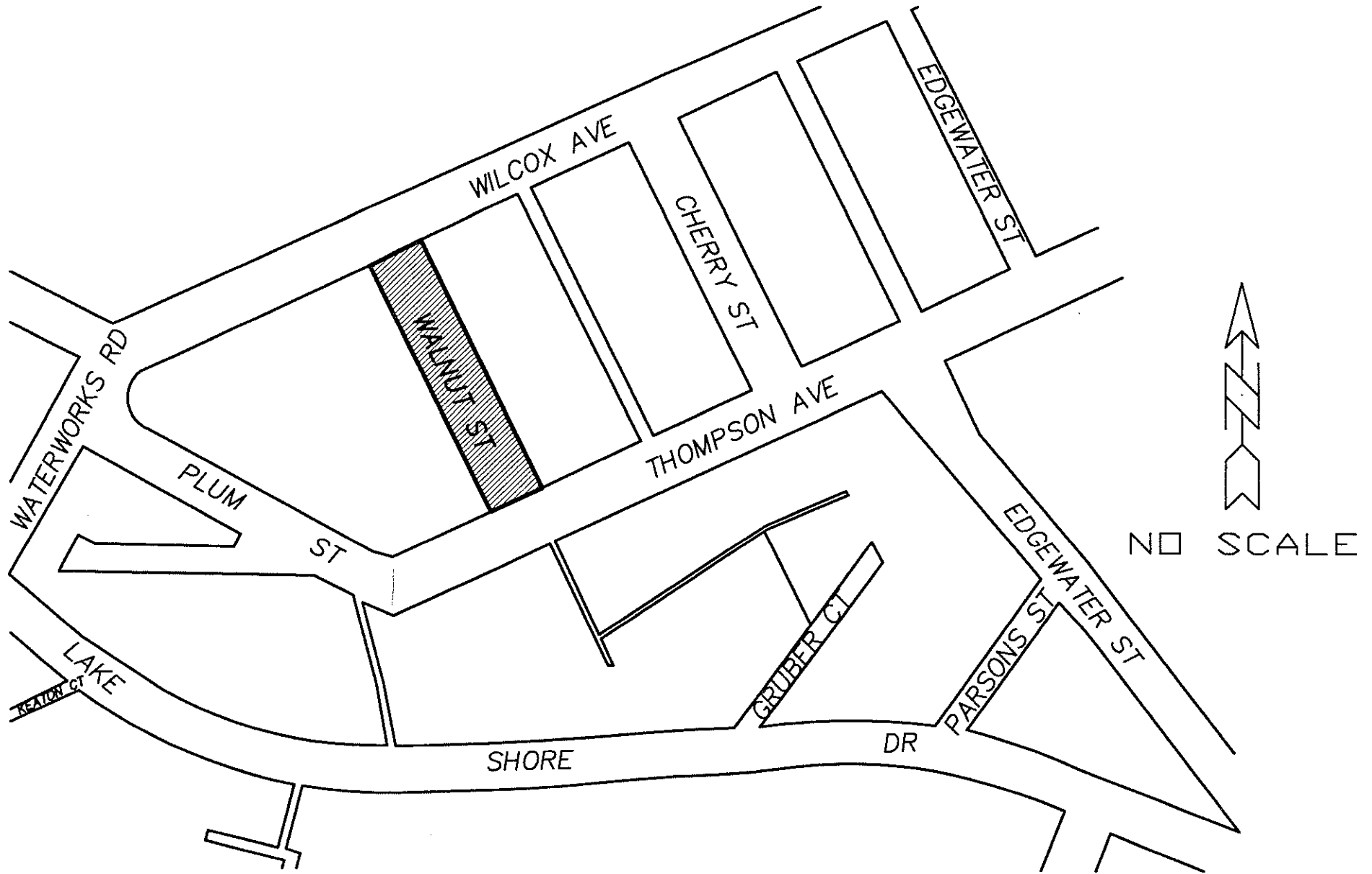
EXHIBIT A

WALNUT ST., WILCOX ST. TO THOMPSON AVE

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Walnut St., Wilcox to Thompson

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Walnut St. , Wilcox St. to Thompson

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 16TH DAY OF JANUARY, 2004.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF February, 2004.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

ENGINEERING FEASIBILITY STUDY

For

Walnut St., Wilcox to Thompson

The proposed Milling & resurfacing of Walnut was initiated by the property owners abutting that section of roadway due to the conditions it's in. The proposed resurfacing, we feel, is necessary to prevent this section of roadway from deteriorating to a point where resurfacing would no longer be a valid option and a complete reconstruction would then be necessary, resulting in a higher cost to the property owners as well as to the City.

The preliminary cost estimate for the work associated with paving is approximately \$31,000 with the length of the project being approximately 400 lineal feet (project length) or 726.5 of assessable footage. This translates into an estimated improvement cost of \$42.67 per assessable foot. The assessment figure will be at a cost not to exceed \$17.40 per assessable foot as established in the 2004 Special Assessment for this type of improvement.

PETITION FOR PAVING

RECEIVED
CITY OF INDIANAPOLIS

JUL 08 2003

To the City Commission:

We, the undersigned property owners abutting on WALNUT ST Street, and comprising a majority of the property ownership, petition your Honorable Body to pave WALNUT ST between Thompson and Wilcox and in consideration of the benefits to be derived from the above mentioned improvement do hereby consent to such paving and hereby agree that the proportionate cost thereof be assessed against my property as a special assessment and agree to pay for the same.

Petition circulated by Rosmerie Bullion

Note:

1873 Walnut - 49441
(231) 755-2459

Where property is being purchased on contract, both parties must sign.

NAME	PROPERTY ADDRESS	LOT	BLOCK	PROPERTY FRONT FOOTAGE
<u>Larry Bullion</u>	<u>1873 Walnut #7</u>	<u>K-729</u>		<u>50'</u>
<u>Arthur Jones</u>	<u>1861 Walnut</u>			<u>50'</u>
<u>Eva Pina</u>	<u>1851 Walnut</u>			<u>50'</u>
<u>Richard Spenson</u>	<u>1879 Walnut</u>			<u>100'</u>
<u>Chia Helt</u>	<u>1867 Walnut</u>			<u>50'</u>
<u>Shirley Giff</u>	<u>1880 Walnut</u>			<u>50'</u>
<u>Wick Pool</u>	<u>3324 Thompson</u>			<u>50'</u>
<u>Ken A. Bibbey</u>	<u>1872 Walnut St.</u>			<u>100'</u>
<u>Melvin Leggett</u>	<u>1852 Walnut St.</u>			<u>50'</u>
<u>Melvin Leggett</u>	<u>3339 Wilcox Ave</u>			<u>50'</u>
<u>Calvin</u>	<u>3414 Thompson</u>			<u>50'</u>
	<u>1860 Walnut</u>			
<u>Joe C. Blakeman</u>	<u>1847 Walnut St.</u>			<u>50'</u>

CC: Manager
Commission

MUSKEGON COUNTY

M I C H I G A N

BOARD OF COMMISSIONERS

Paul T. Baade, Chair
District 10

Bill Gill, Vice-Chair
District 8

Douglas A. Bennett
District 7

Charles L. Buzzell
District 2

James J. Derezinski
District 4

Marvin R. Engle
District 5

Louis A. McMurray
District 9

Robert Scolnik
District 11

I. John Snider II
District 3

Nancy A. Waters
District 6

Stephen R. Wisniewski
District 1

January 14, 2004

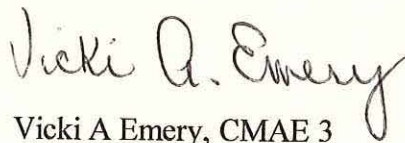
Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Walnut Street between Wilcox and Thompson Avenue. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is January 14, 2004.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses primarily residential properties. The front foot rate of \$17.40 for the milling and resurfacing of the above mentioned project area appears reasonable in light of an analysis that indicates a possible enhancement of \$18.67. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

Sincerely,



Vicki A Emery, CMAE 3

Senior Appraiser

January 16, 2004

OWNERS NAME

OWNERS ADDRESS

OWNERS CITY , OWNERS STATE, OWNERS ZIPCODE 1

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

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

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

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

A public hearing is also scheduled for this project on JANUARY 27, 2004. If you attend this public hearing you will be given an opportunity to make comments on the proposed special assessment district to the commission.

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

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

January 16, 2004

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

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

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

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

WALNUT ST., WILCOX TO THOMPSON

The proposed special assessment district will be located as follows:

All parcels abutting Walnut St. from Wilcox St. to Thompson.

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

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on JANUARY 27, 2004 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

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

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

Estimated Costs

The total estimated cost of the street portion of the project is \$31,000.00 of which approximately 40.78% (\$12,641.10) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "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 \$16,823.00
- Have a special assessment of \$300.00 or more.

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
STREET H-1576
WALNUT STREET, WILCOX ST. TO THOMPSON
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET- H-1576
WALNUT STREET, WILCOX ST. TO THOMPSON
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: WALNUT ST., WILCOX TO THOMPSON

Project Description: * MILLING & RESURFACING

INSTRUCTIONS

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

Assessment Information

Property Address: PROPERTY ADDRESS & STREET

Parcel Number 24-XXX-XXX-XXXX-XX

Assessable Frontage: 25 Feet

Estimated Front Foot Cost: \$17.40 per Foot

ESTIMATED TOTAL COST \$435.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 16 BLK 728

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

CoOwner/Spouse _____

Signature _____

Signature _____

Address _____

Address _____

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

CITY CLERK NAME

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**TORRENT ST., LETART AVE. TO SHERMAN BLVD.
AND
WALNUT ST., WILCOX ST. TO THOMPSON AVE.**

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

- **All parcels abutting Torrent St. from Letart Ave. to Sherman Blvd.
and**
- **All parcels abutting Walnut St from Wilcox St. to Thompson Ave.**

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

PLEASE TAKE NOTICE: A PUBLIC HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **JANUARY 27, 2004 AT 5:30 P.M.**

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

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

PUBLISH: **January 17, 2004**

Gail Kunding, City Clerk

ADA POLICY

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

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

SPECIAL ASSESSMENT

H 1576

MILLING & RESURFACING

HEARING DATE

JANUARY 27, 2004

WALNUT ST., WILCOX TO THOMPSON

24-205-728-0016-00	LEGGETT MELVIN TRUST	ASSESSABLE FEET:	25
	2023 ADDISON ST	COST PER FOOT:	\$17.40
@ 3339.	WILCOX AV MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$435.00

24-205-728-0015-00	LEGGETT MELVIN TRUST	ASSESSABLE FEET:	50
	2023 ADDISON ST	COST PER FOOT:	\$17.40
@ 1852.	WALNUT ST MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$870.00

24-205-728-0014-00	KOLBERG KIRK N	ASSESSABLE FEET:	50
	1860 WALNUT ST	COST PER FOOT:	\$17.40
@ 1860.	WALNUT ST MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$870.00

24-205-728-0012-00	BAKKE LEON G/LINDA J TRUST	ASSESSABLE FEET:	100
	1872 WALNUT ST	COST PER FOOT:	\$17.40
@ 1872.	WALNUT ST MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$1,740.00

24-205-728-0011-00	GOFF SHIRLEY A	ASSESSABLE FEET:	50
	1880 WALNUT ST	COST PER FOOT:	\$17.40
@ 1880.	WALNUT ST MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$870.00

24-205-728-0009-00	UNITED PENTECOSTAL CHURC	ASSESSABLE FEET:	50.5
	3320 THOMPSON AVE	COST PER FOOT:	\$17.40
@ 3320.	THOMPSON MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$878.70

24-205-729-0001-00	BLAKEMAN JOEL C	ASSESSABLE FEET:	50
	1847 WALNUT ST	COST PER FOOT:	\$17.40
@ 1847.	WALNUT ST MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$870.00

WALNUT ST., WILCOX TO THOMPSON

24-205-729-0004-00	PENA JESUS R/EVA M 1851 WALNUT ST @ 1851. WALNUT ST MUSKEGON MI 49441	ASSESSABLE FEET: 50 COST PER FOOT: \$17.40 <u>ESTIMATED P.O. COST:</u> \$870.00
24-205-729-0005-00	TORRESEN KATHLEEN L 1861 WALNUT ST @ 1861. WALNUT ST MUSKEGON MI 49441	ASSESSABLE FEET: 50 COST PER FOOT: \$17.40 <u>ESTIMATED P.O. COST:</u> \$870.00
24-205-729-0006-00	ABBOTT CHRISTOPHER A 1867 WALNUT ST @ 1867. WALNUT ST MUSKEGON MI 49441	ASSESSABLE FEET: 50 COST PER FOOT: \$17.40 <u>ESTIMATED P.O. COST:</u> \$870.00
24-205-729-0007-00	BULLION LOYD 1873 WALNUT ST @ 1873. WALNUT ST MUSKEGON MI 49441	ASSESSABLE FEET: 50 COST PER FOOT: \$17.40 <u>ESTIMATED P.O. COST:</u> \$870.00
24-205-729-0008-00	SWENSON RICHARD C 1879 WALNUT ST @ 1879. WALNUT ST MUSKEGON MI 49441	ASSESSABLE FEET: 100 COST PER FOOT: \$17.40 <u>ESTIMATED P.O. COST:</u> \$1,740.00
24-205-729-0010-00	POOL GERARD N TRUST 3324 THOMPSON AVE @ 3324. THOMPSON MUSKEGON MI 49441	ASSESSABLE FEET: 51 COST PER FOOT: \$17.40 <u>ESTIMATED P.O. COST:</u> \$887.40
SUM OF ASSESSABLE FOOTAGE: <u>726.50</u>		<u>SUM OF ESTIMATED P.O. COST:</u> \$12,641.10
TOTAL NUMBER OF ASSESSABLE PARCELS 13.00		

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: WALNUT ST., WILCOX TO THOMPSON

Project Description: * MILLING & RESURFACING

INSTRUCTIONS

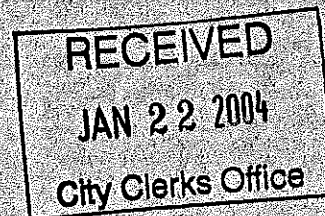
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address:	1852 WALNUT ST
Parcel Number	24-205-728-0015-00
Assessable Frontage:	50 Feet
Estimated Front Foot Cost:	\$17.40 per Foot
ESTIMATED TOTAL COST	\$870.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 72B
LOT 15



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 Melvin Leggett
Signature Melvin Leggett
Address 1852 Walnut St.
2423 Addison St.

CoOwner/Spouse Helma J. Leggett
Signature Helma J. Leggett
Address 2423 Addison, Muskegon, MI
249441

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

LEGGETT MELVIN RUSL

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **JANUARY 27, 2004**

Project Title: **WALNUT ST., WILCOX TO THOMPSON**

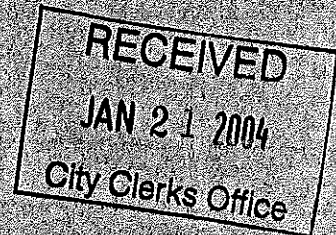
Project Description: **MILLING & RESURFACING**

INSTRUCTIONS

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

Assessment Information

Property Address:	3339 WILCOX AVE
Parcel Number	24-205-728-0016-00
Assessable Frontage:	25 Feet
Estimated Front Foot Cost:	\$17.40 per Foot
ESTIMATED TOTAL COST	\$435.00



Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
LOT 16 BLK 728

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 Melvin Leggett CoOwner/Spouse

Signature Melvin Leggett Signature Thelma J. Leggett

Address 3339 Wilcox Ave Address 2023 Addison, Muskegon, MI

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

PROJECT: MELVIN TRUST

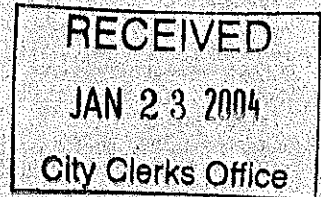
1 4944

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: WALNUT ST., WILCOX TO THOMPSON
Project Description: * MILLING & RESURFACING



INSTRUCTIONS

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

Assessment Information

Property Address: 1879 WALNUT ST
Parcel Number 24-205-729-0008-00
Assessable Frontage: 100 Feet
Estimated Front Foot Cost: \$17.40 per Foot

ESTIMATED TOTAL COST \$1,740.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 729
LOTS 8 & 9
& ELY 1/2 VAC ADJ ALLEY

Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner

Richard C. Swenson

CoOwner/Spouse

Signature

Richard C. Swenson

Signature

Address

1879 Walnut

Address

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

SWENSON RICHARD C

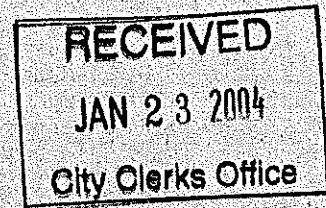
SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: WALNUT ST., WILCOX TO THOMPSON

Project Description: * MILLING & RESURFACING



INSTRUCTIONS

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

Assessment Information

Property Address: 1873 WALNUT ST
Parcel Number 24-205-729-0007-00
Assessable Frontage: 50 Feet
Estimated Front Foot Cost: \$17.40 per Foot
ESTIMATED TOTAL COST \$870.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 729
LOT 7
& ELY 1/2 VAC ADJ ALLEY

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 Loyd Bullion CoOwner/Spouse ROSEMARIE BULLION
Signature Loyd Bullion Signature Rosemarie Bullion
Address 1873 WALNUT ST Address 1873 Walnut St.

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

QUALIFIED

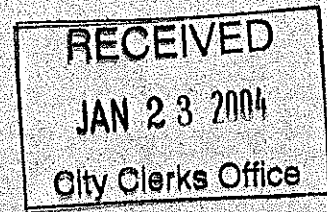
SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By JANUARY 27, 2004

Project Title: WALNUT ST., WILCOX TO THOMPSON

Project Description: * MILLING & RESURFACING



INSTRUCTIONS

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

Assessment Information

Property Address: 1872 WALNUT ST
Parcel Number 24-205-728-0012-00
Assessable Frontage: 100 Feet
Estimated Front Foot Cost: \$17.40 per Foot

ESTIMATED TOTAL COST \$1,740.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 728
LOTS 12 & 13

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

LEON G. BAKKE

CoOwner/Spouse

Linda J. Bakke

Signature

Lem G. Bakke

Signature

Linda J. Bakke

Address

1872 Walnut St.

Address

1872 WALNUT ST.

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

BAKKE LEON G. BAKKE J. BAKKE

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By **JANUARY 27, 2004**

Project Title: **WALNUT ST., WILCOX TO THOMPSON**

Project Description: * **MILLING & RESURFACING**

INSTRUCTIONS

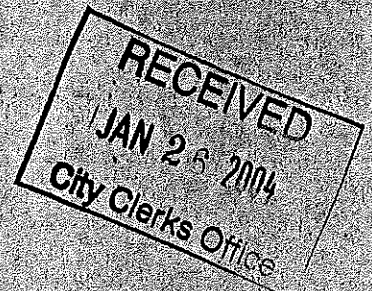
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project,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

Assessment Information

Property Address: **1851 WALNUT ST**
Parcel Number **24-205-729-0004-00**
Assessable Frontage: **50** Feet
Estimated Front Foot Cost: **\$17.40** per Foot
ESTIMATED TOTAL COST \$870.00

Property Description

CITY OF MUSKEGON
REVISED PLAT OF 1903
BLK 729
LOT 4
& ELY 1/2 VAC ADJ ALLEY



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

Jesus R Peña

CoOwner/Spouse

Eva M. Peña

Signature

Jesus R Peña

Signature

Eva M. Peña

Address

1851 Walnut

Address

1851 Walnut St.

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

LISA JESUS PEÑA

H-1576 WALNUT ST., THOMPSON AVE. TO WILCOX AVE.

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	<u>FOR</u>					<u>OPPOSE</u>				
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	FEET
TOTAL ASSESSABLE FRONT FOOTAGE	726.500 ***		11	1873	WALNUT	24-205-729-0007-00	50.00	1	3339	WILCOX	24-205-726-0016-00	25.00
FRONT FEET OPPOSED	175.00	24.09%	12	1879	WALNUT	24-205-729-0008-00	100.00	2	1852	WALNUT	24-205-726-0015-00	50.00
			8	1851	WALNUT	24-205-729-0004-00	50.00	4	1872	WALNUT	24-205-728-0012-00	100.00
RESPONDING FRONT FEET IN FAVOR	200.000	27.53%										
NOT RESPONDING - FRONT FEET IN FAVOR	351.500	48.38%										
TOTAL FRONT FEET IN FAVOR	551.500	75.91%										

TOTALS

200.00

175.00

TABULATED AS OF: 05:04 PM

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: JANUARY 27, 2004

RE: Public Hearing
Spreading of the Special Assessment Roll
Terrace St., Iona to Peck

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Terrace St., Iona to Peck**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$77,877.51 would be spread against the twenty three (23) parcels 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:

CITY OF MUSKEGON

Resolution No. 2004-11(d)

Resolution Confirming Special Assessment Roll

For Terrace St. Iona to Peck

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 25, 2003**, 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 Terrace St. Iona to Peck

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

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **January 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **January 27, 2004**.

City of Muskegon

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

EXHIBIT A

Terrace, Iona to Peck

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Terrace from Iona to Peck
(see Attached Map)**



PROJECT LOCATION
SPECIAL ASSESSMENT DISTRICT

CITY OF MUSKOGEE		TERRACE STREET	
OFFICE OF THE CITY ENGINEER		IONA TO PECK	
DESIGNED BY	DATE	APPROVED BY	DATE
CHECKED BY	DATE	APPROVED BY	DATE
DRAWN BY	DATE	APPROVED BY	DATE
SCALE	NO. SCALE	SCALE	NO. SCALE

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1559, TERRACE, IONIA TO PECK.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 16th of January, 2004

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF February, 2004.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

Terrace St. Iona to Peck

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, 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

STEPHEN J. WARMINGTON



January 16, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

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

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:

TERRACE, IONA TO PECK
Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JANUARY 27TH, 2004 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 JANUARY 27TH, 2004 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL(517-334-6521). 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 \$280,000.00 of which \$77,587.02 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$6709.5 based on 189 feet assessable front footage at \$35.5 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$6709.5. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$670.95 PER YEAR
Due Date: December 29th, 2003

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 Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in black ink, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

**CITY OF MUSKEGON
STREET H-1559
TERRACE, IONA TO PECK
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

ANNUAL Household Income: (Must include <u>all</u> household income)	\$ _____	Wage earner: _____
	_____	Wage earner: _____
	_____	Wage earner: _____
	_____	Wage earner: _____
Total:	\$ _____	

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER MAY 31, 2003**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
TERRACE, IONA TO PECK
STREET H-1559
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2002, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

**SPECIAL ASSESSMENT DISTRICT
TERRACE ST., IONA ST. TO PECK ST.**

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

- All parcels abutting Terrace St. from Iona St. to Peck St.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **JANUARY 27, 2004 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 rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are 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 hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of this hearing is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

Gail A. Kunding, City Clerk

Publish: **JANUARY 17, 2004**

ADA POLICY

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

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

RECEIVED
CITY OF MUSKEGON

CITY OF MUSKEGON

MAR 03 2003

Resolution No. 2003 - 20 (b)

ENGINEERING DEPT.

Resolution At First Hearing Creating Special Assessment District
For **Terrace St. Iona to Peck**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 25, 2003** 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 25, 2003**, there were 28.2 % 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 Shepherd and Warmington
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 **23.12%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By

Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 25, 2003**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By

Gail A. Kunding
Gail A. Kunding, Clerk

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

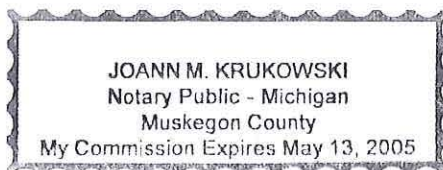
Terrace, Iona to Peck

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 14TH DAY OF FEBRUARY, 2003.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
28 DAY OF Feb, 2003.

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



H-1559

HEARING DATE JANUARY 27, 2004

TERRACE, IONIA TO PECK SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-221-0001-00	1080.0	TERRACE ST	MUSKEGON HOUSIN	1080 TERRACE ST	MUSKEGON	MI 49442	\$6,709.50	\$0.00	\$6,709.50
24-205-219-0003-00	1036.0	TERRACE ST	NN & B LLC	40 CONCORD AVE	MUSKEGON	MI 49442	\$4,686.00	\$0.00	\$4,686.00
24-205-219-0001-00	1.0	APPLE AVE	WEIHL RONALD JR/J	1370 TIMBER TRAIL	WHITEHALL	MI 49461	\$3,159.50	\$0.00	\$3,159.50
24-205-239-0007-10	1205.0	TERRACE ST	COON RANDAL L	1205 TERRACE	MUSKEGON	MI 49442	\$2,343.00	\$0.00	\$2,343.00
24-205-239-0008-00	1197.0	TERRACE ST	RILLEMA LEE A	1420 PALMER	MUSKEGON	MI 49441	\$2,343.00	\$0.00	\$2,343.00
24-205-239-0009-00	1189.0	TERRACE ST	HOVEY GERALD	6724 HALL RD	MUSKEGON	MI 49442	\$2,343.00	\$0.00	\$2,343.00
24-205-239-0010-10	1183.0	TERRACE ST	FAUGHT CHARLES/P	1183 TERRACE ST	MUSKEGON	MI 49442	\$2,343.00	\$0.00	\$2,343.00
24-205-229-0005-00	1163.0	TERRACE ST	FAITH TEMPLE CHU	1163 TERRACE ST	MUSKEGON	MI 49442	\$4,366.50	\$0.00	\$4,366.50
24-205-229-0010-00	55.0	DIANA AVE	BETHANY CHRISTIA	1105 TERRACE ST	MUSKEGON	MI 49442	\$2,343.00	\$0.00	\$2,343.00
24-205-227-0006-00	1105.0	TERRACE ST	BETHANY CHRISTIA	1105 TERRACE ST	MUSKEGON	MI 49442	\$6,709.50	\$0.00	\$6,709.50
24-205-220-0003-00	1088.0	PECK ST	BETHANY CHRISTIA	1105 TERRACE	MUSKEGON	MI 49442	\$2,343.00	\$0.00	\$2,343.00
24-205-220-0007-00	1070.0	TERRACE ST	SEIFERT TRUSTS H	ONE NATIONAL CITY	KALAMAZOO	MI 49009	\$2,343.00	\$0.00	\$2,343.00
24-205-220-0001-00	1070.0	PECK ST	SEIFERT TRUSTS H	ONE NATIONAL CITY	KALAMAZOO	MI 49009	\$4,686.00	\$0.00	\$4,686.00
24-205-222-0001-00	1040.0	PECK ST	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI 49443	\$2,753.03	\$0.00	\$2,753.03
24-205-238-0004-00	1206.0	TERRACE ST	MAY PROPERTY MA	3947 NORTON HILLS	MUSKEGON	MI 49441	\$2,343.00	\$0.00	\$2,343.00
24-205-238-0003-00	1194.0	TERRACE ST	RISING STAR MISSIO	1194 TERRACE ST	MUSKEGON	MI 49442	\$4,100.25	\$0.00	\$4,100.25
24-205-238-0001-00	1182.0	TERRACE ST	ROTTIER JAMES	895 APPLE	MUSKEGON	MI 49442	\$2,928.75	\$0.00	\$2,928.75
24-205-230-0003-00	1164.0	TERRACE ST	WILLIS BONNIE	1164 TERRACE ST	MUSKEGON	MI 49442	\$4,686.00	\$0.00	\$4,686.00

H-1559

HEARING DATE JANUARY 27, 2004

TERRACE, IONIA TO PECK SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-230-0002-00	1148.0	TERRACE ST	CLC PROPERTIES IN 17 E WHITE LAKE DR TWIN LAKE MI 49457	\$2,343.00	\$290.48	\$2,633.48
24-205-230-0001-00	1140.0	TERRACE ST	BUCKNER IRMA 1140 TERRACE ST MUSKEGON MI 49442	\$2,343.00	\$0.00	\$2,343.00
24-205-226-0004-00	1122.0	TERRACE ST	MAY PROPERTY MA 3947 NORTON HILLS MUSKEGON MI 49441	\$2,343.00	\$0.00	\$2,343.00
24-205-226-0003-00	1116.0	TERRACE ST	HERMAN LOUISE 1116 TERRACE ST MUSKEGON MI 49442	\$2,343.00	\$0.00	\$2,343.00
24-205-226-0001-00	1102.0	TERRACE ST	YOUNG GREGORY J 1102 TERRACE ST MUSKEGON MI 49442	\$4,686.00	\$0.00	\$4,686.00
TOTALS				\$77,587.03	\$290.48	<u>\$77,877.51</u>

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

 1/28/04
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 1-28/04
 CLARA SHEPHERD CITY COMMISSIONER DATE

 1/28/04
 STEVE WARMINGTON CITY COMMISSIONER DATE

Memo

To: Mayor Warmington and City Commissioners

From: Bryon L. Mazade, City Manager *BYM*

CC: Ric Scott

Tim Paul

John Schrier

Date: 01/27/04

Re: Lakeshore Basketball

Attached is an agreement between Lakeshore Basketball and the L.C. Walker Arena. It has been executed by Lakeshore Basketball and will be executed by Tony Lisman. I respectfully request your endorsement of the agreement at your meeting tonight.

The main issue that needed resolution had to do with the rent that Lakeshore would pay. The agreement is that Lakeshore will pay \$2,650 per game for games with attendance of 2,500 or more and \$2,800 per game with less than 2,500.

Another item that you should be aware of is a rumor that after the end of this contract Lakeshore plans to play in a yet to be built facility north of the City (former Zephyr site). Riverview Ventures is proposing a sports facility (story likely in the Chronicle tomorrow) on the site that could include basketball courts. Lakeshore indicated today that they may work out at that facility, but did not intend to play games there. I do not think that issue should enter into the decision on the lease arrangement for the arena, but I thought you should be aware of this situation.

I appreciate your consideration of this item with short notice and I am prepared to answer questions you may have. Thank you.

D. Gundinger

L.C. WALKER ARENA LAKESHORE BASKETBALL, LLC CONTRACT

THIS AGREEMENT made and entered into the th 27 day of January, 2004, by and between the L.C. Walker Arena and Conference Center (hereinafter referred to as "Arena") of 955 Fourth Street, Muskegon, MI. 49440 and Lakeshore Basketball, LLC, a Michigan corporation, 1050 West Western, Suite 310, Muskegon, MI. 49441, (hereinafter referred to as Lakeshore Basketball).

WITNESSETH:

WHEREAS, the city of Muskegon, ("City"), by itself and through its manager, Arena Management Group, L.L.C., ("AMG"), is the operator of the L.C. Walker Arena located at 955 Fourth Street at Western Avenue, Muskegon, County of Muskegon, Michigan; and

WHEREAS, Lakeshore Basketball is organized for the purposes of promoting and sponsoring league play of minor league professional basketball team; and

WHEREAS, the parties desire to enter into an agreement for the use of the facilities operated by AMG;

IT IS, THEREFORE, AGREED THAT:

1. **USE OF PREMISE:** Arena agrees that for the term of this agreement that Lakeshore Basketball may utilize the Arena for professional basketball and related basketball game activities as follows:
 - a. Fully equipped sports arena for playing professional basketball. Lakeshore Basketball to provide all equipment necessary for its basketball games including basketball floor, nets, scorers tables, shot clocks and/or other equipment as may be required by the Continental Basketball Association (CBA). Arena agrees to store as well as set up and tear down equipment as necessary for the operation at the facility. Lakeshore Basketball to provide and /or compensate for staffing at any pre-game event including amateur basketball games, basketball camps, cheerleading camps or any other event as may be approved by the Arena;
 - b. Operating public address system and lighting;
 - c. Seating facilities for spectators in arena area;
 - d. Two dressing rooms for basketball team use during basketball season from 9 AM to 1 hour after game conclusion and lockable overnight storage if necessitated for opposing teams equipment;

- e. Sufficient officials' room, coaches' office, trainer's working area and press box area which meet the requirements for CBA professional basketball games. Lakeshore Basketball to be responsible for any required equipment as well as any phone line or internet line charges;
- f. Heat and air-conditioning at comfortable temperature;
- g. Facility clean-up after games;
- h. Secured storage within the Arena for promotional equipment. Area to be a minimum of 100 sq. feet.

Lakeshore Basketball agrees to hold all of its league scheduled home games at the L.C. Walker Arena with the exception of one (1) game which for execution purposes may be played at another facility.

2. **TERM OF AGREEMENT:** This agreement shall be effective for a period of one (1) year commencing on Nov. 1, 2004, and ending on Nov. 1, 2005.

3. **COMPENSATION, FEES:** Lakeshore Basketball shall pay to the Arena compensation for its right to use the Arena upon the following schedule for all games played (including playoff and exhibition games):

a) Arena Fees Per Game: \$2800 when turnstile count is less than 2500; and \$2650 when turnstile count is 2500 or higher.

b) Concession Revenues Lakeshore Basketball shall receive ten (10%) percent of the net concession revenues received by the City from any concessionaire generated during Lakeshore Basketball games. City shall provide an accounting and day sale sum within seven (7) days of the game date. All remaining net concession revenues shall belong to the City.

c) Maintenance Fee For all professional basketball games at any time Lakeshore Basketball shall pay to the Arena the following maintenance fees:

<u>Year</u>	<u>Per Ticket</u>	<u>Tickets Applicable</u>
2004-2005	\$.50	All tickets <u>sold</u> , whether individual, group sales, season tickets <u>or any other tickets sold</u> .

d) The Arena shall receive up to 15 complimentary tickets for admission to all home games during the term of this agreement.

4. OTHER FACILITIES AND/OR SERVICES PROVIDED:

- a) Staffing: Arena shall in connection with the operation of the building provide at no cost to Lakeshore Basketball the following staffing: ticket sellers, ticket takers, door guards, ushers, security, maintenance staff, and repair assistant. Lakeshore Basketball shall provide the following personnel for the operation of the basketball game—medical services personnel, game officials, spot light operator, organist and/or any other personnel required by the CBA.

Arena and Lakeshore Basketball will work together and each will use their best efforts to create a user-friendly atmosphere which recognizes the importance of each and every customer using the facility. The Arena and Lakeshore Basketball shall cooperate to assure adequate training for all staff and personnel to enhance the image of the County and City of Muskegon Community, L.C. Walker Arena and Lakeshore Basketball, LLC.

- b) Box Office Charges The Walker Arena is part of the Michigan Ticket Master system. From October 1 to May 1, the Arena shall operate a full service box office six (6) days a week, 10:00 a.m. to 5:30 p.m., and on Sunday event days. Tickets shall be available to be purchased over the phone using VISA or MasterCard. Lakeshore Basketball shall pay to the manager for the account of the Arena fees for ticket master services as follows:

- i) \$0.05 for all tickets issued by the box office, and \$0.25 for all outlet, phone orders or internet tickets issued, payable to the City immediately after the applicable game or event.
- ii) Bank charges for VISA and MasterCard services. *American Express, Discover*

- c) Souvenir stand. Space on the concourse and /or arena floor for set up of team souvenir stands. Location and size to be approved by the Arena.
- d) Parking. All staff, players and owners will be allowed parking access to the arena lot immediately adjacent to the arena building along Shoreline Drive.
- e) Music Services. Lakeshore Basketball shall be responsible for ASCAP, BMI, and any other licensor of music, in connection with the operation of games. Such licenses shall not include the use of music at events other than scheduled basketball games.

5. PARKING FOR SEASON TICKET HOLDERS: Lakeshore Basketball, LLC. shall have the option to sell season ticket holders half price parking booklets good for basketball games only. The wording on the booklets is subject to Arena approval. Printing will be the responsibility of the Lakeshore Basketball, LLC. and all proceeds of the sale books will be forwarded to the City. Such money is due within five (5) working days of the regular season opening game.

6. ARENA ADVERTISING/PROGRAM AND NOVELTY SALES: Lakeshore Basketball to sell and receive 100% of the proceeds from the sale of program ads, temporary banners, court stickers, scorers tables, shot clocks, quarter scoreboards, promotions, hydro-rims, seat covers, kiosks, novelty sales, and any other activities related to a CBA professional basketball game. All such advertising items and activities shall require Arena approval. Temporary signage and kiosks must be removed and stored prior to 5 AM the next day. Further, Lakeshore Basketball may sell and retain 50% and Arena shall retain 50% (after cost of production and sales commission) of all remaining permanent basketball signage.

7. SCHEDULING AVAILABILITY: By March 15th 2004, Arena will submit a list of available play dates during the basketball season to Lakeshore Basketball.

40 dates will be submitted. Included in these dates will be at least 12 Friday and/or Saturdays nights.

Arena will utilize its best efforts to maintain good date availability for all play off dates which cannot be scheduled in advance of the season.

8. INSURANCE AND INDEMNITY:

A. Lakeshore Basketball shall obtain and retain throughout the term of this lease insurance coverage of and for all claims arising out of or resulting from Lakeshore Basketball's use of the L.C. Walker Arena, which coverage shall include the following. Each policy shall contain the provision that no cancellation shall be effective unless thirty (30) days advance written notice is given by the carrier to the Arena. All insurance policies shall name AMG, the City, the Muskegon County Building Authority and Muskegon County as additional insureds and loss payees:

- i) Broad form comprehensive general liability insurance including:
(a) Premises/operations, (b) Products/Completed operations hazard,
(c) Broad form contractual, and (d) Personal injury.
This general liability insurance shall provide the following limits of liability: \$3,000,000.00 (\$1,000,000.00 primary and \$2,000,000.00 umbrella).
- ii) Comprehensive automobile liability insurance for all owned and non-owned vehicles used on behalf of the Lakeshore Basketball in the amounts not less than \$1,000,000.00 for bodily injury and property damage, and including loading and unloading hazards.
- iii) Worker's compensation insurance providing statutory coverage for the State of Michigan.

- iv) Such additional insurance which City may reasonably require from time to time.
- v) Certificate of insurance in a form satisfactory to City of Muskegon, the County Building Authority and the County of Muskegon shall be filed with the City at least thirty (30) days prior to the commencement of Lakeshore Basketball use under this agreement.

B. Lakeshore Basketball agrees that it will indemnify and hold and save AMG, the City of Muskegon, the County Building Authority and the County of Muskegon whole and harmless of, from and against all claims, demands, actions, damages, loss, costs, liabilities, expenses and judgments incurred by, recovered from or imposed on or against them or any of them on account of any injury or damage to person or property to the extent that any such damage may be incident to, arise out of, or be caused, either proximately or remotely, wholly or in part, by an act, omission, negligence or misconduct on the part of the Lakeshore Basketball or any of its agents, servants, employees, contractors, patrons, guests, licensees or by or of any other person entering upon the L.C. Walker Arena with either the express or implied invitation or permission of Lakeshore Basketball or when any such injury or damage is the result, proximate or remote, of the violation by Lakeshore Basketball or any of its agents, servants, employees, contractors, patrons, guests, licensees or invitees of any law, ordinance or governmental order of any kind, or when any such injury or damage may in any other way arise from or out of the occupancy or use by Lakeshore Basketball, its agents, servants, employees, contractors, patrons, guests, licensees or of any portion of the L.C. Walker Arena. Such indemnification of the above entities by the Lakeshore Basketball shall be effective unless such damage or injury results from the sole negligence of AMG, the City, County Building Authority or the County of Muskegon. Lakeshore Basketball covenants and agrees that in case AMG, the City, the County Building Authority or the County shall be made a party to any litigation commenced by or against Lakeshore Basketball or relating to this agreement or to the portion of the L.C. Walker Arena subject to this agreement, then Lakeshore Basketball shall and will pay all costs and expenses, including reasonable attorneys' fees and court costs, incurred by or imposed upon them, their officers, officials, agents, employees, volunteers, or attorneys by virtue of any such litigation.

9. RELEASE OF HAZARDOUS MATERIALS: The Lakeshore Basketball shall not cause or allow the release of hazardous materials or pollution as defined by any local, state or federal law or regulation to occur upon the premises. In the event of such release, the Lakeshore Basketball shall be responsible for any and all costs, including clean up, penalties, fines, or damages to third parties. The Lakeshore Basketball agrees to indemnify it and hold harmless AMG, the City, the County Building Authority and the County of Muskegon from any such exposures or costs.

10. PRACTICE/TRAINING CAMP: Lakeshore Basketball team shall have daytime use of the arena for practices of three (3) hours per day between the hours of 9 a.m. and 3 p.m. when no special event is scheduled in the arena provided the arena is in it's basketball configuration.

11. **LIABILITY/RESPONSIBILITY:** Arena assumes no responsibility whatever for any property of Lakeshore Basketball placed in said building and arena is expressly relived and discharged from any and all liability for any loss, injury, or damage to persons or property that may be sustained during the effective date of this contract by reason of the occupancy and operation of said building or any part thereof under this agreement.
12. **DEFAULT:** Lakeshore Basketball covenants that if any default is made in the payment of fees or any part thereof at the time specified in this contract, or if any default is made in any of the covenants or agreements herein contained, or if Lakeshore Basketball cancels this agreement for any cause, the provisions of this contract shall cease and terminate at the Arena's option, and Lakeshore Basketball may be put out of the premises by appropriate legal proceedings. Further, and in addition, should the Lakeshore Basketball be in default with regard to payments or fees due hereunder or other default occur, the Arena shall be allowed, without initiating legal proceedings against Lakeshore Basketball and without verbal or written notice to take such money from box office receipts due Lakeshore Basketball and to withdraw from and/or to be relieved of the Arena's responsibilities under this agreement. Upon default, Arena may cease providing any or all services called from this agreement. Lakeshore Basketball shall save the Arena harmless from any and all claims or actions for damages or injunctions.
13. **FEES AND EXTRA SERVICES:** Any sum due the Arena from Lakeshore Basketball or any accommodations, extra services, material or cost of repair, shall be a first lien on the box office receipts and on any property of the Lakeshore Basketball which may be in the L.C. Walker Arena and Conference Center.
14. **COMPLIANCE WITH LIQUOR LAWS:** Lakeshore Basketball acknowledges that all of the L.C. Walker Arena and Conference Center is a "licensed premises" under the Michigan Liquor Control Act. Lakeshore Basketball covenants that it will not do or permit to be done anything which will violate the terms and conditions of said Liquor License or the regulations of the Michigan Liquor Control Commission.
15. **ENTRANCE:** All articles, exhibits, fixtures, materials, displays, etc., shall be brought into or out of the building at such entrances and exits as designated by the Arena Operations Manager.
16. **TERMINATION:** The Lakeshore Basketball agrees upon the termination of this agreement, it shall vacate the Arena leaving it in the same condition as it existed on the date of this agreement except for the consequences of ordinary use and wear thereof and damage by the elements or fire or other casualty.
17. **RELATIONSHIP OF PARTIES:** No provision of this Agreement herein contained shall be construed by the parties or by any other person as one creating a partnership or joint venture between the parties as to the use of the Arena by the Lakeshore Basketball or as to the operation of the Lakeshore Basketball business in the Arena, it being the

intent of the parties that this Agreement is solely that of a contract for the use of a portion of the premises owned by the City and known as the L.C. Walker Arena and Conference Center.

18. REMOVAL OF PROPERTY: Personal equipment in connection with the Lakeshore Basketball activities belonging to the Lakeshore Basketball shall be removed from the Arena at or before the termination of this Agreement. Said property shall not include advertising facilities, fixtures, locker room or arena equipment, non-removable signage, advertising or messages, scoreboards, tables, platforms, benches, seating or any property except the personal belongings of the Lakeshore Basketball and its personnel. All such excepted property shall be and is the property of the Arena and shall be removed from the building.

19. NUMBER OF PATRONS: Lakeshore Basketball shall fully cooperate with Arena and shall not cause to be admitted to the premises a larger number of persons than the rated capacity of the individual areas hereby leased. Maximum capacities shall be established as mandated by the City of Muskegon Fire Departments.

Capacities may be reduced due to setups or obstructions.

20. PUBLIC AREA OBSTRUCTIONS PROHIBITED: No portion of the sidewalks, ramps, entries, corridors, passageways, vestibules, halls, lobbies, stairways, aisles, or access to public utilities of the L.C. Walker Arena and Conference Center shall be obstructed by Lakeshore Basketball or used for any purposes other than for ingress or egress from the leased premises.

21. PUBLIC SAFETY: Lakeshore Basketball agrees that at all times they will conduct their activities with full regard to public safety, and will observe and abide by all applicable regulations and requests by the Arena and duly authorized governmental agencies responsible for public safety.

22. FLAMMABLE MATERIALS: Materials used for decorative purposes must be treated with flame proofing and approved the Muskegon Fire Department. Nor shall Lakeshore Basketball without written consent of the Building Manager and approval of the appropriate City official, such as the fire marshal, building inspector, or other appropriate official, place or operate any engine or motor or machine on the premises, or use oils, burning fluids, kerosene, propane, or gasoline, or any other flammable chemical for mechanical or other purposes.

23. CONDITION OF PREMISES: The Lakeshore Basketball shall have examined the premises prior to the execution of this Agreement and are presumed to be satisfied with the physical condition of the premises. The Lakeshore Basketball by entering into this Agreement and the usage of the Arena, agrees that the premises is in a safe, sanitary conditions, and in good repair.

24. PERMITS, LICENSES AND COPYRIGHTS: Lakeshore Basketball agrees to obtain and pay for all necessary permits and licenses required by Federal, State or local laws. Lakeshore Basketball warrants that all copyrighted material to be performed has been duly authorized or licensed by the copyright owners or their representatives and agrees to indemnify and hold harmless AMG, the City, County Building Authority and County of Muskegon from any and all claims, losses, expenses, including legal fees, which might arise from any such permits, licenses and copyrights.

25. RIGHT TO INSPECT: Arena reserves the right to inspect and control all events being held on premises.

26. COMPLIANCE WITH LAW: Lakeshore Basketball shall not conduct, or permit to be conducted on the premises, any performance or activity which either by speech, song, music, or other conduct, is in violation of the laws of the United States, the State of Michigan, or the rules and regulations of the L.C. Walker Arena and Conference Center.

27. ASSIGNMENT: The parties understand that all the Arena's duties under this agreement may be performed by the City or its Manager retained under a separate operations management agreement. Lakeshore Basketball agrees to look for the Manager for all City responsibilities.

28. UNAVAILABILITY OF FACILITIES: In the event that the facilities herein rented or any portion thereof are not available for occupancy upon commencement or during the term of this Agreement due to fire, casualty, acts of God, strikes or national emergency or other cause beyond the control of the Arena, this permit and the obligations of the Lakeshore Basketball and the Lakeshore Basketball herein shall terminate. The Lakeshore Basketball hereby waives any claim against the City for damages by reason of such termination.

29. BREACH OF AGREEMENT: In the case of the breach of any one or more of the terms of this Agreement by Lakeshore Basketball right to the use of the premises shall terminate without notice or demand. Upon the termination of this Agreement, Lakeshore Basketball agrees to vacate the premises immediately. The parties agree that the City and/or manager is in full control of the premises and may refuse admission to or put out any person including Lakeshore Basketball for good cause. No action by the City or manager under the paragraph shall cause forfeiture of any fees or payments due the Arena.

30. BINDING EFFECT: Each and every term of this contract shall be binding upon the parties and their successors and assigns, and cannot be varied or waived by any oral representations or promise of any agent or other person of the parties hereto, unless the same be in writing and mutually signed by the duly authorized agent or agents who executed this.

31. LEGAL CONSTRUCTION: The Agreement shall be governed by the laws of the State of Michigan.

32. ENTIRE AGREEMENT: The parties hereto agree that all of their agreements are fully set forth herein and that no oral statement or representations of any kind have been made upon which either party shall have the right to reply. This shall not limit the Arena from imposing any reasonable additional rules or regulations which may be necessary in the best interest of the operations of the facilities.

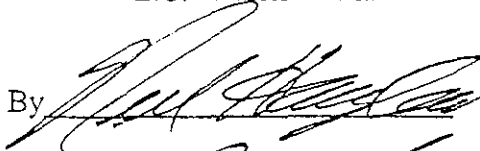
IN WITNESS WHEREOF, the Arena and Lakeshore Basketball have caused this indenture to be executed the day and year first above written.

WITNESSES:

L.C. Walker Arena

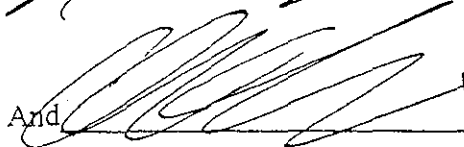
Patricia J. Geiger

By



Nancy Anderson

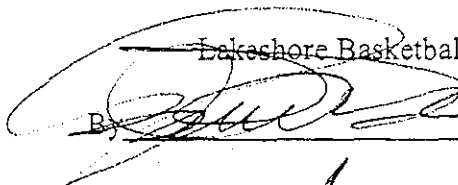
And



Bryan Mayall

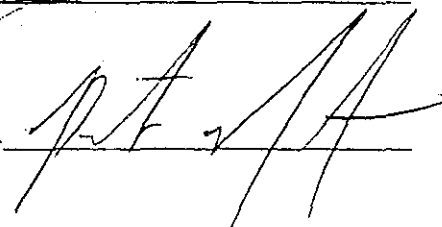
Lakeshore Basketball

By



Cedric E. Jenkins

And



Commission Meeting Date: January 27, 2004

Date: January 20, 2004

To: Honorable Mayor & City Commission

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

RE: Approval of Resolution to sell 1938 Hoyt

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the transaction between Ms. Shawntaine Watson and the City of Muskegon for the purchase of the newly constructed home at 1938 Hoyt for the purchase price of \$107,500 with a subsidy of \$26,000.

The CNS office obtained the property at 1938 Hoyt through a donation from the previous owner. After gaining ownership of the property the CNS office demolished the original structure that had been severely damaged in a fire. Twenty feet of the original parcel was sold to each adjoining neighbor before construction on the new house was begun.

FINANCIAL IMPACT: The HOME fund will receive approximately \$78,000 of program income

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and direct the Mayor and Clerk to sign the quitclaim for the sale of the property.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee approved the project.

MUSKEGON CITY COMMISSION

Resolution No. 2004-13(a)

RESOLUTION TO APPROVE THE SALE OF
CITY-OWNED PROPERTY AT 1938 Hoyt

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

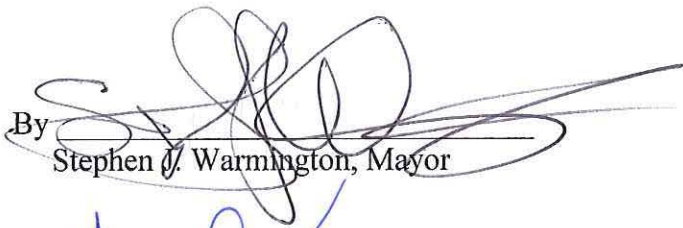
WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

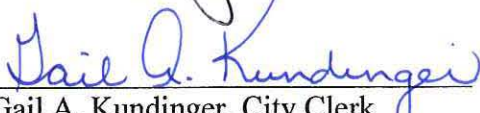
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approved the sale of the new constructed single-family home located at 1938 Hoyt to Shawntaine Watson for the price of \$107,500.

Adopted this 27th day of January, 2004

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

Nays: None

By 
Stephen J. Warmington, Mayor

By 
Gail A. Kunderger, City Clerk

CERTIFICATION

2004-13(a)

This resolution was adopted at a regular meeting of the City Commission, held on January 27, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kundinger, MMC, City Clerk

QUIT-CLAIM DEED

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

QUIT CLAIMS TO: **Ms. Shawntaine Watson** , of Muskegon, Michigan

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

City of Muskegon Terrace Street addition N'30 Lots 18 & all of Lot 19 and Lot 20 Excluding N 20 FEET BLOCK 3

for the sum of **One Hundred Seven Thousand Five Hundred (\$107,500.00)**

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 ____ day of _____, 200__.

CITY OF MUSKEGON

By _____
Stephen J. Warmington, Mayor

and _____
Gail A. Kunding, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this ____ day of _____, 200__, by Stephen J. Warmington and Gail A. Kunding, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621

Notary Public, Muskegon County, Michigan
My commission expires: _____

SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee

Commission Meeting Date: January 27, 2004

Date: January 15, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Grocery Board Alliance Resolution of Support

SUMMARY OF REQUEST:

The Grocery Board is aware that in order to successfully locate a grocery in the downtown it is necessary to have the support of the City Commission. The Grocery Board is also aware of budget constraints at the City at this time and is not requesting monetary support from the City. They do, however, at this time request staff and in-kind support to the Grocery Board as they continue in their efforts to bring a grocery store to the downtown.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

Memorandum

To: Mayor and City Commission
From: Lonna Anguilm, Assistant Planner
Date: 01/15/04
Re: Support for Downtown Grocery Store

Support for Downtown Grocery Store

The Grocery Board has requested that staff prepare, and present to the City Commission a resolution which affirms the City Commission's commitment to working with the grocery board to continue efforts to locate a grocery store in the downtown area.

Background

The Downtown Muskegon Improvement Alliance, AKA Grocery Board, has been working for a number of years on locating a grocery store in the downtown area. Approximately two years ago, the Grocery Board was awarded a \$50,000 MSHDA grant through the Muskegon Area Community Foundation. This money was intended to enhance efforts to locate a grocery store in the downtown. While a potential site has been identified, as well as a potential operator, at this point the grocery board has not been successful in identifying a developer/investor.

Because of this situation, the Grocery Board has decided that it is in the best interest of the community as a whole to return this money to the Community Foundation, until a viable grocery store project is identified. The grocery board fully intends to re-apply for this \$50,000 when it appears they are closer to getting a project off the ground.

The Grocery Board is very cognizant that in order for a grocery store to be successful in the downtown, they will need the support of the City Commission. The Grocery Board is also very aware that due to current budget constraints, the City cannot offer monetary support for such a project. Therefore, at this time the Grocery Board has requested that the issue of a downtown grocery store be brought before the City Commission for discussion, and that you consider the attached resolution.

Resolution No. 2004-13(b)

MUSKEGON CITY COMMISSION

RESOLUTION OF SUPPORT FOR A MUSKEGON GROCERY STORE

WHEREAS, the City of Muskegon's Muskegon Community Development Alliance, a.k.a. the Grocery Board, has been working diligently for several years to establish a grocery store in the downtown area; and

WHEREAS, a grocery store would compliment and enhance other ongoing redevelopment efforts in the downtown; and

WHEREAS, the establishment of grocery store in the downtown area would benefit a large population of seniors and low-income residents, as well as all other residents in the adjacent neighborhoods; and

WHEREAS, the Grocery Board has faced many obstacles in meeting this goal; and

WHEREAS, the Grocery Board continues to seek an investor for the grocery store.

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon continues to offer staff and in-kind support to the Grocery Board as they continue in their efforts to establish a grocery store in the downtown area.

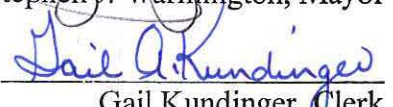
Adopted this 27th day of January, 2004

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

Nays: None

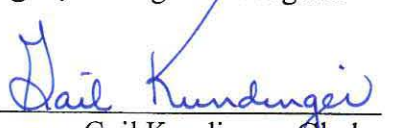
Absent None

By: 
Stephen J. Warmington, Mayor

Attest: 
Gail Kunding, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on January 27, 2004.

By: 
Gail Kunding, Clerks

Commission Meeting Date: January 27, 2004

Date: January 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CEC*
RE: Zoning Ordinance Amendment for Signs

SUMMARY OF REQUEST:

Request to amend Section 2334 (Signs) of Article XXIII (General Provisions) of the City's Zoning Ordinance in order to change the regulations regarding nonconforming signs, signs for multi-suite buildings, signs for buildings on corner lots and signs for waterfront properties.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend and add proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 1/15 meeting. The vote was unanimous with T. Harryman absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
January 15, 2004

Hearing; Case 2004-5: Staff-initiated request to amend Section 2334 (Signs) of the Zoning Ordinance regarding nonconforming signs, signs for multi-suite buildings, signs for buildings on corner lots and signs for waterfront properties.

BACKGROUND

Staff has looked into the sign ordinance issues discussed at the December meeting and has several proposed amendments for discussion. Each is explained below with the proposed ordinance changes shown in italic (text proposed for deletion is in ~~strike through~~).

Nonconforming Signs

The wording change discussed at the December meeting is being incorporated into the language for nonconforming signs. The intent of this change is to allow nonconforming signage to be maintained and/or replaced as long as it does not become more nonconforming than it was previously. Signage which either remains at the same level of nonconformity, becomes less nonconforming or which conforms to the ordinance requirements will be allowed to be removed in order to be maintained or replaced.

Excerpted from Section 2331 (Signs):

12. Existing Nonconforming Signs:

It is the intent of this subsection is to permit the continuance of a lawful use of any conforming sign existing at the effective date of adoption of this section, although such sign may not conform with the provisions of this Section. It is the intent that nonconforming signs shall not be enlarged, expanded or extended. Further, it is the intent that nonconforming signs and shall be gradually eliminated and terminated upon their *complete* natural deterioration or accidental destruction. *However, nonconforming signs may be repaired and maintained so as to continue the useful life of the sign.* The continuance of all nonconforming signs within the City shall be subject to the following requirements:

- a. Status: The burden of proving a sign is a legally nonconforming sign shall rest with the person claiming such status for the sign.
- b. Structural Changes: The frame faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign ~~becomes less~~ *does not become more* nonconforming or conforms to the provision of this Ordinance. Any nonconforming sign, billboard or portion thereof may be diminished in size or dimension without jeopardizing the privilege of nonconforming use.
- c. Destruction: See Section 2203, Restoration and Repair of Nonconforming Structures.
- d. Removal: If the building official, zoning administrator or their authorized representative of the city

determines that any sign regulated by this section is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle drivers or pedestrians, or has been constructed, erected or maintained in violation of the provisions of this section, after due notice, the official or inspector may remove the sign or require its immediate removal. Any expense incurred by the city incidental to the sign removal shall be paid by the sign owner, owner of the property where the sign is located, or other party having control over said sign.

Any sign placed or erected in a public street, alley or right-of-way or other public place, which is not specifically permitted in such place, shall be deemed an unlawful sign and the department of the city having jurisdiction over the maintenance of such public place shall remove such sign. Such removal may be without written or other notice to the owner, lessee or person of the property adjacent to the public street, alley, right-of-way, or other public place upon which the sign is located.

Multi Suite Buildings

Staff recognizes that multi suite buildings where not every suite has direct access to the outside are unique in terms of their signage needs. Those interior suites without outside access are at a disadvantage compared to the other suites. Due to the unique nature of these buildings, staff feels that it would be more practical and reasonable to review and address signage for these buildings on a case-by-case basis as part of the site plan review. In general, signage for this type of building has been left up to the building owner/manager to administer – to decide which businesses get how much of the property's allotment. Staff is proposing changes to the sign ordinance which would guarantee signage for each suite, but would allow staff to review the signage needs at the time that site plan review is applied for, based on the number of suites proposed for the building. This approach should accomplish several things.

1. By guaranteeing in the ordinance that every suite will have both wall and free-standing signage available, businesses who are looking to locate in this type of business will know that their minimum signage needs will be met, regardless of the other signage already in place on the building at the time.
2. By allowing signage needs for this type of building to be looked at on a case-by-case basis, staff will be able to work with the property owner or developer to ensure that the spirit and intent of the sign ordinance is met, while still meeting the signage needs for the potential businesses locating in the building. Staff is proposing signage maximums for these buildings so that the Zoning Administrator won't have authority to permit an unlimited amount of signage.

The proposed language addressing these changes is below. A new #11 would be inserted into Section 2331 (Signs) and the previous #11 would be renumbered to #12.

11. Multi-Suite Buildings

- a. *In the case of a building divided into more than one suite, where not every suite has direct access and exposure to the outside, this ordinance recognizes that signage needs are unique.*
- b. *As part of the site plan review for these buildings, the Zoning Administrator will work with the applicant to determine the most reasonable and practical use of signage for the site. Each suite, regardless of size, access or exposure, is guaranteed space for*

both wall signage and free-standing signage, with the amount of signage to be determined during the site plan review process. In the case of an existing multi-suite building which would not otherwise require a site plan review, a minor site plan review will be required in order to determine signage needs and allotment.

- c. The Zoning Administrator may allow free-standing and wall signage in addition to what is already allowed for these properties, as long as not more than three (3) total free-standing signs are permitted and wall signage of not more than a total of twenty percent (20%) of the surface area of the commercial portion of the front building face is allowed.*
- d. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.*
- e. Free-Standing Signs:*
 - i. Placement: Placement of all free-standing signs permitted on the site will be determined by the Zoning Administrator. The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.*
 - ii. Ground clearance: Ground clearance shall accommodate clear vision needs of the site.*
 - iii. All free-standing signs will be required to comply with Table II.*

Corner/Parallel Frontage Lots and Waterfront Properties

Corner and parallel frontage lots are somewhat unique in nature, since they generally have added street exposure as compared to lots with only a single frontage. The ordinance recognizes this by allowing these lots (in certain zoning districts) to have more than one free-standing sign, as long as the frontages are on **more than one major** street. Staff feels that this may be somewhat restrictive, as many more properties are located at the intersection of a major street and a minor street than at the intersection of two major streets. The only area in which two major streets run parallel to each other where a lot could have double frontage on both is on Muskegon and Webster Avenues.

Staff is proposing to allow properties with either corner or parallel frontage on **at least one** major street to have an additional free-standing sign, provided that the frontages add up to at least 500 linear feet. This will allow flexibility for larger properties located on corners or with parallel frontages. Staff is also proposing to change the requirements for wall signage for these properties as well, and allow properties with either corner or parallel frontage on **at least one** major street to have additional wall signage, as currently permitted for those properties with such frontage on more than one major street. The signage requirements for properties which are not located on any major streets would not change.

Waterfront properties are unique in nature as they not only have street frontage, but also have frontage on Muskegon Lake. With increased boat traffic on the lake, especially with the cross-lake ferry starting up in June, staff recognizes that properties fronting on the lake have unique needs in terms of signage. Therefore, staff is proposing to allow properties with frontage on Muskegon Lake that are zoned for other than residential to have 2 free-standing signs instead of one. This is similar to the idea of a property with parallel frontage on two major streets, which the ordinance already permits similar signage for. The size and height of free-standing signage is based upon the amount of street frontage the property has. This would remain the same for waterfront properties, except that the street frontage would also be used to determine the size and height for the waterfront sign as well. In general, a waterfront property which has a larger amount of street frontage also has a comparatively larger amount of lake frontage and vice versa. Staff feels that this is a reasonable approach to recognizing the unique signage needs of these properties.

The proposed language is below:

7. **Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones:**

- a. Scope: Signs shall pertain exclusively to the business carried on within the building.
- b. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- c. Number: One monument, or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per road frontage when the development has parallel frontage on ~~more than~~ *at least* one major street or corner frontages on *at least one* major streets, totaling over 500 linear feet. *Properties with frontage on Muskegon Lake are permitted an additional monument or pole sign on the water frontage only.*
- d. Wall, Awning or Braquet Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be 15% of the front face of the storefront. In the case where the building is over 300 feet from the road, this allotment may be 20% of the front face of the storefront. *In the case where the property has parallel frontage on at least one major street or corner frontage on at least one major street, this allotment may be 15% of the front face of the storefront.*
- e. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- f. Changeable copy or electronic message boards: Shall be permitted provided:
 - i. One changeable or electronic message board shall be permitted per premise.
 - ii. Changeable copy boards shall be part of a fixed, permanent sign and shall have rigid letters.
 - iii. Electronic message boards shall be dimmed at dusk.
 - iv. Electronic message board supports shall be at least seventy-five (75) feet from any residential use or zone.
- g. Free-standing signs:

- i. Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
- ii. Ground clearance: Ground clearance shall accommodate clear vision needs of the site.
- iii. Area and Height: All signs shall comply with Table II.

8. **Permitted signs in the B-1, Waterfront Marine Zone, Open Space Conservation, Open Space Recreation, Lakefront Recreation and Heritage Districts:**

- a. Scope: Signs shall pertain exclusively to the business carried on within the building.
- b. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- c. Number: One monument sign is permitted per property regardless of the number of businesses there. *Properties with frontage on Muskegon Lake are permitted an additional monument or pole sign on the water frontage only.*
- d. Wall, Awning or Braquet Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be 15% of the front face of the storefront. In the case where the building is over 300 feet from the road, this allotment may be 20% of the front face of the storefront. *In the case where the property has parallel frontage on at least one major street or corner frontage on at least one major street, this allotment may be 15% of the front face of the storefront.*
- e. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- f. Changeable copy or message boards: Shall be part of a fixed, permanent sign and shall have rigid letters. Electronic message boards are prohibited.
- g. Free-standing signs:
 - i. Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
 - ii. Clear vision: Signs shall not obstruct clear vision requirements for motorists.
 - iii. Area and height: Signs shall comply with the area requirements of Table II and shall not exceed eight feet (8') in height.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2121

An ordinance to amend Section 2334 (Signs), of Article XXIII (General Provisions) of the City's Zoning Ordinance to permit address regulations for nonconforming signs, signs for multi-suite buildings, signs for buildings on corner lots and signs for waterfront properties.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (Signs), of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended to allow nonconforming signs to be repaired and maintained as long as they do not become more nonconforming:

13. **Existing Nonconforming Signs:**

It is the intent of this subsection is to permit the continuance of a lawful use of any conforming sign existing at the effective date of adoption of this section, although such sign may not conform with the provisions of this Section. It is the intent that nonconforming signs shall not be enlarged, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their complete natural deterioration or accidental destruction. However, nonconforming signs may be repaired and maintained so as to continue the useful life of the sign. The continuance of all nonconforming signs within the City shall be subject to the following requirements:

- e. Status: The burden of proving a sign is a legally nonconforming sign shall rest with the person claiming such status for the sign.
- f. Structural Changes: The frame faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign does not become more nonconforming or conforms to the provision of this Ordinance. Any nonconforming sign, billboard or portion thereof may be diminished in size or dimension without jeopardizing the privilege of nonconforming use.

Section 2334 (Signs), of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended to regulate signage for multi-suite buildings where not every suite has direct access and exposure to the outside. This new #11 is added to the ordinance and the former #11 (Nonconforming Signs, above) is renumbered to #12.

12. **Multi-Suite Buildings**

In the case of a building divided into more than one suite, where not every suite has direct access and exposure to the outside, this ordinance recognizes that signage needs are unique. As part of the site plan review for these buildings, the Zoning Administrator will work with

the applicant to determine the most reasonable and practical use of signage for the site. The intent of this ordinance is that each suite, regardless of size, access or exposure, is reasonably afforded space for both wall signage and free-standing signage, with the amount of signage to be determined during the site plan review process. In the case of an existing multi-suite building which would not otherwise require a site plan review, a minor site plan review will be required in order to determine signage needs and allotment.

- f. Number: The Zoning Administrator may allow free-standing and wall signage in addition to what is already allowed for these properties, as long as not more than three (3) total free-standing signs are permitted and wall signage of not more than a total of twenty percent (20%) of the surface area of the commercial portion of the front building face is allowed.
- g. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- h. Free-Standing Signs:
 - iv. Placement: Placement of all free-standing signs permitted on the site will be determined by the Zoning Administrator. The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
 - v. Ground clearance: Ground clearance shall accommodate clear vision needs of the site.
 - vi. All free-standing signs will be required to comply with Table II.

Section 2334 (Signs), of Article XXIII (General Provisions) of the Zoning Ordinance of the City of Muskegon is hereby amended to regulate signage for lots with corner frontage, parallel frontage or water frontage as stated below:

9. Permitted signs in the B-2, B-3, B-4, B-5, I-1, and I-2 zones:

- h. Scope: Signs shall pertain exclusively to the business carried on within the building.
- i. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- j. Number: One monument, or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per road frontage when the development has parallel frontage on at least one major street or corner frontages on at least one major street, totaling over 500 linear feet. Properties with frontage on Muskegon Lake are permitted an additional monument or pole sign on the water frontage only.

- k. Wall, Awning or Braquet Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be 15% of the front face of the storefront. In the case where the building is over 300 feet from the road, this allotment may be 20% of the front face of the storefront. In the case where the property has parallel frontage on at least one major street or corner frontage on at least one major street, this allotment may be 15% of the front face of the storefront.
- l. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- m. Changeable copy or electronic message boards: Shall be permitted provided:
 - v. One changeable or electronic message board shall be permitted per premise.
 - vi. Changeable copy boards shall be part of a fixed, permanent sign and shall have rigid letters.
 - vii. Electronic message boards shall be dimmed at dusk.
 - viii. Electronic message board supports shall be at least seventy-five (75) feet from any residential use or zone.
- n. Free-standing signs:
 - iv. Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
 - v. Ground clearance: Ground clearance shall accommodate clear vision needs of the site.
 - vi. Area and Height: All signs shall comply with Table II.

10. Permitted signs in the B-1, Waterfront Marine Zone, Open Space Conservation, Open Space Recreation, Lakefront Recreation and Heritage Districts:

- h. Scope: Signs shall pertain exclusively to the business carried on within the building.
- i. Lighting: Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- j. Number: One monument sign is permitted per property regardless of the number of businesses there. Properties with frontage on Muskegon Lake are permitted an additional monument or pole sign on the water frontage only.

- k. Wall, Awning or Braquet Signs, Size: Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be 15% of the front face of the storefront. In the case where the building is over 300 feet from the road, this allotment may be 20% of the front face of the storefront. In the case where the property has parallel frontage on at least one major street or corner frontage on at least one major street, this allotment may be 15% of the front face of the storefront.
- l. Wall, Awning or Braquet Signs, Placement: Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- m. Changeable copy or message boards: Shall be part of a fixed, permanent sign and shall have rigid letters. Electronic message boards are prohibited.
- n. Free-standing signs:
- iv. Setback: The leading edge of the sign must be out of the public right-of-way. Signs must be a minimum of 10 feet from a neighboring sign.
 - v. Clear vision: Signs shall not obstruct clear vision requirements for motorists.
 - vi. Area and height: Signs shall comply with the area requirements of Table II and shall not exceed eight feet (8') in height.

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington,
Carter, and Davis
Nayes: None

Adoption Date: January 27, 2004

Effective Date: February 13, 2004

First Reading: January 27, 2004

Second Reading: N/A

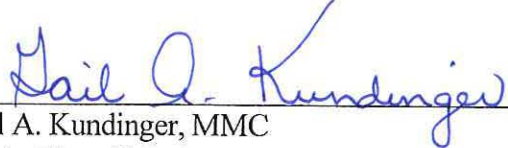
CITY OF MUSKEGON

By: Gail A. Kundergei
Gail A. Kundergei, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of January, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: January 27, 2004.



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on January 27, 2004, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs), of Article XXIII (General Provisions) of the City's Zoning Ordinance, to address signage changes for nonconforming signs (to allow them to be repaired or maintained as long as they do not become more nonconforming), signage for multi-suite buildings where every suite does not have direct access or exposure to the outside, and signage changes for lots with corner, parallel or water frontage.

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

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

Published February 3, 2004

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: January 13, 2004

Date: January 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for City-owned property located at the NE corner of Getty St. and Marquette Ave.

SUMMARY OF REQUEST:

Request to rezone property owned by the City, located at the NE corner of Getty St. and Marquette Ave. from RM-1, Low Density Multiple-Family Residential, B-1, Limited Business and OSC, Open Space Conservation to entirely R-1, Single-Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

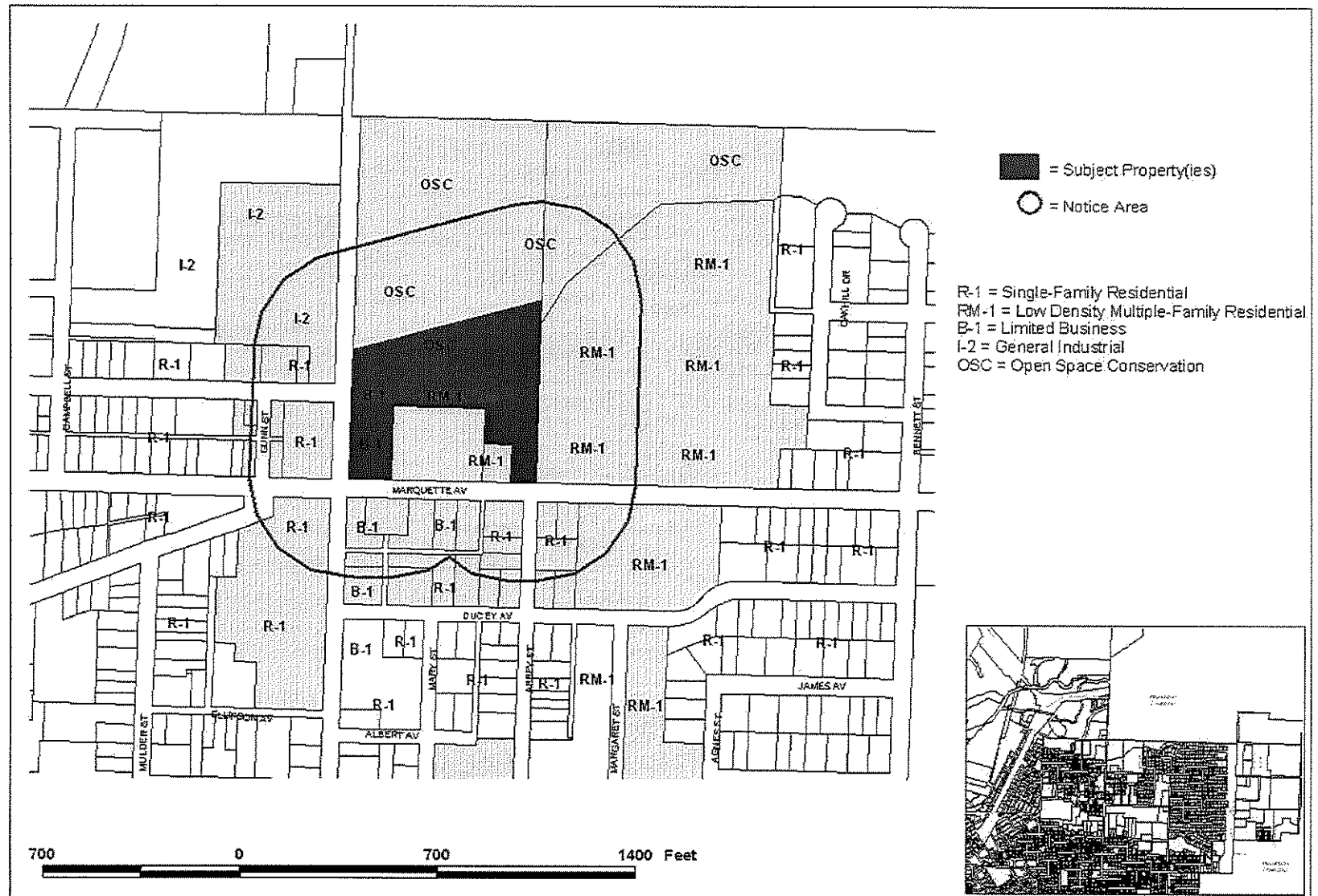
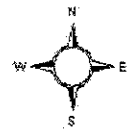
STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 12/11 meeting. The vote was unanimous.

City of Muskegon
Planning Commission
Case #2003-45



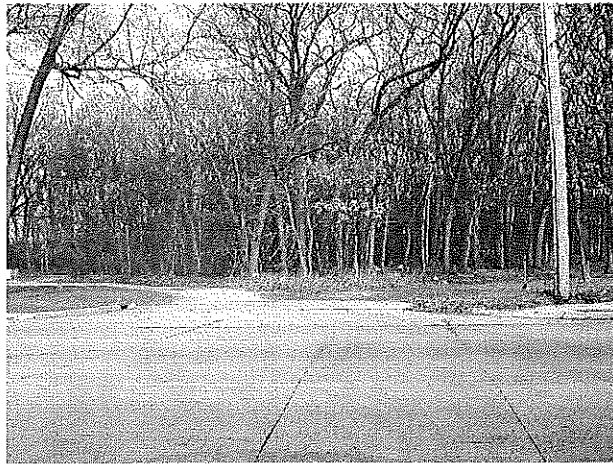
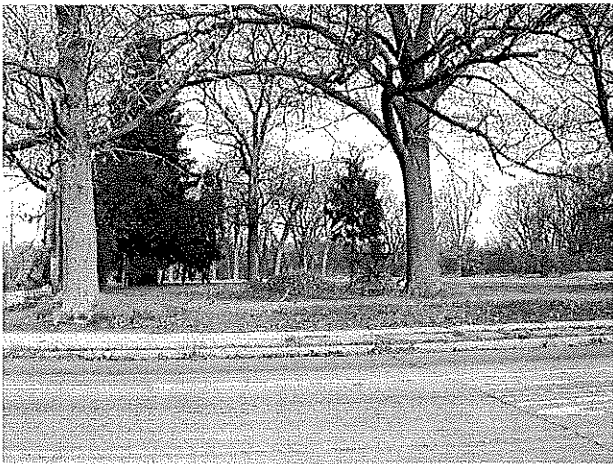
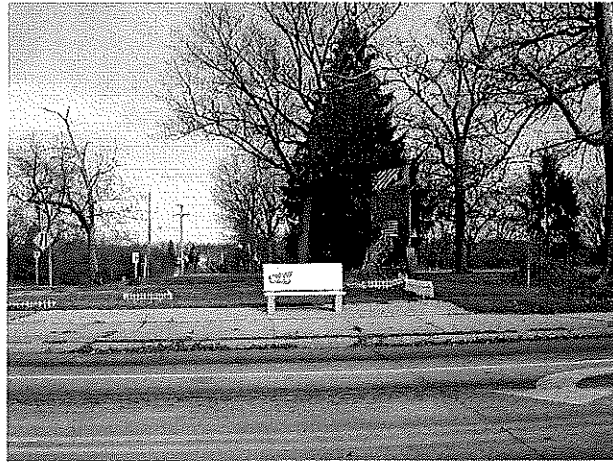
Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
December 11, 2003

Hearing; Case 2003-45: Staff-initiated request to rezone a portion of City-owned property at the northeast corner of Getty St. and Marquette Ave. from RM-1, Low Density Multiple-Family Residential to R-1, Single-Family Residential.

BACKGROUND

1. This request includes an odd-shaped parcel owned by the City. The specific corner of Getty St. and Marquette Ave. is currently zoned B-1, Limited Business. The area to the north and east is zoned RM-1, Low Density Multiple-Family Residential. There is also a portion to the north currently zoned as OSC, Open Space Conservation as well. This request excepts two privately-owned parcels on Marquette Ave., which will remain zoned for multi-family.
2. The subject property has been discussed in detail over the past year or two. A Request for Proposals (RFP) was sent out in 2002 for development of this property and three proposals were received. One of the proposals received was selected by the City Commission but has never proceeded. The Planning Commission identified this area on their 2003 Workplan as an area they would like to see rezoned to Single-Family Residential.
3. The Future Land Use Map shows the subject property to as "Public/Quasi Public", "Open Space" and "Single & Two-Family".
4. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening, fashion.
 - ◆ Single-family homes are found throughout the sub-area including many new homes located in the Marquette neighborhood. They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area.
5. The Master Plan recommends for this sub-area:
 - ◆ Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4.

PHOTOS



ORDINANCE EXCERPTS

ARTICLE X - B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones

City of Muskegon Planning Commission – 10/16/03

of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

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

1. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

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

1. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
...
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS

...

SECTION 1003: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE VII - RM-1 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RM-1 Low Density Multiple Family Residential Districts are designed to provide sites for multiple family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density One Family and Two Family Residential Districts, and MHP Mobile Home Park Districts.

SECTION 700: PRINCIPAL USES PERMITTED

In an RM-1 Low Density Multiple Family Residential District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Bed & Breakfast facilities, under the following conditions:
...
5. Rooming houses with a capacity of not more than three (3) roomers.
6. Churches and other facilities normally incidental hereto subject to the following conditions:
...
7. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
...
8. Foster Care Small Group Homes. [amended 11/02]
9. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.
10. Uses similar to the above Principal Permitted Uses.

SECTION 701: SPECIAL LAND USES PERMITTED [amended 2/02, amended 2/03]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, real estate appraisers, or other professional persons; real estate, insurance, credit service (other than loan) offices and similar businesses supplying services instead of products when determined by the Planning Commission upon application to it, to be consistent with the nature and condition of neighboring uses and structures.
2. Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.

3. Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.
4. Adult Foster Care Large Group Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
5. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
6. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
7. Uses similar to the above Special Land Uses Permitted.

SECTION 702: PLANNED UNIT DEVELOPMENT

...

SECTION 703: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE XVI - OSC OPEN SPACE CONSERVATION DISTRICTS

PREAMBLE

The OSC Open Space Conservation Districts are intended to provide for permanent open spaces in the community, and the protection of sand dunes and other natural features, and are designed to provide undeveloped recreational areas and to safeguard the health, safety, and welfare of the citizens of Muskegon and adjacent areas by limiting development in locations where police and fire protection, protection against flooding by high water table or storm water, and dangers from excessive erosion are not possible without excessive costs to the City.

SECTION 1600: PRINCIPAL USES PERMITTED

In the OSC Open Space Conservation District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Fishing docks and piers.
2. Hiking, bicycling, jogging, or ski trails.
3. Wildlife preserves or refuge structures.
4. Watershed or erosion protection facilities.
5. Uses similar to the above Principal Uses Permitted.

SECTION 1601: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Public and private utilities and services.
2. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
3. Uses similar to the above Special Land Uses Permitted.
4. Parking areas for Principal Uses.

SECTION 1602: PLANNED UNIT DEVELOPMENTS

...

SECTION 1603: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]

...
2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]

...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:

...
3. Churches and other facilities normally incidental thereto subject to the following conditions:

...

4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

...

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

...

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

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

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2122

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from RM-1, "Low Density Multiple-Family Residential", B-1, "Limited Business" and OSC, "Open Space Conservation" to entirely R-1, "Single-Family Residential"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from RM-1, "Low Density Multiple-Family Residential", B-1, "Limited Business" and OSC, "Open Space Conservation" to entirely R-1, "Single-Family Residential":

BLOCKS 655 AND 658, MUSKEGON-URBAN RENEWAL PLAT NO. 4 AS RECORDED ON LIBER 19, PAGES 19-22, MUSKEGON COUNTY RECORDS. PLUS ADDITIONAL 60 FEET ADJACENT TO THE NORTH.

This ordinance adopted:

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

Nayes: None

Adoption Date: January 27, 2004

Effective Date: February 13, 2004

First Reading: January 27, 2004

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE (Rezoning of Getty/Marquette from RM-1, B-1 and OSC to R-1)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of January, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: January 27, 2004.



Gail A. Kunderinger, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on January 27, 2004, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from RM-1, "Low Density Multiple-Family Residential", B-1, "Limited Business" and OSC, "Open Space Conservation" to entirely R-1, "Single-Family Residential":

BLOCKS 655 AND 658, MUSKEGON-URBAN RENEWAL PLAT NO. 4 AS RECORDED ON LIBER 19, PAGES 19-22, MUSKEGON COUNTY RECORDS. PLUS ADDITIONAL 60 FEET ADJACENT TO THE NORTH.

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

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

Published February 3, 2004

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: January 27, 2004

*Needs
2nd Reading*

Date: January 16, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
**RE: Rezoning request for property located at 407 Marquette Ave.
(SE corner of Marquette Ave. and Wood St.)**

SUMMARY OF REQUEST:

Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 1/15 meeting. Commissioners Spataro, Aslakson, Johnson and Sartorius voted for denial, Commissioners Michalski and Smith voted against denial, and Commissioners Mazade and Warmington abstained. T. Harryman was absent.