

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 22, 2008

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. SECOND READING: Amendment to the Zoning Ordinance – Remove Reference to Section 2308. PLANNING & ECONOMIC DEVELOPMENT
 - C. Amendment to the Zoning Ordinance – WM, Waterfront Marine Districts, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT
 - D. Restructure Fisherman's Landing Loan Terms. FINANCE
 - E. WEMET Leased Vehicles. PUBLIC SAFETY
 - F. Purchase of Computer Equipment. PUBLIC SAFETY
 - G. Admiral Petroleum Request for an Encroachment Agreement. ENGINEERING
 - H. Consideration of Bids for City Hall Emergency Generator (B-235). ENGINEERING
 - I. Construction Engineering Services Agreement for Sherman/Henry Intersection Improvements. ENGINEERING
 - J. City - MDOT Agreement for Federal Money Loan to Reconstruct Clay Avenue, Third Street to Terrace Street. ENGINEERING
 - K. City - MDOT Agreement for the Reconstruction of Clay Avenue, Third Street to Terrace Street. ENGINEERING
 - L. Resolution to Collect Taxes Levied in the Summer. TREASURER

❑ **PUBLIC HEARINGS:**

- A. Spreading of the Special Assessment Roll for Creston Street, Laketon Avenue to Evanston Avenue. ENGINEERING
- B. Create Special Assessment District for Pine Street, Apple Avenue to Western Avenue. ENGINEERING
- C. Create Special Assessment District for Vincent Drive/Park Drive, Barclay Street to North End. ENGINEERING
- D. Revocation of IFT - Office Machines. PLANNING & ECONOMIC DEVELOPMENT

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

- A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1519 Terrace (Shed/Shanties) – Area 13

499 W. Muskegon – Area 10

1553 Pine – Area 13

❑ **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 ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: January 22, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the January 2nd Organizational Meeting, January 7th Commission Worksession, and the January 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 22, 2008

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 22, 2008.

Mayor Warmington opened the meeting with a prayer from Reverend Dennis Remenschneider from St. Paul's Episcopal Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2008-10 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the January 2nd Organizational Meeting, January 7th Commission Worksession, and the January 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Amendment to the Zoning Ordinance – Remove Reference to Section 2308. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1301 #14, of article XIII (B-4, General Business Districts), Section 1400, #13, of Article XIV, (I-1, Light Industrial Districts), and Section 1500, #9, (I-2, General Industrial Districts), of Article XV, to remove the reference to Section 2308, (1)(f).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning

Ordinance to remove the reference to Section 2308, (1)(f).

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their December 13, 2007 meeting. The vote was unanimous with J. Aslakson and B. Smith absent.

D. Restructure Fisherman's Landing Loan Terms. FINANCE

SUMMARY OF REQUEST: In 2004-05 the City agreed to loan to Fisherman's Landing, Inc. \$150,000 as matching funds for a state grant. The funds were used to construct a new restroom/shower/laundry facility at the site. Terms of the loan called for repayment in 15 equal principal payments at an annual interest rate of 7%. Subsequent to this loan, the City issued bonds for the new fire station and recreation projects (including reimbursement of funds loaned to Fisherman's Landing). The City's net interest cost for the bonds is 4.15%. Staff proposes reducing the interest rate on the remaining balance of the loan to the City's actual borrowing cost.

FINANCIAL IMPACT: The City will receive \$21,854 less interest from Fisherman's Landing over the remaining life of the loan. However, these funds will go towards maintenance and improvements at the City-owned facility. The Fisherman's Landing group has taken on significant new responsibilities (including paying peak-season electric bills and mowing) under the new operating agreement. These activities save the City considerable money and staff time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the restructuring of the loan to Fisherman's Landing reducing the interest rate from 7% to 4.15%

E. WEMET Leased Vehicles. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to utilize Criminal Forfeiture Funds to cover the costs of the leased WEMET vehicles for the period that coincides with the State of Michigan fiscal period (October, 2007 through September, 2008). The Ottawa County Fiscal Services Department serves as the fiscal agent and provides budget-related service to WEMET. The obligation for the vehicles for this period is \$24,760.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

F. Purchase of Computer Equipment. PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff request that the Commission approve the use of Criminal Forfeiture Funds to purchase new computer hardware. These computers will be utilized in the Detective Bureau. The current computers are approximately four years old and we are beginning to experience a number of malfunctions. We would like to replace 12 computers,

10 software licenses and a network storage device to increase our storage capability.

This bid was developed with the assistance of the Information Technologies Department.

FINANCIAL IMPACT: Cost for this package is \$17,870.78.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

G. Admiral Petroleum Request for an Encroachment Agreement.
ENGINEERING

SUMMARY OF REQUEST: Hopp Environmental, on behalf of Admiral Petroleum, is requesting your permission to install two horizontal monitoring wells and one vertical well in the easterly right-of-way of McIlwraith Street approximately 100' – 160' south of Laketon Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

H. Consideration of Bids for City Hall Emergency Generator (B-235).
ENGINEERING

SUMMARY OF REQUEST: Award a contract for the placement of an emergency generator at City Hall to Ottawa Electric out of Grand Haven since they were the lowest responsible bidder with a bid price of \$135,922.

FINANCIAL IMPACT: \$135,922.

BUDGET ACTION REQUIRED: None at this time since \$150,000 was budgeted for this item in the 2007 budget.

STAFF RECOMMENDATION: Award the contract to Ottawa Electric.

I. Construction Engineering Services Agreement for Sherman/Henry Intersection Improvements. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Fleis & Vandenbrink Inc. out of Muskegon to perform the construction engineering services (inspection) on this federally funded project. Fleis & Vandenbrink's services are necessary due to lack of experienced staff's availability at the time of anticipated start of construction (April thru June).

FINANCIAL IMPACT: The charges will be based on Time & Material with a not to exceed fee of \$30,900.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Fleis & Vandenbrink.

J. City - MDOT Agreement for Federal Money Loan to Reconstruct Clay Avenue, Third Street to Terrace Street. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Clay Avenue from Third Street to Terrace Street and to approve the resolution authorizing the Mayor and City Clerk to sign the contract for the federal funds loan from the state.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street and water funds as shown in the 2008 budget.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Consent Agenda as read minus items C, K, and L.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2008-11 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Amendment to the Zoning Ordinance – WM, Waterfront Marine Districts, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts) to allow an additional special land use.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to allow an additional special land use in the WM, Waterfront Marine zoning district.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their January 10th meeting. The vote was unanimous with T. Michalski and B. Smith absent.

Motion by Commissioner Carter, second by Commissioner Wierengo to table the amendment to the Zoning Ordinance for WM, Waterfront Marine Districts, Special Land Uses Permitted to the February 12th City Commission Meeting.

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

and Wierengo

Nays: None

MOTION PASSES

K. City - MDOT Agreement for the Reconstruction of Clay Avenue, Third Street to Terrace Street. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Clay Avenue between Third Street and Terrace Street and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the federal funds of \$344,200. The estimated total construction cost is \$381,700.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the City – MDOT Agreement for the reconstruction of Clay Avenue, Third Street to Terrace Street.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

L. Resolution to Collect Taxes Levied in the Summer. TREASURER

SUMMARY OF REQUEST: To approve the resolution rescinding the previous resolution that declined to collect the State Education Tax in a summer levy. City staff was contacted by the Michigan Department of Treasury, Local Government Section, who indicated that the resolution needs to be approved in the month of January.

FINANCIAL IMPACT: To meet the 2008 fiscal year approved budget projection.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the resolution to collect taxes levied in the summer.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2008-12 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Creston Street, Laketon Avenue to Evanston Avenue. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Creston Street from Laketon Avenue to Evanston Avenue, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$30,254.66 would be spread against the ten parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing and approve the spreading of the Special Assessment Roll for Creston Street, Laketon Avenue to Evanston Avenue.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

B. Create Special Assessment District for Pine Street, Apple Avenue to Western Avenue. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Pine Street, Apple Avenue to Western Avenue project, 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 district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard in opposition to the project from Chris Thorsen, 860 Pine Street (owner of Baker Auto Trim); Ken Appelt, 813 and 821 Pine Street; David Bolen, owner of building on the corner of Pine & Western – 750 Pine Street; and from Dennis Lohman, Northwestern Mill, 820 Pine Street.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing and create the Special Assessment District for Pine Street, Apple

Avenue to Western Avenue and appoint two City Commissioners to the Board of Assessors.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Shepherd and Vice Mayor Gawron to the Board of Assessors.

C. Create Special Assessment District for Vincent Drive/Park Drive, Barclay Street to North End. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Vincent Drive/Park Drive, Barclay Street to North End project, 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.

The proposed special assessment district is a benefit based special assessment since, according to the City's Assessor, the benefit received is equal among all 35 properties abutting the street and 2300 Park Drive.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened to hear and consider any comments from the public. Comments were heard in opposition of the project from Sammie Coleman, 2368 Vincent and 2350 Park; Tom Johnson, 2361 Park; Mary and Robert Vanderwest, 2355 Vincent; David Bialik, 2330 Vincent; Dennis Kurn, 2267 Vincent; Thomas and Susan Kent, 2264 Vincent and 2261 Barclay.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to take no action on this project and not create the Special Assessment District for Vincent and Park Drive, Barclay Street to North End.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and

Warmington

Nays: None

MOTION PASSES

D. Revocation of IFT - Office Machines. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, the City of Muskegon requests that the Industrial Facilities Tax Exemption (IFT) for the parcel at 2185 Roberts Street be revoked. The former company at this location, Printing Source, sold the building and the IFT was never transferred to the new owner. The new company, Office Machines, is not eligible for an IFT because they are not involved in manufacturing.

FINANCIAL IMPACT: The City will now charge full taxes on the parcel at 2185 Roberts Street.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends revocation of the IFT.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Vice Mayor Gawron to close the Public Hearing and revoke the Industrial Facilities Tax Exemption for Office Machines.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Warmington, and Wierengo

Nays: None

Absent: Spataro (stepped out of the room)

MOTION PASSES

2008-13 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1519 Terrace (Shed/Shanties) – Area 13

499 W. Muskegon – Area 10

1553 Pine – Area 13

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized

and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 1519 Terrace (Shed/Shanties), 499 W. Muskegon, and 1553 Pine.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:45 p.m.

Respectfully submitted,



Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: January 8, 2008

Date: December 27, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Zoning Ordinance – Remove Reference to Section 2308

SUMMARY OF REQUEST:

Request to amend Section 1301 #14, of Article XIII (B-4, General Business Districts), Section 1400, #13, of Article XIV, (I-1, Light Industrial Districts), and Section 1500, #9, (I-2, General Industrial Districts), of Article XV, to remove the reference to Section 2308, (I) (f).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to remove the reference to Section 2308, (I) (f).

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 12/13/07 meeting. The vote was unanimous with J. Aslakson and B. Smith absent.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

December 13, 2007

Hearing; Case 2007-50: Staff initiated request to amend Section 1301, #14, of Article XIII, B-4, General Business Districts, Section 1400, #13 of Article XIV, I-1, Light Industrial Districts, and Section 1500, #9, of Article XV, I-2, General Industrial Districts to remove the reference to Section 2308 (l) (f).

BACKGROUND

Staff recently discovered that these sections of the ordinance have references to what was formerly the sign ordinance section of the ordinance. The section being referred to, Section 2308 (1) (f), was a reference to real estate and "For Sale" signs that was replaced with Section 2334, Signs, #5, Exempt Signs, when the entire sign ordinance was updated and amended in August 1998 . The change to the ordinance at that time actually made the sign ordinance less restrictive. Section 2308 currently is the "Outdoor Seating" section of the ordinance that was adopted by City Commission in March 2007, therefore the reference to that section needs to be removed from Sections 1301, 1400 and 1500.

NEW LANGUAGE

Deletions are crossed-out and additions are in **bold**:

Section 1301, #14

~~14. Non-accessory signs provided that the signs conform to section 2308 (1) (f) of this Code.~~

Section 1400, #13

~~13. Non-accessory signs provided that the signs conform to section 2308 (1) (f) of this Code.~~

Section 1500, #9

~~9. Non-accessory signs provided that the signs conform to section 2308 (1) of this Code.~~

DELIBERATION

I move that the amendments to Section 1301, #14 of Article XIII, B-4, General Business Districts, Section 1400, #13 of Article XIV, I-1, Light Industrial Districts, and Section 1500, #9, of Article XV, I-2, General Industrial Districts, of the City of Muskegon Zoning Ordinance to remove the reference to Section 2308 (1) (f), be recommended to the City Commission for (approval/denial).

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on January 22, 2008, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1301, #14 of Article XIII, B-4, General Business Districts, Section 1400, #13 of Article XIV, I-1, Light Industrial Districts, and Section 1500, #9, of Article XV, I-2, General Industrial Districts, is amended to remove the reference to Section 2308 (l) (f).

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 January 26, 2008.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2241

An ordinance to amend Section 1301, #14 of Article XIII (B-4, General Business Districts), Section 1400, #13, of Article XIV (I-1, Light Industrial Districts), and Section 1500, #9 (I-2, General Industrial Districts) removing the reference to Section 2308 (l) (f).

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 1301, #14 of Article XIII, B-4, General Business Districts, Section 1400, #13 of Article XIV, I-1, Light Industrial Districts, and Section 1500, #9, of Article XV, I-2, General Industrial Districts, is amended to remove the reference to Section 2308 (l) (f), as follows:

Amendments to Sections 1301 #14, 1400, #13, and 1500, #9 to remove the reference to Section 2308, (l) (f).

Section 1301, #14

~~14. Non-accessory signs provided that the signs conform to section 2308 (l) (f) of this Code.~~

Section 1400, #13

~~13. Non-accessory signs provided that the signs conform to section 2308 (l) (f) of this Code.~~

Section 1500, #9

~~9. Non-accessory signs provided that the signs conform to section 2308 (l) of this Code.~~

This ordinance adopted:

Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nayes: None

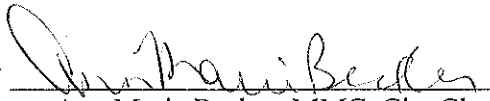
Adoption Date: January 22, 2008

Effective Date: February 5, 2008

First Reading: January 8, 2008

Second Reading: January 22, 2008

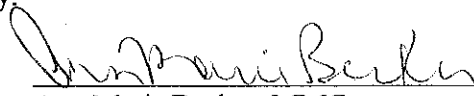
CITY OF MUSKEGON

By: 
Ann Marie Becker, 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 22nd day of January, 2008, 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 22, 2008.


Ann Marie Becker, MMC
Clerk, City of Muskegon

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

Date: January 22, 2008

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Restructure Fisherman's Landing Loan Terms

SUMMARY OF REQUEST: In 2004-05 the City agreed to loan to Fisherman's Landing, Inc. \$150,000 as matching funds for a state grant. The funds were used to construct a new restroom/shower/laundry facility at the site. Terms of the loan called for repayment in 15 equal principal payments at an annual interest rate of 7%. Subsequent to this loan, the City issued bonds for the new fire station and recreation projects (including reimbursement of funds loaned to Fisherman's Landing). The City's net interest cost for the bonds is 4.15%. Staff proposes reducing the interest rate on the remaining balance of the loan to the City's actual borrowing cost.

FINANCIAL IMPACT: The City will receive \$21,854 less interest from Fisherman's Landing over the remaining life of the loan. However, these funds will go towards maintenance and improvements at the City-owned facility. The Fisherman's Landing group has taken on significant new responsibilities (including paying peak-season electric bills and mowing) under the new operating agreement. These activities save the City considerable money and staff time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the restructuring of the loan to Fisherman's Landing reducing the interest rate from 7% to 4.15%.

COMMITTEE RECOMMENDATION: None.

**FISHERMAN'S LANDING
REPAYMENT AGREEMENT WITH CITY OF MUSKEGON**

	PRINCIPAL BALANCE	SCHEDULED PRINCIPAL PAYMENT	INTEREST	TOTAL PAYMENT	EXTRA PRINCIPAL PAYMENT
Current:					
Jan-06	\$ 150,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -
Jan-07	140,000.00	10,000.00	9,800.00	19,800.00	200.00
Jan-08	129,800.00	10,000.00	9,086.00	19,086.00	914.00
Jan-09	118,900.00	10,000.00	8,323.00	18,323.00	
Jan-10	108,900.00	10,000.00	7,623.00	17,623.00	
Jan-11	98,900.00	10,000.00	6,923.00	16,923.00	
Jan-12	88,900.00	10,000.00	6,223.00	16,223.00	
Jan-13	78,900.00	10,000.00	5,523.00	15,523.00	
Jan-14	68,900.00	10,000.00	4,823.00	14,823.00	
Jan-15	58,900.00	10,000.00	4,123.00	14,123.00	
Jan-16	48,900.00	10,000.00	3,423.00	13,423.00	
Jan-17	38,900.00	10,000.00	2,723.00	12,723.00	
Jan-18	28,900.00	10,000.00	2,023.00	12,023.00	
Jan-19	18,900.00	10,000.00	1,323.00	11,323.00	
Jan-20	8,900.00	10,000.00	623.00	10,623.00	
		150,000.00	72,562.00	222,562.00	
Interest 2009 - 2020			53,676.00	173,676.00	
Proposed:					
Jan-09	118,900.00	10,000.00	4,934.35	14,934.35	
Jan-10	108,900.00	10,000.00	4,519.35	14,519.35	
Jan-11	98,900.00	10,000.00	4,104.35	14,104.35	
Jan-12	88,900.00	10,000.00	3,689.35	13,689.35	
Jan-13	78,900.00	10,000.00	3,274.35	13,274.35	
Jan-14	68,900.00	10,000.00	2,859.35	12,859.35	
Jan-15	58,900.00	10,000.00	2,444.35	12,444.35	
Jan-16	48,900.00	10,000.00	2,029.35	12,029.35	
Jan-17	38,900.00	10,000.00	1,614.35	11,614.35	
Jan-18	28,900.00	10,000.00	1,199.35	11,199.35	
Jan-19	18,900.00	10,000.00	784.35	10,784.35	
Jan-20	8,900.00	8,900.00	369.35	9,269.35	
		118,900.00	31,822.20	150,722.20	
Interest Savings Remaining Loan			\$ 21,853.80		

City Commission Meeting
Tuesday January 22, 2008

TO: Honorable Mayor and City Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
DATE: January 15, 2008
SUBJECT: WEMET Leased Vehicles

Summary of Request:

The Director of Public Safety is requesting approval to utilize Criminal Forfeiture Funds to cover the costs of the leased WEMET vehicles for the period that coincides with the State of Michigan fiscal period (October, 2007 through September 2008). The Ottawa County Fiscal Services Department serves as the fiscal agent and provides budget-related service to WEMET. The obligation for the vehicles for this period is \$24,760.00

Financial Impact:

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.



County of Ottawa

Fiscal Services Department

12220 Fillmore Street • Room 331 • West Olive, Michigan 49460

June A. Hagan
Fiscal Services Director

RECEIVED

JAN 02 2008

MUSKEGON POLICE DEPT.
CHIEF of POLICE

(616) 738-4847

Fax (616) 738-4098

Grand Rapids (616) 662-3100

Grand Haven (616) 846-8295

jhagan@co.ottawa.mi.us

December 27, 2007

Tony Kleibecker, Chief of Police
City of Muskegon
980 Jefferson
Muskegon, MI 49442

Regarding : WEMET Leased Vehicle

Below is a breakdown of the average cost for your municipality's leased WEMET vehicle. Each municipality is required to cover the cost stated below for the 2008 budget year. The average cost for the year is \$6,190 per vehicle. Please forward a check payable to the Ottawa County Treasurer for your municipality's total obligation.

	<u>Leased</u>	<u>Obligation</u>
City of Muskegon	4	\$24,760.00

Please mail your payment to the above address. If you have any questions, please feel free to contact me.

Sincerely,

June Hagan, Fiscal Services Director

CITY COMMISSION MEETING

Tuesday, January 22, 2008

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: January 15, 2008

SUBJECT: Purchase of Computer Equipment

SUMMARY OF REQUEST:

Police Department staff request that the Commission approve the use of Criminal Forfeiture Funds to purchase new computer hardware. These computers will be utilized in the Detective Bureau. The current computers are approximately 4 years old and we are beginning to experience a number of malfunctions. We would like to replace 12 computers, 10 software licenses and a network storage device to increase our storage capability.

This bid was developed with the assistance of the Information Technologies Department. Specifications for the computers are attached.

FINANCIAL IMPACT:

Cost for this package is \$17,870.78.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approval of this request.

QUOTATION

Customer Name: CITY OF MUSKEGON

TOTAL QUOTE AMOUNT:	\$3,212.24		
Product Subtotal:	\$3,212.24		
Tax:	\$0.00		
Shipping & Handling:	\$0.00		
Shipping Method:	Ground	Total Number of System Groups:	1

[illegible]

SALES REP:	Kathryn Daugherty	PHONE:	800-274-7799
Email Address:	kathryn_daugherty@dell.com	Phone Ext:	58418

For your convenience, your sales representative, quote number and customer number have been included to provide you with faster service when you are ready to place your order. Orders may be faxed to the attention of your sales representative to 1-866-844-0532. You may also place your order online at www.dell.com/quote

Unless you have a separate agreement with Dell, the terms and conditions found at <http://ftpbox.us.dell.com/slg/resellers/resellertcs.htm> shall govern the sale and resale of the Products and Services referenced in this quotation.

Prices and tax rates are valid in the U.S. only and are subject to change.

*****Sales/use tax is a destination charge, i.e. based on the "ship to" address on your purchase order. Please indicate your taxability status on your PO. If exempt, please fax exemption certificate to Dell Tax Department at 888-863-8778, referencing your customer number. If you have any questions regarding tax please call 800-433-9019 or email Tax_Department@dell.com. *****

All product and pricing information is based on latest information available. Subject to change without notice or obligation.

LCD panels in Dell products contain mercury, please dispose properly. Please contact Dell Financial Services' Asset Recovery Services group for EPA compliant disposal options at US_Dell_ARS_Requests@dell.com. Minimum quantities may apply.

Shipments to California: For certain products, a State Environmental Fee Of Up to \$10 per item may be applied to your invoice as early as Jan 1, 2005. Prices in your cart do not reflect this fee. More Info: or refer to URL www.dell.com/environmentalfee

DELL**QUOTATION**

QUOTE #: 403130222

Customer #: 3923456

Contract #: N39913562

Customer Agreement #: A63307

Quote Date: 12/12/07

Date: 12/12/07 10:07:01 AM

Customer Name: CITY OF MUSKEGON

TOTAL QUOTE AMOUNT:	\$11,389.44		
Product Subtotal:	\$11,389.44		
Tax:	\$0.00		
Shipping & Handling:	\$0.00		
Shipping Method:	Ground	Total Number of System Groups:	1

GROUP: 1	QUANTITY: 12	SYSTEM PRICE: \$949.12	GROUP TOTAL: \$11,389.44
Base Unit:	OptiPlex 740 Desktop, Athlon X2 4800+ (2.5GHZ,512KBX2) (222-8086)		
Processor:	NTFS File System,Factory Install (420-3699)		
Memory:	1GB,Non-ECC,667MHz DDR2 2X512MB,Dell OptiPlex 740/755/330 (311-6443)		
Keyboard:	Dell USB Keyboard,No Hot Keys English,Black,Optiplex (310-8010)		
Monitor:	Dell UltraSharp 1708FP Flat Panel with Height Adjustable Stand,17.0 Inch VIS,OptiPlex Precision and Latitude (320-5291)		
Video Card:	256MB ATI RADEON HD 2400 XT Graphics dual DVI or VGA (TV-out),Low Profile,Dell OptiPlex (320-5744)		
Hard Drive:	80GB SATA,10K RPM 3.0Gb/s SATA2 16MB Data Burst Cache Dell OptiPlex (341-4154)		
Floppy Disk Drive:	3.5 inch,1.44MB,Floppy Drive Dell OptiPlex 740,755 and 330 (341-4005)		
Operating System:	Windows XP Professional Service Pack 2,with Media,DellOptiPlex,English,Factory Install (420-6287)		
Operating System:	Thank you for choosing Dell (310-8617)		
Mouse:	Dell USB 2-Button Optical Mouse with Scroll,Black, OptiPlex (310-8009)		
TBU:	RoHS Compliant Lead Free Chassis and Motherboard,Dell OptiPlex (464-1131)		
CD-ROM or DVD-ROM Drive:	16X DVD+-RW SATA,Roxio Creator Dell Edition,Dell OptiPlex 740 Desktop or Minitower (313-4551)		
Speakers:	Dell A225 two piece stereo Speakers (Black),Dell OptiplexPrecision and Latitude (313-4298)		
Documentation Diskette:	No Resource CD for Dell Optiplex,Precision and Latitude Systems (313-3673)		
Bundled Software:	WINDOWS XP STICKER, OPTI/PWS/LAT/INSP/DIM (466-2909)		
Factory Installed Software:	Energy Smart Settings,Dell OptiPlex (310-8344)		
Service:	Dell Hardware Warranty Plus Onsite Service, Initial Year (985-2677)		
Service:	Type 3 Contract -Next BusinessDay Parts and Labor On-Site Response, Initial Year (980-5530)		
Service:	Dell Hardware Warranty Plus Onsite Service, Extended Year (985-2678)		
Service:	Type 3 Contract -Next BusinessDay Parts and Labor On-Site Response, 2YR Extended (970-9362)		
Installation:	Standard On-Site Installation Declined (900-9987)		

SALES REP:	Kathryn Daugherty	PHONE:	800-274-7799
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Email Address: | kathryn_daugherty@dell.com

Phone Ext: | 58418

For your convenience, your sales representative, quote number and customer number have been included to provide you with faster service when you are ready to place your order. Orders may be faxed to the attention of your sales representative to 1-866-844-0532. You may also place your order online at www.dell.com/quote

Unless you have a separate agreement with Dell, the terms and conditions found at <http://ftpbox.us.dell.com/slg/resellers/resellerlcs.htm> shall govern the sale and resale of the Products and Services referenced in this quotation.

Prices and tax rates are valid in the U.S. only and are subject to change.

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All product and pricing information is based on latest information available. Subject to change without notice or obligation.

LCD panels in Dell products contain mercury, please dispose properly. Please contact Dell Financial Services' Asset Recovery Services group for EPA compliant disposal options at US_Dell_ARS_Requests@dell.com. Minimum quantities may apply.

Shipments to California: For certain products, a State Environmental Fee Of Up to \$10 per item may be applied to your invoice as early as Jan 1, 2005. Prices in your cart do not reflect this fee. More Info: or refer to URL www.dell.com/environmentalfee

Date: January 22, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Admiral Petroleum
Request for an Encroachment Agreement

SUMMARY OF REQUEST:

Hopp Environmental, on behalf of Admiral Petroleum, is requesting your permission to install two- (2) horizontal monitoring wells and one- (1) vertical well in the easterly right-of-way of McIlwraith St. approximately 100' – 160' south of Laketon Ave. as reflected in the attached application.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement subjects to the supplemental conditions and compliance with the necessary insurance requirements.

COMMITTEE RECOMMENDATION:

None

City of Muskegon
Groundwater Monitoring Well Installation Application and Permit
 (Encroachment Permit Agreement)

Permit Number: 2008-106	Date issued: 1/22/08	Permit Fee: \$150.00	Other:
--------------------------------	-----------------------------	-----------------------------	--------

If applicant hires a contractor to perform work, BOTH shall assume responsibility of the Permittee for the provisions of this Application and Permit

APPLICATION

APPLICANT - Please Print		CONTRACTOR - Please Print	
Name: Admiral Petroleum - Dennis Lemmen	Name: Hopp Environmental		
Street: 13 Randall St	Street: 127 Mark Teague Rd		
City: Coopersville State: MI Zip: 49404	City: Pittsboro State: NC Zip: 27312		
Phone: 616 837 6218 Fax: 616 837 9210	Phone: 919 542 0414 Fax: 919 542 0414		

Permittee proposes to install, repair, or maintain groundwater monitoring well(s) ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace, or other property controlled or owned by the City of Muskegon, as described below (Permittee shall attach a site map to scale which shows each monitoring well location):

Street Name & Address/General Description (legal description may be required): 1818 and 1826 McIlwraith	Location (Cross streets between which property is located or nearest intersection): ~100-160' South of Laketon
---	--

Project Description/Purpose:
monitor well installation to define western extent and depth of contaminant migration originating from the Admiral station

Proposed Start Date:

Monitoring/Observation Well Information

Drilling Company (if different than Contractor): Shepler Drilling	Proposed Well Depth (ft.): (2) 17' (1) 30'	Well name or #: mw21, mw22, VWH
Purpose of Monitoring Well Installation: ☒ Part 211/213 Site ☐ Part 201 Site ☐ Part 111 Site ☐ Phase II ESA/AAI ☐ BEA ☐ Other (specify)		

Applicant/Authorized Agent Signature - If Authorized Agent, I certify that I am acting as Authorized Agent on behalf of named Applicant.

Name:	Print: Dennis Lemmen
-------	-----------------------------

PERMIT

PERMIT AGREEMENT: This permit is made and entered into by and between the City of Muskegon, a municipal corporation (City), and the Permittee (indicated above). Therefore, the City does hereby grant unto Permittee the privilege of constructing, installing, maintaining, repairing, and performing all necessary functions relating to the monitoring well installation (encroachment), and for that purpose to enter the property, for the term herein stated. This permit shall be effective on the date shown above, and shall not occur before the delivery to the City of the required evidence of insurance coverage and bonding information, and only after approval of this permit by the City Commission, at which time the permit shall become effective. The attached Permit Requirements & Conditions are incorporated herein by reference and constitute an integral part of this permit.

This permit is subject to the following special conditions:

Required Bond Amount: \$ _____

Witnesses:

Linda Potter

Irene Dempsey

CITY OF MUSKEGON:

By:
 Stephen J. Warrington, Mayor

And:
 Ann Marie Becker, Clerk

APPLICANT:

CONTRACTOR: _____

City of Muskegon

Groundwater Monitoring Well Permit Application – Requirements & Conditions

1. **Fees and Costs.** A one-hundred dollar (\$100.00) non-refundable fee is required for processing of this request. At the time the permit is issued, the permittee shall pay an administrative handling fee of \$10.00 per well per year, which fees shall be deposited in advance for the entire term of this permit.
2. **Monitoring Well Installation Requirements:**
 - a. Top of well casing shall be flush-mounted (unless written permission is otherwise granted by the City) and equipped with a sturdy lockable, water-tight cover. Each monitoring well must be permanently labeled in the field so that it is readily identifiable, and coincides with the designations provided on the scaled map referenced in Section 2(d) below. Monitoring well(s) shall be constructed in accordance with generally accepted industry standards.
 - b. The Permittee shall provide the City with at least 72 hours written advance notice prior to starting work at the site.
 - c. Permittee must maintain and repair, as necessary, the monitoring well(s) and any associated equipment. Upon completion of the use of the monitoring well(s), all wells shall be properly abandoned in accordance with current Michigan Department of Environmental Quality (MDEQ) standards. At least 72 hours advance written notice shall be given to the City prior to monitoring well abandonment activities. Permittee shall provide the City with a copy of a monitoring well abandonment report in acceptable form.
 - d. Following installation of any monitoring wells in accordance with this permit, Permittee shall provide the City with a scaled map or figure specifically identifying the locations of the monitoring wells. References to the location of wells shall be measured from permanent monuments, structures, streets and/or intersections.
 - e. Any costs, expenses, or liability for environmental response or remediation shall be considered as restoration and shall be the sole responsibility of the Permittee.
 - f. Permittee warrants and represents that it has all required permits, licenses or approvals from the Michigan Department of Environmental Quality, or other governmental department or agency with jurisdiction over Permittee's activities.
 - g. The City reserves the right to require the Permittee to remove all or any well(s) if in the sole opinion of the City it is necessary to facilitate other improvements within the right-of-way, with no reimbursement of costs to Permittee or its contractor.
 - h. The City and/or its agents are not responsible for any injury or damage caused by Permittee, its contractor, their representatives, employees, or agents.
 - i. The Permittee shall provide a copy of the data collected from the monitoring well(s) to the City, upon request.
3. **Specifications.** All work performed under this permit must be done in accordance with plans, specifications, maps, and statements filed with and approved by the City, and must comply with the City's current ordinances and specifications on file with the City of Muskegon.
4. **Miss Dig.** In all cases, there must be compliance with Public Act No. 53 of 1974 (MCL 460.701 et seq.) regarding the protection of underground utilities. Call Miss Dig at (800) 482-7171. The Permittee assumes all responsibility for damage to or interruption of underground utilities.
5. **Bond.** Before this permit becomes valid, the Permittee must file with the City Clerk a bond, in a form and amount acceptable to the City at the time the permit is issued. The bond must be posted before any work begins, and must remain in force during the entire term of the permit and be in such amount sufficient to guarantee to the City the cost of proper monitoring well abandonment.
6. **Insurance.** The Contractor shall at all times carry insurance in the following or greater amounts. The insurance shall be issued by companies acceptable to the City, licensed in the State of Michigan. The City shall be named as additional insured on policies of liability insurance. The Permittee shall file certificates or policies evidencing such insurance coverage annually with the City. Insurance policies or certificates shall provide that the City be given thirty (30) days written notice before a cancellation or change in coverage may occur. Valid insurance coverage, acceptable to the City, shall be maintained until such time as the monitoring well is properly abandoned.

<u>Type</u>	<u>Limits</u>
Workers' Compensation	Statutory
Professional Errors and Omissions	\$1,000,000/claim, \$1,000,000/aggregate
Liability (including pollution liability coverage)	
Commercial General Liability	\$1,000,000/occurrence, \$1,000,000/aggregate
(including blanket contractual liability coverage)	
Automotive Liability	\$500,000/person
Bodily Injury	\$500,000/occurrence
7. **Indemnification.** The Permittee shall indemnify and hold harmless the City of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the City by any person, firm, or corporation on account of or arising from the privilege hereby granted to the Permittee or the activities of the Permittee related to the installation, maintenance, repair, or abandonment of monitoring wells. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any chemical, substance or material constituting a prohibited or regulated substance under governmental law, rule, statute, or regulations in force at any time, or any substance

with respect to which any present or future federal, state, or local environmental law or governmental agency requires environmental investigation, monitoring or remediation.

8. **Term of Permit.** The privilege granted by this permit shall continue for a period of five (5) years from the date of signature. Renewal payment of appropriate fees shall continue in five (5) year intervals, due on the first day of May, unless terminated in accordance with Paragraph 11 below.
9. **Limitation of Permit.** This permit does not relieve the Permittee from meeting applicable laws and regulations of other governmental agencies or departments. The Permittee is responsible for obtaining additional permits or authorizations, as necessary, which may be required in connection with this work from other governmental agencies, public utilities, private entities and individuals, including property owners.
10. **Assignment.** This permit shall be binding upon the respective heirs, representatives, successors, and assigns of the Permittee.
11. **Permit Revocation or Surrender.** The City may cancel and revoke this permit at any time upon giving the Permittee fourteen (14) days of written notice, with no refund of the fees required in Paragraph 1. The Permittee may surrender the permit hereby granted at any time upon giving the City fourteen (14) days of written notice, with no refund of the fees required in Paragraph 1. Upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the City, the Permittee shall properly abandon the monitoring well(s) as described in Paragraph 2 and restore the property at the Permittee's expense and in a manner satisfactory to the City; and in default thereof shall be liable to the City for any cost, damage, or expense the City may sustain in such restoration.
12. **Violation of Permit.** In the event the Permittee fails or refuses to conform to any of the terms and conditions of this permit, the privilege hereby granted shall immediately terminate and become null and void.

Hopp Environmental
127 Mark Teague Road
Pittsboro, NC 27312
(919) 542-0914

October 26, 2007

Mohammed Al-Shatel
City of Muskegon
Engineer Dept.
933 Terrace St
Muskegon, MI 49443

Mohammed

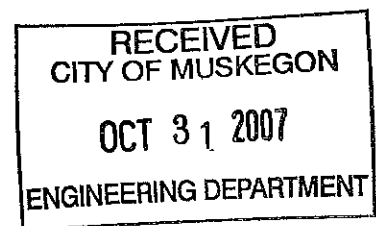
Enclosed is an application to install monitor wells within the City of Muskegon Right of Way. The wells are part of a groundwater investigation to define the western extent of a gasoline contaminant plume resulting from a release from the Admiral gasoline station located at 531 E. Laketon. The Michigan Department of Environmental Quality (MDEQ) is requiring wells to the west of the station to allow for definition of the horizontal and vertical extent of the plume.

The proposed wells are to be located within the right of way along the east side of McIlwraith approximately 100-160 feet south of Laketon Ave. A map is enclosed with the permit showing proposed well locations. Two (2) wells are proposed to define horizontal extent and will be set at depths of approximately 17'. One (1) vertical well is proposed to monitor for vertical migration and is to be set at 30' below grade. If contaminants are found to be present at any of these locations additional wells would be required. It is unknown at this time how long the wells will be required.

If you have any questions feel free to contact me at (919) 542-0194.



Dave Hopp





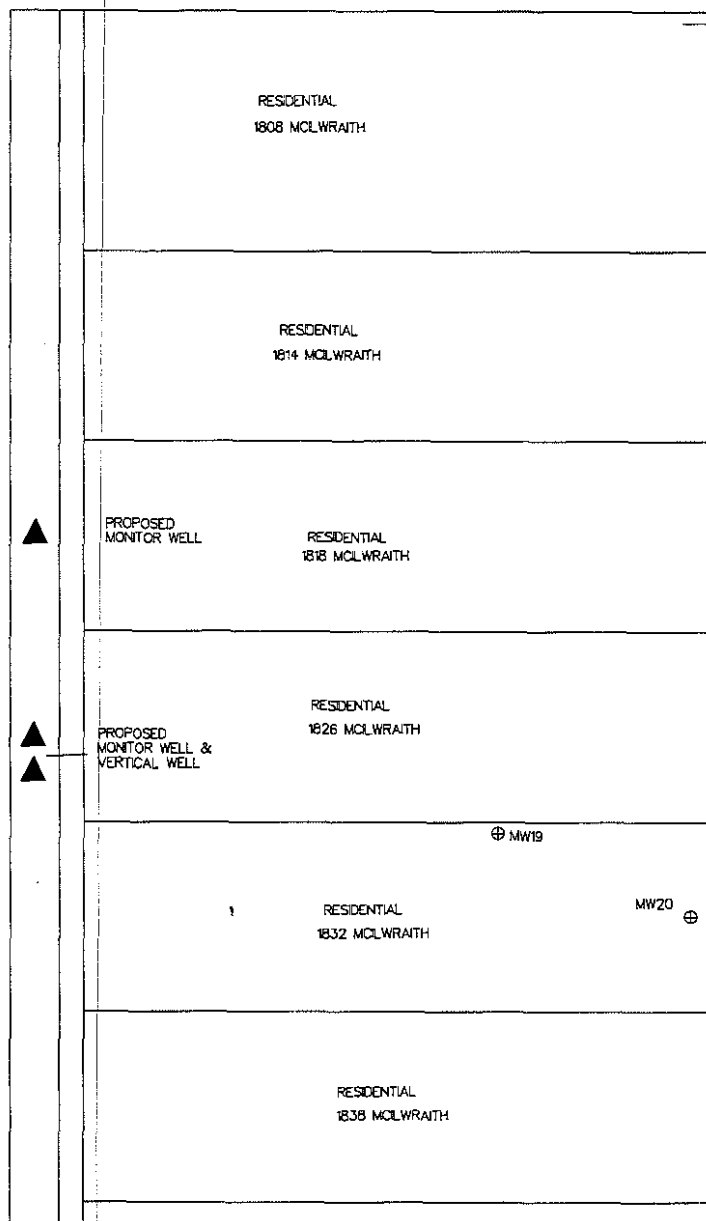
MCLWRAITH

LEGEND

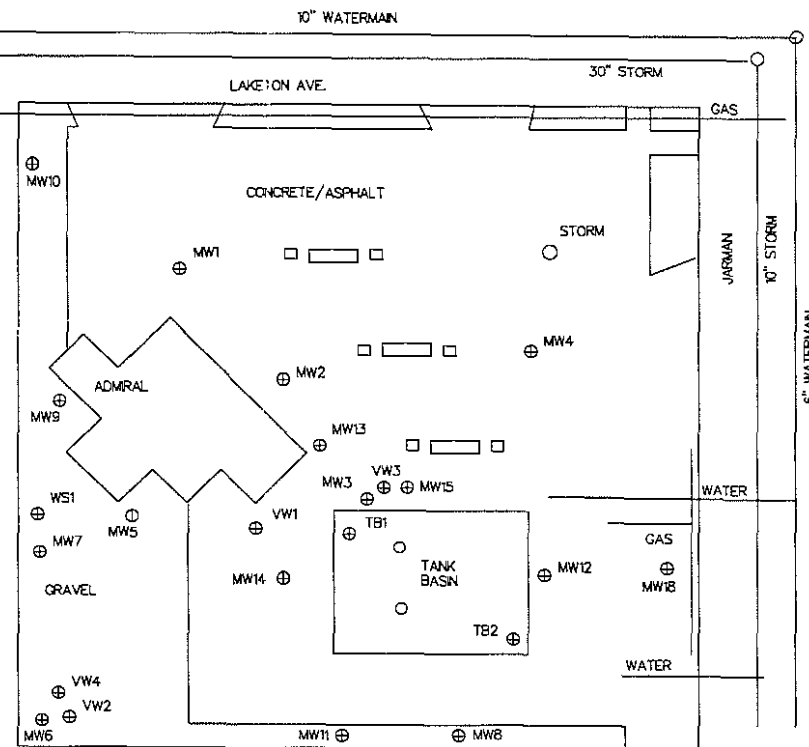
DISPENSER
⊕ MONITOR WELL

GROUNDWATER
ELEVATION

▲ PROPOSED MONITOR
WELL



8" SANITARY, 6' DEPTH
ALLEY



GARAGE

MW16

PROPOSED
VERTICAL WELL



PROPOSED
MONITOR WELL

RESIDENTIAL

MW17

ADMIRAL PETROLEUM
531 E. LAKETON AVE.
MUSKEGON, MI

PROPOSED MONITOR WELL &
SOIL SAMPLE LOCATIONS

40 FEET

ACORD CERTIFICATE OF LIABILITY INSURANCECSR KB
ADMIP-1DATE (MM/DD/YYYY)
01/02/08

PRODUCER Kapnick Insurance Group 333 Industrial Drive P O Box 1801 Adrian MI 49221-7801 Phone: 517-263-4600 Fax: 517-263-6658		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Admiral Petroleum Company 13 Randall Street P O Box 198 Coopersville MI 49404		INSURERS AFFORDING COVERAGE	NAIC #
		INSURER A Peerless Insurance Company	
		INSURER B The Netherlands Insurance Co.	
		INSURER C Accident Fund InsCo of America	10166
		INSURER D Indiana Insurance/Michigan	
		INSURER E	

COVERAGES

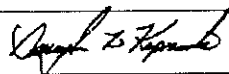
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES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

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☒ LOC	CBP9870477	08/14/07	08/14/08	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/PROP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS	BA9875576	08/14/07	08/14/08	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY AGG \$
D	EXCESS/UMBRELLA LIABILITY ☒ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☒ RETENTION \$ 10,000	CU8133109	08/14/07	08/14/08	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$ \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	WCV368567	01/27/07	01/27/08	☒ WORKERS COMPENSATION LIMITS ☐ OTHER E L EACH ACCIDENT \$ 500,000 E L DISEASE - EA EMPLOYEE \$ 500,000 E L DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Certificate Holder is included as Additional Insured on General Liability, with respects to written contract with named insured.

CERTIFICATE HOLDER**CANCELLATION**

MUSKC-1 City of Muskegon ATTN: Evelyn, Eng. Dept. 933 Terrace St. Muskegon MI 49443	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
--	---

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



Permit Fee - Monitoring well installation

531 E. Laketon



ADMIRAL PETROLEUM COMPANY

P.O. BOX 198
COOPERSVILLE, MICHIGAN 49404

NATIONAL CITY BANK OF MICHIGAN/ILLINOIS
GRAND RAPIDS, MI 49503

9-91/720

035382

CHECK NO.

DATE 10-30-07

PAY

One hundred + 00/100

TO THE
ORDER
OF

City of Muskegon

AMOUNT OF CHECK

\$ 100.00

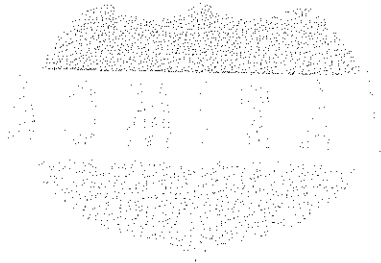
SAFETY FEATURES ON THIS DOCUMENT INCLUDE A COLORED BACKGROUND, BLEEDTHROUGH NUMBERING AND A MICROPRINTED SIGNATURE LINE

⑈035382⑈ ⑆072000915⑆ 978805912⑈

ADMIRAL PETROLEUM COMPANY P.O. BOX 198, COOPERSVILLE, MI 49404



INVOICE #	INVOICE DATE	GROSS	DISCOUNT	NET
962722	06-27-88	150.00		150.00



VENDOR 208 *** TOTALS *** 150.00 150.00

	ADMIRAL PETROLEUM COMPANY 13 EAST RANDALL ST. COOPERSVILLE, MICHIGAN 49404	NATIONAL CITY BANK OF MICHIGAN/ILLINOIS GRAND RAPIDS, MI 49503	9-91/720	041718
CHECK NO.		DATE		
41718		07-08-88		
PAY ***ONLY ONE HUNDRED FIFTY DOLLARS AND NO CENTS***				
TO THE ORDER OF		AMOUNT OF CHECK		
CITY OF MUSKEGON		***150.00**		
ATTN: ENGINEERING DEPT				
533 TERRACE ST.				
MUSKEGON, MI 49443				

SAFETY FEATURES ON THIS DOCUMENT INCLUDE A COLORED BACKGROUND, BLEEDTHROUGH NUMBERING AND A MICROPRINTED SIGNATURE LINE

041718 072000915 978805912

Date: January 22, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
City Hall Emergency Generator (B-235)

SUMMARY OF REQUEST:

Award a contract for the placement of an emergency generator at City hall to Ottawa electric out of Grand Haven since they were the lowest responsible bidder with a bid price of \$135,922.00, see attached bid tabulation.

FINANCIAL IMPACT:

\$135,922.

BUDGET ACTION REQUIRED:

None at this time since \$150,000 was budgeted for this item in the 2007 budget.

STAFF RECOMMENDATION:

Award the contract to Ottawa Electric.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
B-235 CITY HALL EMERGENCY GENERATOR REPLACEMENT
BID TABULATION - 01/15/08

CONTRACTOR ADDRESS CITY/ST/ZIP			ENGINEER'S ESTIMATE	OTTAWA ELECTRIC 1051 JACKSON ST GRAND HAVEN, MI 49417	PHASE II ELECTRIC 4733 AIRLINE RD MUSKEGON, MI 49444	HALL ELECTRIC 1965 SANFORD ST MUSKEGON, MI 49441	BELASCO ELECTRIC 1391 PECK ST MUSKEGON, MI 49442
ITEM OF WORK	UNIT	QTY	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE	TOTAL PRICE
all matters referred to in the Instructions to Bidders, Bid Documents and Contract Documents prepared by Sidock Group. Inc., (Architect/Engineer) for the above mentioned project, we the undersigned, hereby offer to enter into a Contract to perform the Work for the Contract Sum of: \$.....dollars, in lawful money of the United States of America.	EACH	1	\$149,527.00	\$ 135,922.00	\$ 144,000.00	\$ 145,922.00	\$ 157,709.00

Date: January 22, 2008

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Construction Engineering Services Agreement For:
Sherman/Henry Intersection Improvements

SUMMARY OF REQUEST:

Authorize staff to enter into an engineering services agreement with Fleis & Vandenbrink Inc. out of Muskegon to perform the construction engineering services (inspection) on this federally funded project. F & V's services are necessary due to lack of experienced staff's availability at the time of anticipated start of construction (April thru June).

FINANCIAL IMPACT:

The charges will be based on Time & Material with a not to exceed fee of \$30,900.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize staff to enter into an agreement with Fleis & Vandenbrink

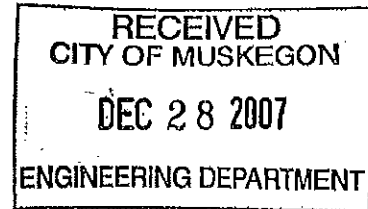
COMMITTEE RECOMMENDATION:



FLEIS & VANDENBRINK ENGINEERING, INC.

Offices in Grand Rapids, Traverse City, and Muskegon

December 28, 2007



Mr. Mohammed Al-Shatel, City Engineer
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49440

RE: Sherman Whitetopping Construction Engineering

Dear Mohammed:

We are pleased to submit our proposal for the Sherman Whitetopping Construction Engineering. Below is our scope of work and engineering budget for the project.

Scope of Work

We have prepared a scope of services to complete the construction engineering for the project outlined above.

A. Construction Engineering

1. Construction Administration - Prepare MDOT pay applications for payments to the contractor. Address questions from the field. Prepare contract modifications. Schedule and attend preconstruction meeting and bi-weekly progress meetings with contractor and City.
2. Construction Survey & Staking - Provide one-time construction staking for contractor's placement of the proposed improvements.
3. MDOT Field Manager including:
 - a. Pay applications.
 - b. On-site wage rate interviews.
 - c. Collection of contractor certified payrolls.
 - d. Comparison of interviews and the payrolls with the minimum wages.
 - e. Assemble project files to MDOT standards.
 - f. Prepare MDOT reporting documents for reimbursement to City.
 - g. Attend MDOT project closeout/audit at project conclusion.
4. Project Inspection (45-hrs per week for an estimated 6-weeks) - Provide daily record keeping of construction activities in accordance with City & MDOT agency requirements including prevailing wage rate interviews, product certifications, quantities verification and conformance of work to plans and specifications.

5. Material and Soil Testing - Coordinate off-site material testing such as extractions on bituminous material, asphalt penetration and cylinder breaks on concrete per MDOT standards.
6. Project Closeout & As-Built Drawings
 - a) Prepare punch list of items to be completed by contractor.
 - b) Prepare record drawings showing as-constructed dimensions and details.
 - c) Provide an electronic version for all drawings (AutoCAD Files).

Based on our understanding of the project, we have estimated our services to be provided for the following fees that will be invoiced at our standard hourly rates:

Construction Engineering

Construction Administration	\$4,800
MDOT Record Keeping	\$2,100
Construction Staking	\$1,200
Field Observation	\$20,700
Material Testing	\$600
Project Closeout/As-Built	<u>\$1,500</u>

Total Estimated Fees

\$30,900

Our proposed fee for on-site observation and contract administration is based on a construction period of 6 weeks and on-site inspection of 45 hours per week average. If the construction period and level of inspection effort differs, we agree to adjust our fees for on-site observation and contract administration proportionately, higher or lower, based on the exact schedules and level of effort needed.

We look forward to working with you on this project. If there are any questions, please call me at (231) 726-1000.

Sincerely,

FLEIS & VANDENBRINK ENGINEERING, INC.



Don DeVries, P.E.
Project Manager

DJD/slt

Date: January 22, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: City – MDOT Agreement for:
Federal money loan to reconstruct
Clay Ave., Third St. to Terrace St.

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the reconstruction of Clay Ave. from Third St. to Terrace St. and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract for the federal funds loan from the state.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None at this time. The City's share of the cost will come out of the Major Street and water funds as shown in the 2008 budget.

STAFF RECOMMENDATION:

Approve the attached contract and resolution and authorize the mayor & clerk to sign both.

COMMITTEE RECOMMENDATION:

RESOLUTION #2008-10(j)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE RECONSTRUCTION OF CLAY AVE. FROM THIRD ST. TO TERRACE ST. TOGETHER WITH OTHER NECESSARY RELATED WORK AND AUTHORIZATION FOR THE MAYOR, STEPHEN J. WARMINGTON AND CITY CLERK, ANN MARIE BECKER TO EXECUTE SAID CONTRACT

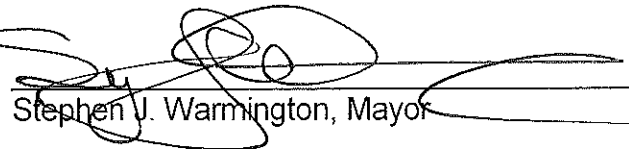
Moved by Commissioner Spataro and supported by Vice Mayor Gawron that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **07-7693** between the Michigan Department of Transportation and the City of Muskegon for the reconstruction of Clay Ave. within the City is in the best interests of the City of Muskegon.

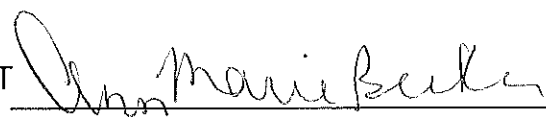
RESOLVED, that entry by the City into Contract Agreement Number **07-7693** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 22nd day of January, 2008.

BY


Stephen J. Warmington, Mayor

ATTEST

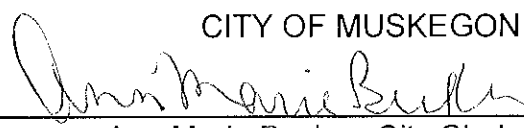

Ann Marie Becker, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on January 22, 2008. 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


Ann Marie Becker, City Clerk



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

February 20, 2008

Ms. Anne M. Becker
Clerk
City of Muskegon
933 Terrace Street, P.O. Box 536
Muskegon, MI 49443-0536

Dear Ms. Becker:

RE: MDOT Contract No.: 07-7693
Control Section: STUL 61407
Job Number: 101076

Enclosed is a fully executed copy of the above noted agreement.

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

cc: Project Accounting
M. Harbison, Design Support Area
Grand

C: Engineering

CAB
Control Section: STUL 61407
Job No.: 101076
Project: STP 0861(377)
Federal Item No.: RR 6169
CFDA No.: 20.205 (Highway
Research Planning
& Construction)
Contract No.: 07-7693

MICHIGAN DEPARTMENT OF TRANSPORTATION

CITY OF MUSKEGON

LOCAL JOBS TODAY PROGRAM

LOAN CONTRACT

THIS LOAN CONTRACT, hereinafter referred to as the "CONTRACT," is made and entered into this date of FEB 08 2008 by and between the Michigan Department of Transportation, of 425 West Ottawa Street, P.O. Box 30050, Lansing, MI 48909, hereinafter referred to as the "DEPARTMENT," and the CITY OF MUSKEGON, MICHIGAN, of 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536, hereinafter referred to as the "RECIPIENT."

WITNESSETH:

WHEREAS, Act 51, Public Acts of 1951, as amended, authorizes the DEPARTMENT to enter into contracts with boards of county road commissioners, incorporated cities, and villages for the loaning of funds for the purpose of constructing transportation infrastructure improvements, as described in the second paragraph of Article IX, Section 9, of the Michigan Constitution of 1963, as amended;

NOW, THEREFORE, the parties agree to the following:

Section 1. PURPOSE

The purpose of this CONTRACT is to assist the RECIPIENT in financing transportation infrastructure improvements, as described in the second paragraph of Article IX, Section 9, of the Michigan Constitution of 1963, as amended, through the project described below, hereinafter referred to as the "PROJECT." Such assistance will be provided by the DEPARTMENT in the form of a loan. Funds will be used for pre-approved purposes only. The DEPARTMENT has the discretion and the authority to recall, freeze, or limit disbursement of any funds or a portion thereof if the purpose or manner of expenditure by

the RECIPIENT is inconsistent with this CONTRACT and/or with federal or state laws, regulations, rules, or policies.

Reconstruction work along Clay Avenue from Third Street to Terrace Street; including cold milling, storm sewer, concrete curb and gutter, concrete sidewalk, concrete pavement overlay, hot mix asphalt paving, and pavement marking work; and all together with necessary related work.

Section 2. CONTRACT TERM

This CONTRACT will be in effect from the date of award through September 30, 2009.

Section 3. PROJECT FUNDING, BILLINGS, AND PAYMENTS

The DEPARTMENT will loan the RECIPIENT \$320,000. The RECIPIENT will pay interest at the rate of 4 percent annually. The loan funds will be used only for the PROJECT. The DEPARTMENT will retain the loan funds and make payments to PROJECT contractors and subcontractors on the RECIPIENT's behalf. The RECIPIENT directs the DEPARTMENT to convert federal advanced construction funds as soon as they become available. The assessment of interest will begin when the DEPARTMENT expends loan funds on the RECIPIENT's behalf. It is understood that the loan funds provided under this CONTRACT will not be sufficient to pay all PROJECT costs.

The loan under this CONTRACT is subject to the RECIPIENT's repayment in the following manner: federal aid reimbursement applicable to the PROJECT will be used to pay principal on the loan, and the DEPARTMENT will invoice the RECIPIENT annually for the actual amount of interest. The invoiced amounts will be due and payable within thirty days. Final payment of all principal and interest on the loan must be made on or before September 30, 2009.

If the RECIPIENT fails to make any of its required payments when they are due, the DEPARTMENT will immediately notify the RECIPIENT of such default and of the amount thereof, and if such default is not corrected by payment within ten (10) days, the DEPARTMENT is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the RECIPIENT from the Michigan Transportation Fund, but only after sufficient money has been returned to the county road commission, city, or village to provide for the payment of contractual obligations incurred or to be incurred and principal and interest on notes or bonds issued or to be issued under 1941 PA 205, 1943 PA 143, 1952 PA 175, or Section 18c or 18d of 1951 PA 51, sufficient monies to remove the default and to credit the RECIPIENT with payment thereof and to notify the RECIPIENT in writing of such fact.

The RECIPIENT agrees that the costs reported to the DEPARTMENT for this CONTRACT will represent only those items that are properly chargeable in accordance with this CONTRACT. The RECIPIENT also certifies that it has read the CONTRACT terms and has made itself aware of the applicable laws, regulations, and terms of this CONTRACT that apply to the reporting of costs incurred under the terms of this CONTRACT.

Section 4. ADMINISTRATION

The DEPARTMENT will administer all phases of the PROJECT on behalf of the RECIPIENT, including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT, in accordance with the Local Agency Cost Participation Contract, as described in Section 9.

Any change in the scope or character of the PROJECT or in the cost, term, or other provision of the CONTRACT will be by a prior written amendment to this CONTRACT awarded by the parties.

In case of any discrepancies between the body of this CONTRACT and any exhibits hereto, the body of the CONTRACT will govern. The headings used in this CONTRACT are for convenience and identification purposes only and do not form a binding part of this CONTRACT.

Section 5. COMPLIANCE ACTIVITIES

The RECIPIENT will, in the performance of this CONTRACT, comply with and require its contractors and subcontractors to comply with all applicable federal, state, and local statutes, ordinances, and regulations and will obtain or have its contractors and subcontractors obtain all permits that are applicable to the entry into and performance of this CONTRACT.

The RECIPIENT will secure any agreements or approvals from railroad companies, utility companies, governmental agencies, or private parties required for construction of the PROJECT.

This CONTRACT will be interpreted, construed, and enforced in accordance with the laws of the State of Michigan.

By signing this CONTRACT, the RECIPIENT certifies that it has obtained or will obtain all necessary environmental protection permits and clearances prior to the beginning of the construction of the PROJECT.

Section 6. BREACH AND TERMINATION

In the event that any of the following occur, the DEPARTMENT may consider the RECIPIENT to be in default with respect to this CONTRACT:

- a. The RECIPIENT misrepresents any documentation or information provided to the DEPARTMENT to secure loan financing.
- b. The RECIPIENT fails to make a payment of any installment of interest under this CONTRACT or fails to make a due payment of any other debt or obligation now or later owed by RECIPIENT to the DEPARTMENT.
- c. The RECIPIENT defaults in the performance of any other obligation to the DEPARTMENT under this CONTRACT.

- d. The RECIPIENT becomes insolvent or makes an assignment for the benefit of creditors.
- e. Any guarantee or pledge made by the RECIPIENT that now or later secures payment for any or all indebtedness arising from this CONTRACT becomes terminated or limited for any reason (except as otherwise set forth herein or in 1951 PA 51) without the prior written consent or agreement of the DEPARTMENT.
- f. At any time the DEPARTMENT, acting in good faith, has cause to believe that the prospect of payment or performance under this CONTRACT is impaired.

In the event that the RECIPIENT fails to comply with the provisions of this CONTRACT, including the default provisions herein, and such noncompliance by the RECIPIENT continues for a period of ten (10) days after written notification of such noncompliance without an effort by the RECIPIENT to begin to diligently pursue remedies for such noncompliance, the DEPARTMENT will have the right, at its option and notwithstanding any waiver by the DEPARTMENT or any prior noncompliance, to demand the immediate return of the full outstanding balance of the loan financing and to terminate this CONTRACT.

The exercise of such right by the DEPARTMENT will not impair any other rights of the DEPARTMENT under this CONTRACT or any rights of action against the RECIPIENT for the collection of remaining monies due the DEPARTMENT and/or the recovery of damages.

Section 7. CONTRACTUAL OBLIGATIONS

Both parties will make reasonable efforts to satisfy promptly their surviving obligations to each other necessary to complete their contractual relationships after expiration or termination of this CONTRACT. This provision is not intended to nor does it create or confer any rights upon any person or entity not a party to this CONTRACT.

Section 8. PERFORMANCE RESPONSIBILITY

Each party to this Contract will remain responsible for any claims arising out of that party's performance of this Contract, as provided by this Contract or by law.

This Contract is not intended to increase or decrease either party's liability for or immunity from tort claims.

Section 9. LOCAL AGENCY COST PARTICIPATION CONTRACT

The DEPARTMENT and the RECIPIENT agree that, with respect to the PROJECT, the RECIPIENT will enter into a Local Agency Cost Participation Contract consisting of Part I and Part II (Standard Agreement Provisions) with the DEPARTMENT prior to the disbursement of loan funds.

Section 10. NOTICES

All notices required hereunder will be in writing and will be deemed to have been duly given if personally delivered or sent by certified mail, return receipt requested, postage paid, or by telegram addressed as shown below, or by confirmed facsimile machine message, unless notified differently in writing by the other party.

If to the DEPARTMENT:

Michigan Department of Transportation
Financial Operations Division
425 West Ottawa Street
P.O. Box 30050
Lansing, MI 48909

If to the RECIPIENT:

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

Section 11. SEVERABILITY

If any term, covenant, condition, or provision (or any part thereof) of this CONTRACT or the application thereof to any party or circumstance will at any time or to any extent be held to be invalid or unenforceable, the remainder of this CONTRACT or the application of such term or provision (or remainder thereof) to parties or circumstances other than those to which it is held to be invalid or unenforceable will not be affected thereby, and each term, covenant, condition, and provision of this CONTRACT will be valid and will be enforced to the fullest extent permitted by law.

Section 12. ASSIGNMENT

This CONTRACT may not be assigned without the express prior written approval of the non-assigning party, which approval will not be unreasonably withheld.

Section 13. ACCESS AND AUDIT

- a. The RECIPIENT will establish and maintain accurate records, in accordance with generally accepted accounting principals, of all expenses incurred for which payment is sought or made under this CONTRACT, said records to be hereinafter referred to as the "RECORDS." Separate accounts will be established and maintained for all costs incurred under this CONTRACT.
- b. The RECIPIENT will maintain the RECORDS for at least three (3) years from the date of final payment made by the DEPARTMENT under this CONTRACT. In the event of a dispute with regard to the allowable expenses or any other issue

under this CONTRACT, the RECIPIENT will thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

- c. The RECIPIENT will allow the DEPARTMENT or its representative to inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.
- d. The RECIPIENT will comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 U.S.C. 7501-7507).
- e. The RECIPIENT will comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.
 - i. Recipients expending a total of Five Hundred Thousand Dollars (\$500,000.00) or more in federal funds from one or more funding sources in their fiscal year will submit two (2) copies to the address in part ii below:

- The Reporting Package
- The Data Collection Form
- The audit firm management letter to the recipient, if issued.

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

- ii. Recipients expending less than Five Hundred Thousand Dollars (\$500,000.00) in federal funds must submit a letter to the DEPARTMENT advising that an OMB Circular A-133 audit was not required. The letter will indicate the applicable fiscal year, the amount of federal funds spent, and the name(s) of the DEPARTMENT federal programs. This information must also be submitted to the address below.

Address: Michigan Department of Transportation
Financial Operations Division
425 West Ottawa Street
P. O. Box 30050
Lansing, MI 48909

- iii. Recipients must also comply with applicable state laws and regulations relative to audit requirements.
- iv. Recipients will not charge audit costs to the DEPARTMENT's federal programs that are not in accordance with the aforementioned OMB Circular A-133 requirements.

- v. All recipients are subject to the federally-required monitoring activities, which may include limited scope reviews and other on-site monitoring.
- f. If any part of the work is subcontracted, the RECIPIENT will assure compliance with subsections (a), (b), (c), (d), and (e) above for all subcontracted work.

Section 14. PROHIBITION OF DISCRIMINATION

- a. In connection with the performance of the PROJECT under this CONTRACT, the RECIPIENT (hereinafter in Appendix A referred to as the "contractor") agrees to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts," as set forth in Appendix A, dated March 1998, attached hereto and made a part hereof. This provision will be included in all subcontracts relating to this CONTRACT.
- b. During the performance of this CONTRACT, the RECIPIENT, for itself, its assignees, and its successors in interest (hereinafter in Appendix B referred to as the "contractor") agrees to comply with the Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6, and the Regulations of the Department of Transportation (49 CFR Part 21) issued pursuant to said Act, including Appendix B, dated June 2003, attached hereto and made a part hereof. This provision will be included in all subcontracts related to this CONTRACT.

Section 15. ASSIGNMENT OF ANTITRUST RIGHTS

With regard to claims based on goods or services that were used to meet the RECIPIENT's obligation to the DEPARTMENT under this CONTRACT, the RECIPIENT hereby irrevocably assigns its right to pursue any claims for relief or causes of action for damages sustained by the State of Michigan or the DEPARTMENT due to any violation of 15 USC, Sections 1 - 15, and/or 1984 PA 274, MCL 445.771 - .788, excluding Section 4a, to the State of Michigan or the DEPARTMENT.

The RECIPIENT shall require any subcontractors to irrevocably assign their rights to pursue any claims for relief or causes of action for damages sustained by the State of Michigan or the DEPARTMENT with regard to claims based on goods or services that were used to meet the RECIPIENT's obligation to the DEPARTMENT under this CONTRACT due to any violation of 15 USC, Sections 1 - 15, and/or 1984 PA 274, MCL 445.771 - .788, excluding Section 4a, to the State of Michigan or the DEPARTMENT as a third-party beneficiary.

The RECIPIENT shall notify the DEPARTMENT if it becomes aware that an antitrust violation with regard to claims based on goods or services that were used to meet the RECIPIENT's obligation to the DEPARTMENT under this CONTRACT may have occurred or is threatened to occur. The RECIPIENT shall also notify the DEPARTMENT if it becomes aware of any person's intent to commence, or of commencement of, an antitrust action with regard to claims based on goods or services

that were used to meet the RECIPIENT's obligation to the DEPARTMENT under this CONTRACT.

Section 16. AWARD CONTINGENCY

Award of this CONTRACT will be contingent upon the RECIPIENT providing the DEPARTMENT with a duly adopted resolution authorizing a representative of the RECIPIENT to award this CONTRACT and undertake the PROJECT.

Section 17. FEDERAL TAX CODE

The RECIPIENT is a political subdivision of the State of Michigan that qualifies as a "government unit" within the meaning of Sections 141(b)(6)(A) and 141(c)(1) of the Internal Revenue Code of 1986, as amended, hereinafter referred to as the "CODE."

The RECIPIENT hereby covenants and agrees for the benefit of the DEPARTMENT that it will comply with the applicable requirements of Section 149 of the CODE.

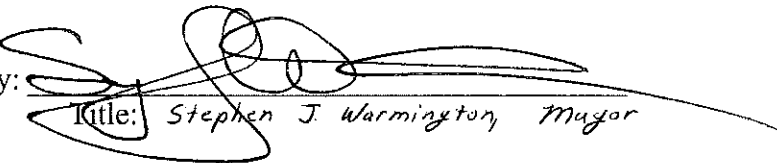
The RECIPIENT will not permit at any time or times any of the property financed with the proceeds of the loan funds that would result in the exclusion of any bonds of the DEPARTMENT from the treatment afforded by Section 103(a) of the CODE, as from time to time amended, by reason of the classification of such bonds as "private activity bonds" within the meaning of Section 141(a) of the CODE, or as obligations guaranteed by the United States of America, as provided in Section 149(b) of the CODE, or cause interest on the bonds to be includable in gross income for federal income tax purposes.

Section 18. AWARD

This CONTRACT will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the RECIPIENT and the DEPARTMENT and upon adoption of a resolution approving said CONTRACT and approving the signature(s) thereto of the respective representative(s) of the RECIPIENT, a certified copy of which resolution will be sent to the DEPARTMENT with this CONTRACT, as applicable.

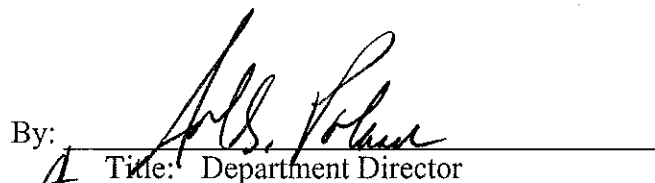
IN WITNESS WHEREOF, the parties have caused this CONTRACT to be awarded.

CITY OF MUSKEGON

By: 
Title: *Stephen J. Warmington, Mayor*



MICHIGAN DEPARTMENT OF TRANSPORTATION

By: 
Title: Department Director

12/19/07

ju

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

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

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

March, 1998

APPENDIX B

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

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

Commission Meeting Date: January 22, 2008

*Tabbed
to 2-12-08*

Date: January 11, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Amendment to the Zoning Ordinance – WM, Waterfront
Marine Districts, Special Land Uses Permitted**

SUMMARY OF REQUEST:

Request to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts) to allow an additional special land use.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to allow an additional special land use in the WM, Waterfront Marine zoning district.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 1/10 meeting. The vote was unanimous with T. Michalski and B. Smith absent.

Date: January 22, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
**RE: City – MDOT Agreement for the reconstruction of:
Clay Ave., Third St. to Terrace St.**

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the reconstruction of Clay Ave. between Third St. & Terrace St. and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

MDOT's participation is limited to the federal funds of \$344,200. The estimated total construction cost is \$381,700.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Approve the attached contract and resolution and authorize the mayor & clerk to sign both.

COMMITTEE RECOMMENDATION:

RESOLUTION #2008-11(k)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE RECONSTRUCTION OF CLAY AVE. BETWEEN THIRD ST. & TERRACE ST. TOGETHER WITH OTHER NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK ANN BECKER TO EXECUTE SAID CONTRACT

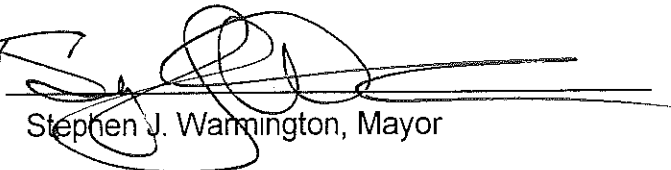
Moved by Commissioner Spataro and supported by Vice Mayor Gawron that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **07-5693** between the Michigan Department of Transportation and the City of Muskegon for the reconstruction of Clay Ave. between Third St. & Terrace St. within the City is in the best interests of the City of Muskegon.

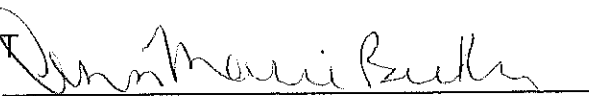
RESOLVED, that entry by the City into Contract Agreement Number **07-5693** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 22nd day of January, 2008.

BY


Stephen J. Warmington, Mayor

ATTEST

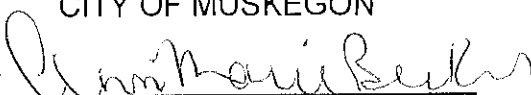

Ann Becker, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on January 22nd 2008. 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


Ann Becker, City Clerk



STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KIRK T. STEUDLE
DIRECTOR

February 22, 2008

Ms. Anne M. Becker
Clerk
City of Muskegon
933 Terrace Street, P.O. Box 536
Muskegon, MI 49443-0536

Dear Ms. Becker:

RE: MDOT Contract No.: 07-5693
Control Section: STUL 61407
Job Number: 101076

Enclosed is a fully executed copy of the above noted agreement.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Burch".

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

cc: Project Accounting
M. Harbison, Design Support Area
Grand

(ADVANCE CONSTRUCTION CONTRACT)
STP & LJT

CAB

Control Section	STUL 61407
Job Number	101076
Project	STP 0861(377)
Federal Item No.	RR 6169
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	07-5693

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of FEB 21 2008, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Muskegon, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated November 30, 2007, attached hereto and made a part hereof:

PART A – FEDERAL AND STATE PARTICIPATION

Reconstruction work along Clay Avenue from Third Street to Terrace Street; including cold milling, storm sewer, concrete curb and gutter, concrete sidewalk, concrete pavement overlay, hot mix asphalt paving, and pavement marking work; and all together with necessary related work.

PART B – NO FEDERAL OR STATE PARTICIPATION

Watermain and paving parking areas work along Clay Avenue from Third Street to Terrace Street; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal and State law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the PROJECT has been approved for financing in part with State Local Jobs Today Program Funds; and

WHEREAS, the PROJECT will be performed as an advance construction project; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

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

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

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

The PROJECT work shall be performed as an advance construction PROJECT and shall meet applicable Federal requirements set forth on 23 CFR Subpart G; 23 U.S.C. 115.

It is understood that authorization to undertake the performance of the work under this contract as an advance construction PROJECT does not constitute any commitment of DEPARTMENT or Federal Funds for this PROJECT.

Expenditures incurred on this PROJECT as advance construction will not be subject to reimbursement with Federal Funds until the PROJECT is converted to a regular Federal-aid project as provided under 23 CFR 630.705(2); CFR 630.709.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except for construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and

awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

The PART A portion of the PROJECT COST shall be met in part by contributions by the State Local Jobs Today Program and the REQUESTING PARTY.

State Local Jobs Today Grant Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) \$80,000, or (2) an amount such that 20 percent of the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract. The balance of the PART A portion of the PROJECT COST, after deduction of State Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Contingent upon availability of Federal Funds and Federal approval, Federal Surface Transportation Funds, for future fiscal years, may be applied to that portion of the PART A cost incurred as advance construction up to the lesser of: (1) \$320,000, or (2) an amount such that 80 percent, the normal Federal participation ratio for such funds, is not exceeded at the time of the award of the construction contract.

The State Local Jobs Today Program loan, through a separate contract, is an amount equivalent to the estimated Federal Surface Transportation Funding applicable to the PART A portion of the PROJECT that is not currently available. Said loan shall be used as advance construction dollars. Contingent upon availability of Federal Funds and Federal approval, Federal Surface Transportation Funds, for future fiscal years, will be applied to any outstanding principal balance of the State Local Jobs Today Program loan for costs incurred on the PART A portion of this PROJECT as advance construction.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal or State participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST or any advance construction expenditure not reimbursed by Federal Funds or State Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required from the REQUESTING PARTY for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 10 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less available Federal Funds, State Local Jobs Today Loan Funds, and State Local Jobs Today Grant Funds as the PROJECT progresses.

Failure to make such payments within 10 days of receipt of billings from the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold without further notice an equal amount from the REQUESTING PARTY'S share of any future Act 51 monthly allocations.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. At such time as traffic volumes and safety requirements warrant, the REQUESTING PARTY will cause to be enacted and enforced such ordinances as may be necessary to prohibit parking in the traveled roadway throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that it is a person under the Natural Resources and Environmental Protection Act (NREPA); 1995 PA 71 and is not aware of and has no reason to believe that the property on which the work under this agreement is to be performed is a facility as defined in MCL 324.20101(o); MSA 13A.20101(1)(l). The REQUESTING PARTY certifies that it is not a person liable under Part 201 or Part 213 of the Natural Resource and Environmental Protection Act (NREPA); MCL 324.20101 et seq. and Part 213 of NREPA; MCL 324.21301a et seq. The REQUESTING PARTY is a local unit of government that has acquired or will be acquiring property for a transportation corridor or public right-of-way and was not responsible for any activities causing a release or threat of release at or on the property. Pursuant to MCL 324.20126, the REQUESTING PARTY is not a person who is liable for response activity or response activity costs as defined by MCL 324.20101(ee) and (ff).

10. Both the REQUESTING PARTY and the DEPARTMENT certify that the DEPARTMENT is not a person liable under Parts 201 and 213 of the NREPA; that the DEPARTMENT is not an owner or operator of any property within the PROJECT limits; that the DEPARTMENT has not arranged for the disposal of hazardous substances within the PROJECT limits, nor has the DEPARTMENT transported any hazardous substances to the PROJECT limits; that the DEPARTMENT has not conducted any activities which have resulted in a release or threat of release of hazardous substances at the facility or within the PROJECT limits and that the DEPARTMENT is otherwise not liable for any response activities or response activity costs at the facility.

11. If subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require the incurrence of response costs for response activity pursuant to state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall notify the DEPARTMENT, both orally and in writing within 24 hours of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine whether the area within the PROJECT limits constitutes a facility and whether the REQUESTING PARTY is required to incur response costs to address the contamination under state or federal law. If the REQUESTING PARTY is liable for response activities or response costs under state or federal laws, the DEPARTMENT will consult with the FHWA to determine the eligibility of such response costs for reimbursement. In the event that the response costs and other incidental costs including, but not limited to delay costs, are deemed not to be eligible for reimbursement by the FHWA, the REQUESTING PARTY shall be charged for and shall pay to the DEPARTMENT all response costs and delay costs of the contractor for the PROJECT. If the REQUESTING PARTY refuses to participate in such costs, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

12. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent

effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

13. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT and its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT and its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT and its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT and its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT and its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

14. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rest with the REQUESTING PARTY and other local agencies having respective jurisdiction.

15. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

16. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current standard specifications for construction, and to:

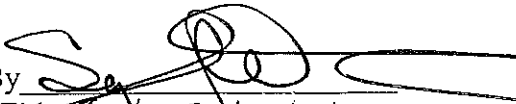
- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owners protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

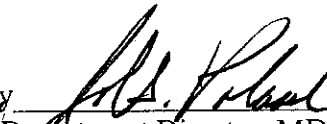
19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

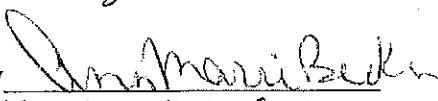
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By 
Title: Stephen J. Warmington,
Mayor

By 
Department Director MDOT

By 
Title: Ann Marie Becker,
City Clerk

12/19/07




November 30, 2007

EXHIBIT I

CONTROL SECTION	STUL 61407
JOB NUMBER	101076
PROJECT	STP 0861(377)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$344,200	\$37,500	\$381,700

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$344,200	\$37,500	\$381,700
Less State Local Jobs Today Grant Funds*	\$ 68,800	\$ 0	\$ 68,800
Balance	\$275,400	\$37,500	\$312,900

Less State Local Jobs Today Program Loan/Federal Funds (Advance Construction) Future Fiscal Year**	\$275,400	\$ 0	\$275,400
REQUESTING PARTY'S SHARE (Future Fiscal Year)	\$ 0	\$37,500	\$ 37,500

*State Local Jobs Today Grant Funds for the PART A portion of the PROJECT COST are limited to an amount as described in Section 5.

**Contingent upon availability of Federal Funds and Federal approval, Federal Surface Transportation Funds, for future fiscal years, may be applied to that portion of the PART A cost incurred as advance construction and are limited to an amount as described in Section 5.

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement
 - g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

- h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
- 3. Modification Or Construction Of Railroad Facilities
 - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$25,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

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4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA. shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
 5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

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

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

March, 1998

APPENDIX B

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

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

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

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

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

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

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

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

Commission Meeting Date: January 22, 2008

Date: January 16, 2008
To: Honorable Mayor and City Commissioners
From: City Treasurer
RE: Resolution to Collect Taxes Levied in the Summer

SUMMARY OF REQUEST:

To approve the attached resolution rescinding the previous resolution that declined to collect the State Education Tax in a summer levy. City staff was contacted by the Michigan Department of Treasury, Local Government Section, who indicated that the resolution needs to be approved in the month of January.

FINANCIAL IMPACT:

To meet the 2008 fiscal year approved budget projection.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution.

COMMITTEE RECOMMENDATION:

N/A

CITY OF MUSKEGON

Resolution No. 2008-11(l)

A Resolution to rescind a previous resolution that declined to collect the State Education Tax in a summer levy.

RECITALS

1. That Public Act 331 of 1993, the State Education Tax Act, as amended by Public Act 244 of 2002, requires cities and townships to collect the State Education Tax in a summer levy, except as otherwise provided by law.
2. Cities are required to collect the State Education Tax in a summer levy unless, before November 1, 2002, the legislative body adopted a resolution declining to collect the tax.
3. On October 22, 2002, the City Commission of the City of Muskegon adopted Resolution No. 2002-119(b), which declined to collect the State Education Tax in a summer levy beginning with the summer 2003 levy.
4. In accordance with Act 331 of 1993, as amended by Public Act 244 of 2002, the legislative body of a city or township that has declined to collect the State Education Tax in a summer levy may by resolution adopted by a majority of the legislative body rescind the earlier decision to decline to collect the tax.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

That the City of Muskegon rescinds Resolution No. 2002-119(b) which declined to collect the State Education Tax in a summer levy and hereby elects to begin collection of the State Education Tax in a summer levy beginning with the summer 2008 levy.

This resolution passed.

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

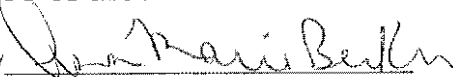
CITY OF MUSKEGON

By 
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on January 22, 2008. 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 
Ann Marie Becker, MMC, City Clerk

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: January 22, 2008

RE: Public Hearing
Spreading of the Special Assessment Roll
Creston St., Laketon Ave. to Evanston Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Creston St. from Laketon Ave. to Evanston Ave.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$30,254.66 would be spread against the ten -(10) 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. 2008-12(a)

Resolution Confirming Special Assessment Roll

For Creston St. from Laketon Ave. to Evanston Ave.

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 13, 2007**, 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: **Creston St., from Laketon Ave. to Evanston Ave.**

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.

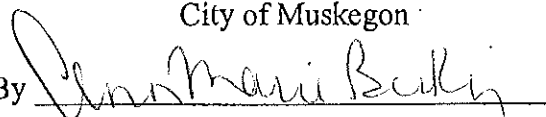
This resolution passed.

Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski,
Carter, and Gawron

Nays: None

City of Muskegon

By



Ann Marie Becker, MMC
City Clerk

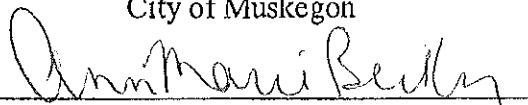
CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **January 22, 2008**. 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 22, 2008**.

City of Muskegon

By



Ann Marie Becker, MMC
City Clerk

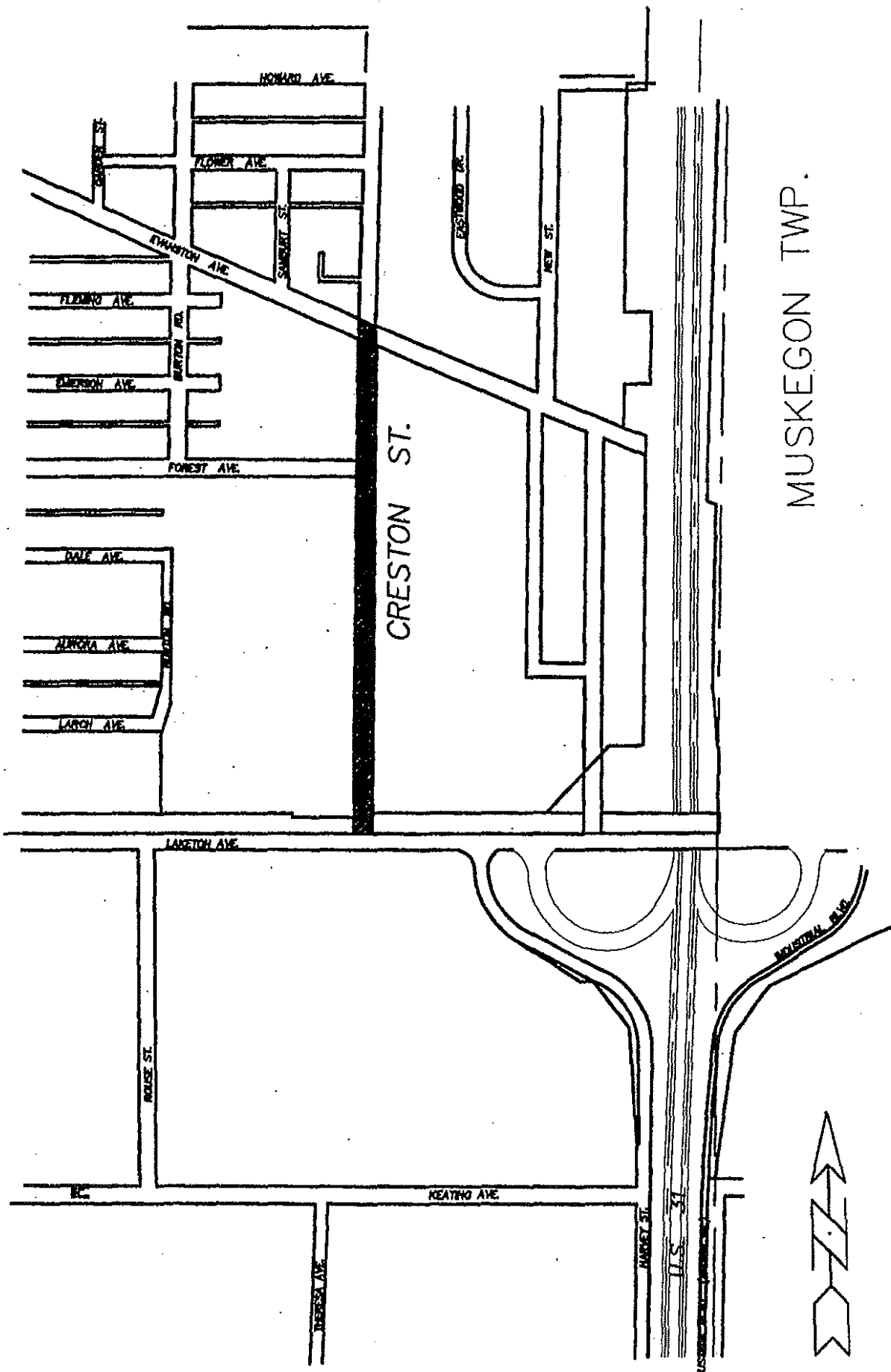
EXHIBIT A

CRESTON ST., EVANSTON AVE.. TO LAKETON AVE.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of CRESTON ST., FROM EVANSTON AVE. TO
LAKETON AVE.**

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



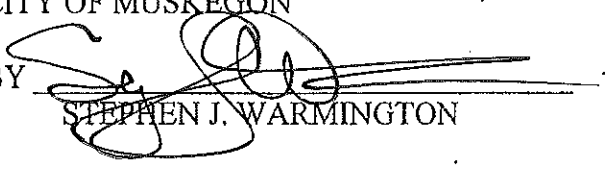
CRESTON ST., LAKETON AVE. TO EVANSTON AVE.

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

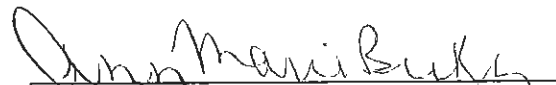
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

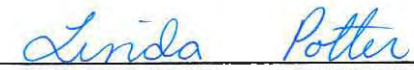
**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

H-1622, Creston Street, Laketon Ave. To Evanston Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11th DAY OF JANUARY 2008.


ANN MARIE BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
23 DAY OF January, 2008.


NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-2012

January 11, 2008

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

1

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:

CRESTON STREET, LAKETON AVE. TO EVANSTON AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JANUARY 22, 2008 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 22, 2008 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS: TAXTRIB@MICHIGAN.GOV. 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 \$280,518.36 of which \$30,254.06 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1,071.88 based on 62.5 feet assessable front footage at \$17.15 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1,071.88. Following are the terms of the special assessment:

The total assessment of **\$1,071.88** may be paid in full any time by the due date of **March 24, 2008** without interest being charged. After this date, interest will be charged at the **annual rate of 5%** on the **remaining balance**. Assessments also may be paid over a ten-year period in ten equal principal installments of **\$107.19** (plus accrued interest). If you pay your assessment in installments, your annual installment (plus accrued 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 charge. **Should you wish to avoid having the annual installment placed on the property tax bill by making a separate payment or to pay the total balance due, please contact the Treasurer's office at (231) 724-6720.**

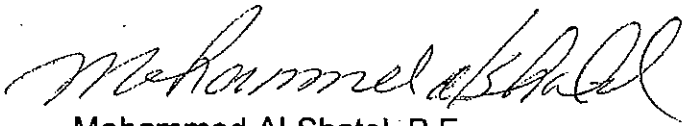
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If 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 Assessment for financial assistance.

Sincerely,

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

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

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

CRESTON STREET, EVANSTON AVE. TO LAKETON AVE. H 1622
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 CONFIRMATION**

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
CRESTON ST., EVANSTON AVE. TO LAKETON AVE.H 1622
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the 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 2006, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2007

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,210
2	32,240
3	36,270
4	40,365
5	43,550
6	46,800
7	49,985
8	53,235
For each extra, add	3,250

- ✓ **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. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation. The City must complete the sidewalks. Costs incurred from repairs done by you or a private contractor will not be reimbursed.

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

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

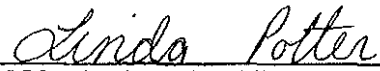
TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Creston Street, Evanston Ave. to Laketon 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 2nd DAY OF FEBRUARY, 2007.


ANN MARIE BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
15th DAY OF February, 2007.


NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-2012

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

SPECIAL ASSESSMENT DISTRICT:

CRESTON ST., LAKETON AVE. TO EVANSTON AVE.

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

All parcels abutting Creston St., from Laketon Ave. to Evanston Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll will be held at the City of Muskegon Commission Chambers on **January 22, 2008 at 5:30 p.m.**

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

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

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

Ann Becker, City Clerk

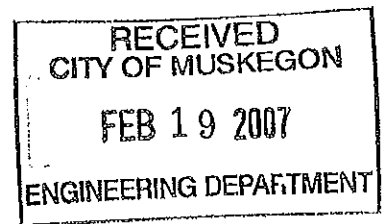
Publish: **January 12, 2008**

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:

Ann Becker, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267



CITY OF MUSKEGON

Resolution No. 2007-16(c)

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

RECITALS:

1. A hearing has been held on **February 13, 2007** 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 13, 2007**, there were 13.07 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 10.09% of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and
Shepherd

Nays None

CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker, City Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 13, 2007**. 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 Ann Marie Becker
Ann Marie Becker, City Clerk

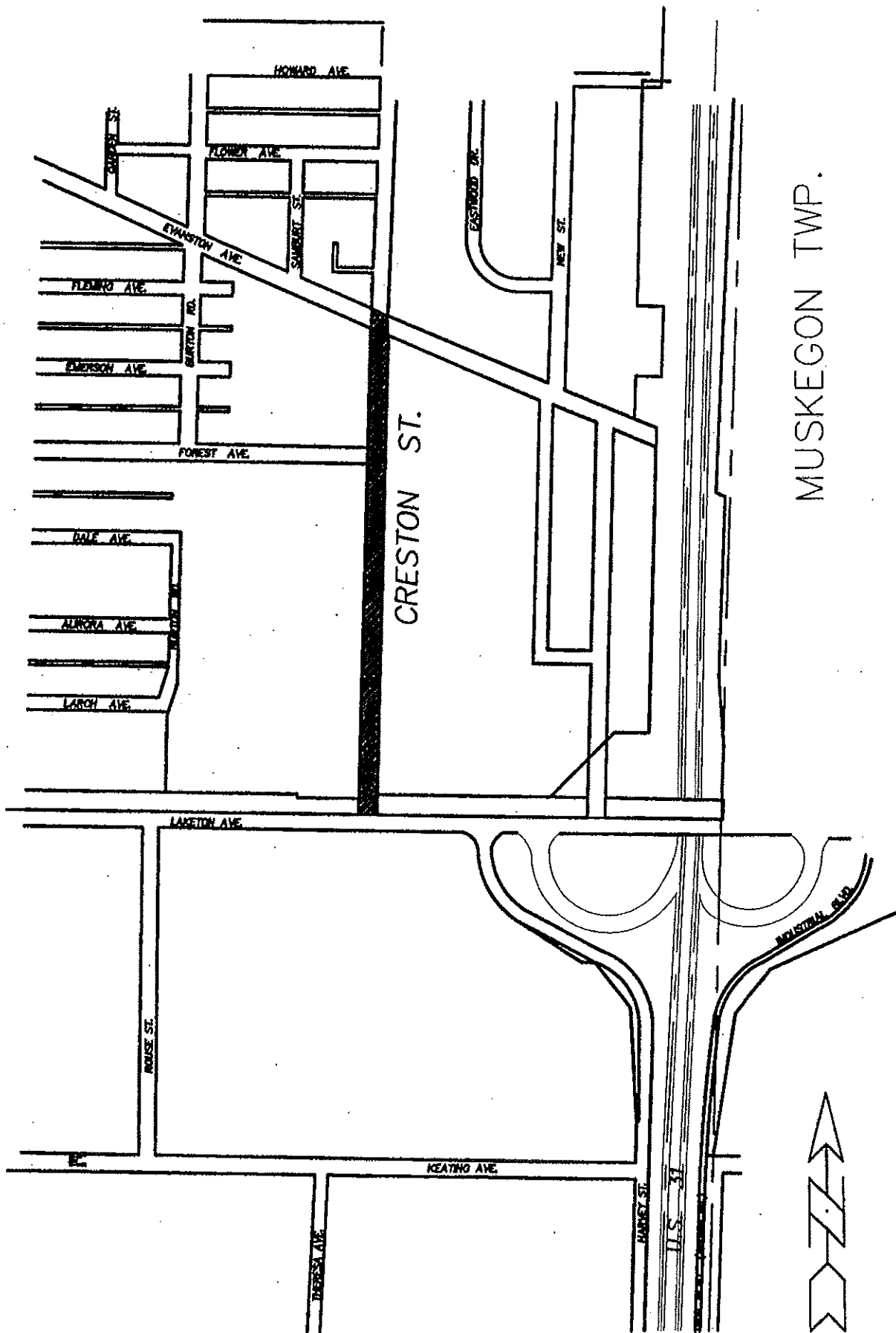
EXHIBIT A

CRESTON ST., EVANSTON AVE.. TO LAKETON AVE.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of CRESTON ST., FROM EVANSTON AVE. TO
LAKETON AVE.**

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



CRESTON ST., LAKETON AVE. TO EVANSTON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS			PAVING DR APP/SW			TOTAL
24-128-400-0017	0 CRESTON AVE	LAKETON EAST LL	1960 S ROBERTS ST	MUSKEGON	MI	49442	\$1,715.00	\$0.00	\$1,715.00
24-128-400-0020	1345 E FOREST A	CITY OF MUSKEGO	933 TERRACE ST	MUSKEGON	MI	49443	\$12,793.90	\$0.00	\$12,793.90
24-128-400-9991	1350 E LAKETON	MICHIGAN SHORE	400 W 15TH ST SUITE 1	AUSTIN	TX	78701-164	\$960.40	\$0.00	\$960.40
24-128-400-0018	1390 E LAKETON	MICHIGAN SHORE	400 W 15TH ST SUITE 1	AUSTIN	TX	78701-164	\$171.50	\$0.00	\$171.50
24-495-000-0003	1392 E FOREST A	HICKS THERESA L	1392 E FOREST AVE	MUSKEGON	MI	49442	\$1,166.20	\$0.00	\$1,166.20
24-128-400-0012	1393 EVANSTON	WATTS JOHN N	1393 EVANSTON AVE	MUSKEGON	MI	49442	\$1,071.88	\$0.00	\$1,071.88
24-495-000-0001	1555 CRESTON S	ESCHMAN RICHA	1555 CRESTON ST	MUSKEGON	MI	49442	\$1,484.50	\$0.00	\$1,484.50
24-495-000-0002	1575 CRESTON S	ZANDSTRA JOHN	1575 CRESTON ST	MUSKEGON	MI	49442	\$1,457.75	\$0.00	\$1,457.75
24-128-400-0019	1690 CRESTON S	CITY OF MUSKEGO	933 TERRACE ST	MUSKEGON	MI	49443	\$4,287.50	\$0.00	\$4,287.50
24-128-400-0017	1785 CRESTON S	MUSKY CHECKER	15915 VENTURA BLVD	ENCINO	CA	91436	\$5,146.03	\$0.00	\$5,146.03

H1622

HEARING DATE:

JANUARY 22, 2008

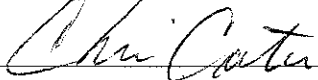
CRESTON ST., LAKETON AVE. TO EVANSTON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING DR APP/SW	TOTAL
TOTALS:				\$30,254.66	\$0.00 \$30,254.66

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

	1/24/08
DONNA BETH STOKES, COUNTY EQUALIZATION	DATE
	1/28/08
SUE WIERENGO	DATE
CITY COMMISSIONER	
	2/7/08
CHRIS CARTER	DATE
CITY COMMISSIONER	

Date: January 22, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
PINE ST., APPLE AVE. TO WESTERN AVE.

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Pine St., Apple Ave. to Western Ave.** project, 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 district and assign two City Commissioners to the Board of Assessors by adopting the attached resolution

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2008-12 (b)

Resolution At First Hearing Creating Special Assessment District
For Pine St., from Apple Ave. to Western Ave.

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

RECITALS:

1. A hearing has been held on **January 22, 2008** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 22, 2008**, there were 26.1 % 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 Gawron and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately 20% of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron,
and Shepherd

Nays None

CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker, City Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 22, 2008**. 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 Ann Marie Becker
Ann Marie Becker, City Clerk

EXHIBIT A

**Pine St., from
Apple Ave. to Western Ave.**

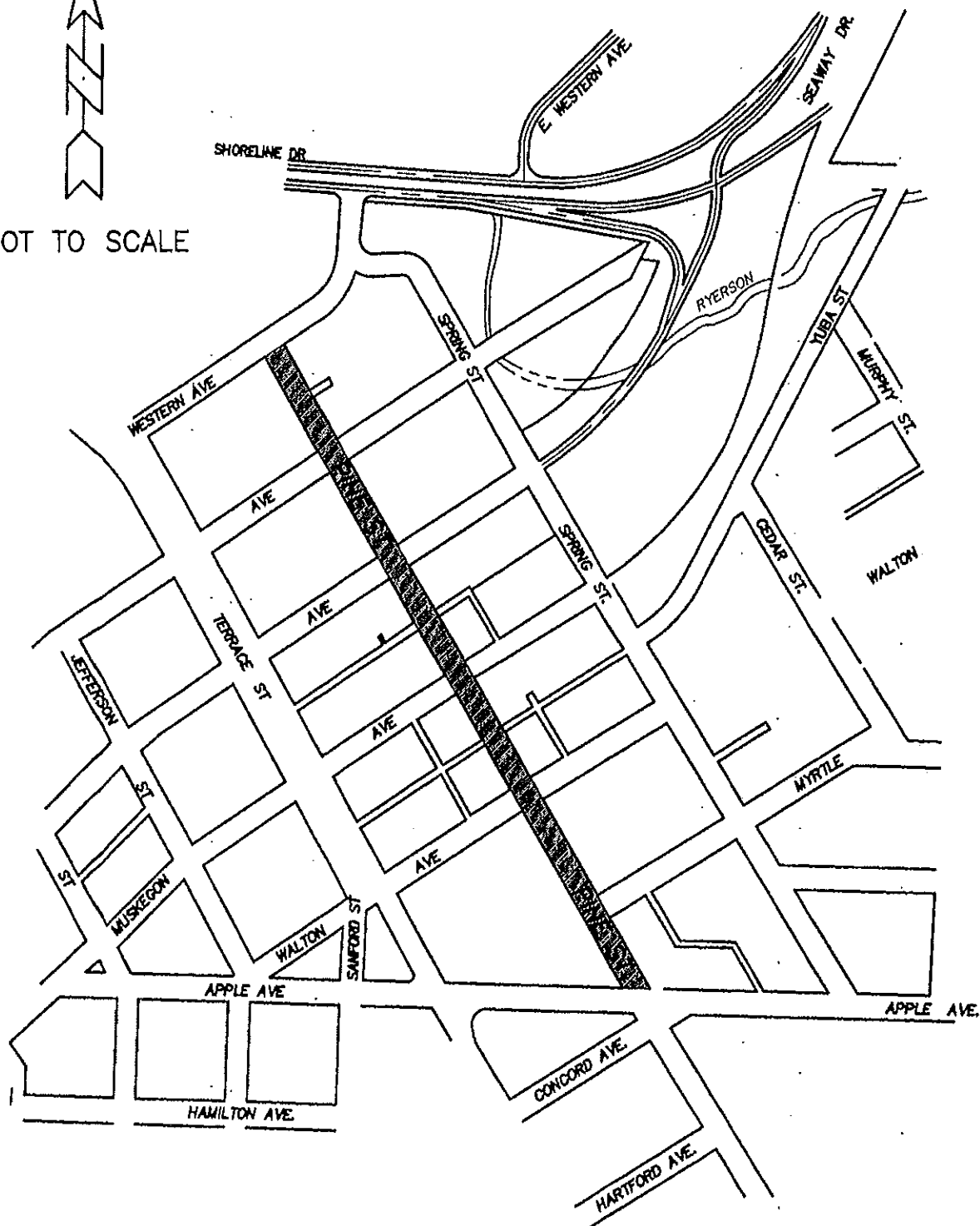
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of
Pine St., from Apple Ave. to Western Ave.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NOT TO SCALE



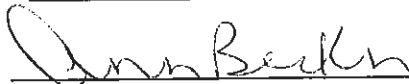
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

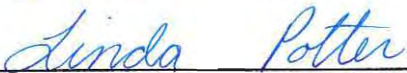
TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Pine St., Apple Ave. to Western Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF JANUARY, 2008.


ANN BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
23 DAY OF January, 2008.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-2012

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**PINE ST., APPLE AVE. TO WESTERN AVE.
AND
VINCENT DR./PARK DR., BARCLAY ST. TO NORTH END**

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

All parcels abutting Pine St., from Apple Ave. to Western Ave.

And

All Parcels Abutting Vincent Dr./Park Dr., from Barclay St. to North End

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 22, 2008 AT 5:30 O'CLOCK P.M.**

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

By City Charter, if the owners of more than one-half of the 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.

PUBLISH: **January 12, 2007**

Ann Becker 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:

Ann Becker City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

ENGINEERING FEASIBILITY STUDY

Pine St., from Apple Ave. to Western Ave.

The proposed reconstruction of Pine St., Apple Ave. to Western Ave., see attached special assessment district map, was initiated by the City due to the conditions it is in. We feel that reconstruction is the most effective method especially with the needs for other facilities which includes watermain, sewer main (including water & sewer services), and storm sewer system.

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 \$450,000 with the length of the project being approximately 1,995 lineal feet or 2,853 of assessable front footage. This translates into an estimated improvement cost of \$157 per assessable foot. However, based on the 2008 assessment figure for this type of improvement, the assessment will not exceed \$32.00 per assessable foot.

MUSKEGON COUNTY

M I C H I G A N

January 4, 2008

BOARD OF COMMISSIONERS

James J. Derezinski
Chair, District 4

I. John Snider II
Vice Chair, District 3

P. Don Aley
District 7

Charles L. Buzzell
District 2

Lew Collins
District 6

Marvin R. Engle
District 5

Bill Gill
District 8

Kenneth Mahoney
District 1

Louis A. McMurray
District 9

Robert Scolnik
District 11

Roger C. Wade
District 10

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Pine Street from Apple Avenue to Western Avenue (Project # H-1612). 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 4, 2008.

The proposed special assessment district encompasses primarily commercial properties. The City of Muskegon's Engineering Department has provided all frontage estimates in accordance with the City's Special Assessment Policy and all project-related costs. The total project cost is estimated to be \$325,000. The amount of money to be spread to the 35 property owners has been estimated at \$91,296.00 or 28.1% of the total costs. The proposed front foot rated to be spread is \$32.00. The City's Engineering Department is solely responsible for these figures.

In conclusion, it is my opinion that the special assessment amounts as provided by the City 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. Simply stated, the front foot rate of \$32.00 to be spread over an assessable footage of 2853.00 for the reconstruction of the above mentioned project area appears reasonable and equitable based upon the data presented by the City of Muskegon Engineering Department, and on supporting office records.

Sincerely,



Dennis W. Burns, CMAE 3

Assessment Administration Supervisor

January 11, 2008

«OwnerName1»

«OwnerStreetAddress»

«OwnerCity», «OwnerState» «OwnerZipCode»

1

The City of Muskegon is asking for your support for improvement of the street adjoining your property located at «PropAddressCombined».

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 1/22/2008. 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 11, 2008

«OwnerName1»
«OwnerStreetAddress»
«OwnerCity», «OwnerState» «OwnerZipCode» «NUMBER»

Parcel Number: «ParcelNumber» at «PropAddressCombined»

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:

PINE ST., APPLE AVE. TO NORTH END

The proposed special assessment district will be located as follows:

All parcels abutting Pine St., from Apple Ave. to Western Ave.

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

Public Hearings

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

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

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

Estimated Costs

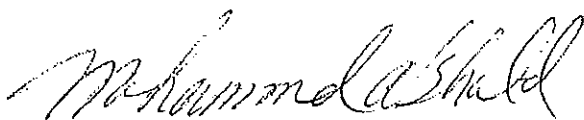
The total estimated cost of the street portion of the project is \$450,000.00, of which, approximately 20% (\$91,296.00) will be paid by property owners through special assessment. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street special 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 are available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
PINE ST., APPLE AVE, TO WESTERN AVE. H-1612
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 CONFIRMATION**

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
PINE ST., APPLE AVE. TO WESTERN AVE. H-1612
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the 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 2007, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2007

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,210
2	32,240
3	36,270
4	40,365
5	43,550
6	46,800
7	49,985
8	53,235
For each extra, add	3,250

- ✓ **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. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation. The City must complete the sidewalks. Costs incurred from repairs done by you or a private contractor will not be reimbursed.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
RETURN THIS CARD BY: January 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.
Project Description RECONSTRUCTION

INSTRUCTIONS

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

Assessment Information

Property Address:	PROPERTY ADDRESS STREET
Parcel Number	24-XXX-XXX-XXXX-XX
Assessable Frontage:	XX.XX Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,880.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1-5 INCL & LOTS 24-26 BLK 175 SUBJ TO SEWER EASEMENTS OF RECORD
CEZ CERT# 97-0001 BEG 12-30-1998 END 12-30-2003 ROLL BEG 1999 END 2003 24-931-097-0001-00

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

CoOwner/Spouse _____

Signature _____

Signature _____

Address _____

Address _____

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

SPECIAL ASSESSMENT

H-1612

RECONSTRUCTION

HEARING DATE

January 22, 2008

PINE ST., APPLE AVE. TO WESTERN AVE.

1	MUSKEGON CONSTRUCTION	ASSESSABLE FEET:	90.00
24-205-175-0001-00	111 W WESTERN AVE	COST PER FOOT:	\$32.00
@ 111 W WESTERN AV	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$2,880.00
2	MCDERMOTT WM/DENISE	ASSESSABLE FEET:	66.00
24-205-175-0021-00	2278 SOUTHWOOD	COST PER FOOT:	\$32.00
@ 777 PINE ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,112.00
3	VERIZON INC	ASSESSABLE FEET:	22.00
24-205-176-0001-10	P O BOX 152206	COST PER FOOT:	\$32.00
@ 85 PINE ST	IRVING TX 75015	ESTIMATED P.O. COST:	\$704.00
4	VERIZON INC	ASSESSABLE FEET:	154.00
24-205-176-0017-00	P O BOX 152206	COST PER FOOT:	\$32.00
@ 805 PINE ST	IRVING TX 75015	ESTIMATED P.O. COST:	\$4,928.00
5	APPELT KENNETH	ASSESSABLE FEET:	47.00
24-205-176-0015-00	PO BOX 1212	COST PER FOOT:	\$32.00
@ 813 PINE ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$1,504.00
6	APPELT KENNETH	ASSESSABLE FEET:	20.00
24-205-176-0012-00	PO BOX 1212	COST PER FOOT:	\$32.00
@ 66 W WEBSTER AVE	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$640.00

PINE ST., APPLE AVE. TO WESTERN AVE.

7	APPELT KENNETH	ASSESSABLE FEET:	21.00
24-205-176-0013-00	PO BOX 1212	COST PER FOOT:	\$32.00
@ 821 PINE ST	MUSKEGON MI 49443	<u>ESTIMATED P.O. COST:</u>	<u>\$672.00</u>
8	FETHKE EUGENE A	ASSESSABLE FEET:	40.00
24-205-187-0001-00	71 W WEBSTER AVE	COST PER FOOT:	\$32.00
@ 833 PINE ST	MUSKEGON MI 49440	<u>ESTIMATED P.O. COST:</u>	<u>\$1,280.00</u>
9	GILL WILLIAM T JR	ASSESSABLE FEET:	40.00
24-205-187-0003-00	PO BOX 344	COST PER FOOT:	\$32.00
@ 839 PINE ST	MUSKEGON MI 49443-034	<u>ESTIMATED P.O. COST:</u>	<u>\$1,280.00</u>
10	GILL WILLIAM T JR	ASSESSABLE FEET:	32.00
24-205-187-0005-00	PO BOX 344	COST PER FOOT:	\$32.00
@ 845 PINE ST	MUSKEGON MI 49443-034	<u>ESTIMATED P.O. COST:</u>	<u>\$1,024.00</u>
11	GILL WILLIAM T JR	ASSESSABLE FEET:	28.00
24-205-187-0006-00	PO BOX 344	COST PER FOOT:	\$32.00
@ 849 PINE ST	MUSKEGON MI 49443-034	<u>ESTIMATED P.O. COST:</u>	<u>\$896.00</u>
12	20 W MUSKEGON LLC	ASSESSABLE FEET:	140.00
24-205-187-0018-00	400 S STATE ST STE 150	COST PER FOOT:	\$32.00
@ 20 W MUSKEGON AV	ZEELAND MI 49464	<u>ESTIMATED P.O. COST:</u>	<u>\$4,480.00</u>
13	CITY OF MUSKEGON	ASSESSABLE FEET:	74.00
24-205-188-0001-00	PO BOX 536	COST PER FOOT:	\$32.00
@ 881 PINE ST	MUSKEGON MI 49443-053	<u>ESTIMATED P.O. COST:</u>	<u>\$2,368.00</u>

PINE ST., APPLE AVE. TO WESTERN AVE.

14	B K MUSKEGON PROPERTIES L	ASSESSABLE FEET:	66.00
24-205-188-0004-00	4220 EDISON LAKES PKWY	COST PER FOOT:	\$32.00
@ 928 TERRACE ST	MISHAWAKA IN 46545	ESTIMATED P.O. COST:	\$2,112.00
15	ALLEN ANN M	ASSESSABLE FEET:	70.00
24-205-188-0015-00	12120 BLUE WAY AVE	COST PER FOOT:	\$32.00
@ 913 PINE ST	OKLAHOMA CIT OK 73162-059	ESTIMATED P.O. COST:	\$2,240.00
16	COUNTY OF MUSKEGON	ASSESSABLE FEET:	469.00
24-205-218-0001-00	990 TERRACE ST	COST PER FOOT:	\$32.00
@ 990 TERRACE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$15,008.00
17	BOLEN DAVID L	ASSESSABLE FEET:	72.50
24-205-174-0004-00	PO BOX 113	COST PER FOOT:	\$32.00
@ 750 PINE ST	ROTHBURY MI 49452-011	ESTIMATED P.O. COST:	\$2,320.00
18	WITT LEE A	ASSESSABLE FEET:	32.00
24-205-174-0008-00	1501 RUDDIMAN DR	COST PER FOOT:	\$32.00
@ 772 PINE ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,024.00
19	WITT LEE A	ASSESSABLE FEET:	100.00
24-205-174-0009-00	1501 RUDDIMAN DR	COST PER FOOT:	\$32.00
@ 28 E CLAY AVE	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$3,200.00
20	PERRI ALFRED J TRUST	ASSESSABLE FEET:	132.00
24-205-177-0005-00	PO BOX 301	COST PER FOOT:	\$32.00
@ 794 PINE ST	MUSKEGON MI 49443-030	ESTIMATED P.O. COST:	\$4,224.00

PINE ST., APPLE AVE. TO WESTERN AVE.

21	NW MILL REAL ESTATE LLC	ASSESSABLE FEET:	132.00
24-205-177-0007-00	820 PINE ST	COST PER FOOT:	\$32.00
@ 820 PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$4,224.00
22	LAKESIDE INVESTMENTS LLC	ASSESSABLE FEET:	22.00
24-205-186-0006-00	115 MAPLE LEAF LN	COST PER FOOT:	\$32.00
@ 830 PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$704.00
23	GILL WILLIAM T JR	ASSESSABLE FEET:	44.00
24-205-186-0007-00	PO BOX 344	COST PER FOOT:	\$32.00
@ 840 PINE ST	MUSKEGON MI 49443-034	ESTIMATED P.O. COST:	\$1,408.00
24	J & K PROPERTIES OF W MI INC	ASSESSABLE FEET:	154.00
24-205-186-0009-00	PO BOX 439	COST PER FOOT:	\$32.00
@ 860 PINE ST	TWIN LAKE MI 49457	ESTIMATED P.O. COST:	\$4,928.00
25	LI MACH LLC	ASSESSABLE FEET:	60.00
24-205-186-0015-00	2652 E BARD RD	COST PER FOOT:	\$32.00
@ 866 PINE ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$1,920.00
26	LI MACH LLC	ASSESSABLE FEET:	20.00
24-205-186-0018-00	2652 E BARD RD	COST PER FOOT:	\$32.00
@ 870 PINE ST	MUSKEGON MI 49445	ESTIMATED P.O. COST:	\$640.00
27	ADMIRAL PETROLEUM CO	ASSESSABLE FEET:	110.00
24-205-189-0005-00	13 RANDALL ST	COST PER FOOT:	\$32.00
@ 11 E MUSKEGON AVE	COOPERSVILLE MI 49404	ESTIMATED P.O. COST:	\$3,520.00

PINE ST., APPLE AVE. TO WESTERN AVE.

28	LEATH FURNITURE INC	ASSESSABLE FEET:	30.00
24-205-189-0010-00	4370 PEACHTREE RD NE	COST PER FOOT:	\$32.00
@ 896 PINE ST	ATLANTA GA 30319	ESTIMATED P.O. COST:	\$960.00
29	SEN PEEVO LLC	ASSESSABLE FEET:	70.00
24-205-189-0011-00	PO BOX 1681	COST PER FOOT:	\$32.00
@ 902 PINE ST	MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$2,240.00
30	COUNTY OF MUSKEGON	ASSESSABLE FEET:	300.00
24-205-217-0001-00	990 TERRACE ST	COST PER FOOT:	\$32.00
@ 930 PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$9,600.00
31	STRANDBERG CLARE J	ASSESSABLE FEET:	46.00
24-205-216-0001-00	41 E APPLE AVE	COST PER FOOT:	\$32.00
@ 974 PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,472.00
32	OPPORTUNITY PROPERTIES LL	ASSESSABLE FEET:	44.00
24-205-216-0003-00	978 PINE ST	COST PER FOOT:	\$32.00
@ 978 PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,408.00
33	DAHLQUIST RANDY	ASSESSABLE FEET:	22.00
24-205-216-0005-00	961 SPRING ST	COST PER FOOT:	\$32.00
@ 984 PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$704.00
34	DEPUNG PROPERTIES LLC	ASSESSABLE FEET:	42.00
24-205-216-0006-00	990 PINE ST	COST PER FOOT:	\$32.00
@ 990 PINE ST	MUSKEGON MI 49442	ESTIMATED P.O. COST:	\$1,344.00

RECONSTRUCTION

HEARING DATE

January 22, 2008

PINE ST., APPLE AVE. TO WESTERN AVE.

35	SUNSET GLOBAL INVESTMENT	ASSESSABLE FEET:	41.50
24-205-216-0008-00	3130 GLADE ST #A	COST PER FOOT:	\$32.00
@ 994 PINE ST	MUSKEGON MI 49444	ESTIMATED P.O. COST:	\$1,328.00

SUM OF ASSESSABLE FOOTAGE	2853.00	PROJECT LENGTH:	1995 FEET
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TOTAL NUMBER OF ASSESSABLE PARCELS	35	ROADWAY RIGHT-OF-WAY LENGTH:	3990 FEET
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ESTIMATED PROJECT COST:	\$325,000.00
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SUM OF EST. PROP.OWN. COSTS:	\$91,296.00
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SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By January 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 833 PINE ST
Parcel Number 24-205-187-0001-00
Assessable Frontage: 40 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,280.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1-2 BLK 187

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 Gregory H. Felt CoOwner/Spouse _____
Signature Gregory H. Felt Signature _____
Address 7116 Western 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 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 830 PINE ST
Parcel Number 24-205-186-0006-00
Assessable Frontage: 22 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$704.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 BLK 186

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

Laurel David Melancon

CoOwner/Spouse

Signature

[Signature]

Signature

Address

830 Pine St

Address

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

22

Keep Improving Roads in Muskegon

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By January 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 820 PINE ST
Parcel Number 24-205-177-0007-00
Assessable Frontage: 132 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$4,224.00



Property Description

CITY OF MUSKEGON REVISED PLAT 1903 LOTS 7 THRU 9 BLK 177

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 Norwalk Beach Estate CoOwner/Spouse _____

Signature Henry Lohr

Signature Maurice Beckman

Address 820 Pine St.

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 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

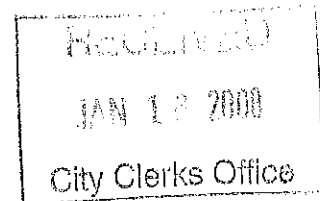
Property Address: 11 E MUSKEGON AVE

Parcel Number 24-205-189-0005-00

Assessable Frontage: 110 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$3,520.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 W 1/2 LOT 4 & NLY 110 FT OF E 1/2 VAC ALLEY ADJ ALSO LOTS 5 THRU 9 & W 1/2 VAC ALLEY ADJ BLK 189

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

Adrian K. ...

CoOwner/Spouse

Signature

[Signature]

Signature

Address

1316 ...

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 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 111 W WESTERN AVE

Parcel Number 24-205-175-0001-00

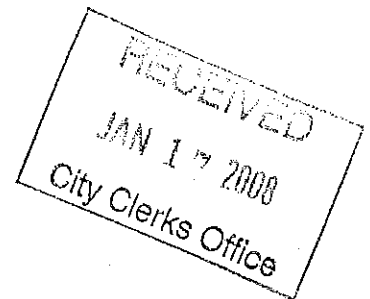
Assessable Frontage: 90 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,880.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1-5 INCL & LOTS 24-25 BLK 175 SUBJ TO SEWER EASEMENTS OF RECORD
CEZ CERT# 97-0001 BEG 12-30-1998 END 12-30-2003 ROLL BEG 1999 END 2003 24-931-097-0001-00



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

MUSE, ERNST. CO.

CoOwner/Spouse

Signature

Signature

Address

111 W WESTERN AVE

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By January 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

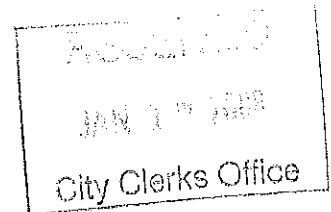
Property Address: 28 E CLAY AVE

Parcel Number 24-205-174-0009-00

Assessable Frontage: 100 Feet

Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$3,200.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 9-14 & N 34 FT LOT 8 BLK 174

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

Lop Witt

CoOwner/Spouse

Signature

[Signature]

Signature

Address

1501 Ruddiman Dr. N. Western Ave.
772 Pine St.

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 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

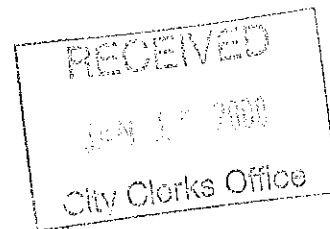
Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 870 PINE ST
Parcel Number 24-205-186-0018-00
Assessable Frontage: 20 Feet
Estimated Front Foot Cost: \$32.00 per Foot



ESTIMATED TOTAL COST \$640.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 18 BLK 186 ALSO W 1/2 OF VAC ALLEY ADJ

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner DONALD KERSTING CoOwner/Spouse _____

Signature Ronald E. Kersting Signature _____

Address 870 Pine St Address _____

870
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 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

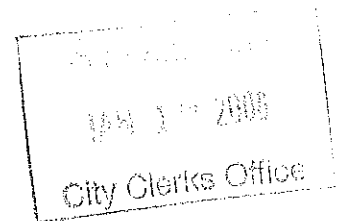
Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 772 PINE ST
Parcel Number 24-205-174-0008-00
Assessable Frontage: 32 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,024.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 SELY 32 FT LOT 8 BLK 174

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

Lee Witt

CoOwner/Spouse

Signature

[Signature]

Signature

Address

1501 Ruddman 167 W Western Ave

Address

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

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By January 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

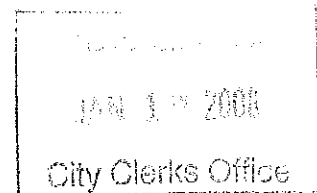
Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 866 PINE ST
Parcel Number 24-205-186-0015-00
Assessable Frontage: 60 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,920.00



Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 15-16 & 17 BLK 186 ALSO W 1/2 OF VAC ALLEY ADJ

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

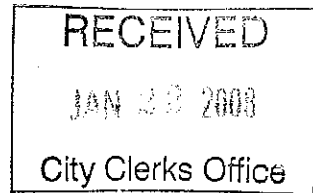
☒

Owner DONALD KERSTING
Signature Donald E. Kersting
Address 866 Pine St

CoOwner/Spouse _____
Signature _____
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 22, 2008

Project Title: PINE ST., APPLE AVE. TO WESTERN AVE.

Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address:	928 TERRACE ST
Parcel Number	24-205-188-0004-00
Assessable Frontage:	66 Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,112.00

Property Description

CITY OF MUSKEGON REVISED PLAT OF 1903 SLY 3 FT LOT 3 & ALL LOTS 4 THRU 10 BLK 188

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 BY: B.K. MUSKEGON PROPERTIES, L.L.C.
QDI REALTY, ITS MANAGER CoOwner/Spouse

Signature


JOHN C. FIRTH, MANAGER

Signature

Address

4220 EDISON LAKES PARKWAY
MISHAWAKA, IN 46545

Address

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

Date: January 22, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District for:
VINCENT DR./PARK DR., BARCLAY ST. TO NORTH END (1200')

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the **Vincent Dr./Park Dr., Barclay St. to North End** project, 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.

The proposed special assessment district is a benefit based special assessment since, according to the City's assessor, the benefit received is equal among all thirty five (35) properties abutting the street and 2300 Park Dr.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For Vincent Dr./Park Dr., from Barclay St. to North End

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

RECITALS:

1. A hearing has been held on **January 22, 2008** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 22, 2008**, there were _____% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners _____ and _____ and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **60%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Ann Marie Becker, City Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 22, 2008**. 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 _____
Ann Marie Becker, City Clerk

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

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

**PINE ST., APPLE AVE. TO WESTERN AVE.
AND
VINCENT DR./PARK DR., BARCLAY ST. TO NORTH END**

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

All parcels abutting Pine St., from Apple Ave. to Western Ave.

And

All Parcels Abutting Vincent Dr./Park Dr., from Barclay St. to North End

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 22, 2008 AT 5:30 O'CLOCK P.M.**

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

By City Charter, if the owners of more than one-half of the 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.

PUBLISH: **January 12, 2007**

Ann Becker 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:

Ann Becker City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

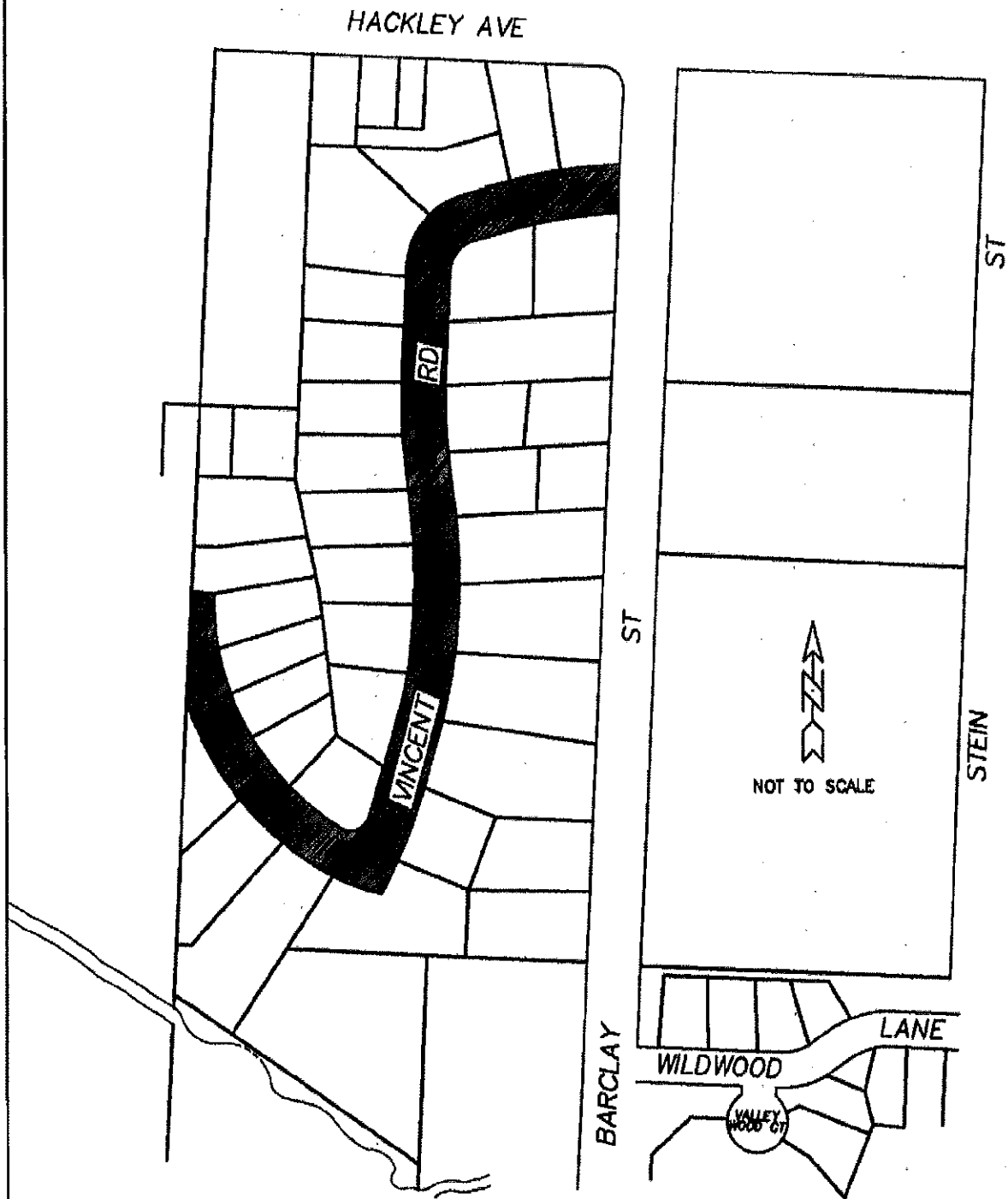
EXHIBIT A

**Vincent Dr./Park Dr., from
Barclay St. to North End**

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of
Vincent Dr./Park Dr., from Barclay St. to North End and 2300 Park Dr.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



ENGINEERING FEASIBILITY STUDY
Vincent Dr./Park Dr., from
Barclay St. to North End

The proposed reconstruction of Vincent Dr./Park Dr., Barclay St. to North End, see attached special assessment district map, was initiated by a petition for paving by the property owners in the area. We feel that reconstruction is the most effective method especially with the needs for a new storm sewer system.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties and 2300 Park Dr., is attached.

The proposed work includes the removal of existing asphalt and reconstructing the roadway using asphalt, curb & gutter & storm sewer facilities.

The preliminary cost estimate for the work associated with paving is approximately \$165,000.00 with the length of the project being approximately 1,857 lineal feet or 3,117.80 of assessable front footage. This translates into an estimated improvement cost of \$53 per assessable foot. However, based on the 2008 assessment figure for this type of improvement the assessment will not exceed \$32.00 per assessable foot.

While the preliminary proposed assessment rate on the resolution is 60%, the actual rate, upon completion of the project and at the time of spreading, will be limited to the 25% of total cost as amended in the special assessment policy.

MUSKEGON COUNTY

M I C H I G A N

January 4, 2008

BOARD OF COMMISSIONERS

James J. Derezhinski
Chair, District 4

I. John Snider II
Vice Chair, District 3

P. Don Aley
District 7

Charles L. Buzzell
District 2

Lew Collins
District 6

Marvin R. Engle
District 5

Bill Gill
District 8

Kenneth Mahoney
District 1

Louis A. McMurray
District 9

Robert Scolnik
District 11

Roger C. Wade
District 10

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

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the reconstruction of Vincent Drive, Barclay Street to north end (Project # H-1618). The purpose of this examination is to analysis 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 4, 2008.

The proposed special assessment district encompasses primarily residential properties. The City of Muskegon's Engineering Department has provided all frontage estimates in accordance with the City's Special Assessment Policy and all project-related costs. The total project cost is estimated to be \$165,000. The amount of money to be spread to the 35 property owners has been estimated at \$103,617.60 or 62.8% of the total costs. The City's Engineering Department is solely responsible for these figures.

In determining the footage assessable to each property, an equivalent linear footage method was used based on the premise that each parcel in the district is a single family home site all sharing an equal benefit. Simply stated, the project does not enhance the value of any one parcel more than another. Therefore, using 3211.05 feet of total assessable footage for the project to be spread among 35 parcels in the district equates to a 91.7 equivalent linear foot benefit per parcel (3211.05 feet / 35 parcels). The front foot rate to be spread is \$32.00. This equates to \$2,934.40 for a full unit benefit. Adhering to the City's policy, a 50% adjustment is proposed resulting in a figure of \$1,467.20 for a one half unit benefit. Parcels 61-24-830-000-0023-00 and 61-24-830-000-0022-00 would receive this adjustment. Utilizing this calculation method, it is my opinion that the special assessment amounts justly and reasonably represent 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 \$32.00 for the reconstruction of the above-mentioned project area, applied using the Unit Benefit Method appears reasonable and equitable. This conclusion is based upon the above calculation summary, data presented by the City of Muskegon's Engineering Department and on supporting records in this office.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Burns", with a stylized flourish extending to the right.

Dennis W. Burns

Assessment Administration Supervisor

January 11, 2008

«OwnerName1»

«OwnerStreetAddress»

«OwnerCity», «OwnerState» «OwnerZipCode»

1

The City of Muskegon is asking for your support for improvement of the street adjoining your property located at «PropAddressCombined».

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 1/22/2008. 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 11, 2008

«OwnerName1»
«OwnerStreetAddress»
«OwnerCity», «OwnerState» «OwnerZipCode» «NUMBER»

Parcel Number: «ParcelNumber» at «PropAddressCombined»

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:

VINCENT DR./PARK DR., BARCLAY ST. TO NORTH END

The proposed special assessment district will be located as follows:

All parcels abutting Vincent Dr. and Park Dr. from Barclay St. to North End

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

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

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

Estimated Costs

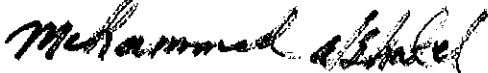
The total estimated cost of the street portion of the project is \$165,000.00, of which, approximately 60% (\$99,789.60) will be paid by property owners through special assessment. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

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

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

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

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON
VINCENT / PARK, BARCLAY TO NORTH END H-1618
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 CONFIRMATION**

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
VINCENT / PARK, BARCLAY TO NORTH END H-1618
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the 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 2007, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2007

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,210
2	32,240
3	36,270
4	40,365
5	43,550
6	46,800
7	49,985
8	53,235
For each extra, add	3,250

- ✓ **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. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation. The City must complete the sidewalks. Costs incurred from repairs done by you or a private contractor will not be reimbursed

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

NO RESPONSE COUNTS AS "IN FAVOR" OF PROJECT-To have your vote count, please
RETURN THIS CARD BY: January 22, 2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE
REPLACED AT NO COST TO OWNERS)

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:	XX.XX Feet
Estimated Front Foot Cost:	\$32.00 per Foot
ESTIMATED TOTAL COST	\$2,934.40

Property Description

CITY OF MUSKEGON SEC 36 T10N R17W S 100 FT OF N 65

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.

DURBA DAVID L

1

SPECIAL ASSESSMENT

H-1618

RECONSTRUCTION

HEARING DATE

1/22/2008

Vincent Dr./Park Dr., Barclay St. to North End (1200')

1	DURDA DAVID L	ASSESSABLE FEET:	91.70
24-036-400-0002-00	2301 PARK DR	COST PER FOOT:	\$32.00
@ 2301 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
2	MULL EDWARD A/JOANNE L	ASSESSABLE FEET:	91.70
24-036-400-0003-00	2300 PARK DR	COST PER FOOT:	\$32.00
@ 2300 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
3	BAKER RANDY L	ASSESSABLE FEET:	91.70
24-830-000-0001-00	2312 PARK DR	COST PER FOOT:	\$32.00
@ 2312 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
4	BROOKS OTIS C JR/SUSAN R	ASSESSABLE FEET:	91.70
24-830-000-0001-10	2316 PARK DR	COST PER FOOT:	\$32.00
@ 2316 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
5	WILSON SANDRA/DONALD	ASSESSABLE FEET:	91.70
24-830-000-0002-00	2324 PARK DR	COST PER FOOT:	\$32.00
@ 2324 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
6	GEDMIN LOYAL R/BARBARA TR	ASSESSABLE FEET:	91.70
24-830-000-0003-00	2334 PARK DR	COST PER FOOT:	\$32.00
@ 2334 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>

Vincent Dr./Park Dr., Barclay St. to North End (1200')

7	SINGH CHARANJIT	ASSESSABLE FEET:	91.70
24-830-000-0004-00	2340 PARK DR	COST PER FOOT:	\$32.00
@ 2340 PARK DR	MUSKEGON MI 49441-322	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
8	COLEMAN SAMMIE L	ASSESSABLE FEET:	91.70
24-830-000-0005-00	2368 VINCENT RD	COST PER FOOT:	\$32.00
@ 2350 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
9	COLEMAN SAMMIE L	ASSESSABLE FEET:	91.70
24-830-000-0006-00	2368 VINCENT RD	COST PER FOOT:	\$32.00
@ 2368 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
10	VANDERWEST ROBERT/MARY L	ASSESSABLE FEET:	91.70
24-830-000-0007-00	2355 VINCENT RD	COST PER FOOT:	\$32.00
@ 2355 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
11	WILLIAMSEN THOMAS	ASSESSABLE FEET:	91.70
24-830-000-0008-00	2337 VINCENT RD	COST PER FOOT:	\$32.00
@ 2337 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
12	O NEAL BRIAN D	ASSESSABLE FEET:	91.70
24-830-000-0010-00	2319 VINCENT DR	COST PER FOOT:	\$32.00
@ 2319 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
13	LANGLOIS RAYMOND C/SANDR	ASSESSABLE FEET:	91.70
24-830-000-0011-00	2309 VINCENT ST	COST PER FOOT:	\$32.00
@ 2309 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>

Vincent Dr./Park Dr., Barclay St. to North End (1200')

14	STRAIT ROBERT V/DEANNE R	ASSESSABLE FEET:	91.70
24-830-000-0012-00	2287 VINCENT DR	COST PER FOOT:	\$32.00
@ 2287 VINCENT DR	MUSKEGON MI 49441-000	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
15	MILLER VICTOR L/PATRICIA E T	ASSESSABLE FEET:	91.70
24-830-000-0013-00	2279 VINCENT DR	COST PER FOOT:	\$32.00
@ 2279 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
16	KURN DENNIS G/SHARON A GOI	ASSESSABLE FEET:	91.70
24-830-000-0014-00	2267 VINCENT RD	COST PER FOOT:	\$32.00
@ 2267 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
17	BUCKLEY ALOA/RITZ JULIUS	ASSESSABLE FEET:	91.70
24-830-000-0016-00	2249 VINCENT	COST PER FOOT:	\$32.00
@ 2249 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
18	LINSTROM ROGER M/COLLEEN	ASSESSABLE FEET:	91.70
24-830-000-0017-00	2237 VINCENT DR	COST PER FOOT:	\$32.00
@ 2237 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
19	CHRISTIANSEN BRIAN J/JANELL	ASSESSABLE FEET:	91.70
24-830-000-0020-00	2225 VINCENT DR	COST PER FOOT:	\$32.00
@ 2225 VINCENT DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>
20	T N T VENTURES INC	ASSESSABLE FEET:	45.85
24-830-000-0022-00	1125 W HACKLEY AVE	COST PER FOOT:	\$32.00
@ 1125 W HACKLEY AV	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$1,467.20</u>

Vincent Dr./Park Dr., Barclay St. to North End (1200')

21	LITTLE RIVER BAND OF OTTAWA	ASSESSABLE FEET:	45.85
24-830-000-0023-00	375 RIVER ST	COST PER FOOT:	\$32.00
@ 1101 W HACKLEY AV	MANISTEE MI 49660	ESTIMATED P.O. COST:	\$1,467.20
22	KENT THOMAS C	ASSESSABLE FEET:	91.70
24-831-000-0024-00	2264 VINCENT RD	COST PER FOOT:	\$32.00
@ 2261 BARCLAY ST	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
23	KENT THOMAS C	ASSESSABLE FEET:	91.70
24-831-000-0025-00	2264 VINCENT DR	COST PER FOOT:	\$32.00
@ 2264 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
24	ALLARD KATHLEEN A	ASSESSABLE FEET:	91.70
24-831-000-0026-00	2274 VINCENT RD	COST PER FOOT:	\$32.00
@ 2274 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
25	BATES DAVID L JR/MICHELLE L	ASSESSABLE FEET:	91.70
24-831-000-0027-00	2284 VINCENT RD	COST PER FOOT:	\$32.00
@ 2284 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
26	SIDOCK ROBERT J/BARBARA J	ASSESSABLE FEET:	91.70
24-831-000-0028-00	2294 VINCENT RD	COST PER FOOT:	\$32.00
@ 2294 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
27	JENKINS SHONTEA L	ASSESSABLE FEET:	91.70
24-831-000-0029-00	2314 VINCENT RD	COST PER FOOT:	\$32.00
@ 2314 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40

Vincent Dr./Park Dr., Barclay St. to North End (1200')

28	BIALIK DAVID/SUSAN	ASSESSABLE FEET:	91.70
24-831-000-0030-00	2330 VINCENT RD	COST PER FOOT:	\$32.00
@ 2330 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
29	JOHNSON ERIC P/KIM	ASSESSABLE FEET:	91.70
24-831-000-0031-00	2344 VINCENT DR	COST PER FOOT:	\$32.00
@ 2344 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
30	KMIECIK WANDA K	ASSESSABLE FEET:	91.70
24-831-000-0032-00	6932 ANITA CT	COST PER FOOT:	\$32.00
@ 2356 VINCENT DR	FRUITPORT MI 49415	ESTIMATED P.O. COST:	\$2,934.40
31	VANDENBOSCH STACY A	ASSESSABLE FEET:	91.70
24-831-000-0034-00	2371 VINCENT DR	COST PER FOOT:	\$32.00
@ 2371 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
32	ANDREE IRENE B	ASSESSABLE FEET:	91.70
24-831-000-0036-00	2382 VINCENT RD	COST PER FOOT:	\$32.00
@ 2382 VINCENT DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
33	OAKES PETER/MARY	ASSESSABLE FEET:	91.70
24-831-000-0038-00	2379 PARK DR	COST PER FOOT:	\$32.00
@ 2379 PARK DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40
34	JOHNSON TOM L/CYNTHIA A	ASSESSABLE FEET:	91.70
24-831-000-0039-00	2361 PARK DR	COST PER FOOT:	\$32.00
@ 2361 PARK DR	MUSKEGON MI 49441	ESTIMATED P.O. COST:	\$2,934.40

Vincent Dr./Park Dr., Barclay St. to North End (1200')

35	STETSON VICTORIA	ASSESSABLE FEET:	91.70
24-831-000-0039-10	2343 PARK DR	COST PER FOOT:	\$32.00
@ 2343 PARK DR	MUSKEGON MI 49441	<u>ESTIMATED P.O. COST:</u>	<u>\$2,934.40</u>

SUM OF ASSESSABLE FOOTAGE:	3117.80	PROJECT LENGTH:	1857.0 FEET
TOTAL NUMBER OF ASSESSABLE PARCELS	35	ROADWAY RIGHT-OF-WAY LENGTH:	3972.0 FEET

ESTIMATED PROJECT COST: 165000

SUM OF EST. PROP.OWN. COSTS: \$99,769.60

PETITION FOR PAVING

To the City Commission:

We, the undersigned property owners abutting on Vincent Drive
~~Street~~, and comprising a majority of the property ownership, petition your Honorable Body to
pave _____ between _____

and _____ 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
costs thereof be assessed against my property as a special assessment and agree to pay for the same.

Petition circulated by

(Name) Victor L. Miller (Address) 2279 Vincent Dr
Robert V. Strait (Address) 2287 Vincent Dr

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

NAME	PROPERTY ADDRESS	LOT	BLOCK	PROPERTY FRONT FRONTAGE
------	---------------------	-----	-------	-------------------------------

Robert V. Strait 2287 Vincent Dr

VICTOR L. MILLER 2279 VINCENT DR

DENNIS G KURN 2267 VINCENT DR

Colleen Linstrom 2237 Vincent Dr

BRIAN O'NEAL 2319 VINCENT DR

Alor Buckley 2249 Vincent Dr

KAY L HANCOCK 2309 VINCENT DR

David Bates 2254 Vincent Dr

Robert J. Sidock 2294 Vincent Dr

Thomas O. Williamson 2337 Vincent Dr

Cedric Jenkins 2314 Vincent Dr (Shoiten)

RECEIVED
CITY OF MUSKEGON

MAR 15 2006

ENGINEERING DEPARTMENT

RECEIVED

MAR 15 2006

City Clerks Office

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Vincent Drive/Park Drive, Barclay St. to North End

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF JANUARY, 2008.

ANN BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
_____ DAY OF _____, 2007.

NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

☐

MY COMMISSION EXPIRES _____

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

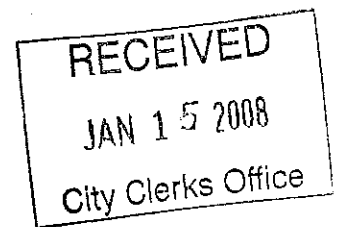
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2264 VINCENT DR
Parcel Number 24-831-000-0025-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB # 1 LOT 25

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 THOMAS C KENT

CoOwner/Spouse _____

Signature Thomas C Kent

Signature _____

Address 2264 VINCENT AVE

Address _____

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

KENT THOMAS C

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

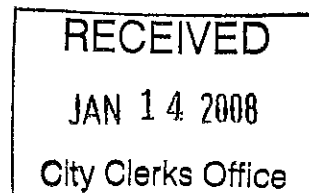
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2274 VINCENT DR
Parcel Number 24-831-000-0026-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB # 1 LOT 26

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 JEROME C. BLAIS
Signature *Jerome C. Blais*
Address 2274 VINCENT DR

CoOwner/Spouse BONNIE L BLAIS
Signature *Bonnie L. Blais*
Address 2274 VINCENT DR.

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

ALLARD KATHLEEN A

24

Jerome Blais
2274 Vincent Dr.
Muskegon, MI 49441

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2267 VINCENT DR
Parcel Number 24-830-000-0014-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON VINCE-ANN SUB ALL THAT PART LOT 1



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>DENNIS G KURN</u>	CoOwner/Spouse	<u>Sheri Gail-Kurn</u>
Signature	<u>Dennis G Kurn</u>	Signature	<u>Sheri Gail-Kurn</u>
Address	<u>2267 VINCENT DR</u>	Address	<u>2267 VINCENT DR</u>

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

KURIN DENNIS GISHAREN A 16

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2361 PARK DR
Parcel Number 24-831-000-0039-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON VINCE-ANN SUB # 1 PART OF LOT 39



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 Tom L Johnson
Signature Tom L Johnson
Address 2361 Park Drive

CoOwner/Spouse Cynthia A. Johnson
Signature Cynthia A Johnson
Address 2361 Park Dr.

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 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2330 VINCENT DR
Parcel Number 24-831-000-0030-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB# 1 LOT 30

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner DAVID E. BIALIK
Signature David E. Bialik
Address 2330 VINCENT DR.

CoOwner/Spouse Susan B. Bialik
Signature Susan B. Bialik
Address 2330 Vincent Dr.

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

BIALIK DAVID/SUSAN

28

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**

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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2355 VINCENT DR
Parcel Number 24-830-000-0007-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB LOT 7 & PART OF LOT

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Robert VanderWest

CoOwner/Spouse

Mary L VanderWest

Signature

Robert VanderWest

Signature

Mary L VanderWest

Address

2355 Vincent Dr.

Address

2355 Vincent Dr.

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

VANDERWEST ROBERT/MARY L 10

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

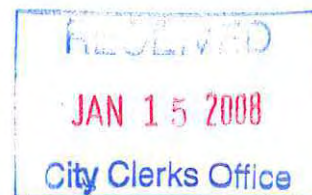
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2334 PARK DR
Parcel Number 24-830-000-0003-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB LOT 3

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner	<u>LOYAL Gedmin</u>	CoOwner/Spouse	<u>BARBARA Gedmin</u>
Signature	<u>Loyal Gedmin</u>	Signature	<u>Barbara Gedmin</u>
Address	<u>2334 PARK DR</u>	Address	<u>2334 PARK DR</u>

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

GEDMIN LOYAL R/BARBARA TR 6
1151

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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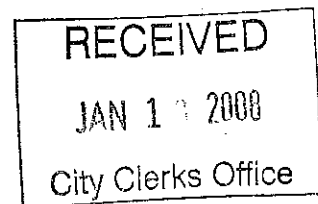
Assessment Information

Property Address: 2337 VINCENT DR
Parcel Number 24-830-000-0008-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON VINCE-ANN SUB LOT 8 EX COM 40 FT



Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Thomas Williams
Signature _____
Address _____

CoOwner/Spouse Vivian Ann Williams
Signature Thomas O. Williams
Address 2337 Vincent Dr.

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

WILLIAMSEN THOMAS

11

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

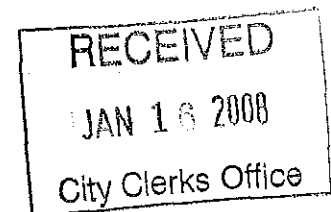
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2312 PARK DR
Parcel Number 24-830-000-0001-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB N 90 FT LOT 1 & OF

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 RANDY BAKER CoOwner/Spouse DEBORAH BAKER
Signature Randy Baker Signature Deborah Baker
Address 2312 PARK DRIVE Address 2312 PARK DRIVE

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

BAKER RANDY L

3

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')

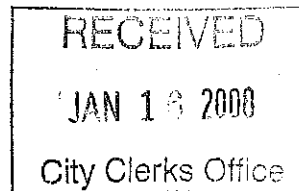
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2309 VINCENT DR
Parcel Number 24-830-000-0011-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB LOT 11 & ALL THAT P

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

Raymond C Langlois

CoOwner/Spouse

Sandra K Langlois

Signature

Raymond C Langlois

Signature

Sandra K Langlois

Address

2309 Vincent Dr

Address

2309 Vincent

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 1/22/2008

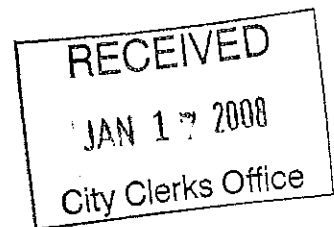
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2225 VINCENT DR
Parcel Number 24-830-000-0020-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB PT OF LOTS 20 & 21

Your vote COUNTS!

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

I AM IN FAVOR

☐

ABSOLUTELY
I AM OPPOSED

☒

Owner BRIAN CHRISTIANSEN CoOwner/Spouse JANELLE CHRISTIANSEN
Signature [Signature] Signature Janelle Christiansen
Address 2225 VINCENT DR. Address 2225 Vincent Dr. Musk
Musk, 49441 49441

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

CHRISTIANSEN BRIAN J JANELLE 19
11 11

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

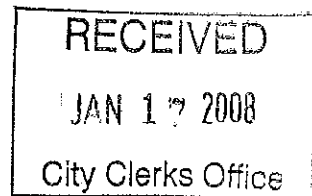
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2261 BARCLAY ST
Parcel Number 24-831-000-0024-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB # 1 LOT 24

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 THOMAS C KENT CoOwner/Spouse _____
Signature Thomas C Kent Signature _____
Address 2261 VINCENT DR. Address _____

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

KENT THOMAS C

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

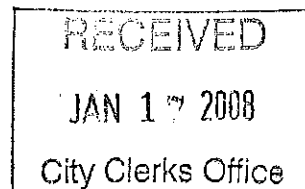
If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, 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: 2284 VINCENT DR
Parcel Number 24-831-000-0027-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON VINCE ANN SUB #1 THAT PT OF LOT 2



Your vote INTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner David L Bates JR
Signature [Signature]
Address 2284 Vincent Dr.

CoOwner/Spouse Michelle L Bates
Signature [Signature]
Address 2284 Vincent Dr

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

DECLARATION OF FORMER CHAIRMAN OF THE BOARD

AND CERTIFICATE OF THE BOARD OF DIRECTORS OF THE COMPANY, INCORPORATED IN THE STATE OF NEW YORK

Witness my hand and seal this _____ day of _____, 2008.

I, _____, former Chairman of the Board of Directors of the Company, do hereby certify that the foregoing is a true and correct copy of the Declaration of the Board of Directors of the Company, as the same appears in the minutes of the meeting of the Board of Directors of the Company held on the _____ day of _____, 2008, at _____, New York.

IN WITNESS WHEREOF,

I, _____, former Chairman of the Board of Directors of the Company, do hereby certify that the foregoing is a true and correct copy of the Declaration of the Board of Directors of the Company, as the same appears in the minutes of the meeting of the Board of Directors of the Company held on the _____ day of _____, 2008, at _____, New York.

IN WITNESS WHEREOF,

Attest:

Secretary of the Company

Chairman of the Board

President of the Company

Director of the Company

Director of the Company

Director of the Company

Director of the Company

NOTED AND
 FILED
 2008 12 15
 NEW YORK COUNTY CLERK

THIS IS THE TRUE AND CORRECT COPY OF THE

DECLARATION OF THE BOARD OF DIRECTORS OF THE COMPANY, INCORPORATED IN THE STATE OF NEW YORK

NOTED AND



NOTED AND



Chairman

Chairman of the Board

Chairman

Chairman

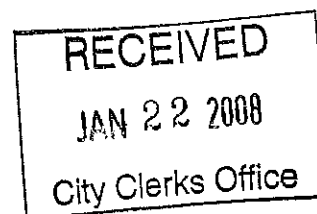
Chairman

Chairman

Witness my hand and seal this _____ day of _____, 2008.

I, _____, former Chairman of the Board of Directors of the Company, do hereby certify that the foregoing is a true and correct copy of the Declaration of the Board of Directors of the Company, as the same appears in the minutes of the meeting of the Board of Directors of the Company held on the _____ day of _____, 2008, at _____, New York.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD



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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

INSTRUCTIONS

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Assessment Information

Property Address: 2371 VINCENT DR
Parcel Number 24-831-000-0034-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON VINCE-ANN SUB # 1 LOT 34

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

Stacy A. VandenBosch

CoOwner/Spouse

Signature

Stacy A. VandenBosch

Signature

Address

2371 Vincent

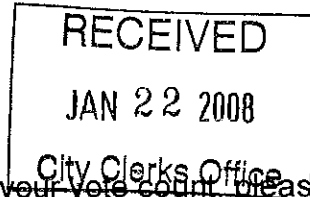
Address

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

VANDENBOSCH STACY A

31

**SPECIAL ASSESSMENT
HEARING RESPONSE CARD**



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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200")
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 2300 PARK DR
Parcel Number 24-036-400-0003-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON SEC 36 T10N R17W E 50 FT OF W 150

Your vote COUNTS!

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

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Edward A. Mull CoOwner/Spouse Joanne L. Mull

Signature Edward A. Mull Signature Joanne L. Mull

Address 2300 Park Dr. Address 2300 Park Drive

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

MULL EDWARD A/JOANNE L 2

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED

JAN 22 2008

City Clerks Office

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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 2356 VINCENT DR
Parcel Number 24-831-000-0032-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON VINCE-ANN SUB #1 LOT 32

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 Thaddaus Kmiecik CoOwner/Spouse Julie E Kmiecik

Signature Thaddaus Kmiecik Signature Julie E Kmiecik

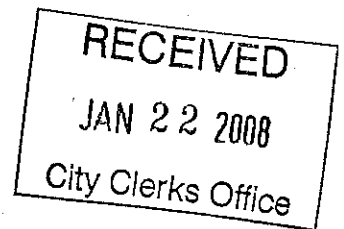
Address 2356 Vincent Dr Address 2356 Vincent Dr

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

KMIECIK WANDA K

30

SPECIAL ASSESSMENT
HEARING RESPONSE CARD



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

Return This Card By 1/22/2008

Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description: RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 2343 PARK DR
Parcel Number 24-831-000-0039-10
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot

ESTIMATED TOTAL COST \$2,934.40

Property Description

CITY OF MUSKEGON VINCE-ANN SUB # 1 PART OF LOT 39

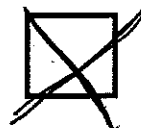
Your vote COUNTS!

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

I AM IN FAVOR



I AM OPPOSED



Owner Victoria Stetson
Signature Victoria Stetson
Address 2343 Park Drive

CoOwner/Spouse _____
Signature _____
Address _____

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

STETSON VICTORIA

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

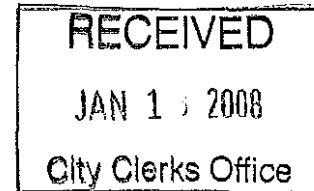
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 2382 VINCENT DR
Parcel Number 24-831-000-0036-00
Assessable Frontage: 91.7 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$2,934.40



Property Description

CITY OF MUSKEGON VINCE-ANN SUB# 1 THAT PART OF LOT

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 IRENE ANDREE CoOwner/Spouse _____
Signature *Irene Andree* Signature _____
Address 2382 VINCENT DR Address _____
MUSKEGON, MI 49441

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

ANDREE IRENE B

32

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

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

Return This Card By 1/22/2008

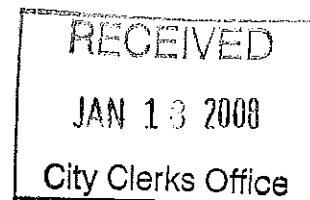
Project Title: Vincent Dr./Park Dr., Barclay St. to North End (1200')
Project Description RECONSTRUCTION (WATER AND SEWER FACILITIES WILL BE REPLACED AT NO COST TO OWNERS)

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Assessment Information

Property Address: 1101 W HACKLEY AVE
Parcel Number 24-830-000-0023-00
Assessable Frontage: 45.85 Feet
Estimated Front Foot Cost: \$32.00 per Foot
ESTIMATED TOTAL COST \$1,467.20



Property Description

CITY OF MUSKEGON VINCE ANN SUB DIVISION LOT 23

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

Larry Romanelli

CoOwner/Spouse

Signature

Larry Romanelli

Signature

Address

1101 W. HACKLEY AVE

Address

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

H-1618 VINCENT DR./PARK DR., BARCLAY ST. TO NORTH END

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	<u>TOTAL NUMBER OF PARCELS - 35</u>									
			<u>FOR</u>					<u>OPPOSE</u>				
			<u>LETTER#</u>	<u>ST#</u>	<u>ST NAME</u>	<u>PARCEL#</u>	<u>FEET</u>	<u>LETTER#</u>	<u>ST#</u>	<u>ST NAME</u>	<u>PARCEL#</u>	<u>FEET</u>
TOTAL ASSESSABLE FRONT FOOTAGE	3117.80 ***		21	1101	HACKLEY W	24-830-000-0023-00	45.85	2	2300	PARK DR	24-036-400-0003-00	91.70
FRONT FEET OPPOSED	1558.90	50.00%	13	2309	VINCENT DR	24-830-000-0011-00	91.70	3	2312	PARK DR	24-830-000-0001-00	91.70
RESPONDING FRONT FEET IN FAVOR	229.25	7.35%	29	2344	VINCENT DR	24-831-000-0031-00	91.70	6	2334	PARK DR	24-830-000-0003-00	91.70
NOT RESPONDING - FRONT FEET IN FAVOR	1329.65	42.65%						10	2355	VINCENT DR	24-830-000-0007-00	91.70
TOTAL FRONT FEET IN FAVOR	1558.90	50.00%						11	2337	VINCENT DR	24-830-000-0008-00	91.70
								16	2267	VINCENT DR	24-830-000-0014-00	91.70
								19	2225	VINCENT DR	24-830-000-0020-00	91.70
								22	2261	BARCLAY	24-831-000-0024-00	91.70
								23	2264	VINCENT DR	24-831-000-0025-00	91.70
								24	2274	VINCENT DR	24-831-000-0026-00	91.70
								25	2284	VINCENT DR	24-831-000-0027-00	91.70
								28	2330	VINCENT DR	24-831-000-0030-00	91.70
								30	2356	VINCENT DR	24-831-000-0032-00	91.70
								31	2371	VINCENT DR	24-831-000-0034-00	91.70
								32	2382	VINCENT DR	24-831-000-0036-00	91.70
								34	2361	PARK DR	24-831-000-0039-00	91.70
								35	2343	PARK DR	24-831-000-0039-10	91.70
TOTALS							229.25					
												1558.90

Commission Meeting Date: January 22, 2008

Date: January 11, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Revocation of IFT – Office Machines

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, the City of Muskegon requests that the Industrial Facilities Tax Exemption (IFT) for the parcel at 2185 Roberts St. be revoked. The former company at this location, Printing Source, sold the building and the IFT was never transferred to the new owner. The new company, Office Machines, is not eligible for an IFT because they are not involved in manufacturing.

FINANCIAL IMPACT:

The City will now charge full taxes on the parcel at 2185 Roberts St.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends revocation of the IFT.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2008-12(d)

MUSKEGON CITY COMMISSION

**RESOLUTION REVOKING THE OF INDUSTRIAL FACILITIES EXEMPTION
CERTIFICATE NO 97-389**

Office Machines

WHEREAS, THE City of Muskegon issued an Industrial Facilities Exemption Certificate to Printing Source in 1997; and

WHEREAS, Printing Source sold the parcel, 24-980-097-0389-00, to Office Machines.

WHEREAS, Office Machines is not a manufacturing company, therefore they are not eligible to receive an Industrial Facilities Exemption Certificate; and

WHEREAS, appropriate certified notice has been sent to Office Machines, on January 11, 2008, notifying the company of the intent to revoke the Industrial Facilities Exemption Certificate No. 97-389

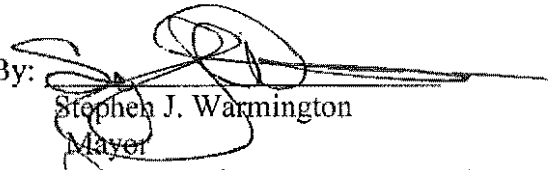
NOW THEREFORE BE IT RESOLVED by the Muskegon City Commission that Industrial Facilities Exemption Certificate No. 97-389, for Office Machines, is revoked.

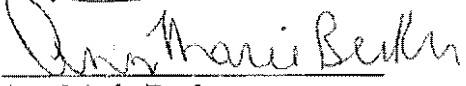
Adopted this 22nd day of January, 2008

Ayes: Wisneski, Carter, Gawron, Shepherd, Warmington, and Wierengo

Nays: None

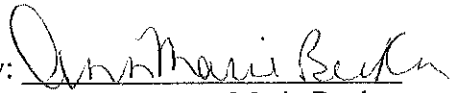
Absent : Spataro

By: 
Stephen J. Warmington
Mayor

Attest: 
Ann Marie Becker
City Clerk

2008-12(d)
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 22, 2008.

By: 
Ann Marie Becker
City Clerk

DATE: January 11, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-070106

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1519 Terrace (Shed/Shanties) – Area 13 is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-070106 – 1519 Terrace (Shed/Shanties)

Location and ownership: This structure is located on Terrace between Grand and E. Forest Streets and is owned by Allen/Teresa Slater, 1519 Terrace, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 05/22/07. The Notice and Order to Repair was issued on 06/06/07. On 08/02/07 the HBA declared the structure substandard and dangerous.

Owner Contact: Owner was not present for the HBA meeting dated 08/02/07. Owner did call and speak with building official regarding sheds/shanties but no permits to demolish have been issued.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$22,700

Estimated cost to repair: \$2000.00

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Wednesday, June 6, 2007

Enforcement # EN070106 **Property Address** 1519 TERRACE ST
Parcel #24-205-281-0017-20 **Owner** SLATER ALLEN/TERESA

Inspector: Henry Faltinowski

Date completed: 06/05/2007

DEFICIENCIES:

Uncorrected

1. Collapsed sheds /shanties in back yard - remove.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

INSPECTION SUMMARY

FOR 1519 Terrace St

This property has two sheds that are falling apart or in a state of disrepair. The owner has been in contact with the Inspections Department, but has shown no effort to repair or demolish these structures. The owner has indicated that he has boarded up the structures.

Potter, Linda

From: Smith, Carmen
Sent: Monday, January 14, 2008 2:38 PM
To: Potter, Linda; Kincaid, Mark
Subject: CC Agenda Pics & Inspections reports/agendas
Attachments: 1519 Terrace Agenda.pdf; 1553 Pine Agenda.pdf; 1553 Pine Exterior Insp.pdf; 499 W Muskegon Agenda.pdf; 499 w Muskegon Ext Inspection.pdf; 1519 Exterior insp.pdf

I am submitting pictures/inspection reports and agenda's. I will send summaries as soon as I get them from Don.

Carmen 1519 Terrace



DATE: January 11, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-070144

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **499 W. Muskegon – Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-070144 499 W. Muskegon

Location and ownership: This structure is located on W. Muskegon between Sixth and Seventh Streets and is owned by Dianisha Willis, 19402 Coslin Ave. Carson CA 90746.

Staff Correspondence: A dangerous building inspection was conducted on 07/26/07. The Notice and Order to Repair was issued on 08/02/07. On 10/04/07 the HBA declared the structure substandard and dangerous.

Owner Contact: No inspections have been scheduled, no permits and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$18,700

Estimated cost to repair: \$10,000 (Exterior)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Thursday, August 2, 2007

Enforcement # EN070144 **Property Address** 499 W MUSKEGON AVE
Parcel #24-205-347-0005-00 **Owner** WILLIS DIANISHA

Inspector: Henry Faltinowski

Date completed: 08/02/2007

DEFICIENCIES:

Uncorrected

1. Back stair and landing deteriorating - missing tread unstable columns - rebuild to MRC 2003 Code.
2. Detached garage needs to be completed - expired permit - roof system not to code.
3. Repair all damaged siding.
4. Repair roof system, fascia, soffit.
5. Provide interior inspection by trade inspectors.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

INSPECTION SUMMARY

FOR 499 W. Muskegon

This is a single family wood frame structure. This building has missing or damaged siding, rear stairs and entryway that is unstable. Both house and garage need roof repair or replacement. No permits have applied for or issued for repairs. This building, if left unrepaired will continue to deteriorate.

Potter, Linda

From: Smith, Carmen

Sent: Monday, January 14, 2008 2:52 PM

To: Potter, Linda

Subject: 499 w. muskegon



499 W. Muskegon (below & above)



DATE: January 11, 2007
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-070163

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1553 Pine – Area 13** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-070163– 1553 Pine

Location and ownership: This structure is located on Pine between Forest and Grand Streets and is owned by United States of America,

Staff Correspondence: A dangerous building inspection was conducted on 08/10/07. The Notice and Order to Repair was issued on 08/14/07. The HBA on 10/04/07 declared the structure dangerous, substandard and a public nuisance.

Owner Contact: No one was present to represent case at the HBA meeting dated 10/04/07. No permits have been issued, no inspections scheduled and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$25,500

Estimated cost to repair: \$10,000 (Exterior Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Friday, August 10, 2007

Enforcement # EN070163 **Property Address** 1553 PINE ST
Parcel #24-205-282-0016-00 **Owner** UNITED STATES OF AMERICA

Inspector: Henry Faltinowski

Date completed: 08/10/2007

DEFICIENCIES:

Uncorrected

1. Foundation repair needed - large gaps in block foundation wall.
2. Open soffit - missing panels.
3. Siding falling off home.
4. Replace back staircase to MRC 2003 requirement -rotting open piers handrail, guardrail - unstable.
5. Repair-replace roof covering, missing drip edge.
6. Replace front storm door.
7. Interior required by trade inspectors

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

INSPECTION SUMMARY

FOR 1553 Pine St.

This is a vacant one story wood frame single family dwelling. This building is currently in a state of disrepair. It appears that the foundation is starting to fail, the siding is falling off of the building, the back stairs are rotting way and the building needs a new roof. There have been no attempts to effect the necessary repairs and if left in it's current state will continue to deteriorate.

Potter, Linda

From: Smith, Carmen

Sent: Monday, January 14, 2008 2:54 PM

To: Potter, Linda

Subject: 1553 Pine pics



1/15/2008

